

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

8 JUNE 2021

C1/21/00022/CM - PLANNING APPLICATION FOR THE PURPOSES OF THE ERECTION OF AN AGGREGATE BAGGING PLANT INCLUDING A BAGGING BUILDING AND BULK BAGGING PLANT, TICKET OFFICE, WELFARE BUILDING, CREATION OF HARD STANDING, SEWAGE TREATMENT PLANT AND SITE LEVELLING WORKS ON LAND AT KILLERBY QUARRY, LOW STREET, NORTH YORKSHIRE, DL10 7PY ON BEHALF OF TARMAC TRADING LTD (HAMBLETON DISTRICT) (CATTERICK BRIDGE ELECTORAL DIVISION)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the erection of an aggregate bagging plant including a bagging building and bulk bagging plant, ticket office, welfare building, creation of hard standing, sewage treatment plant and site levelling works on land at Killerby Quarry, Low Street, North Yorkshire, DL10 7PY on behalf of Tarmac Trading Ltd.
- 1.2 This application is subject to an objection having been raised by a local resident on the grounds of the cumulative impact of development and the impact of noise and other nuisance and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 The application site is a 'greenfield' site currently in agricultural use and is within the wider quarry site which is being prepared for minerals extraction. The program to start has been confirmed by the applicant to be in July or August 2021 for processing, stating within this period there will be a commissioning period that will be at reduced volumes and intermittent working. To the north-east is Kiplin Hall and Kiplin Park to the east but a little distance further, lies the village of Great Langton (approximately a kilometre straight-line distance); just over a kilometre, straight-line distance to the south-east lies the villages of Kirkby Fleetham, Great Fencote and Little Fencote. To the immediate south lie a number of individual properties, namely, Broad Close, Hook House Farm, Glebe Farm and, further south, Fleetham Lodge and Melton House; to the immediate west of the application site lies the north-south aligned A1 Motorway (with the village of Hackforth due south-south-west and East Appleton to the west again beyond the A1(M)) and, to the north-west, lie the Ministry of Defence land holdings at Catterick and beyond that lies Catterick village itself (a kilometre distant). North-north-west lie the villages of Ellerton and Bolton-on-Swale beyond.
- 2.2 The A6055 flanks the western boundary of the quarry site, as shown on the committee plan attached to the report as Appendix A. The A6055 is an 'A' class road for the section in proximity of the application site. This road is part of the previous A1 upgrade works and runs parallel to the A1(M), which links the proposed application site on Low Street to the new A1(M) via a new central junction, located at Catterick to the north and the

Leeming Bar A1(M) junction to the south, providing access to both the north and southbound carriageways at both junctions.

Planning Constraints

- 2.3 From a landscape perspective, the application site and surrounding area fall within the National Character Area (NCA) profile 24, the 'Vale of Mowbray'. A nationally designated site for nature conservation (designated by Natural England under the provisions of Section 28 of the Wildlife and Countryside Act 1981 (as amended)), the 'Swale Lakes' Site of Special Scientific Interest (SSSI), is situated circa 2.9km to the north of the application site.
- 2.4 According to the Environment Agency's (EA) online Flood Map the site is over 250 metres from Flood Zones 2 and 3. Other parts of the wider area subject to the minerals planning consent, to the east and in and around Killerby Hall fall within Flood Zone 2.
- 2.5 To the north of the application site is Killerby Hall historic park and gardens for which the stable block is the closest listed building to the proposed development over 250 metres from the site. Killerby Hall wider site includes the hall itself, hall cottages and a pair of large agricultural buildings, To the north-east of the application site, adjacent to Ellerton Quarry is the Jacobean historic house of the Grade I listed building of Kiplin Hall. To the east of the application site is situated Hook Car Hill Farmhouse which is a Grade II listed building.
- 2.6 A Public Right of Way (PRoWs) (a footpath) traverses across the centre of the wider quarry site on a south-east/north-west alignment from its connection to the public highway of Lumley Lane, travelling north-west to Broad Close Farm and then on toward Killerby Hall, this public right of way is over 250 metres from the proposed site. Another PRoW (also a footpath) skirts the application site southern boundary and for a short distance lies immediately adjacent. This second public footpath is aligned south-west/north-east and links Low Street, through the land holding of Hook House Farm and north-east toward Kirkby Fleetham Hall and is also over 250 metres from the proposed site.

Planning History

- 2.7 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C2/10/02487/CCC - Killerby Sand and Gravel Quarry, Killerby, North Yorkshire, DL10 7PY, Extraction and processing of sand and gravel including the construction of a site access, conveyors, bridges, associated plant and machinery with restoration to agriculture, nature conservation and wetland. This was granted permission on 4 April 2018 and has been implemented.
 - NY/2019/0175/SCR – Request for a formal screening opinion for a ready mix concrete 'RMX' plant and a bagging plant adjacent to the approved plant site, was issued on screening opinion issued on 1 November 2019. This stated that an Environmental Statement was not required to be submitted with any planning application.

3.0 The Proposal

- 3.1 Planning permission is sought for the erection of an aggregate bagging plant including a bagging building and bulk bagging plant, ticket office, welfare building, creation of hard standing, sewage treatment plant and site levelling works on land at Killerby Quarry, Low Street, North Yorkshire, DL10 7PY on behalf of Tarmac Trading Ltd.
- 3.2 The application site is 3.77 hectares. The existing site is an arable agricultural field to the south of the quarry's approved plant site. The site has sloping topography and ground preparation works are required to create a level platform. The site would tie in

to the plant site and haul road to the north at 42mAOD (as shown on Appendix B, location plan attached to this report), lowering the ground level to minimise the visual impact of the bagging plant. The soil would be removed prior to works and safeguarded in accordance with the soil management plan.

- 3.3 The proposal consists:
- The main bagging plant building,
 - A smaller building for bulk bagging
 - A yard with aggregate storage bays on two sides (closed and open)
 - Bagged aggregates stocking area.
- 3.4 The bagged aggregates stocking area would consist of a concrete hard surface covering an area of approximately 10,000 metres squared, this is shown on the proposed site plan attached to the report as appendix C and C (a). The bagging plant building would be 24m in length by 19m in width, with 8.7 metres in height. The bulk bagging building would be 16.5m in length, 5.3 metres in width and 5.9 in height. Ancillary buildings include a welfare building 12.2 metres in length, 3.4 metres in depth and 2.6 metres in height. The welfare building would be coloured light grey. The ticket office would be 6.1 metres in length, 3.4 metres in depth and 3.4 metres in height. The ticket office would also be coloured light grey. A HV transformer would be required for electricity which would be approximately 3 metres in length, 3 metres in depth and 2 metres in height and is proposed to be a recessive green in colour and be protected with palisade fencing. The site sections showing this information are shown in Appendix D attached to this report. The site would be limited to low level LED lighting cowed away from the southern and western boundaries to avoid light spills above 1lux.
- 3.5 Aggregate would be transported by dump trucks to the yard and stored in bays, with assistance from front loading shovels. When required aggregate would be fed into hoppers located outside the bagging plants and be fed into the respective bagging process. Once complete the bagged aggregate and bulk bags would be transported on pallets by eight forklift trucks. Forklifts would also be used to load HGV's with bagged aggregate for distribution. It is proposed products would be stacked on pallets no more than 3m above the yard level and the bulk bag stock would be stacked no more than 2m high. A treatment plant would be installed for foul drainage and would be designed to discharge into the sites drainage system.
- 3.6 Materials imported for use on site would be loose aggregates for bagging and consumables such as packaging (plastic bags and Bulk bags) and pallets. Approximately 55% of aggregates to be handled would originate from Killerby Quarry, delivered direct to the storage by areas by dump trucks. The other 45% of aggregates would be imported to the site by road directly to the storage area and where possible backfilled with aggregate from Killerby Quarry for distribution in the surrounding market area. The Scorton bagging plant this facility replaces imported approximately 40% of aggregates to the site which is a similar number to the proposed. It is proposed the estimated production of bagged aggregate is expected to be 140,000 tonnes and a gate house would be in place for incoming and outgoing vehicles. It is anticipated 75% of trips would not be new trips as these vehicles currently return to Killerby Quarry unladen to be loaded, making an efficient use of the vehicle fleet.
- 3.7 The access to the site would be off the public highway via the existing quarry access on Long Lane. This would be via the Quarry's internal hard surfaced road network, circumventing the site office and parking area for the quarry. This internal road network is already in place and would be extended through this application to reach the bagging plant area south of the plant site. The development would result in a small increase of vehicle movements with 23 per day (46 two way movements). The routing would use Low Street and the A6055, which are routes to the A1 (M) in the north and south.

- 3.8 The hours of operation would be the same as the quarrying permission for which the plant would be:
Monday to Friday 07:00 to 19:00
Saturday: 07:00 to 13:00
Closed on Sundays and Bank and Public Holidays.
- 3.9 The hedgerow and trees on the site would be retained due to their value until a time under the quarrying permission where they are required to be removed. In the interim an easement gap is required along the western, southern and eastern boundaries of the site..
- 3.10 The bagging plant site level would be lowered to 43m AOD from 46m AOD to tie in with the plant site for minerals extraction to the north. This would involve the sub-soil, top-soil and overburden being stripped from the bagging plant site and stored within the wider minerals extraction site as shown on Appendix E, the soil management plan attached to this report. In regards to restoration, the bagging plant and all associated plant, buildings and infrastructure (including areas of hardstanding) would be removed before the start of Phase 5 of Killerby Quarry and once quarrying operations have ceased the site would be restored as per the minerals extraction restoration scheme. Appendix F attached to this report shows the minerals extraction phasing scheme. The bagging plant is not shown on this plan but it is to be located south of the plant site within the Phase 5A area for extraction.
- 3.11 The bagging operation is required to replace the existing bagging plant at Scorton Quarry, as operation there will come to an end. The Scorton bagging plant permission (ref. C1/16/00784/CM) is controlled through condition 1 which authorises the use of the site until 31 December 2022. The agent states bagging aggregate at source in proximately to source would reduce transport distances and as well as maximising the number of vehicles that are able to back haul by importing aggregate. The bagging plant would employ approximately 12 employees.
- 3.12 The application includes a Landscape and Visual Impact Assessment (LVIA) which states the impact of the development on the landscape character of the area would be limited to the site itself and a very localised area approximately 0.5km of the site, which is within the quarry site boundary. It states effects would not exceed slight adverse with very limited perception of the development in the area and the proposed development would be similar in nature to the quarry plant site. The existing trees and hedgerows would be retained and gapped up with species-rich native trees and shrubs. In regards to visual impacts this would be limited to a localised area within approximately 1km of the site. The most prominent impact it states would be through the diverted footpath as they pass the western boundary of the site, with effects being moderate to substantial adjacent to the site and plant site and reducing to slight outside the site area. In regards to surrounding properties these would not experience impacts greater than slight to moderate adverse due to intervening vegetation and quarry screening bunds. It is therefore concluded the landscape and visual effect would be long term but temporary as the development would be removed at phase 5 of the quarrying operations.
- 3.13 The application includes a noise impact assessment outlines five residential receptors these are:
- ML1 Killerby Hall North of the proposed development. This receptor is located at a greater distance from the proposed Bagging Plant than Existing Sensitive Receptor 1 (ESR1) and Existing Sensitive Receptor (ESR2);
 - ML2 Broad Close Farm At ESR1;
 - ML3 Broad Close Cottage At ESR2;

- ML4 Glebe Cottage South of the proposed development. These receptors are located at a greater distance from the proposed Bagging Plant than ESR1 and ESR2;
 - ML5 Hook House Farm.
- 3.14 The noise impact at the site is considered by the applicant to be the highest at ESR1 and ESR2, therefore noise surveys have been completed at these properties. Due to the proposed use of the site being 07:00-19:00 only the daytime period would be considered. The BS4142 assessment has been undertaken by the applicant to assess the noise impact of the proposed site and indicates the proposal has potential to cause a low impact depending on context. The bagging plant is located within the quarry and is considered to not increase the noise above the already conditioned noise of 55dB(A) and therefore the potential noise impact would be low. The assessment concludes broadband noise reversing alarms would be fitted for mobile plant at the proposed site and a noise condition should be added to ensure the existing quarry and bagging plant should not exceed 55dB(A).
- 3.15 The application includes an air quality assessment which states the air quality and dust impacts associated with the operation of the bagging plant, which states there are no sensitive receptors located within 250m of the proposed development. The applicant has updated the dust management plan for Killerby quarry to include the bagging plant and the mitigation within this would reduce the impact of dust at the site. The mitigation includes the access road being cleaned and swept to ensure mud and debris are removed from the road, a wheel cleaning facility approximately 100 metres from the site entrance, the site access route and internal haul road being regularly maintained, a continuous water supply for dust suppression, a water bowser shall be maintained at site at all times, stockpiles shall be less than 3 metres, a meteorological station and the sheeting of HGV's to the site.
- 3.16 The application includes a soil management plan which states the stripping of topsoil, subsoil and overburden is required to create a level platform on which to build the bagging plant and stockpiling area, Appendix E attached to this report shows the soil storage areas within the wider quarry site, the placement of soil resources within the quarry sites bunds the applicant states would avoid the need for double handling of soils. The soils would be stored separately and ensure upon the restoration of the site that maintaining agricultural land of BMV quality is achievable. It has been calculated that the land on which the bagging plant is placed is subgrade 3a and has been identified as BMV agricultural land, this survey was completed 10 years previous to this however it is unlikely to have changed in the intervening period. Soil handling measures have been put in place to conserve the quality of soil and stop damage to soil structure. The handling measures include no trafficking of vehicles/plant or materials storage outside designated area, soils should be moved under the driest practicable conditions and no works to be carried out during periods of significant rainfall.
- 3.17 Soil stripping would be scheduled for drier months of April to October, although this could be extended should soils remain in a friable condition. Topsoil would be stripped to 30cm below ground level within local variations on site (approximately 6,645m³), subsoil would be stripped to 80cm below ground level (approximately 11,075m³) and overburden stripped between 0.80m-3.25m (approximately 54,290m³). The topsoil height must not exceed 3.5m and the subsoil stockpile must not exceed 5m, the gradient of stockpiles should not exceed 1 in 3 to enable maintenance. To maintain the stockpiles grass will be cut 2 to 3 times a year before being reinstated. Aftercare would comprise the maintenance of the site of a five year period to ensure the successful establishment of the agricultural and the margins, with the aims of repair and maintenance of fencing, annual removal of pernicious weeds from the grassland sward and conservation of the flora and fauna of the newly established grassland.

- 3.18 The application includes an ecological appraisal which states there are no SSSI's within 2km of the site however the Swale Lakes SSSI is 2.9km from the application site, which is designated due to breeding birds and wintering wildfowl and waders. In regards to bats the wider quarry site recorded a good range of species but mainly the common and soprano pipistrelle bat, there are though better quality bat habitats north of the site in the river swale corridor. All trees which have a moderate or high suitability for roosting bats are to be retained. There are no suitable habitats in the site for great crested newts. A breeding bird survey in 2017 for the wider quarry site found valuable habitat for nesting birds around the river swale, with a number of uncommon species including kingfisher, a large sand martin colony, goosander, common sandpiper and shelduck. The appraisal states the hedgerows support the highest diversity and density of species of the habitats in the site. Historic field signs of badger use were identified on the site boundary, with active setts present in the wider local area.
- 3.19 The ecological assessment gives a mitigation strategy stating no further survey work is recommended but that three months before the start of works checks for badger activity is recommended. In regards to the site design lighting would avoid light spill of above 1lux to the western or southern boundaries. In regards to vegetation and tree felling this should be undertaken outside the bird nesting season, unless a checking survey is completed. In regards to working practices the roots and crowns of retained trees will be protected throughout the development. Mitigation measures include retained trees should be enhanced through provision of 6 bat and 6 bird boxes, a barn owl box in the wider site, boundary hedges will be gapped up with species rich native tree and shrub planting, re-profiled land around the boundaries of the site would be of low fertility subsoils and seeded with a native wildflower mix and operating hours would exclude night time working in the summer. The mitigation measures stated would be conditioned to stop any significant ecological impacts.

4.0 Consultations

- 4.1 The consultees responses summarised within this section of the report relate to responses to the initial consultation on 14 January 2021. Re-consultation on the application was undertaken on 25 February 2021, following the submission of further information requested by the consultees.
- 4.2 **Hambleton District Council (Planning) & Conservation** - No response has been received to date.
- 4.3 **Richmondshire District Council (Planning)** - No response has been received to date.
- 4.4 **Highway Authority** –The Highway Authority recently approved improvements to Low Street as part of the previous application and is therefore acceptable in terms of capacity and highways safety. There is visibility in both directions at the access measuring 215 metres by 4.5m which is acceptable and designed to the County Council's standards. The consultee requests a construction management plan condition which has been submitted by the applicant and the consultee has stated this is acceptable.
- 4.5 **NYCC Heritage - Principal Landscape Architect** –No objections in principle however comments the colour of the Main bagging building and bulk bagging building are to be Vandyke brown BS 4800/5252 [10 B 29] colour sheeting panels to reduce visibility, including roofing panels. The landscape officer requests further details on the external lighting in regards to a plan showing the lighting layout and numbers, further stating proposed hedgerow boundary improvement and gapping up to the site's southern boundary are to be implemented as advanced planting in the next available planting

season. Finally, the consultee states all buildings, structures, hardstanding and access roads to be removed on completion of extraction and restoration of the quarry. A further lighting plan and lighting management scheme has been submitted by the agent and the landscape officer has stated they are satisfied with the principles set out in the scheme and have no other comments or objections.

