

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**27 JULY 2021**

**NY/2019/0002/ENV (C8/2019/0253/CPO) - PLANNING APPLICATION FOR THE PURPOSES OF THE 9.7 HECTARE QUARRY EXTENSION (AREA 8) EASTWARD FROM THE CURRENT WORKING AREA 7 TO PROVIDE 4.9 MILLION TONNES OF MAGNESIAN LIMESTONE FOLLOWED BY RESTORATION OF THE LAND WITH ENGINEERED FILL FROM EXISTING ADJACENT WASTE TREATMENT FACILITY ON LAND AT WENT EDGE QUARRY, WENT EDGE ROAD, KIRK SMEATON, SELBY, WF8 3LU  
ON BEHALF OF WENT VALLEY AGGREGATES AND RECYCLING LTD  
(SELBY DISTRICT) (OSGOLDCROSS 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:

- a 9.7 hectare quarry extension (Area 8) extending east from the current working (Area 7), with associated screening bunds and landscaping for the extraction of 4.9 million tonnes of Magnesian limestone over a period of eight years;
- the progressive low level restoration of the worked out area of the quarry to grassland and planting using quarry limestone fines and reclaimed inert waste materials from the waste recycling facility located within the existing quarry;

Land at Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby, WF8 3LU.

1.2 A combined total of 282 representations have been received from individuals objecting to the application as initially submitted, amended and by making further representations, principally because of the:

- adverse impact of the proposal on the landscape;
- impact on the Green Belt;
- visual impact on the surrounding area;
- damage to the historic character of Wentbridge and Kirk Smeaton;
- loss of agricultural land;
- impact of the Brockadale Nature Reserve and Site of Special Scientific Interest;
- impact on the amenities of the area from noise, dust and vibration;
- impact of HGVs using Wentedge Road;
- cumulative impact of quarries in the area;
- there being a sufficient landbank for aggregate and failure of the current quarry operator to abide by planning conditions to the current planning permissions to the site.

1.3 Objections have also been received from Natural England; Kirk Smeaton Parish Council; Little Smeaton Parish Council, Yorkshire Wildlife Trust; Brockadale Nature Reserve Supporters Group, Brockadale Action Group, Plantlife, Darrington Parish Council, Wakefield Badger Group and the Ramblers Association.

## 2.0 Background

### Site Description

- 2.1 Went Edge Quarry is located off Wentedge Road in the parish of Kirk Smeaton, Selby. The quarry is accessed from Wentedge Road that runs west – east to the south of the quarry. Wentedge Road connects with the A1 southbound junction (approximately 300 metres west of the quarry access) before bridging the A1 and continuing to its junction with the B6474. The B6474 connects to the A1 north bound carriageway. Wentedge Road serves the small, principally residential villages of Kirk and Little Smeaton located approximately 1.3km to the east of the existing quarry, and villages beyond. The village of Wentbridge is located approximately 1.2km to the west of the existing quarry and the A1 Trunk Road, served by the B6474. A weight restriction of 7.5 tonnes applies to Wentedge Road except for loading and local access.
- 2.2 The existing quarry (also or formerly known as Kirk Smeaton Lime Works), has extracted Magnesian limestone over many years and prior to 1947 when it was first registered for mineral extraction through an Interim Development Order following the introduction of planning regulations. The existing quarry currently extends over an area of approximately 10.85ha and is accessed via a recently improved two-lane access from Wentedge Road. The permitted mineral reserves to the quarry have almost been worked out and parts of the former quarry areas are being progressively restored. There are a number of quarry associated industrial uses located on the quarry floor; these include a saw shed; concrete mixing and mortar plant; concrete batching plant; washing plant; storage areas for quarry products; and an inert waste recycling operation that processes construction and demolition waste. The residue from the recycling operations are currently deposited within the quarry as part of the approved restoration scheme. The quarry floor is approximately 20m AOD and the field surface is at approximately 55m AOD. A 2.5m soil mound constructed along the western, southern and eastern boundaries of the quarry screen the quarry operations from views from Wentedge Road. Trees have been planted on the screen bunds and a newly planted hedge on the southern boundary of the quarry adjacent to Wentedge Road is now becoming established.
- 2.3 The proposal is for an extension to the quarry to extract 4.9 million tonnes of Magnesian limestone. The proposed extension would cover an area of 9.7 hectares and would be quarried to similar depths to the existing quarry (20m AOD). The extension area is comprised of a field currently in productive agricultural use (arable crops) classed as a combination of Grade 2 Best and Most Versatile Land (BMVL) and Grade 3B agricultural land. Land to the south of Wentedge Road is of similar grade. The proposed extraction area falls within the land designated as Grade 3B; the Grade 2 land is proposed to be used as a buffer zone and for the storage of soils. The southern boundary to the proposed extension area is an open field with a 475m long frontage to Wentedge Road, from which there are open views across the proposed extension area to adjoining woodland to the north and, in parts, longer views beyond. To the south of Wentedge Road is open agricultural land (similarly currently farmed for arable crops) with unobstructed views south with sections intermittent hedgerow. The eastern boundary to the proposed extension area comprises a small intermittent hedge beyond which is a small field of open pasture with hedgerows to its eastern boundary and southern boundary to Wentedge Road. An overhead electricity power line runs north / south across the eastern boundary of the proposed extension; one of the pylons is located just within the boundary of the proposed extension area. The proposed extension area is generally flat but falls gently away to the north towards the River Went Valley. The northern, northeastern and east boundary of the site adjoins land designated as a Site of Special Scientific Interest (SSSI) – Brockdale Nature Reserve. To the north of the existing quarry and proposed extension area, the SSSI becomes a narrow steep sided valley to the River Went with limestone outcrops, woods and areas

of limestone pasture. The pastureland to the east of the proposed extension area is known as Thompson's Meadow, through which runs public footpath no.35.43/3/1 south to north accessing the Went River valley. The River Went flows west to east through the valley at a level of approximately 17m AOD.