- 4.6 **NYCC Heritage - Ecology** - The development is temporary in nature and would be removed prior to phase 5 of the permitted Killerby Quarry extraction and that the restoration has been approved as part of the quarry application. The consultee states they agree with the findings of the appraisal and the proposed mitigation summarised in the planning statement at 7.3.10 to 7.3.13 are considered sufficient to mitigate for localised impacts and should be secured through a condition. A further response was received on 9 March 2021 stating, having reviewed the content of the CEMP, it is considered there is sufficient detail to deal with construction related ecological impacts and would leave the impact on the Swale Lakes SSSI for Natural England to comment on.
- 4.7 **Environmental Health Officer (Hambleton)** – no observations.
- 4.8 **Environmental Health Officer (Richmondshire)** – The consultee states they have considered the potential impact of the proposed development and the likelihood to cause a nuisance in Richmondshire as the site lies in close proximity to Hambleton District Council boundary. The response concludes there would be little or no impact to Richmondshire and the consultee has no objections.
- 4.9 **Ellerton on Swale Parish Council** No response has been received to date.
- 4.10 **Historic England** – A response was received on 13 January 2021 stating no comments and that Historic England are not required to be consulted again.
- 4.11 **Yorkshire Water Services Ltd** – No mains diversion would be required, due to not being located near a water main. The entrance to the site is off Low Street which crosses the water main and may require diverting. If the ground levels are not changed the developer should ensure the water main is protected during construction of the development. Therefore request a condition is required in relation to measures protecting the public water supply. A further response was received on 1 March 2021 stating no diversion of the water main is required as the access to the site is already in place as per requirements of previous permission.
- 4.12 **NYCC Public Rights of Way Team** - There is a public right of way within the existing consented minerals extraction area. The consultee states if the proposed development would affect the public right of way a public path order or diversion order would be required. If it is temporary then a temporary closure order would be required. The public right of way is required to be protected and public access retained. In this instance the public right of way is not in the application site area.
- 4.13 **Kirkby Fleetham with Fencote Parish Council** – No objection but would like to see light pollution kept strictly to a minimum, evening working hours shortened to be less intrusive to neighbours, and increased tree screening for Hook House barn conversions which look directly onto the site.
- 4.14 **Natural England** – No objection subject to appropriate mitigation measures being secured to prevent any damage to the interest features for which Swale Lakes Site of Special Scientific Interest. The consultee requests a Construction Environmental Management Plan (CEMP) to mitigate these adverse effects, which should be attached as a condition. The CEMP should include mitigation measures within the Ecological

Appraisal, with a particular focus on timing of works, the measures to avoid disturbance to foraging birds and a dust mitigation strategy.

- 4.15 **Killerby Parish Council** – A response was received stating no observations and there is not a Killerby Parish Council or Killerby Parish Meeting.
- 4.16 **Catterick Parish Council** – Responded stating no comments.
- 4.17 **Appleton East & West Parish Meeting** - No response has been received to date.
- 4.18 **Environment Agency York** – No objection to the proposed development. In regards to pollution prevention an informative is required to be added stating septic tanks must not discharge to surface water however if the foul disposal is actually by means of package treatment plant complain at with BS EN 12566, this may discharge to surface water. An environmental permit would be required by the Environment Agency.
- 4.19 **The Lead Local Flood Authority (SuDS)** – The submitted documents are limited and the LLFA recommends that further information is provided before any planning permission is granted. Further information including a flood risk assessment and drainage strategy and flood exceedance layout was submitted and the consultee stated that these were acceptable and requested standard detailed drainage design condition. The requested condition was a pre-commencement condition, the agent submitted further plans after this to avoid this pre-commencement requirement. The LLFA responded to this further information with a re-consultation response stating the documents demonstrate a reasonable approach to the management of surface water on the site and has no objections to the development.
- 4.20 **North Yorkshire Local Access Forum** - No response has been received to date.
- 4.21 **Swale & Ure Drainage Board** – The proposal lies within the Swale and Ure Drainage Board District and any works which will increase surface water or ground water from the site would require consent from the Drainage Board. Further stating any proposal to obstruct the flow or impede the surface water discharge from the site, which would also require consent from the drainage board.

Notifications

- 4.22 **County Cllr. Carl Les** – Was notified on 14th January 2021.

5.0 Advertisement and Representation

- 5.1 The proposal has been advertised by means of a Site Notice posted on 21 January 2021 (responses to which expired on 11 February 2021). A Press Notice appeared in the Darlington and Stockton Times on 22 January 2021 (responses to which expired on 5 February 2021).
- 5.2 Neighbour Notification letters were sent on 19 January 2021 and the period in which to make representations expired on 9th February 2021. The following properties received a neighbour notification letter:
- Flintoft Builders, Broad Close Cottages, Low Street, North Yorkshire, DL7 0TR;
 - Broad Close Cottages, Low Street, North Yorkshire, DL7 0TR;
 - 1 Broad Close Cottages, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0TR;
 - Broad Close Farm, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SR;
 - Hook Carr Hill House, Hook Carr Hill, Kirkby Lane To Hookcar Hill, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SU;
 - Glebe Cottage, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SP;
 - Glebe Farm, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SP;
 - Glebe House, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SP;

- Denvon, Planetree Lane, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SS;
- Hook House Farm, Planetree Lane, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SS;
- The Byre, Hook House Farm, Planetree Lane, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SS;
- Hook House Farm Granary, Hook House Farm, Planetree Lane, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SS;
- Goose Nest Cottage, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SW;
- Brewery Cottage, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SW;
- New Cottage, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SW;
- Granary Cottage, Melton Court, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SX;
- Melton House, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SW;
- Old Brewery Cottage, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SW;
- Barley Cottage, Melton Court, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SX;
- Malt House, Melton Court, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SX;
- Barley Lodge, Melton Court, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SX;
- Brewery Lodge, Melton Court, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SX;
- Hops House, Melton Court, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SX;
- Killerby Hall Lodge, Track to Killerby Hall Lodge, Killerby, Richmond, North Yorkshire, DL10 7PY;
- Killerby Hall, Track to Killerby Hall, Killerby, Richmond, North Yorkshire, DL10 7PY;
- 2 Hall Cottages, Track to Killerby Hall, Killerby, Richmond, North Yorkshire, DL10 7PY;
- 1 Hall Cottages, Track to Killerby Hall, Killerby, Richmond, North Yorkshire, DL10 7PY.

- 5.3 A letter of representation has been received raising objections on the grounds of:-
- The impact on the noise;
 - Impact on traffic flow;
 - Impact on rural nature of the area;
 - Cumulative impact of development with solar farm.

6.0 Planning Policy and guidance

The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
 - any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.
- 6.2 The *Development Plan* for the determination of this particular application comprises the following:
- The extant 'saved' policies of the North Yorkshire Minerals Local Plan (2006);
 - The extant policies of the Hambleton District Council Core Strategy (2007);

Emerging Plans:

- North Yorkshire Minerals and Waste Joint Plan (MWJP) (emerging)
- Hambleton Local Plan (emerging)

- 6.3 Due to the age of the saved policies, they have to be assessed against the more up to date National Planning Policy Framework 2019 (NPPF) to determine whether they are consistent with the NPPF and what weight should be attached to them.
- 6.4 Weight in the determination process may also be afforded to emerging local policies, depending on their progress through consultation and adoption. In this respect, there are emerging local policies in the Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority) (MWJP) and Hambleton Local Plan. Policies are afforded an increasing amount of weight as the Plans progress through their stages to adoption. The NPPF (paragraph 48) permits authorities to give weight to policies in emerging plans according to:
- *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - *the degree of consistency of the relevant policies in the emerging plan to the policies [in the NPPF] (the closer the policies in the emerging plan to the policies [in the NPPF], the greater the weight that may be given).*
- 6.5 The degree of weight to be attached to the MWJP must have regard to the fact that the draft Plan is still ‘under examination’ and, consequently subject to change. It must, therefore, be approached for development management purposes with an element of caution proportionate to the breadth and scope of representations made in respect of the content of the draft policies contained therein. The degree of weight should also be mindful of the fact that consultation on Main Modifications to the draft Plan has still to take place and, therefore, the precise policy wording may well be subject to change and will not become formal policy, to which full weight will be able to be afforded, until such time as the Plan is adopted. With regard to the Hambleton Local Plan the was considered at examination in October-November 2020, with a further hearing date planned for June 2021 as some representors were not notified of the previous hearings. Further to this Hambleton have prepared a further series of documents requested by the inspector which were out for consultation in April-May 2021. Therefore some weight can be apportioned to the policies, however it is not considered that at present significant weight can be given to these policies due to the stage in the process the district council is at. Nevertheless, consideration has been given to such as part of the assessment of the application in Section 7.0 to this report.

North Yorkshire Minerals Local Plan ‘saved’ policies

- 6.6 The North Yorkshire Minerals Local Plan was adopted in 1997 and in the absence of a more up-to-date Plan and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004, as of 27 September 2007, only the ‘saved’ policies continue to form part of the statutory ‘development plan’ against which to assess minerals-related proposals.
- 6.7 The ‘saved’ policies relevant to the determination of this application are the general policies from Section 4 of the NYMLP which seek to protect the environment and local amenity from potential harm from minerals development. There are certain policies within the ‘saved’ local plan which are deemed not relevant to this application as the policy wording includes the term ‘mining operation’, which it is considered does not incorporate this type of development. The definition within the ‘saved’ local plan glossary is “*The winning and working of minerals in, on or under land, whether by surface or underground working*”. The policies which are considered relevant to this proposal are:

Environmental considerations:

- 'saved' Policy 4/6A – Nature Conservation and Habitat Protection – Local;
- 'saved' Policy 4/16 – Ancillary development etc.;
- 'saved' Policy 4/18 – Restoration to agriculture;
- 'saved' Policy 4/20 – Aftercare.

- 6.8 **'Saved' Policy 4/6a** - 'Nature Conservation and Habitat Protection – Local', states *"In making decisions on planning applications, the Mineral Planning Authority will protect the nature conservation or geological interest of Local Nature Reserves and of other sites having a nature conservation interest or importance, and will have regard to other wildlife habitats."* This Policy is consistent with paragraph 170 of the NPPF. Paragraph 170 states that that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. In terms of this application the effect of the proposal on the approved restoration scheme and how this would affect nature conservation and habitat protection are the relevant aspects of this policy.
- 6.9 **'Saved' Policy 4/16** - Ancillary and secondary operation states *'The Mineral Planning Authority will expect proposals for operations ancillary or secondary to mineral extraction to be sited, designed and maintained so as to minimise the impact on the environment and local amenity. The use of plant, machinery and buildings will be restricted to processes primarily using minerals produced from the site. Permission will normally be limited to the permitted life of the site for mineral extraction'*.
- 6.10 It is considered that the first element of this policy, relating to protecting the environment and local amenity, is in compliance with the principles of the NPPF in facilitating the sustainable use of minerals as outlined in Chapter 17, with particular reference to paragraph 204 and 205. It is noted that this application relates solely to an ancillary operation, and therefore, the policy is considered relevant to this application. It is, therefore, considered that full weight can be given to this policy in the determination of this application.
- 6.11 **'Saved' Policy 4/18** – 'Restoration to Agriculture', states that *'Where agriculture is the intended primary afteruse, the proposed restoration scheme should provide for the best practicable standard of restoration. Such restoration schemes should, where possible, include landscape, conservation or amenity proposals provided that these do not result in the irreversible loss of best and most versatile land.'* It is considered that the Policy does not conflict with the aims and objectives of the NPPF paragraph 205, therefore, should be given some weight in this instance.
- 6.12 **'Saved' Policy 4/20** – 'After-care', states *"Planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity (including nature conservation) will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified after-use. Normally this requirement will run for a period of five years following restoration. Additionally, where forestry and amenity (including nature conservation) afteruses are proposed, the Mineral Planning Authority may seek to secure longer term management agreements"*. This Policy is considered consistent with paragraph 205 of the NPPF. Paragraph 205 states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards. Therefore, full weight can be apportioned to this policy.

Hambleton Local Development Framework (2007)

- 6.13 Within the Hambleton Local Development Framework (adopted April 2007) a Development Policies document (adopted February 2008) has particular relevance in the determination of this application and the policies most relevant include:

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- Policy CP1 - Sustainable Development;
- Policy CP2 - Access
- Policy CP12 – Priorities for employment development;
- Policy CP16 – Protecting and enhancing the natural environment;
- Policy CP17 - Promoting high quality design;
- Policy CP21 – Safe response to natural and other forces;
- Policy DP1 – Protecting Amenity;
- Policy DP3 – Site Accessibility;
- Policy DP16 – Specific Measures to Assist the Economy and Employment;
- Policy DP28 – Heritage Assets;
- Policy DP30 – Protecting the character and appearance of the countryside;
- Policy DP31 – Protecting natural resources: biodiversity & nature conservation;
- Policy DP32 – General Design;
- Policy DP33 – Landscaping.

6.14 **Core Strategy Policy CP1** looks at meeting local development needs in a sustainable way. In particular, it states that *“the use and development of land will be assessed against the community’s housing, economic and social requirements, protection and enhancement of the natural and built environment and minimisation of energy consumption and the need to travel. Development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted. Proposals will be supported if they promote and encourage or protect and enhance:*

- iii. the health, economic and social well-being, amenity and safety of the population;...*
- v. the quality of natural resources including water, air, land and biodiversity;*
- vi. the natural drainage of surface water;*
- vii. the vitality of the area;*
- viii. a high quality and adaptability of development;*
- ix. the character and quality of local landscapes and the wider countryside;*
- x. the distinctiveness, character, townscape and setting of settlements;*
- xi. the historic and cultural features of acknowledged importance”.*

6.15 It is considered that limited weight can be attached to the transport aspect of Policy CP1 as the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. However, it is considered that full weight can be awarded to the other aspects of the Policy as they are considered to be consistent with the environmental protection aims of the NPPF.

6.16 **Core Strategy Policy CP2 – Access** states *“Development and the provision of services should be located so as to minimise the need to travel. Convenient access via footways, cycle paths and public transport should exist or be provided, thereby encouraging the use of these modes of travel for local journeys and reducing the need to travel by private car and improving the accessibility of services to those with poor availability of transport.*

Transport schemes that lead to improvements in accessibility will be supported. In considering development proposals, the potential for more sustainable means of transport related to the uses and users of the development must be addressed, including through the preparation of travel plans and the consideration of the scope to utilise local sourcing of materials and local supply chains.”

6.17 This Policy is considered to be broadly consistent with the NPPF objectives of conserving and enhancing the natural environment as outlined within chapter 15 of the NPPF. Therefore, full weight is given to this Policy in the determination of this application.

- 6.18 **Core Strategy Policy CP12** states *‘support will be given to developing and sustaining the economy of Hambleton, through measures that are consistent with the proposals of the Regional Economic Strategy. Particular priority will be given to sustaining the development of key economic sectors or clusters; providing the conditions and support for Small and Medium Sized Enterprises to become established and grow; developing the District’s skills base; supporting the development of growth sectors; and supporting transport investment that will aid economic development.’* It is considered that limited weight can be attached to Policy CP12 as the regional spatial strategies were revoked in 2010. It is though considered that a small amount of weight can be awarded to the Policy as they it is considered to be consistent with the sustainable development and economic growth elements of paragraph 81 of the NPPF.
- 6.19 **Core Strategy Policy CP16** relates to protecting and enhancing natural and man-made assets. It states that *“development or other initiatives will be supported where they preserve and enhance the District’s natural and manmade assets.”* This policy is consistent with the NPPF’s objectives of conserving and enhancing the historic environment, as outlined in Chapter 16 of the Framework which relates to the preservation and conservation of Heritage Assets and therefore significant weight can be given to this policy in the determination of this application.
- 6.20 **Core Strategy Policy CP17** promotes high quality design in terms of the built development, including the standard of architecture, and in securing the best environment through landscape design. This policy is considered to be broadly consistent with the NPPF objectives for requiring good design as outlined within Chapter 12 of the NPPF which emphasises the government’s stance on the design of the built environment. Therefore, full weight is given to this policy in the determination of this application. This policy is also considered broadly consistent with the NPPF objectives of conserving and enhancing the natural environment outlined within Chapter 15 of the NPPF.
- 6.21 **Core Strategy Policy CP21** highlights that planning policies can potentially make a significant contribution to protecting the people and the environment of Hambleton from the consequences of natural or other forces, such as flooding, hazardous activities, pollution or noise.
- 6.22 This policy is considered to be broadly consistent with NPPF objectives of meeting the challenge of flooding (NPPF’s Chapter 14 refers) and the NPPF’s Paragraph 180 which aims, inter alia, include the avoidance of noise giving rise to significant adverse impacts on health and quality of life as a result of new development and, where this is not possible, the mitigation and reduction to a minimum of noise through conditions having regard to noise-sensitive/tranquil environments such as those “prized for their recreational and amenity value”. For these reasons, full weight is afforded to this policy in the determination of this application.
- 6.23 **Development Policy DP1** relates to the preservation of amenity. Specifically, this Policy states that *“all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight...
...Developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants”.*
- 6.24 This Policy is considered to be broadly consistent with the NPPF objectives of conserving and enhancing the natural environment as outlined within chapter 15 of the NPPF. Therefore, full weight is given to this Policy in the determination of this application.

- 6.25 **Development Policy DP3** - All proposals for new development must include provision for sustainable forms of transport to access the site, and within the development. Measures commensurate with the development proposed must be incorporated as an integral part of the design of all development proposals, and could include where appropriate:
- i. footpaths, cycle ways, safe provision for cycle parking and cycle shelters;
 - ii. bus stops/shelters and transport information;
 - iii. support for sustainable forms of transport (eg community transport schemes, workforce buses);
 - iv. preparation and implementation of Travel Plans;
 - v. minimum levels of car parking, commensurate with road safety, the reduction of congestion, and the availability of alternative means of transport.
- 6.26 This Policy is considered to be broadly consistent with the NPPF objectives of the promoting sustainable transport as outlined within chapter 9 of the NPPF. Therefore, full weight is given to this Policy in the determination of this application.
- 6.27 **Development Policy DP16** states *“Support will be given to the following priorities in developing and sustaining the economy of Hambleton, and permission for related development will be granted, if also acceptable in terms of other LDF policies:*
- i. diversification in the range of economic activities, in particular encouraging employment opportunities in higher skilled jobs which are better able to capitalise on the skills of the resident population, and development in sectors likely to produce sustainable economic growth;*
 - ii. measures assisting the further development of the main industrial clusters represented in the area: particularly food, digital, biomedical and steel/engineering;*
 - iii. measures which provide infrastructure necessary to support economic development, in accordance with Policy DP6....*
 - v. increasing manufacturing productivity generally, including through encouragement to the development of support services, and supporting existing businesses to grow to realise their potential....*
 - ix. provision of mixed use sites, incorporating high quality layouts, landscaping and design, based on sustainable development principles....*
- 6.28 It is considered that significant weight can be given to Policy DP16 as the NPPF in chapter 15 states that planning applications should recognise the intrinsic character and beauty of the countryside and support thriving communities within it.
- 6.29 **Development Policy DP28** states that *“conservation of the historic heritage will be ensured by preserving and enhancing Listed Buildings and identifying, protecting and enhancing Conservation Areas”*. This Policy is consistent with the NPPF’s objectives of conserving and enhancing the historic environment, as outlined in Chapter 16 of the Framework which relates to the preservation and conservation of Heritage Assets.
- 6.30 **Development Policy DP30** seeks to ensure that the local landscape is protected from adverse impacts as a result of development. Specifically, this Policy states that *“the openness, intrinsic character and quality of the District’s landscape will be respected and where possible enhanced... Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques such as landscape character analysis to establish the local importance, and the key features that should be protected and enhanced, will be supported. Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features, particularly to landscapes which otherwise lack interest”*.
- 6.31 This Policy is considered to be broadly consistent with the NPPF’s objectives of conserving and enhancing the natural environment as outlined in Chapter 15 of the

NPPF. Therefore, full weight is given to this Policy in the determination of this application.

- 6.32 **Development Policy DP31** seeks to ensure that habitats are protected. Specifically, this Policy states that permission *‘will not be granted for development which would cause significant harm to sites and habitats of nature conservation, geological or geomorphological value, together with species that are protected or under threat. Support will be given (and permission granted for related development, if also acceptable in terms of other LDF policies) to the enhancement and increase in number of sites and habitats of nature conservation value, and in particular to meeting objectives identified in the proposals of the Biodiversity Action Plan. Sites designated under national legislation are shown on the Proposals Map (Sites of Special Scientific Interest - SSSIs, and Local Nature Reserves - LNRs), and will be protected under the terms of that legislation. Locally important sites are also identified (Sites of Importance for Nature Conservation – SINCs) and will be protected and enhanced as appropriate to their local importance. Outside the areas designated, the interests of nature conservation must be taken into account, in accordance with national guidance...
...The restoration or creation of new habitats will be supported (and permission granted for related development, if also acceptable in terms of other LDF policies) where these contribute to the Biodiversity Action Plan, and to the targets, priorities and enhancement proposals of the RSS’.*
- 6.33 This Policy is considered to be broadly consistent with the NPPF’s objectives of conserving and enhancing the natural environment as outlined under Chapter 15 of the NPPF. Therefore, full weight is given to this Policy in the determination of this application.
- 6.34 **Development Policy DP32** of the Hambleton District Development Policies Document (2008) development policies document states that development proposals must respect local character and distinctiveness by enhancing its positive attributes whilst mitigating its negative aspects. The NPPF Paragraph 123-127 states the importance of planning positively. It is therefore considered that Policy DP32 does conform to the NPPF and considerable weight should also be given to this Policy in the determination of this planning application.
- 6.35 **Development Policy DP33** seeks to ensure that appropriate landscaping schemes are incorporated into development proposals. Specifically, this Policy states that *“landscaping of new development must be an integrated part of the overall design, which complements and enhances development, and:*
- i. creates a visually pleasant, sustainable and biodiversity-rich environment;*
 - ii. provides for sustainable solutions including the use of Sustainable Drainage Systems (SUDS). Designs should respond to the potential implications of climate change. The use of sustainable construction materials will be encouraged;*
 - iii. protects and enhances key landscape features;*
 - iv. creates new features and areas of open space that reflect local landscape character;*
 - v. contributes to character, appearance and sense of place... “*
- 6.36 This Policy is considered broadly consistent with the NPPF’s objectives of requiring good design as outlined under Chapter 12 of the NPPF. Therefore, full weight is given to this Policy in the determination of this application.

Emerging Minerals and Waste Joint Plan (in examination)

- 6.37 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect, it is worth noting that the following document contains emerging local policies that are of relevance to this application:
- Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).

- 6.38 The emerging MWJP was published in November 2016 to receive representations and submitted to the Secretary of State for Communities and Local Government on 28 November 2017. While the Hearings have taken place the Plan continues to remain under 'examination'. The Main Modifications to the emerging MWJP Plan (reported to the County Council's BES Executive Members on 15th March 2019) upon which the Joint Authorities will consult in due course. *This "Draft schedule of Main Modifications to the Publication Draft document" dated 31 January 2019 is available on the NYCC website here: <https://www.northyorks.gov.uk/minerals-and-waste-joint-plan-examination>*
- 6.39 The degree of weight must have regard to the fact that the emerging Plan is still 'under examination' and, consequently subject to change. It must, therefore, be approached for development management purposes with an element of caution proportionate to the breadth and scope of representations made in respect of the content of the draft policies contained therein. The degree of weight should also be mindful of the fact that consultation on Main Modifications to the emerging Plan has still to take place and, therefore, the precise policy wording may well be subject to change and will not become formal policy, to which full weight will be able to be afforded, until such time as the Plan is adopted.

As the Joint Plan has been, and continues to be, produced post-publication of the NPPF, there is no requirement to include herein NPPF-consistency statements in respect of the emerging MWJP policies that follow below.

Strategic Policies for Minerals and waste supporting infrastructure policies

- I02 Locations for ancillary minerals infrastructure

Development Management Policies

- D01 Presumption in favour of sustainable minerals and waste development;
- D02 Local amenity and cumulative impacts;
- D03 Transport of minerals and waste and associated traffic impacts;
- D06 Landscape;
- D07 Biodiversity and geodiversity;
- D08 Historic Environment;
- D09 Water Environment;
- D10 Reclamation and Afteruse;
- D11 Sustainable design, construction and operation of development;
- D12 Protection of agricultural land and soils;

- 6.40 **Emerging Policy I02** - Locations for ancillary minerals infrastructure states development of ancillary minerals infrastructure at active minerals extraction sites would be permitted when certain criteria are met. This criteria is the development produces added value or a complementary product based mainly on the minerals extracted on the host site, the development would not have significant additional adverse impact on local communities businesses or the environment, it would not unacceptably increase the overall amount of road transport to and from the host site and it should be linked to the overall life of the minerals extraction.
- 6.41 **Emerging Policy D01** - Presumption of sustainable development. The policy states there is a presumption in favour of sustainable minerals development and that the authorities will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

- 6.42 **Emerging Policy D02** - Local amenity and cumulative impacts. The policy seeks to safeguard communities from any unacceptable impacts on local amenity, businesses and users of the public rights of way network as a result of:
- *noise,*
 - *dust,*
 - *vibration,*
 - *odour,*
 - *emissions to air, land or water,*
 - *visual intrusion,*
 - *public health and safety,*
 - *disruption to the public rights of way network,*
 - *cumulative effects arising from one or more of the above at a single site and/or as a result of a number of sites operating in the locality.*

Part 2) states applicants are encouraged to conduct early and meaningful engagement with local communities and to reflect the outcome of those discussions in the design of proposals as far as practicable.

The main modifications document amends this policy to include reference to local communities and residents instead of the wording '*local amenity*'.

- 6.43 **Emerging Policy D03** - Transport of mineral and associated traffic impacts encourages the use of alternatives to road transport where practicable. It permits proposals where road transport is necessary, where there is capacity within the existing network for the level of traffic, and there would not be an unacceptable impact on local communities, businesses or other users of the network or any such impacts can be appropriately mitigated. It also requires suitable access and on-site parking and manoeuvring, and requires a transport assessment or green travel plan where significant levels of traffic are created.
- 6.44 **Emerging Policy D06** – Landscape: This policy states proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any mitigation measures. The AONB and other nationally designated areas would have a very high level of protection with any unacceptable impact on landscape in these areas not being permitted. Where proposals may have an adverse effect on landscape, a high standard of design, mitigation and landscape enhancement should be provided.
- 6.45 **Emerging Policy D07** - Biodiversity and Geodiversity. This policy permits proposals where it can be demonstrated that there will be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites and features, Sites of Importance for Nature Conservation, Sites of Local Interest and Local Nature Reserves, local priority habitats, habitat networks and species, having taken into account any mitigation measures proposed

The main modifications document amends this policy to add further protection to designated sites adding in regards to a SSSI that a proposal would "*only be permitted where the benefits of the development at that location clearly outweigh the impact to the SSSI features and the broader SSSI network*". It adds an extra point 5 in regards to defining locally important sites and point 8 in regards to cumulative impacts to be considered. The amendments to the policy are stated to provide further clarity to the policy.

- 6.46 **Policy D08** in regards to Historic Environment states: “1) *Minerals or waste development proposals will be permitted where it can be demonstrated that they will conserve and, where practicable, enhance those elements which contribute to the significance of the area’s heritage assets including their setting.*
3) *Proposals that would result in less than substantial harm to the significance of a designated heritage asset (or an undesignated archaeological site of national importance) will be permitted only where this is outweighed by the public benefits of the proposal. Where proposals would lead to substantial harm to or total loss of the significance of a designated heritage asset (or an undesignated archaeological site of national importance), planning permission will be refused unless it can be shown that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the following apply:*
i) *The nature of the heritage asset prevents all reasonable uses of the site; and*
ii) *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
iii) *Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and*
iv) *The harm or loss is outweighed by the benefit of bringing the site back into use.*
- 6.47 **Emerging Policy D09** - Water Environment states minerals proposals would be permitted where it can be demonstrate no unacceptable impacts would arise in regards to surface and groundwater, taking into account any mitigation which is provided. Proposals where necessary should include measures to contribute to flood alleviation and other climate change mitigation, through use of sustainable drainage systems.
- 6.48 **Emerging Policy D10** - Reclamation and Aftercare states: “*Part 1) Proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and, where appropriate to the scale and location of the development*”. The policy requires proposals to include community engagement, taken into account the context of the site and its environmental infrastructure, give rise to benefits to the area after restoration and aftercare, taken into account climate change, provided for progressive, phased restoration and provided a longer term implementation of management of the site. In addition to this the policy requires in Part 2 *that “proposals will be permitted which deliver a more targeted approach to minerals site restoration and afteruse by contributing towards objectives, appropriate to the nature, scale and location of the site”* stating where relevant in BMV land area prioritising the protection and enhancement of soils and long term potential to create further BMV land during restoration and requires the promotion of significant net gains for biodiversity and creating biodiversity benefits.
- 6.49 **Emerging Policy D11** - Sustainable design, construction and operation of development: The policy aims to allow mineral developments where it has been demonstrated that measure appropriate and proportionate to the scale and nature of the development have been incorporated into its design, construction and operation in relation to a number of items including minimisation of greenhouse gases and the generation and utilisation of renewable or low carbon energy.
- The main modifications document amends the final paragraph of part 1 to reference hydrocarbons and add in that a climate change assessment should only be provided as ‘appropriate’.
- 6.50 **Emerging Policy D12** - Protection of agricultural land and soils: The policy seeks to protect Best and Most Versatile agricultural land from unnecessary and irreversible loss. Aftercare to a high standard of agricultural restoration should be achieved and developments are required to demonstrate that all practicable steps will be taken to conserve and manage soil resources in a sustainable way.

The main modifications document revises the 2nd paragraph second sentence to provide clarity adding the sentence “***Development which could lead to irreversible damage to blanket peat or other soil contributing to ecological connectivity or carbon storage will not be permitted.***”

Emerging Hambleton Local Plan

- 6.50 Emerging Hambleton Local Plan – Publication Draft – July 2019 was submitted for examination on 31 March 2020 but the date for the commencement of the Examination in Public has yet to be posted, due to this limited weight can be given to the following policies relevant policies:
- Policy S1, Sustainable Development Principles;
 - Policy S7, Historic Environment;
 - Policy E1, Design;
 - Policy E2, Amenity;
 - Policy E7, Hambleton’s Landscapes;
 - Policy CI2, Transport and Accessibility;
 - Policy RM3, Surface Water and Drainage Management.
- 6.51 **Emerging Policy S1** - ‘Sustainable Development Principles’ states that its purpose is to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change. Proposals are expected to make effective and efficient use of land, support existing communities, promote a range of business opportunities and ensure that development mitigates and adapts to improve local environments.
- 6.53 **Emerging Policy S7** - Historic Environment states heritage assets will be conserved in a manner appropriate to their significance and particular attention would be paid to the conservation of those elements which contribute most to Hambleton’s distinctive character. In particular the swale and Ure Washlands and their undulating topography. The policy states proposals affecting a designated heritage asset must conserve those elements which contribute to its significance. Harm to such elements would only be supported where it is clearly justified and outweighed by the public benefit.
- 6.54 **Emerging Policy E1** - ‘Design’ states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function. Proposals will be supported through this policy where they respond positively to its surrounding to help create distinctive, high quality and well-designed places; where they do not have an unacceptable impact on the amenities of neighbouring land and buildings or the wider area.
- 6.55 **Emerging Policy E2** - ‘Amenity’ requires a proposal to ensure that significant effects of overshadowing are not developed, the design and separations of buildings are not oppressive or overbearing with no result of loss of privacy through overlooking and that adverse impacts can be made acceptable – including impacts devised through noise.
- 6.56 **Emerging Policy E7** - ‘Hambleton’s Landscapes’ states that proposals that seek to conserve and enhance any existing tree, hedgerow or woodland of value will be supported. This policy also takes account of areas that have been identified as being particularly sensitive to/ or suitable for certain forms of development.
- 6.57 **Emerging Policy CI2** -Transport and Accessibility states a proposal would be supported where it would be demonstrated, through production of a travel plan and transport assessment as necessary that it is located where the highway network can

satisfactorily accommodate the traffic generated by the development, the proposal should retain and enhance public rights of way, the travel plan should set out measures to reduce the demand for travel, safe physical access can be provided to the proposed development, adequate provision for servicing and emergency access and adequate provision for parking taking into account highways safety, accessibility, the need for users now and in the future.

- 6.58 **Emerging Policy RM 3** - 'Surface Water and Drainage Management' states that support will be given to schemes where they do not result in unacceptable harm to landscape character, have an adverse environmental, social or economic impact or increase flood risk in other areas. The district council encourages the inclusion of surface water and drainage design from the outset to ensure that these issues are addressed as part of a holistic approach to the design of development and reference to policy E1 'Design' is recommended.

Other Policy considerations:

National Planning Policy Framework (2019)

- 6.59 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.60 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development as that which fulfils the following three roles:
- a) ***“an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) ***a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c) ***an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*
- 6.61 Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- i.) *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - i.) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.*
- 6.62 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.

- 6.63 **Paragraph 48** of the NPPF states in regarding to emerging local plans that *“Local planning authorities may give weight to relevant policies in emerging plans according to:*
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”*
- 6.64 **Paragraphs 54-57** of the NPPF relate to ‘Planning conditions and obligations’. Paragraph 54 states that *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”*. With regard to planning obligations paragraph 56 states that *“Planning obligations must only be sought where they meet all of the following tests:*
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.*
- 6.65 **Paragraph 102** within Chapter 9 (Promoting sustainable transport) of the NPPF states *“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*
- a) the potential impacts of development on transport networks can be addressed;*
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.”*
- 6.66 **Paragraph 103** within Chapter 9 (Promoting sustainable transport) of the NPPF states *“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*
- 6.67 **Paragraph 104** within Chapter 9 (Promoting sustainable transport) of the NPPF states *“Planning policies should:*
- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;*

b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;

c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

e) provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and

f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy”.

- 6.68 **Paragraph 109** within Chapter 9 (Promoting sustainable transport) of the NPPF states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 6.69 **Paragraph 110** states that “within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.
- 6.70 **Paragraphs 117 and 118** within Chapter 11 (Making effective use of land) of the NPPF state “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land” (paragraph 17). With Paragraph 118 stating “Planning policies and decisions should:
- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

- b) *recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
- c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);*
- e) *support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.”*

6.71 **Paragraphs 124-27** within Chapter 12 (Achieving Well Designed Places) of the NPPF state that local and neighbourhood plans should develop robust and comprehensive policies that set out a clear design vision and expectations of development that will be expected for the area. Such policies should be based on stated objectives and designed with local communities, so they reflect their local aspirations, and are grounded in an understanding and evaluation of each areas defining characteristics. *“Planning policies and decisions should aim to ensure that developments:*

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visits*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

6.72 **Paragraph 170** within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. These include:

- a) *“protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

6.73 **Paragraph 175** within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF states *“When determining planning applications, local planning authorities should apply the following principles:*

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

6.74 Within **paragraph 180** of the Framework it is noted that *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

1. *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*

2. *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
3. *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*”

- 6.75 **Paragraph 189** within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states that *‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.*
- 6.76 **Paragraph 190** within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states that *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*
- 6.77 **Paragraph 192** within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states that when *determining applications, local planning authorities should take account of:*
- a) *“the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 6.78 **Paragraph 193** states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 6.79 **Paragraph 194** states that *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
 - b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

- 6.80 **Paragraph 195** within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.”*
- 6.81 **Paragraph 196** states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

National Planning Practice Guidance (PPG) (2014)

- 6.82 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

Noise:

- 6.83 The PPG confirms the need for noise to be considered in taking decisions on proposed developments having regard to the effects of potential noise from new developments and on existing developments. The (Noise) PPG identifies how local planning authorities should determine the impact or effect of noise by considering the following:
- *‘whether or not a significant adverse effect is occurring, or likely to occur’;*
 - *‘whether or not an adverse effect is occurring, or likely to occur’; and*
 - *‘whether or not a good standard of amenity can be achieved’.*
- 6.84 In addition to the above the (Noise) PPG also offers guidance on identifying *‘whether the overall effect of noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed effect level for the given situation’.* The (Noise) PPG sets out the observed effect levels as being:
- *‘significant observed effect level: this being the level of noise exposure above which significant adverse effects on health and quality of life occur’;*
 - *‘lowest observed adverse effect level: this being the level of noise exposure above which adverse effects on health and quality of life can be detected’; and*
 - *‘no observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected’.*
- 6.85 The Noise PPG guidance split the mitigation which can be put in place to reduce impact into four categories, these are engineering by reducing the generation of noise at the source, layout optimising the distance between the source and noise sensitive receptor, planning conditions obligations to restrict activities or specify specific levels and finally mitigating the impact on areas like to be affected. A further part of the Noise PPG is in regards to the effect of noise on wildlife, in particular stating consideration needs to be given to the potential effects of noisy development on international, national and locally designated sites of importance for biodiversity.

7.0 Planning considerations

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are principle of the proposed development, local amenity, landscape and visual impact, soils and restoration, habitats, nature conservation and protected species, the historic environment, drainage and flood risk and highways matters.

Principle of the proposed development

7.2 It is noted that the proposed development seeks to install an aggregate bagging plant to support and enhance business at the quarry site. The application site is currently part of the Killerby Quarry site which has an extant permission where minerals extraction has already been established ref. C2/10/02487/CCC, dated 4th April 2018. This application is a standalone permission for an ancillary development on the site, to bag the mineral extracted at the site and also in part imported to the site. At the present time, the site is being prepared for mineral extraction to take place at Killerby Quarry. North Yorkshire Minerals Local Plan 'saved' Policy 4/16 is in regards to ancillary development is relevant to this application this policy requires ancillary operations to be sited, designed and maintained to minimise the impact on the environment and local amenity, with its use being linked to the minerals produced on this site and limited to the permitted life of the quarry. Further to this the emerging Minerals and Waste Joint Plan includes Policy I02 in regards to locations for ancillary minerals infrastructure states criteria for where ancillary development would be permitted. Policy I02's relevant points state the proposal must produce "value added" to the mineral extracted at the site (point i), would not have a significant adverse impact on local communities, business or the environment (point ii), unacceptably increase the amount of road transport (point iii) and be linked to the life of the minerals extraction (point v).

7.3 In this instance is it considered that the proposal is in compliance with the 'saved' policy 4/16 as the bagging plant would be sited in proximity to the quarry plant area to minimise the impact on the area and the environment. It is also considered that the plant would be linked to minerals extraction and would bag the sand and gravel extracted from the site. The proposal is considered to be sufficiently linked and limited to the minerals permission as the bagging plant would be removed before phase 5 of the minerals extraction due to the site being located on the minerals extraction phase. In regards to the emerging MWJP Policy I02 it is considered that the principle of a bagging plant in this location is in compliance with point i) and point v) as the bagging of mineral would mean minerals could be further processed on site before being taken off site and would replace the bagging facility at Scorton Quarry which is at the end of it working life. The bagging plant at Killerby Quarry would also be time limited until the 31 December 2035 to match the date the applicant has stated phase 5 of the quarrying operation would commence, which would be controlled through condition 3 of the draft schedule and therefore is considered to be sufficiently linked to the quarry working and would be required to be removed as the bagging plant is to be located on Phase 5 of the extraction site.

7.4 This report will conclude in later paragraphs whether points ii) and iii) are satisfied by the proposed development. In regards to the weight which can be given to policy I02 of the MWJP. In regards to this emerging policy the NPPF paragraph 48 criteria can be used, in this instance the MWJP is still under examination and main modifications consultation is still required to take place so the policy wording is still able to change so full weight is not able to be given, however some weight can be given as there are

no specific modifications requested to this policy and it is considered consistent with NPPF paragraph 204 (e) in regards to the processing and handling of minerals. Taking this into account some weight can be given to this policy in the determination of the planning application.

- 7.5 In regards to the Hambleton Local Plan the proposal is considered to be compliant with policies CP1 sustainable development and CP12 priorities for employment development and development management policies DP1 protecting amenity and DP16 in regards to measures to assist the economy and employment. This is as the proposal would enhance the economic requirements of the site and is considered a sustainable form of development. The proposal would also be in compliance with 'saved' NYMLP Policy 4/16 in regards to ancillary and secondary operations. The proposal is also consistent with NPPF paragraphs 117 and 118 in regards to the effective use of land. The proposal would also be in compliance with the general direction of Emerging MWJP emerging policies D01 and D11 in regards to the presumption in favour of sustainable minerals development and the sustainable design, construction and operation of the development as the development would be appropriate and proportionate to the location and its location on a minerals site lessens the need for the transport of minerals and therefore the use of greenhouse gases. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policies S1 in regards to sustainable development as the proposal makes an effective and efficient use of land.

Local amenity (noise, dust and lighting)

- 7.6 The proposed development has been considered against the potential impact upon the amenity of any surrounding residents. Whilst it is noted that the application site is located at some considerable distance from the nearest residential property, being in excess of 800 metres, the NPPF in paragraph 180 highlights the need to consider that development is appropriate for its location and takes into account any likely effects, reducing to a minimum the impacts of pollution which would include noise, light and dust on a site, while also considering the cumulative effects of new development. The application is subject to a representation from a member of the public who objects to the proposed development on the grounds of the noise and traffic impact of the proposal and the impact on the rural nature of the site.
- 7.7 The relevant policies in the Hambleton Development Policies document are CP21 which seeks to protect the people and environment from noise and DP1 in regards to the adequate preservation of amenity in regards to noise. It is considered that the Richmondshire Local plan policies are not relevant to the determination of this application as the proposal would not impact on the neighbouring local authority, this is supported the Richmondshire Environmental Health Officer who also states there would be little to no impact on the area and has no objections. The amenity elements of 'saved' Policy 4/16 of the North Yorkshire Minerals Local Plan advises that ancillary and secondary operations should be '*located so as to minimise the impact on local amenity and the environment*', The relevant policies of the emerging MWJP policy in regards to this are I02 and D02 in regards to not having a significant additional adverse impact on local communities, businesses or the environment and seeking to safeguard communities from unacceptable impacts in regards to noise, dust and visual intrusion.
- 7.8 With regards to noise at the proposed development site, assessments have been submitted with measurements confirming the site is dominated by traffic noise from the A1 and appropriate noise criteria were recommended. The assessment has considered the potential noise impacts of the proposed development during temporary operations, e.g. soil stripping, and the long-term day operations upon a number of properties located in the vicinity to the application site. The noise report concludes that the

bagging plant would not contribute to an increase in noise above the already conditioned limit of 55dB(A) for the quarry and it is recommended in the report that the same condition should be included in this permission Condition 8-10, along with a condition in regards to white noise reversing alarms fitted to mobile plant Condition 11.

- 7.9 Planning Practice Guidance in relation to noise also states the planning authority should consider whether a significant adverse effect is likely to occur, an adverse effect is likely to occur or whether a good standard of amenity can be achieved. Giving four examples of types of mitigation that than be used to lessen the impact of noise being reducing the generation of sound at source, layout optimisations, the distance between the noise sensitive receptor and planning conditions. In this instance it is considered that a condition would be attached to any permission to lessen the noise generated from the site in terms of reversing equipment, the lowering of the level of the site is considered to be a layout optimising technique to lessen the impact of the bagging plant, the bunding around the site and advance screening would also lessen this noise, in regards to distance to the nearest receptor the nearest being in excess of 800m is deemed an acceptable distance not to be affected. Finally the conditions to limit the noise levels at the site to 55db are considered to further mitigate the impact of the site.
- 7.10 Whilst it is noted that the proposed development has the potential to create noise, the levels generated by the use and operation of the plant are considered unlikely to result in any environmental harm and due to its proposed location and working practises employed by the operator. These practices would include limiting the hours of use to Monday to Friday 07:00 to 19:00, Saturday: 07:00 to 13:00 and Closed on Sundays and Bank and Public Holidays, which is condition 6 of the draft schedule. It is considered the proposed working hours are reasonable and there is no demonstrable evidence to suggest that significant adverse effects would be a result of the proposed hours of use, when taken in regards to the other mitigation of the site. This is further supported by the relevant expert on this particular aspect of the proposal, the Hambleton District Council Environmental Health Officer (EHO), who has been consulted on the proposals put forward and stated no observations. This further mitigation includes in addition to the standard hours of working stricter soil stripping hours of operation (Condition 7) are to be implemented to mitigate the impact of the site, there would also be three conditions in regards to noise limits (Conditions 8-10) and noise attenuation equipment being installed on all site plant equipment (Condition 11). Furthermore it is considered that the impact of noise from vehicle movements would not be significant as a condition would be added to any permission limiting the site to 46 HGV movements (23 each way) meaning on average there would be four vehicle movements per hour on a week day, further to this an additional condition (condition 22) would also be added to any permission requiring HGV's turn right out of the site toward the A6055 to limit the impact on residents and businesses located on Low Street as then these HGV movements when leaving the site would not pass any residential receptors in proximity to the site. This is in keeping with the principles of the NPPF, as outlined in paragraph 180 of the Framework, which advises that developments should reduce to the minimum any adverse effects. Therefore it can be considered that the proposed development would allow a good standard of amenity to still be achieved
- 7.11 Whilst the concern of local residents is understandable, the effects of noise associated with the proposed development are considered to be capable of being adequately mitigated by the appropriate level of control through the imposition of planning conditions as stated in the paragraphs above, the topography of the site, the screening, bunding and the distance to these properties. It is not considered that this proposal would have a significantly increased impact on those affected by noise above the currently approved quarry workings.

- 7.12 It is acknowledged that there is also potential for an adverse effect upon air quality and, in particular, the generation of dust. The applicant has proposed a Dust Management Plan that would provide for mitigation including asphalt surfaces to be cleaned and swept within the site, a wheel wash facility, dust suppression techniques with a continuous water supply, stockpile height limits, speed limits, sheeting of HGV's and a process for how to record complaints. It is considered that this Dust Management Plan should be conditioned to be adhered to for the full life of the development (Condition 16). The District Council's Environmental Health Officer has returned no comments with specific regard to the air quality issues (including dust) that have the potential to arise from a development of this nature.
- 7.13 It is acknowledged that there is potential for an adverse effect upon local amenity from lighting and visual intrusion from the proposed development. The applicant has proposed a Lighting Scheme after the Landscape Architect requested further information for clarification in regards to external lighting details and after this was submitted by the agent the landscape architect stated they were satisfied with the principles set out in the lighting management scheme and would be added as condition 17 to control the use of lighting on the site for the full life of the development. The District Council's Environmental Health Officer has returned no comments with specific regard to light pollution quality issues that have the potential to arise from a development of this nature.
- 7.14 It is considered that the proposal and its design would not conflict with Hambleton Development Plan policy CP21 in regards to protecting people and the environment from the consequences of pollution or noise. Further to this the proposal is also in compliance with the relevant Hambleton Development Policies document policy DP1 as it would adequately protect the amenity in regards to noise, disturbance and light pollution. It is considered that in this instance the development would not significantly harm the amenity of the local community, due to the appropriate planning conditions 7-11, 16 and 17 in regards to noise dust and lighting, the sites topography, its location and distance from residential receptors. It is considered that this proposal is in compliance 'saved' policy 4/16 and the general direction of MWJP policies I02 and D02 as the proposal would not cause any unacceptable impacts on local amenity in terms of noise, dust or visual intrusion and would minimise the impact on local amenity. It is also considered that the proposed development is consistent with the NPPF paragraph 180 in regards to proposal being appropriate for its location as this proposal would not give rise to significant adverse impacts on health or quality of life. It is also considered in regards to NPPF paragraph 180 that the cumulative impacts of the proposal in regards to local amenity are not significant as the noise levels have been shown to be able to be kept below the required levels previously conditioned for the minerals permission and with the same levels conditioned through this application (conditions 8-11), in regards to dust it is considered that the dust management plan (condition 16) can control the air quality of the site without any additional adverse effects and in regards to lighting it is considered that the lighting scheme (condition 17) can adequately control the development. Furthermore there has been no comments from any statutory consultees regarding any significant amenity impacts of the development.
- 7.15 The potential for noise, dust emissions and light pollution to impact upon the surrounding area are considered to be low, with no perceived increase in the cumulative effects of either upon the local residents or local landscape. In light of this, it is considered that the impact of the development upon the amenity of the area would not be adverse. This proposal is considered to be in compliance with the principles of the NPPF paragraph 180 and PPG for noise and with the local amenity elements of Policies CP1, CP17, CP21, DP1, DP32 of the Hambleton Local Plan, which seek to ensure that developments both respect and do not adversely impact upon the character

of the amenity of local residents, adding further weight in support of this application. The proposed development is not considered to give rise to significant conflict with 'saved' NYMLP Policy 4/16 and the general direction of Emerging minerals and Waste Joint Plan Policy D02. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policies E2 in regards to amenity as the proposal would not have an unacceptable impact in regards to noise.

Landscape and visual impact

- 7.16 The proposed bagging plant would be located within Killerby Quarry, which the agent has confirmed is starting minerals processing in July or August 2021. It is noted that whilst the quarry site is located within the open countryside, it is not affected by designated Green Belt or any other landscape designated area. The bagging plant site would be located on agricultural land which is within the red line area approved for extraction under the Killerby Quarry minerals extraction permission ref. C2/10/02487/CCC, dated 4th April 2018. With respect to landscape impacts, the applicant's assessment has taken into account the potential landscape impacts in respect of the landscape character of the site, the Vale of Mowbray, the former Special Landscape Area and the wider study area as well as the impacts upon the setting of the Historic Park & Garden of Killerby Hall. The one representation in regards to this application also objects in regards to the impact the proposal would have on the rural nature of the area.
- 7.17 The site was previously assessed in the quarry application for suitability for minerals extraction, this proposal is on this same land and the proposed development is considered to be an ancillary operation to the minerals extraction. Therefore 'saved' policy 4/16 of the NYMLP is relevant to the determination of the application which requires ancillary operations to be sited, designed and maintained to minimise the impact on the area and would have to be time limited to the permitted life of the minerals extraction site. 'Saved' Policy 4/6a of the NYMLP in relation to nature conservation and habitat protection is also relevant in regards to protecting nature conservation and wildlife habitats. The NPPF paragraph 124-127 and 170 in relation to achieving good design and conserving and enhancing the natural environment requires proposals to function well and add to the overall quality of the area, be visually attractive a good layout, with appropriate landscaping, while also being sympathetic to the character of the area.
- 7.18 The main impacts from this proposal would include the stripping and storing of soils and overburden, the construction of the buildings, the operation of the site and the demolition of the site and final restoration after quarrying has been completed. The two proposed bagging plant buildings are the most prominent parts of the proposed development. The bagging plant building and bulk bagging plant building, would be 8.7 metres and 5.9 metres in height respectively. Other elements including the welfare building, gate house, open bays, transformer and storage area would be significantly lower in height. It is considered also that the design of the buildings are similar to those of an agricultural nature, and have been requested by the landscape officer to utilise Vandyke brown colour sheeting and roofing panels to blend the building into the surrounding area.
- 7.19 It is noted that the bagging plant buildings would not be entirely screened from view, however due to their location, the lowering of the level of the site from 46AOD to 43AOD, the undulating nature of the site and the boundary treatment of existing trees being retained and hedgerow being gapped up means there would be limited views of the site from outside the quarry site from residential properties. The lowering of the ground level for the bagging plant would screen the majority of the plant from outside the quarry site with the only partial views of the top section of the bulk bagging and

bagging buildings due to the lower profile of the site in the landscape. To further mitigate the impact of the site screening bunds and soil storage mounds would be seeded with a wildflower mix to blend the site into the local landscape further. The application is also in proximity to the quarry's plant area which is of a similar scale has been previously considered appropriate in this location. It is considered that the scale of the bagging plant would not have a significant cumulative impact on the area as the views of the bagging plant are limited to the south and west due to the boundary treatment and to the north would be screened by the plant site. The topography of the area and the lowering the level of the site also reduces the impact of the bagging plant and makes it fit into the already approved quarry plant site levels.

- 7.20 Due to the significant distances that exist from the nearest properties and highways to the application site, it is considered that any visual impact arising from the development would be very low, and not adverse. It is considered road users may have glimpses of the larger buildings however not with any prominent effects. In regards to views from outside the site, users of a diverted footpath around the perimeter of the quarry would experience prominent views of the development along the western boundary but these would be views in the context of the approved quarry site and the cumulative effects of the bagging plant in terms of views from this location are not deemed to be significantly more adverse. The quarry plant site lies between views from the north at Killerby Hall which due to large mature trees have limited views into the site. In regards to Killerby Cottages these are more south facing, however the bunds along the quarry plant sites north boundary would screen most of the application site with views only of part of the taller buildings. It is considered in the context of the quarry site the views of the bagging plant beyond the quarry plant site would not have a significant impact on the cottages. Views of the taller bagging plant structures may be visible from south of the site from Broadclose farm and Glebe Cottage, however the trees screening the application site and the building being built on the lower profile mean that the impact of this is negligible and not significant in the circumstances. To mitigate the impact of the bagging site further it is proposed that the storage of bagged aggregates would be restricted to under 3m on the site's hardstanding to minimise the loss of amenity on the area.
- 7.21 It is noted that the Principal Landscape Architect has no objections in principle to the proposed development but recommends that the gapping up of the trees and hedgerows is completed as advance planting and that the buildings are to be Vandyke brown in colour. To this effect the applicant has confirmed that the buildings will be a Vandyke colour which is considered to be in-line with the requirements of the Principal Landscape Architect and as such will ensure that the development does not adversely impact upon the character of the area. The confirmation of this matter by the applicant is proposed to be secured through condition 14 in the draft schedule.
- 7.22 A further consideration in the determination of this planning application is the impact of the proposal upon the visual appearance of the surrounding area. The wider landscape in which the quarry is located is not within any designated landscape classification, but is within a rural setting in the open countryside. Whilst it is acknowledged that this bagging plant represents a relatively large feature in the local landscape, due to the design of the proposed buildings appearing similar to those of an agricultural nature, due to the colour being agreed to be Vandyke Brown so as not to reflect light or appear visually intrusive, due to additional partial screening that is offered by the existing vegetation and topography of the surrounding countryside, and due to the significant distances that exist from the nearest properties and highways to the application site, it is considered that the visual impact of the development would be low and not adverse. To this effect it is considered that the potential impact of the development upon the visual appearance of the area and its landscape is not considered to be adverse and as such is acceptable in regards to the NPPF paragraph 124-127 as it is of a good

layout, optimising the use of the site without adversely affecting the local character of the area.

- 7.23 The relevant Hambleton Local Development Framework document policies are CP1, CP16 and CP17 these are in relation to sustainable development making sure that proposal protect and enhance natural resources including the vitality of the area, the character of local landscape and wider countryside and promotes high quality design. It is considered that the proposal and its design is in keeping with the area and would not significantly harm the character of the area due to limited views of the site and therefore is in compliance with the Hambleton policies CP1, CP16 and CP17. Further to this the relevant Hambleton Development Policies document policies are DP30, DP32 and DP33 which are in regards to protecting the landscape from adverse impacts specifically requiring developments to take into account the landscape character and its surroundings, mitigating the negative aspects of any development and ensuring landscaping is incorporated into any development. It is considered that in this instance the development would not significantly harm the natural environment or the character and quality of the local landscape and that the advance planting and topography of the site would mitigation its impact on the landscape. The relevant policies of the emerging MWJP policy in regards to this are D02 and D06 in regards to local amenity, cumulative impact and landscape which seek to safeguard communities against unacceptable impacts from proposals such as visual intrusion, disruption to public rights of way and cumulative impacts as well as proposals demonstrating there would be no unacceptable impacts on landscape. It is considered that this proposal is in compliance with the general direction of MWJP policies D02 and D06 as the proposal would not cause any unacceptable impacts on local amenity in terms of visual intrusion or cumulative effects with mitigation of screening in place to lessen the impact of the development which is considered to be acceptable in this instance.
- 7.24 Therefore it is considered that this proposal for a bagging plant would not significantly alter the character of the site further than the approved minerals extraction and plant site. The objector in relation to this application states the cumulative impact of the proposed development with the solar farm in the area would make this an unacceptable proposal. In this instance it is not considered the bagging plant would give rise to any significant cumulative impacts and that any slight impacts through the bagging plant would only be temporary as the bagging plant being decommissioned before the start of Phase 5 of the minerals development which currently has an approximate start date of 2035. For the reasons detailed above, it is considered that the proposed development would have a minimal impact upon the environment, including the adjacent surrounding countryside. Therefore, it is considered that the development is consistent with the principles of the NPPF paragraphs 124-127 and in compliance with the development plan including 'saved' policies 4/6A and 4/16 of the North Yorkshire Minerals Local Plan and also in compliance with the general direction of the MWJP emerging policies D02 and D06. The proposed development is also in compliance with Hambleton District Council's Core Strategy policies CP1, CP16, CP17, DP30, DP32 and DP33. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policy E1 and E7 in regards to design and Hambleton's landscapes as the proposal is sufficiently integrated into the local landscape and would not have an unacceptable impact on the local area and includes advance planting of native hedgerows.

Soils and Restoration

- 7.25 The application includes a Soil Management report. In this report it is stated that the bagging plant application site's agricultural land classification (ALC) is subgrade 3a, which is best and most versatile land (BMV). The application site is located on Phase 5 of the minerals extraction site and in the original application it was predicted Phase 5 would not commence until 2035, therefore there is a temporary loss of this agricultural

land 14 years sooner than previously proposed under the minerals extraction permission. This current application includes a Soil Management Plan and a Construction and Environmental Management Plan (CEMP) to manage the soils on site. The principle of the temporary loss of land classified as Grade 3a agricultural quality during the extraction works has already been established through the minerals extraction permission. This application would not increase the loss of land for agricultural use, however it would bring forward the temporary loss of 3.7 hectares of the site which is currently in agricultural use and bring it into use by the minerals operator.

- 7.26 The relevant North Yorkshire Mineral Local Plan policies in relation to this application are 4/18 and 4/20 in regards to restoration to agriculture and aftercare, these policies require proposals where agriculture is the primary afteruse to provide the best practicable standard of restoration and should not result in the loss of best and most versatile land. In regards to afteruse the policy requires a five year aftercare period to bring the site up to an approved standard for the specified afteruse. The relevant Hambleton Local Development Framework document policies are CP1, CP16 and CP17 these are in relation to sustainable development making sure that proposal protect and enhance natural resources including the vitality of the area, the character of local landscape and wider countryside and promotes high quality design. Further to this the relevant Hambleton Development Policies document policies are DP30, DP32 and DP33 which are in regards to protecting the landscape from adverse impacts specifically requiring developments to take into account the landscape character and its surroundings, mitigating the negative aspects of any development and ensuring landscaping is incorporated into any development. The relevant policies of the emerging MWJP in regards to this are policies D10 and D12 in regards to reclamation and afteruse and protection of agricultural soils. Emerging policy D10 requires restoration and aftercare to be to a high standard, where appropriate to the scale and location of development and give rise to benefits to the area after restoration, it further states where possible to protect and enhance soils with the potential to create further BMV land. Emerging policy D12 further requires the protection of BMV land from irreversible loss, with aftercare to a high standard with applicant demonstrating all practicable steps to conserve and manage soil resources in a suitable way. In regards to the NPPF paragraph 170 is relevant to in this instance in regards to the protection of soils.
- 7.27 Further details of the soil management plan are stated in paragraph 3.16-3.17 of this report and appendix E of this report shows the soil storage areas within the wider quarry site. The applicant has stated that measures would be put in place to protect soils on the site and these include no trafficking of vehicles/plant or materials storage outside the designated areas or on reinstated soil (topsoil or subsoil), works planned so soil goes straight from the field to storage to restoration, soils are only to be moved in the driest practicable conditions and topsoil and subsoil should not be mixed. The Soil Management Plan also includes a drawing No. K034-00331-1 'Bagging Plant Soil Movements' showing the 54,280m³ of overburden would be used to create the desired level of the minerals application plant site and that the 6,645m³ of topsoil and 11,075m³ subsoil from the bagging plant area would be stored separately within the minerals application site area north east of the application site outside the red line boundary but inside the area under the control of the applicant. Conditions would be attached to this permission in regards to the protection of soils and the restoration of the site (Conditions 19-21), these conditions limit the location of the stored soils, secure the separation of the top-soil, sub-soil and overburden and limit the time period soils can be removed so that soils are in a dry and friable condition.

- 7.28 It is considered that this small area of land in proximity to the quarry plant site would be acceptable for use as a bagging plant as the mitigation measures to minimise the risk of damage to soils which have been provided within the soil management plan and conditioned (conditions 19-21) would protect the soil resources on site. The applicant has stated the soils would be safeguarded and the restored agricultural land would achieve the same agricultural quality as prior to operations which would be subgrade 3a (BMV). It is considered that the proposed development is in compliance with NYMLP 'saved' policies 4/18 and 4/20 as the operations, restoration and aftercare would protect the soils quality from unnecessary and irreversible loss. This is also considered in compliance with the general direction of the MWJP policies D10 and D12 in regards to the protection of soils, restoration and aftercare. It is considered this is also in compliance with the Hambleton Local Development Frame work policies CP1, CP16, CP17, D30 and D32 as the proposed development would protect the natural soil resources on the site and would not have a long term negative impact on the character of the area as this land would after restoration and aftercare be able to be used as agricultural land. It is also considered that this proposal is consistent with paragraph 170 NPPF in regards to the protection of soils due to the there being no permanent loss in the agricultural land quality after restoration and aftercare.
- 7.29 Paragraph 205 of the NPPF requires the restoration and aftercare of minerals-related developments at the earliest opportunity and although this is not a minerals extraction permission the application site has an extant permission for minerals extraction, so is relevant to this application. In this instance the restoration of the site could not take place until the minerals extraction is completed, if the mineral is extracted under the bagging plant as per the extant mineral permission the minerals permission C2/10/02487/CCC, dated 4th April 2018 conditions would be implemented. However this permission for the bagging plant is required to also secure restoration requirements, therefore condition 6 has been added to the draft schedule which would secure the restoration to match the mineral extraction restoration requirements. It is considered that the bagging plant proposal would not conflict with the NPPF paragraph 205 requirements for the restoration of minerals sites at the earliest opportunity.
- 7.30 Taking the above into account in the overall assessment of the proposed development, the protection of soils and successful restoration of the site can be achieved in accordance with 'saved' Policy 4/18 and 'saved' Policy 4/20 of the NYMLP and the general direction of emerging MWJP policies D10 and D12. It is also in compliance with Policy CP1, CP16 and CP17 of the Hambleton Core Strategy; Development Policies DP30, DP31 and DP33 of the Hambleton Development Policies DPD. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policy S1 and E7 in regards to sustainable development as the proposal would protect the local soils and agricultural land, with no long term loss of BMV land.
- Habitats, nature conservation and protected species
- 7.31 The assessment of the effects of the minerals site in respect of the flora and fauna (their conservation and enhancement), and, more specifically, protected species and designated habitats was considered in detail in the minerals extraction application C2/10/02487/CCC, dated 4th April 2018. This current application includes an ecological appraisal and a Construction Environmental Management Plan (CEMP). Paragraph 3.18 and 3.19 of the report give further information in regards to the habitat on the site.
- 7.32 The site is within an impact risk zone for the Swale Lakes Site of Special Scientific Interest (SSSI) which is stated to have a regional level of value and is 2.9 km from the site. The SSSI is designated for breeding birds and wintering wildfowl and waders, which has been considered in the supporting information for this application. In regards to protected species there is potential for bats in the trees to the south of the site,

however further survey work is not required as all these trees are to be retained on site, there is no habitat for great crested newts within the application site, the report also states no definite signs of badgers using the application site, however recommends that three months before the start of works checks for badger activity are carried out which will be added as an informative. The ecological assessment concludes that there are no significant ecological impacts anticipated and that the gapping up of the field boundaries would provide additional nesting and roosting opportunities for bats and birds. Further stating that after restoration there would be a potential for a minor biodiversity net gain. In terms of mitigation this would include good working practices, vegetation clearance to be undertaken outside of the bird nesting season, the roots and crowns of existing trees to be protected with construction exclusion zones and lighting which would avoid light spill above 1lux. The Construction and Environmental Management Plan (CEMP) which was requested by Natural England gives further detail on the mitigation measures to be implemented to avoid disturbance in the bird breeding period at the SSSI of Swale Lakes and would be conditioned to be adhered to throughout the life of the bagging plant permission, this is condition 12 in the draft schedule.

- 7.33 The County Planning Authority has consulted the ecologist, the Environment Agency and Natural England and no objections have been received in regards to the ecological impact of the development. As stated previously during the processing of the application the applicant was requested to provide a CEMP to include the mitigation measures of the ecological appraisal, which was provided and no consultee has stated any issues or objections in regards to the further information provided within this document.
- 7.34 The relevant North Yorkshire Mineral Local Plan policies in relation to this application are 4/6A and 4/16 which requires the planning authority to protect sites of nature conservation interest and have regard to wildlife habitats, further stating that proposals should minimise the impact on the environment. It is considered that the proposed development is in compliance with the saved policy as there would be no significant impacts on wildlife habitats or protected species during the operation of the site, with no trees to be removed to facilitate the bagging plant operation, it is considered that the advance planting and gapping up of hedgerows at the field boundaries would improve biodiversity on the site. This is further supported by there being no objections from the statutory consultees. The relevant Hambleton Local Development Framework document policies are CP1 and CP16 are in relation to sustainable development making sure that proposal protect and enhance natural resources including the vitality of the area, the character of local landscape and wider countryside Further to this the relevant Hambleton Development Policies document policy are DP31 which is in regards to ensuring developments would not cause significant harm to sites and habitats of nature conservation, the policy further states outside of designated sites the interests of nature conservation should take into account national policy.
- 7.35 In regards to national policy paragraph 170 of the NPPF are relevant in the determination of this application which require application to conserve and enhance biodiversity by minimising impacts on biodiversity and providing net gains and also paragraph 175 which state significant harm to biodiversity must be adequately mitigated or compensated. Paragraph 175 further states development that which would have an adverse impact upon a SSSI should not normally be permitted. In regards to the Hambleton District policy and NPPF it is considered that the proposed development would preserve the biodiversity of the area through the mitigation which would include advance native hedgerow planting, bat boxes, a barn owl box the re-profiling around the site would be seeded with a wildflower mix, which would all be secured by condition 13 of the draft schedule. The relevant policies of the emerging MWJP in regards to this

is policies D07 in regards to biodiversity and geodiversity which permits proposals which would demonstrate no unacceptable impacts on biodiversity. It is considered the proposal is in compliance with the general direction of the MWJP draft policy D07 as the proposed development would not have any unacceptable impacts on biodiversity is considered that the mitigation provided within the planning statement would be secured through a condition attached to any permission as condition 13 of the draft schedule.

- 7.36 It is considered that the information provided with the application in regards to ecology and biodiversity is acceptable and the measures put forward by the applicant should be implemented and maintained during the course of the development. With these considerations taken into account, the proposed development is not considered to conflict with the relevant 'saved' Policy 4/6a of the NYMLP and 'saved' NYMLP Policy 4/16 and is in compliance with the general direction of the emerging policies D07 of the emerging MWJP. Similarly, no conflict is considered to arise with Policy CP1 and CP16 of the Hambleton Core Strategy; Development Policies DP31 of the Hambleton Development Policies DPD. The NPPF considers the issues of conserving and enhancing the natural environment. Paragraph 170 and 175 confirms that the planning system should contribute to and enhance the natural and local environment and, taking into consideration the proposals as put forward, they are considered to be consistent with the NPPF's aims and objectives in this respect. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policy E7 as the proposed development would conserve the local hedgerows and fill in gaps for screening and to increase biodiversity.

The Historic Environment

- 7.37 The application includes a Heritage Setting Assessment which states the nearest heritage asset in proximity to the application site is Killerby Hall and its wider complex. Of the Killerby Hall complex the Grade II listed stable block is the nearest element to the application site at approximately 500 metres to its north. The rest of the Killerby Hall complex includes Killerby Hall itself, outbuildings, Hall Cottages and a pair of large outbuildings. Paragraph 2.5 states other listed buildings in the surrounding area including the Grade I listed building of Kiplin Hall which is approximately 2,000m from the application site north of the river swale and is screened from view from the application site due to significant woodland. To the east of the application site is situated Hook Car Hill Farmhouse which is a Grade II listed building.
- 7.38 The safeguarding against the potential adverse impacts upon interests of cultural and/or historic importance and/or heritage value from the effects associated with proposed developments is embedded within the core principles of the NPPF. The national planning policy with particular relevance to the safeguarding of the historic landscape and interests of heritage value can be found within Paragraph 189 that ensures that applicants have regard to the historic environment by assessing both its setting and significance when putting forward proposals and wherever possible avoid or minimising a proposals impacts upon such interests. Paragraph 190 of the NPPF requires local authorities to identify and assess the particular significance of any heritage asset which may be affected by a proposed development and take this into account when considering the impact of the proposal. Additionally, Paragraph 192, 193 and 194 are also relevant in their emphasis upon ensuring that proposed developments are so planned such that their impacts do not give rise to substantial harm upon interests within the historic environment of significance being mindful that a feature of interest may not necessarily be disregarded in any assessment solely by virtue of its non-designation, so long as a both a reasonable and proportionate approach is taken.
- 7.39 Furthermore, the provisions of Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 are also engaged in the determination of this particular

application. While this current application, *per se*, does not concern an application for Listed Building Consent nor any proposals directly affecting such designations, it does lie within the vicinity of assets and, therefore, the applicable test against which the County Planning Authority is obliged to assess such proposals is that ‘*special regard*’ must be had to the “*desirability of preserving [such] building[s] or [their] setting or any features of special architectural or historic interest which [they] possess*”.

- 7.40 The specific tests for consideration are whether the proposed development would give rise to a circumstance where substantial harm to the interests of either a listed building or structure or their settings or total loss of their significance would arise as a result of the effects of the development. Special regard must also be had the desirability of preserving any identified designated heritage asset. Where a proposed development is deemed to lead to less than substantial harm, the assessment of the development must be weighed against the attendant public benefits of a proposal.
- 7.41 It is considered that the applicant has identified the heritage assets in the application details as required by paragraph 189. The assessment of the potential effects of the proposed development upon designated assets and their settings concluded there is low potential for visual impact to the setting of the stable block. The outcome of public consultation and the seeking of expert views through consultation on the application revealed no contrary views against the conclusions of the assessment of visual impacts upon designated assets and/or their settings and acknowledge they are capable of being mitigated to a sufficient degree so as not to be significantly adverse. There are features in the local landscape would serve to minimise any potential significant adverse visual impact upon either of these nearest designated assets or their settings to a level sufficient to be considered acceptable in land use planning terms. Killerby Hall is considered to be a significant heritage asset being grade II listed and it is considered that the stable block the nearest element to the proposal has this same significance.
- 7.42 In the particular instance of this application, when assessed against the criteria for paragraph 193 of the NPPF it is considered that the planning judgement is that there would be no harm from the proposed development upon designated assets and their settings including the stables of Killerby Hall. It is considered that there would be no harm due to the site being constructed at a lower level than the current field height as it would be soil stripped and be at the reduced ground level of 43m AOD instead of the current 46m AOD, which would lessen the impact of the proposed development on the area. In addition this is further supported by the current screening through trees on the boundary of the site and mitigation from the minerals extraction permission would mean the bagging plant proposal would have no impact on views from the listed stable building to the north of the bagging plant application site and it is therefore not considered that there would be any harmful effects on the listed building. The other listed structures of Killerby Hall, Kiplin Hall and Hook Car Hill Farmhouse are considered to have appropriate screening in the form of woodland and due to the topography and lowering the level of the site and the distance to these receptors the setting of these two other listed buildings would also not be impacted by the bagging plant proposal. Taking into consideration the proposals as put forward, they are considered to be consistent with the NPPF’s aims and objectives in this respect and the applicable test of Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and therefore it is considered, been satisfied in this particular instance.
- 7.43 The relevant local Development Plan policy context is considered to comprise Policy CP1 of the Hambleton Core Strategy in relation to sustainable development and promoting and encouraging the historic and cultural features of importance and Development Policies DP28 in regards to conserving the historic heritage of an area by preserving listed buildings, DP30 in regards to protecting the landscape character and its surroundings where possible taking into account local distinctiveness and DP33

in regards to designing landscape schemes to protect and enhance key landscape features. These policies contain landscape-related policies and these are considered relevant in the context of potential effects on the setting of cultural heritage assets. The relevant emerging MWJP policy D08 in regards to the historic environment states development would be permitted where practicable where they enhance those element which contribute to their significance and proposal which would result in less than substantial harm to the significance of designated asset would be permitted only where this is outweighed by the public benefit.

- 7.44 The assessment of the potential impacts of the proposed development have been undertaken in accord with the guidance set down in respect of both designated and non-designated heritage assets within the NPPF and also taking into account that the safeguarding of these assets the proposal is considered that the proposed development is acceptable in terms of its impact on the setting of these designated heritage assets. It is further considered that the proposal would not give rise to any conflict with Policy CP1 of the Hambleton Core Strategy and policies, DP28, DP30 and DP33 of the Hambleton Development Policies DPD as the visual impact of the proposed development would be capable of being mitigated to a sufficient degree by features in the local setting along with the mitigation of lowering the level of the site which minimise the visual impact on the area.. The proposal is also in compliance with the general direction of the emerging MWJP Policy D08 in regards to the historic environment, as the proposal would conserve the significance of the heritage asset due to the limited impact of the development on the local landscape. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policy S7 in regards to the historic environment as the proposal would conserve the setting of heritage assets.

Highways matters

- 7.45 This bagging plant application includes a Transport Assessment, which states the bagging plant would utilise the same access arrangements, site operating hours set out in the extant planning permission for minerals extraction and would be conditioned in regards to this application as condition 6. The application is subject to an objection from a local resident in regards to the impact of further traffic in the area from the site. The site includes an internal haul road and the junction to Low Street has been recently upgraded as part of the Killerby Quarry enabling works. The quarry has permission for 46 parking spaces for staff and visitors, which are still under construction, it is considered that the car parking area would be complete by approximately August 2021. The application states the proposal would employ 9-12 further people at the site bringing the full time employee number to 29-32 which can be accommodated by the current arrangements on site and if required in the future further parking could be provided. The proposed development would utilise the current traffic circulation system with weighbridge facilities on entrance and exit along with wheel washing facilities on exit also. Although the proposal would increase vehicle movements to the site a significant proportion of these (75%) would be 'backhaul' and not new trips as these would be vehicles which currently return to Killerby Quarry unladen to be loaded. This would the applicant states make the best use of the vehicle fleet. The applicant states that approximately 60,000 tonnes of aggregates would be imported to the site by HGV's for bagging from the local area as the site would replace a similar facility which is to be decommissioned at Scorton Quarry which is also in the local area. The Transport Statement states that the bagging plant would require 23 vehicle movement per day (46 two way movements) and it is proposed that this number of movements is conditioned with any approval (condition 22).
- 7.46 The Highway Authority were consulted on this application and stated that the proposed bagging plant would be acceptable in terms of capacity and highways safety, further stating that the junction at the quarry entrance has recently been upgraded and its

visibility is acceptable and designed to the County Council Highways standards. The Highway Authority requested a Construction Management Plan to which has now been submitted and no issues with this further information have been raised therefore it has been conditioned as an approved document under condition 2. In this instance it is considered that a S106 agreement for the routing of vehicles is not required and can be adequately controlled through the construction management plan and a condition requiring all vehicles to leave the site to turn right on Low Street towards the A6055, which is condition 28 of the draft schedule. The highways authority in their consultation response did not request a routing plan which would be required to be included in a S106 agreement.

- 7.47 The relevant policy in regards to this application in regards to highways matters are 'saved' NYMLP policy 4/16 as this policy requires ancillary operations to minerals sites to be designed, sited and maintained to minimise impact on local amenity, which it is considered would include traffic impact. It is therefore considered the highways proposals are in accordance with 'saved' Policy 4/16 of the NYMLP as this would limit the impact of the proposed development on the local residents and the local environment as HGV's would not be use the minor road of Low Street protecting their residential amenity. The proposal would also be in compliance with Hambleton Core Strategy Policy CP2 and DP3 in regards to minimising the need for travel with the back filling of loads utilised and having this facility on the quarry site to minimise vehicle movements. It is also compliance with the general direction of the emerging MWJP Policy D03 as it would safeguard the community from unacceptable impacts in regards to noise and dust. Paragraph 32 of the NPPF considers transport in relation to new development and states that *"all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment"* and, taking into consideration the proposals as put forward, they are considered to be consistent with the NPPF's aims and objectives in this respect. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policy CI2 as the proposed development includes a transport assessment which shows that the vehicle movements can be satisfactorily be accommodated by the local highways network.

Drainage

- 7.48 The application site is over 250m from Flood Zones 2 and 3, however other parts of the quarry site outside the red line boundary for the Bagging Plant application are within Flood Zone 2. A Flood Risk Assessment has been submitted with this application which concludes flood risk is low to negligible, with the risk managed by run off in drainage channels which would be pumped into silt lagoons. The application was not originally supported by a Flood Risk Assessment and detailed drainage information however this was requested after consultation with the Lead Local Flood Authority. This information is now deemed acceptable for this application to be determined with the consultee stating the information is sufficient to demonstrate a reasonable approach to drainage on the bagging plant site, however requested a prior to commencement condition which would provide detailed drainage designs. As the agent wishes to avoid pre-commencement conditions this information has been submitted through the application process. In response to the re-consultation on this information with the LLFA they confirmed the documents demonstrate a reasonable approach to the management of surface water and have no objections. Therefore it is considered that the pre-commencement condition is not required in this instance.
- 7.49 The relevant Hambleton Local Development Framework document policies are CP1 and DP1 in regards to sustainable development and protecting the quality of natural water resources and the natural drainage of surface water, further stating that developments must adequately protect amenity with particular regard to pollution. The

relevant policies of the emerging MWJP policy in regards to this are D09 and DP11 in regards to the water environment and making sure there are no demonstrable impacts on ground and surface water and the use of sustainable drainage systems.

- 7.50 Based on the responses of those consulted in respect of this application to their satisfaction and taking into account that the proposed development is capable of being acceptable in land use planning terms it is considered that the development does not give rise to any conflict Policy CP1 of the Hambleton Core Strategy as the proposal would not have a negative impact on the natural drainage of surface water with plans deemed acceptable from the LLFA or Policy DP1 of the Hambleton Development Policies DPD as the proposed development would not increase the risk of flooding in the area and protect residential amenity in regards to surface water runoff. Paragraph 175 of the NPPF sets out the national planning policy stance on preventing development from adversely effecting water pollution and should were possible improve environmental conditions. Taking into consideration the proposals as put forward, they are considered to be consistent with the NPPF's aims and objectives in this respect as the information provided from the applicant. In regards to the emerging MWJP this application is consistent with general direction of the emerging Policy D09 and DP11 as the proposal demonstrates there are no unacceptable impacts in regards to surface water and groundwater and the drainage information has been deemed acceptable by the Lead Local Flood Authority. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policy RM3 in regards to surface water and drainage as the submitted plans show that the proposal would not result in unacceptable harm to the landscape character or increase flood risk in other areas.

8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the erection of an aggregate bagging plant including a bagging building and bulk bagging plant, ticket office, welfare building, creation of hard standing, sewage treatment plant and site levelling works

For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

Obligations under the Equality Act 2010

- 8.5 The County Planning Authority in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. It is considered that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with '*protected characteristics*' by virtue that the impacts of the proposal can be mitigated so that they will not have a significant impact on groups with '*protected characteristics*'.

Obligations under the Human Rights Act

- 8.6 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and

home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 8.7 Having had due regard to the Human Rights Act, the relevant issues arising from the proposed development have been assessed as the potential effects upon those living within the vicinity of the site namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes, and considering the limited interference with those rights is in accordance with the law, necessary and in the public interest.

9.0 Recommendation

9.1 For the following reason(s):

- i. the proposed development is considered to accord with 'saved' policies 4/6A, 4/16, 4/18, 4/20 of the North Yorkshire Minerals Local Plan (1997);
- ii. the proposed development is not considered to give rise to any conflict with the aims and objectives of policies CP1, CP2, CP12, CP16, CP17 and CP21 of the Hambleton District Council Core Strategy (2007); Development Policies DP1, DP3 DP16, DP28, DP30, DP31, DP32 and DP33 of the Hambleton Development Policies Development Plan Document;
- iii. the proposed development is considered to be consistent with the objectives and policies pertaining to minerals-related development proposals as stated in the National Planning Policy Framework (2019) and National Planning Practice Guidance;
- iv. the proposed development is considered acceptable in land use planning terms taking into consideration:
 - a. the impacts of the proposed development in relation to noise, air quality and lighting are capable of being effectively mitigated;
 - b. the visual and landscape impact of the proposed development can be mitigated through the proposed conditions
 - c. the assessed effects upon interests of nature conservation, ecology and habitat protection are capable of being effectively mitigated and controlled by condition.
 - d. The transport impacts of the site would not have a significantly detrimental impact on the highways network.

That, **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

Conditions:

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application details dated 18th December 2020 and the following approved documents and drawings:

Ref. 17137-201 Rev P5	14.10.20	Location Plan
Ref. 17137-203 Rev P5	14.10.20	Proposed Site Layout
Ref. 44130/035 Rev A	20.10.20	Site Sections

Ref. 44130/028 Rev A	6.3.20	Proposed Main Bagging Building Plans and Elevations
Ref. 44130/029 Rev A	6.3.20	Proposed Bulk Bagging Building Plan and Elevations
Ref. 44130/031 Rev A	6.3.20	Proposed Closed Storage Bays Plan and Elevations
Ref. 44130/030 Rev A	6.3.20	Proposed Open Storage Bays Plan and Elevations
Ref. 44130/032 Rev A	6.3.20	Proposed HV Transformer Plan and Elevations
Ref. 44130/027 Rev A	3.9.19	Proposed Yard Elevations
Ref. NT10306-018-002	23.11.20	Ticket Office - Elevations
Ref. NT10306-018-003	24.11.20	Ticket Office – Floor Plan
Ref. NT10306-018-004	23.11.20	Welfare Building - Elevations
Ref. NT10306-018-003	24.11.20	Welfare Building – Floor Plan
Ref. NT10306/18/0006/final	December 2020	Planning Support Statement
Ref. NT10306/18/0015	February 2021	Construction Environmental Management Plan
Ref. 2811/FRA Rev F1	18.12.20	Flood Risk Assessment
Ref. 44130/037 Rev C	16.04.21	Flood Exceedance Layout
Ref. NT10306/18 Report 15	February 2021	Flood Evacuation Plan
Ref. 44130/038 Rev A	16.04.21	Drainage Details
Ref. 44/130/036 Rev E	16.04.21	Drainage Layout
Ref. NT10306/18/0004/Final	November 2020	Landscape and Visual Appraisal
Ref. 10306/18/ Condition 26	October 2020	Dust Management Plan
Ref. NT10306/18 002 Rev V2	October 2020	Noise Assessment Report
Ref. NT10306/18 003 Rev V1	October 2020	Air Quality Assessment
Ref. NT10306/18 0014	February 2021	Construction Management Plan
Ref. NT10306/18 0015	February 2021	Fuel, Oil and Chemical Management
Ref. NT10306/18 0011	November 2020	Soil Management Plan
Ref. 2019/232	October 2020	Heritage Setting Assessment
No Ref.	No date	Archaeological Written Scheme of Investigation
Ref. R02	October 2020	Ecological Appraisal
Ref. 19-174-N Rev A	29.10.20	Transport Statement
Ref. k034_0331-1	No date	Bagging Plant Soil Movements Plan
No Ref.	13.4.21	Lighting Plan
No Ref.	No date	Light Management Scheme
No Ref.	11.5.21	Lighting Guide - Installation: Tarmac Building Products.

***Reason:** To ensure that the development is carried out in accordance with the application details.*

Duration of Development

3. The development hereby permitted shall be discontinued on 31 December 2035 and all buildings, plant, machinery and hardstanding associated with the development shall be removed from the site and the site shall be restored in accordance with the restoration scheme approved under condition 5

***Reason:** This is a temporary permission due to the extant minerals permission to reserve the right of control by the County Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.*

Abandonment

4. In the event of the use hereby permitted ceasing on the site for a period in excess of 12 months before the completion of the development hereby permitted, all buildings, plant, machinery and hardstanding associated with the development shall be removed from the site and a revised scheme of restoration and landscaping shall be submitted

to the County Planning Authority for written approval within 14 months of the cessation. The approved scheme shall be implemented in accordance with a programme to be included in that scheme.

Reason: To secure a good standard of progressive restoration and safeguard the character of the site in the interests of visual amenity.

Restoration

5. The site shall be restored in accordance with Ref. K034-210 Rev H, dated 1st July 2016 – Restoration Masterplan the scheme approved under C2/10/02487/CCC, dated 4th April 2018. In the event that the extraction of mineral is not undertaken within the application site boundary through the planning permission C2/10/02487/CCC, dated 4th April 2018 an amended detailed scheme for the restoration of the site shall be submitted to and approved in writing by the County Planning Authority.

Reason: To enable the County Planning Authority to adequately control the development and to safeguard the character of the site in the interests of visual amenity.

Hours of operation

6. No operations, including the transport of mineral shall take place except between the following times:
- Monday to Friday: 07:00 to 19:00;
 - Saturdays: 07:00 to 13:00 ;
 - Closed on Sundays and Public Holidays.

Reason: To reserve the rights of control by the County Planning Authority and in interests of amenity.

7. No soil stripping or bund construction or overburden removal shall take place except between the following times:
0700 – 1900 hours Mondays to Fridays.
No soil stripping or bund construction or removal shall take place at all on Saturdays / Sundays / Public / Bank Holidays.

Reason: To reserve the rights of control by the County Planning Authority and in interests of amenity.

Noise Limitations

8. The noise levels LAEQ(1 hour) operated by the bagging plant and quarrying operation combined at the site shall not exceed 55dB at the monitoring locations as defined in Appendix 3 – Noise Assessment (as shown on *Figure 1 – Noise Sensitive Receptors and Noise Monitoring Location Plan* and Table 1).

Reason: To reserve the rights of control of the County Planning Authority in the interest of the protection of the amenity of the local community and environment.

9. The noise levels LAEQ(1 hour) operated by the temporary operations at the site shall not exceed 70dB for a maximum period of up to eight weeks in any one year.

Reason: To reserve the rights of control of the County Planning Authority in the interest of the protection of the amenity of the local community and environment.

10. In the event that any noise levels specified under Condition No 18 or 19 are exceeded, those operations at the site causing the excessive noise must cease immediately and steps be taken to attenuate the noise level to be in compliance with Conditions 18 & 19.

Reason: *To protect residential amenity in regards to noise.*

11. All plant, machinery and vehicles used on any part of the site must be fitted with effective noise attenuation equipment which must be regularly maintained. Where earthmoving plant is operating in proximity to residential properties, non-audible reverse warning alarm systems must be deployed.

Reason: *To protect residential amenity in regards to noise.*

Construction and Environmental Management Plan

12. The development hereby approved, shall, at all times, proceed in accordance with the Construction and Environmental Management Plan (Ref. NT10306/18/0015, dated February 2021).

Reason: *In the interests of protecting biodiversity and ecological sensitive areas.*

Ecological Mitigation

13. The development hereby approved, shall, at all times, proceed in accordance with the ecological mitigation measures detailed within section 7.3.10 to 7.3.13 of the Planning Statement (Ref. NT10306/18/0006/final, dated December 2020).

Reason: *In the interests of protecting biodiversity and ecological sensitive areas.*

Building Colour

14. The proposed building and roofing panels shall be painted Vandyke brown BS08 B29 and the building shall continue to be maintained in a good state of repair for the duration of the planning permission.

Reason: *To enhance the visual appearance of the building so to safeguard the character of the site in the interests of visual amenity.*

Bagged Aggregate Storage

15. No bagged aggregates shall be stored to a height exceeding 3m stacked on pallets and 2m for the bulk bag stock within the Yard as shown on the Proposed Site Layout Ref. 17137-203 Rev P5, dated 14.10.21.

Reason: *To enhance the visual appearance of the building so to safeguard the character of the site in the interests of visual amenity.*

Dust

16. The development hereby approved, shall, at all times, proceed in accordance with the Dust Management Plan (Ref. 10306/18/ Condition 26, dated October 2020). The approved control measures shall be implemented and maintained in accordance with the approved scheme.

Reason: *In the interest in the amenity of the area.*

Lighting

17. The development hereby approved, shall, at all times, proceed in accordance with the Lighting Plan - Tarmac Building Products – Killerby Site (No Ref, dated 13.4.21) and Light Management Scheme (no Ref, not dated). The approved lighting/floodlighting that is erected shall be operated and maintained in accordance with the approved scheme and programme throughout the operational life of the site after which it shall

be removed in its entirety in accordance with the approved interim or final restoration plan.

Reason: In the interest in the amenity of the area.

Boundary Treatment

18. Advanced planting works including the proposed hedgerow boundary improvement are required to be implemented in the next available planting season. All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme.

Reason: To protect the amenity of the area and to ensure the provision and establishment of acceptable landscaping.

Soil Handling

19. The development hereby approved, shall, at all times, proceed in accordance with details of the Soil Management Plan (Ref. NT10306/18 0011, dated November 2020).

Reason: To ensure that soils are stripped and stored correctly so that the land is capable of being restored to a beneficial after use.

20. All top-soil, sub-soil and overburden materials shall be identified separately and then stripped and stored accordingly and either placed directly to final restoration of the site or stored separately in temporary storage mounds in accordance with the submitted application details.

Reason: To ensure the appropriate control of the development by the County Planning Authority in safeguarding the interests of the soil resource of the site in the interests of achieving a proper and good standard of agricultural restoration.

21. No soils shall be stripped, moved, placed or removed during the months of November to March inclusive, unless the said soils are dry and friable. Soils shall only be stripped, moved, placed or removed during dry conditions and soils shall not be removed whilst wet. During soil stripping, placement and removal, machinery shall be routed so as to avoid compaction of such soils.

Reason: To ensure the appropriate control of the development by the County Planning Authority in safeguarding the interests of the soil resource of the site in the interests of achieving a proper and good standard of agricultural restoration.

Highways

22. The total number of heavy goods vehicle (any vehicle over 3.5 tonnes) accessing and leaving the application site shall not exceed 46 per day (23 going into the site and 23 going out).

Reason: In the interests of highway safety and the general amenity of the area.

23. A written record of all heavy goods vehicle movements (any vehicle over 3.5 tonnes) into and out of the site shall be maintained and retained for a period of six months. The records shall contain the vehicles weight, registration number and the time and date of movement. The record shall be made available for inspection to the County Planning Authority at the site office during permitted working hours or within two days of any written request made by the County Planning Authority.

Reason: To enable the verification of vehicle movements limited under condition no. 18.

24. All heavy goods vehicles exporting mineral from the site shall be securely sheeted or otherwise enclosed in such a manner that no material will be spilled on the public highway. Imports of these materials should be sheeted at all times and not accepted on site unless sheeted.

Reason: To ensure the appropriate control of the development by the County Planning Authority in the interests of both vehicle and pedestrian safety and both the visual and general amenity of the area.

Access

25. There shall be no access or egress between the public highway and the application site by any vehicles other than via the access point with the public highway at Low Street. The access shall be maintained in a safe manner which shall include the repair within six months of any damage to the existing adopted highway occurring during construction.

Reason: To ensure the appropriate control of the development by the County Planning Authority in the interests of both vehicle and pedestrian safety and both the visual and general amenity of the area.

26. Wheel-cleaning facilities shall be made available from the commencement of the development on the site and be kept available and in full working order until such time as the County Planning Authority agrees in writing to their withdrawal.

Reason: *In the interest in the amenity of the area.*

27. There shall be no access or egress between the public highway and the application site by any vehicles other than via the access point with the public highway at Low Street. The access shall be maintained in a safe manner which shall include the repair within six months of any damage to the existing adopted highway occurring during construction.

28. No HGV Vehicles (Any vehicle over 3.5 tonnes) exiting the site shall do so except by turning right onto Low Street towards the A6045.

Reason: To ensure the appropriate control of the development by the County Planning Authority in the interests of both vehicle and pedestrian safety and both the visual and general amenity of the area.

Drainage

29. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: *To ensure the rights of control of the County Planning Authority in the interest of minimising the risk of pollution to surface and/or ground water resources*

Planning permission record

30. Throughout the working life of the site, a copy of this permission and all approved documentation shall be made available on site for inspection during normal working

hours. Their contents and existence should be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure that site personnel are aware of the terms of the planning permission.

Informatives:

Badgers

recommended but that three months before the start of works checks for badger activity is recommended.

Environmental Permit

The planning application form supplied with this application indicates that the means of foul disposal will be by Septic Tank, however the Planning Support Statement indicates that the foul treatment system would be a "Treatment Plant" compliant with BS EN 12566. The Planning Support Statement indicates that the discharge would be less than 5m³/day, and would be discharged to the site's drainage system.

Please note that under current rules, septic tanks must not discharge to surface water, however if the foul disposal is actually by means of a package treatment plant, compliant with BS EN 12566, then this may discharge to surface water.

An environmental permit under the Environmental Permit Regulations would be required, if the daily discharge volume is >5m³/day. Please contact the Environment Agency (Tel: 03708 506 506) to progress a permit application if you find the daily discharge volume is above this.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to guidance for the storage of drums and intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund.

The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the cleanup of spillages, to prevent environmental pollution from the site operations. We advise that polluting materials and chemicals are stored in an area with sealed drainage.

Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

K BATTERSBY

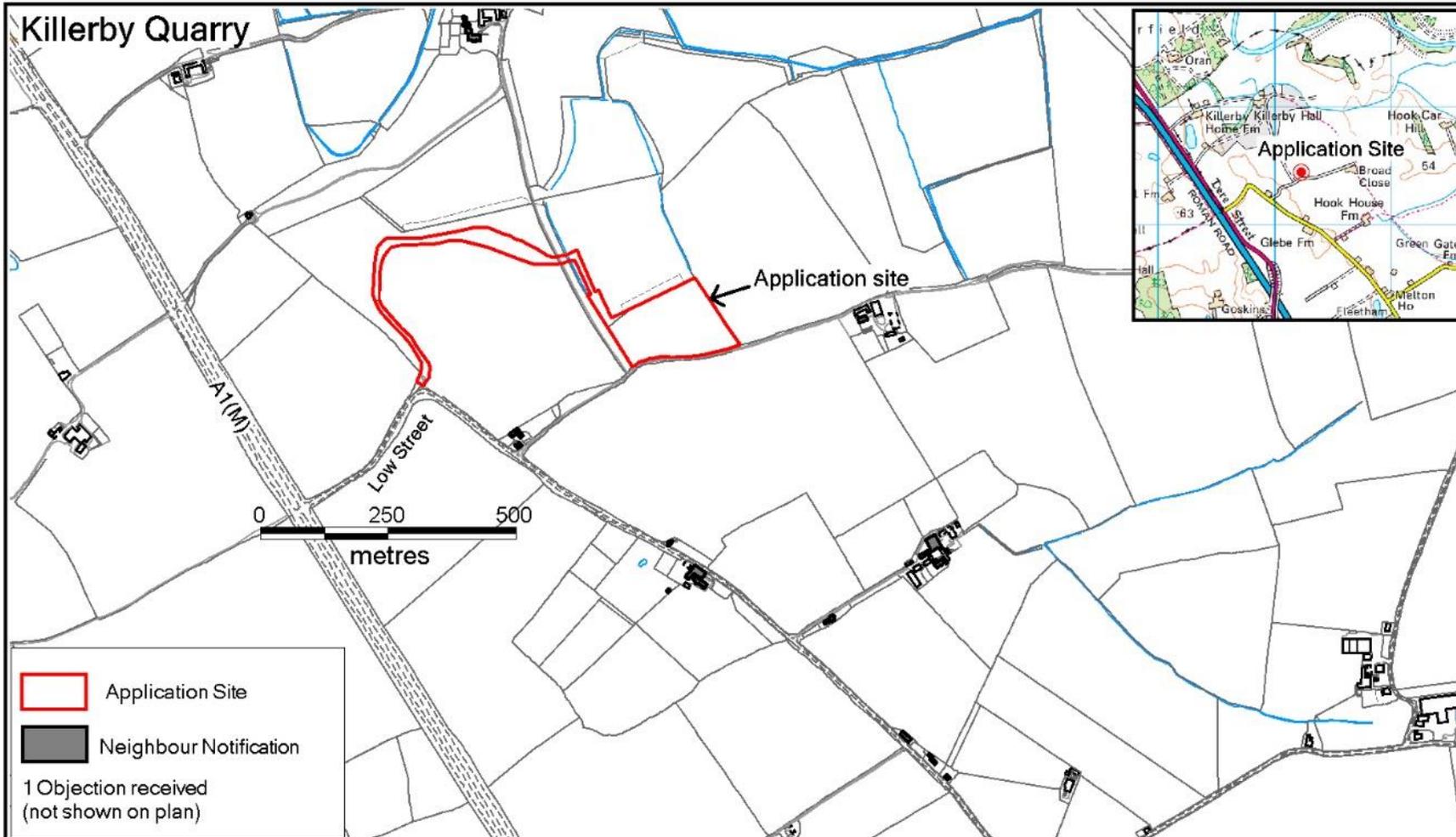
Corporate Director, Business and Environmental Services
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: INSERT C Ref. C1/21/00022/CM (NY/2020/0221/FUL) registered as valid on 7 January 2021. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Sam Till

Appendix A - Committee Plan



 Application Site

 Neighbour Notification

1 Objection received
(not shown on plan)

Application No : C1/21/00022/CM

Title: Erection of an aggregate bagging plant including a bagging building and bulk bagging plant, ticket office, welfare building, creation of hard standing, sewage treatment plant and site levelling works at Killerby Quarry, Low Street, North Yorkshire, DL10 7PY



**Business &
Environmental Services,
North Yorkshire
County Council
County Hall, Northallerton,
North Yorkshire. DL7 8AH**

Scale: 1:10,000

Date: May 2021

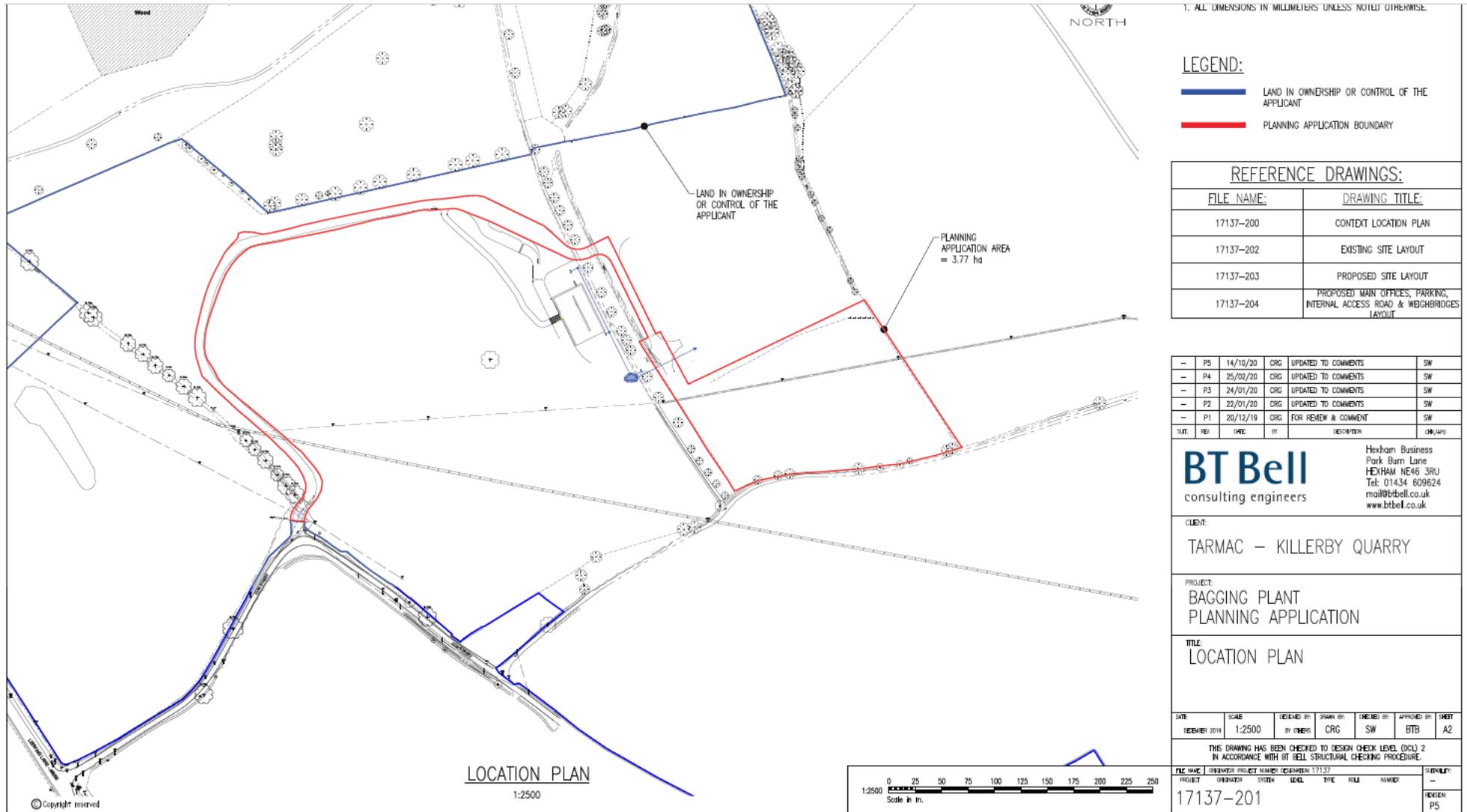
Filename: Killerby Quarry

Compilation & Analysis: SAT/JB

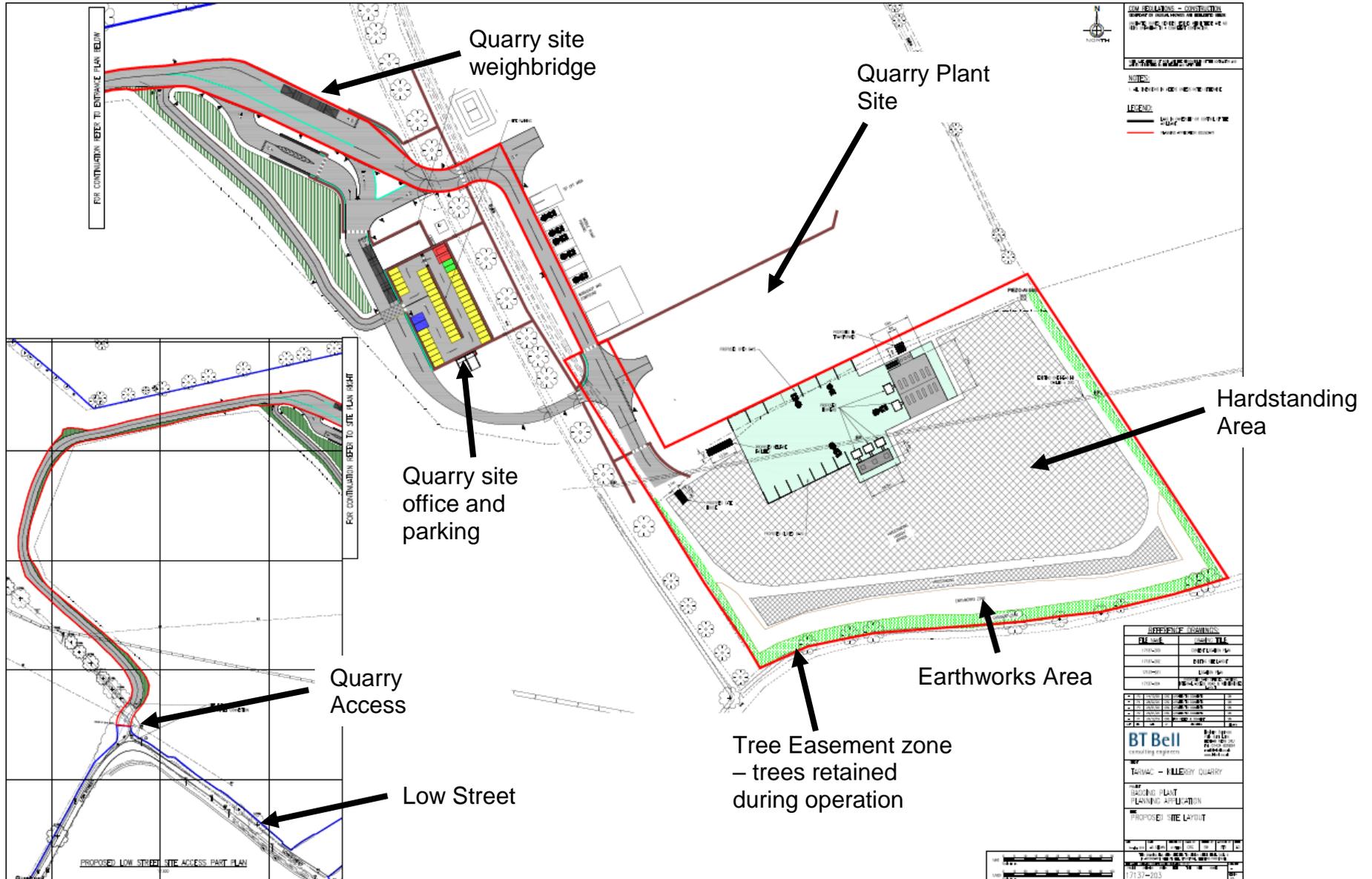
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OFFICIAL

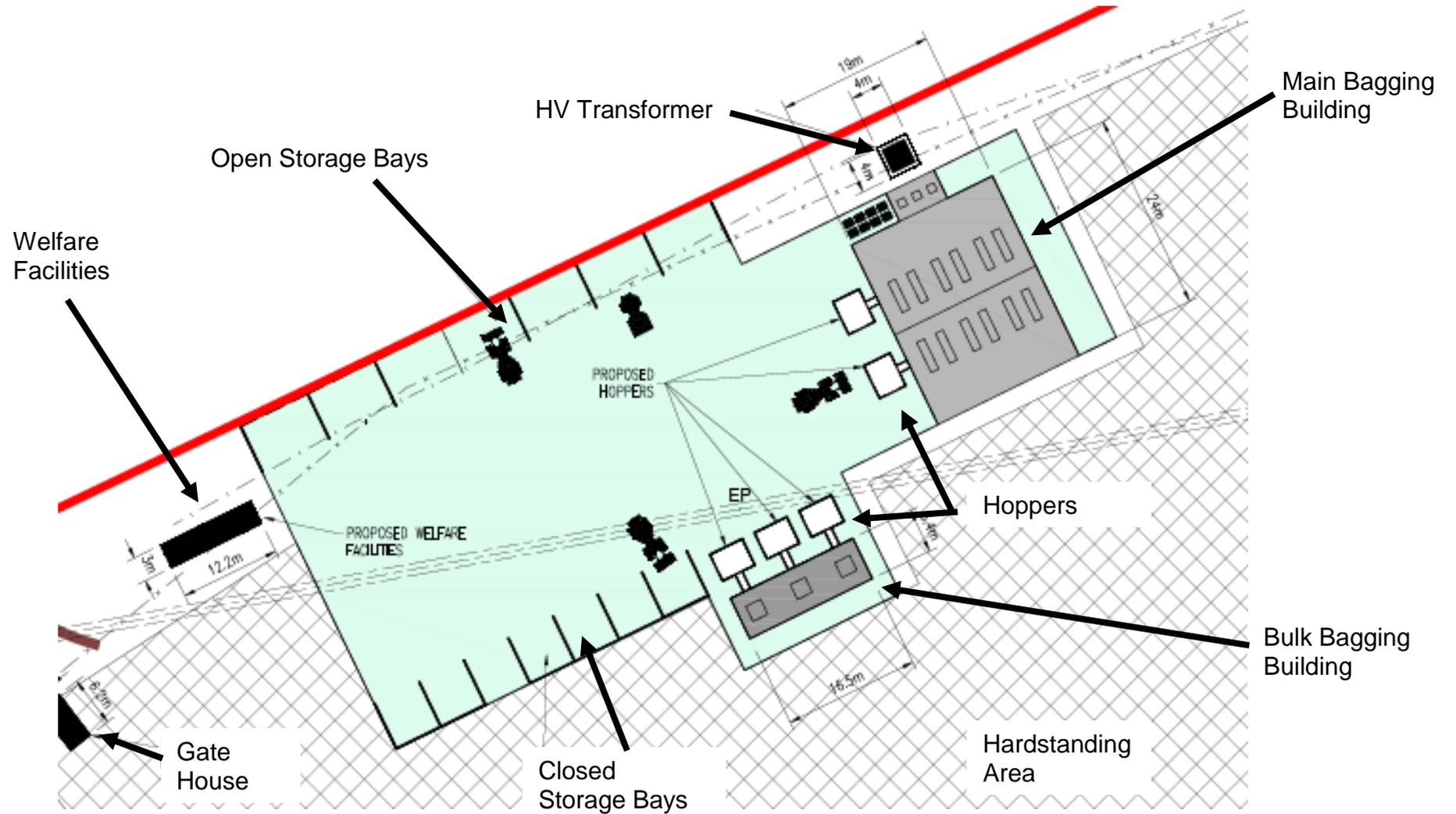
Appendix B – Location Plan



Appendix C – Proposed Site Plan

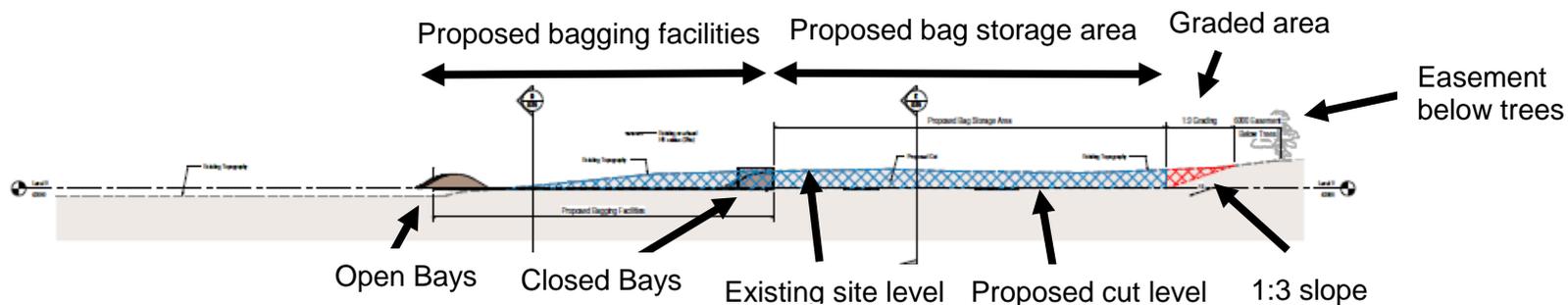


Appendix C (a) – Proposed Site Plan – Zoomed in

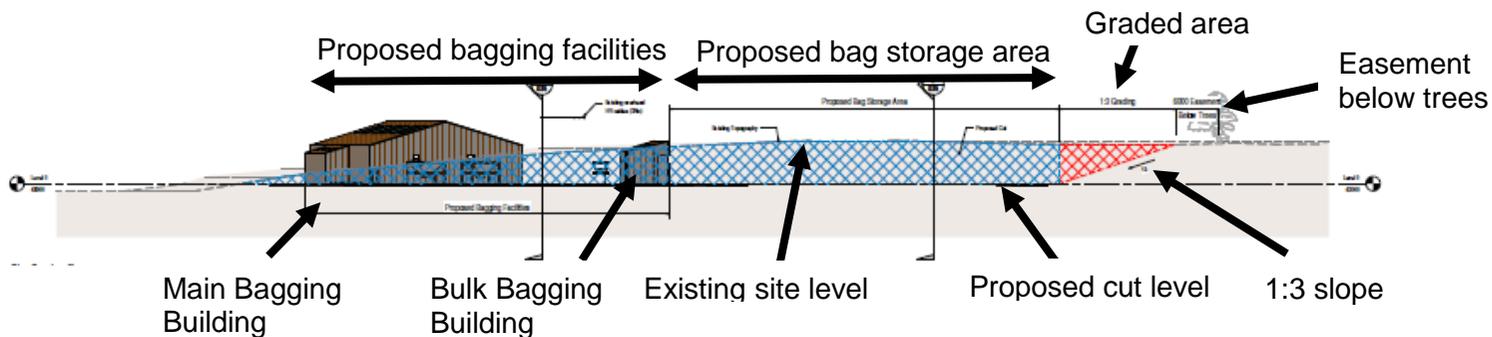


Appendix D – Site Sections

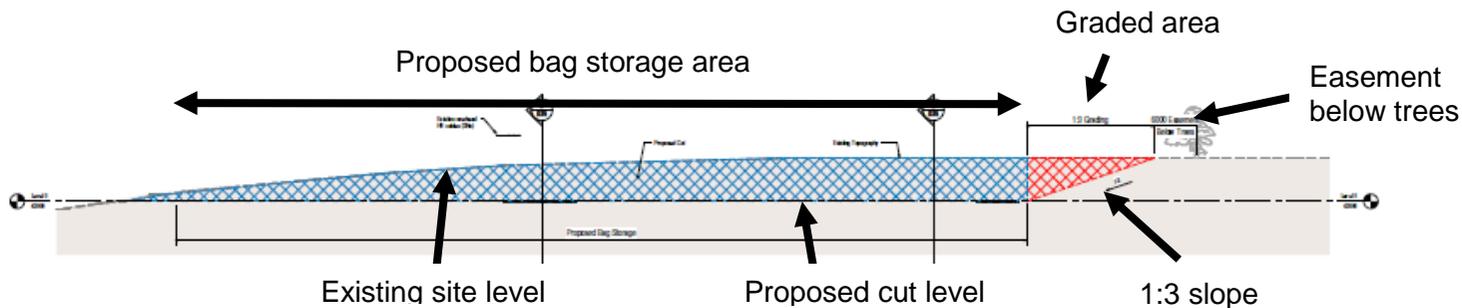
Site Section A



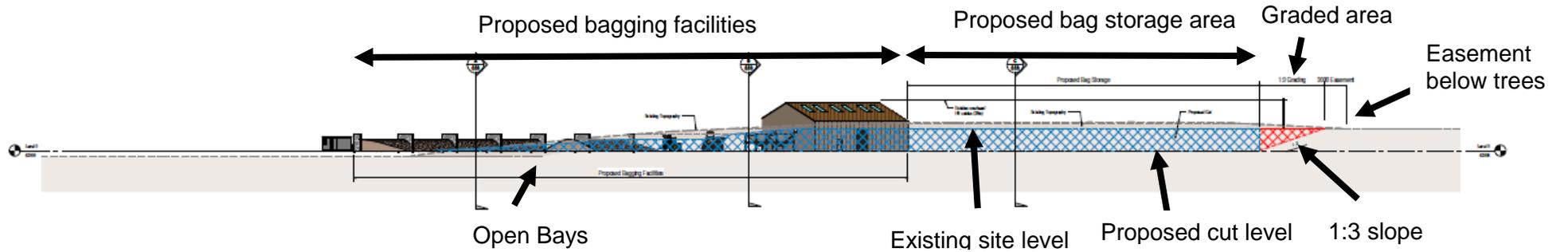
Site Section B



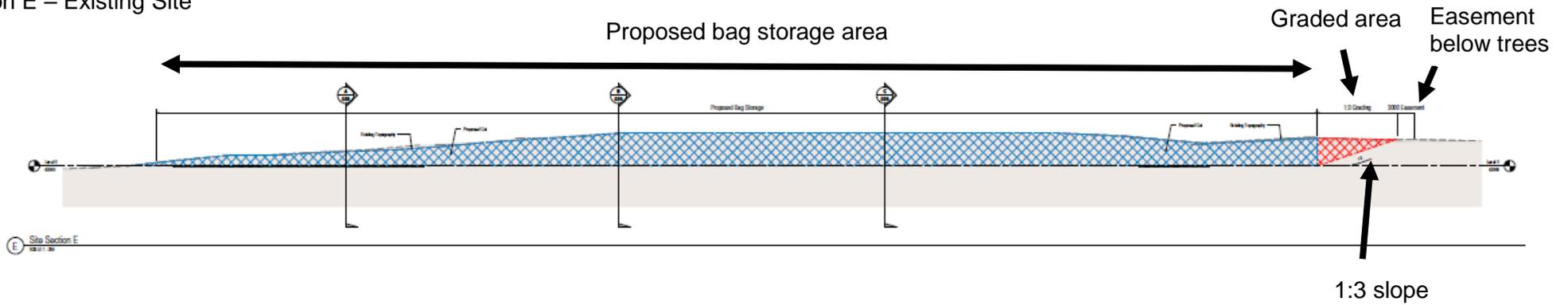
Site Section C



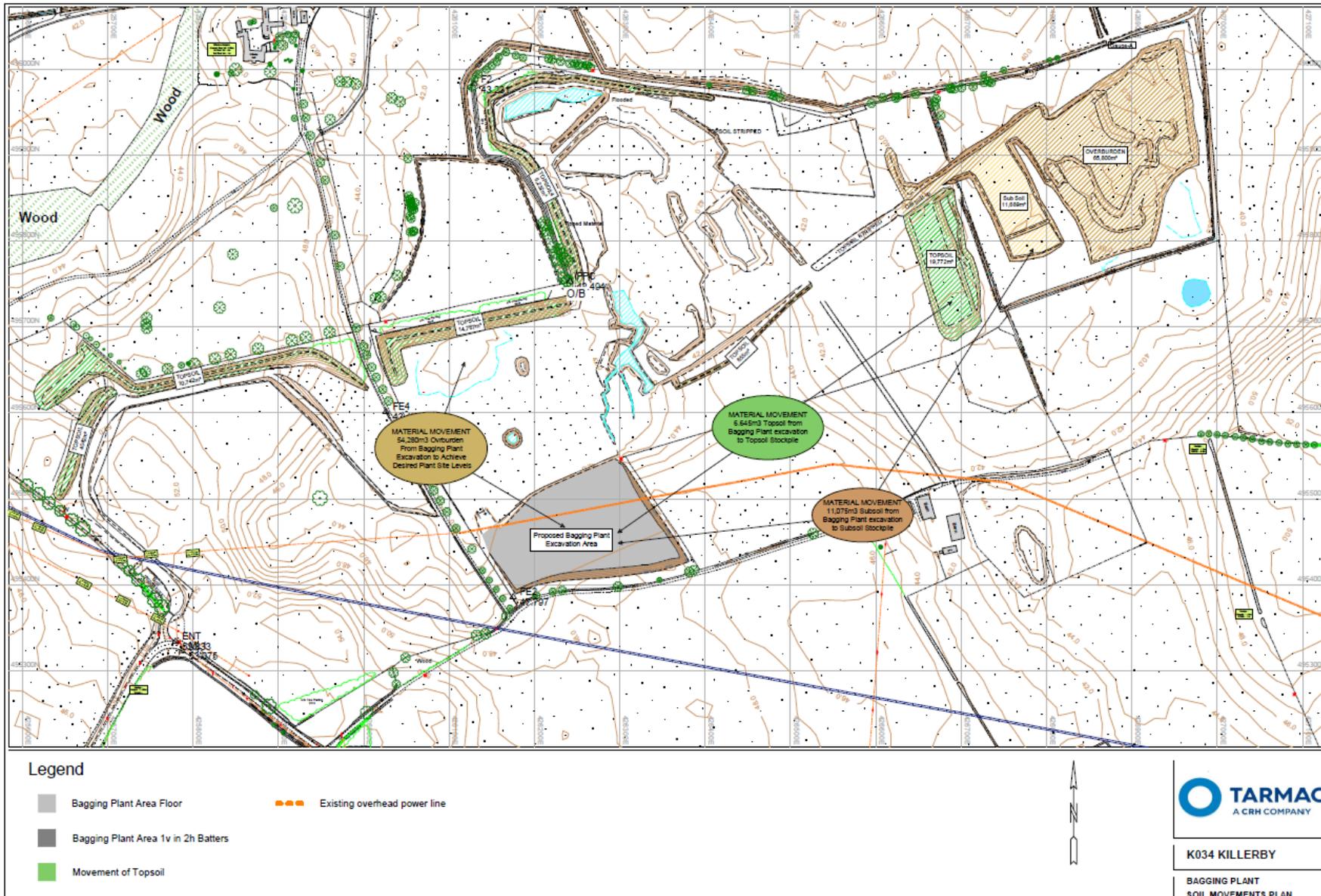
Section D



Section E – Existing Site



Appendix E – Soil Movements Plan



Appendix F – Mineral Extraction Phasing Plan