- 2.4 The existing quarry, proposed extension and surrounding area fall within land designated as Green Belt. They also fall within the 'West Selby Limestone Ridge', characterised by its rolling ridge landform with shallow valleys, long views over arable farmland and low cut hedgerows, often with gaps identified in the 'Southern Magnesian Limestone Locally Important Landscape Area', as set out in the Selby Landscape Character Assessment.
- 2.5 The nearest residential properties to the proposed extension area are Brockadale Oaks Farm and 'The Cottage', both located to the north of the River Went in the River Went Valley in Brockadale Plantation; they are accessed via Jackson's Lane from the west. These properties are approximately 150m to the north of the proposed extension. There are other residential and agricultural properties and an equestrian centre to the north west of the existing quarry and beyond the River Went Valley, the nearest being approximately 200m away all of which are served by Jackson's Lane and Ley's Lane. The nearest residential properties in Kirk Smeaton would be 750m from the eastern boundary of the proposed extension.
- 2.6 A plan showing the application site edged red and land in the ownership of the applicant edged blue, surrounding area and relationship to Brockadale SSSI, Kirk Smeaton, Wentbridge and the A1 Trunk Road is appended as 1 to this report.

#### Constraints affecting the proposed development

##### Landscape and ecological constraints:

- 2.7 The existing quarry and proposed extension fall within land designated as Green Belt.
- 2.8 Wentedge Quarry and the proposed extension area fall with the Selby Limestone Ridge Character Area of the Regional Character Area of Southern Magnesian Limestone identified in the Selby District Local Plan ('Saved' Policy ENV15).
- 2.9 Wentedge Quarry and the proposed extension area fall within the Smeaton Ridge Landscape Character Area, an area identified as a Locally Important Landscape Area in the Selby District Landscape Character Assessment 2019 having the following key features:
- Low ridge of Magnesian limestone with large-scale gently rolling arable farmland.
  - Distinct lack of hedgerows, with fields commonly defined by grassed 'beetle banks' and occasional hedgerow trees.
  - Long distance views to surrounding landscape.
  - Strong presence of large areas of calcareous woodland distributed evenly throughout the landscape.
  - General sense of openness, but more enclosed around woodland.
  - Settlement concentrated within the nucleated villages of Womersley, Little Smeaton and Kirk Smeaton.
  - Evidence of limestone extraction at the active Darrington and Barnsdale Bar quarries, and disused Northfield Quarry.
  - Local influence of small-scale parkland landscapes.
- 2.10 To the north of the existing quarry boundary is the Brockadale Nature Reserve, which is a Site of Special Scientific Interest (SSSI). The nature reserve continues along the

northern and eastern boundary of the proposed extension area. To the east of the proposed extension is Thompson's Field, part of the SSSI. A plan and aerial view of the existing quarry, proposed extension are Appended as 2 and 3 to this report.

Cultural Heritage Constraints:

- 2.11 There are known archaeological cropmarks in the proposed extension area, which include a trackway leading to a sub-rectangular enclosure, which contains a number of internal features.

Public Rights of Way constraints:

- 2.12 Public footpath 35.43/3/1 runs from Went Edge Road north towards the River Went Valley through Thompson's Meadow to the east of the proposed extension.

Agricultural land constraints:

- 2.13 The proposed extension area is a combination of Grade 2 Best and Most Versatile and Grade 3B agricultural land. The proposed extraction area falls within the land designated as Grade 3B.

Former deep mining:

- 2.14 The existing quarry and proposed extension are in the vicinity of former areas of deep coalmining; these would have been worked from the Prince of Wales and Kellingley collieries, both now closed. The seams were worked at depths of 530m or more.

Hydrological and/or hydrogeological constraints:

- 2.15 The Permian Limestone is designated a principal aquifer. The water table is 13.8m AOD, 6m below the floor of the existing quarry and proposed extension area (40m below surface level) in sandstone below the Permian Limestone strata. The River Went is located in a limestone valley to the north of the existing quarry and proposed extension at a level of 20m AOD. The river flows west to east and is fed by surface water runoff from land to the west beyond the boundary of the Permian limestone.
- 2.16 The existing quarry and proposed extension fall within Flood Zone 1 where there is little or no flood risk. The River Went falls within Flood Zone 3 – most susceptible to flooding.

Planning History

- 2.17 The land the subject of the application is currently in agricultural use for arable farming and has no planning history. The proposal is for an extension to the existing adjoining quarry to the west and which has a long operational and planning history dating back to pre-1947 and the introduction of planning legislation. The most relevant history to the quarry is set out below, all of which have been implemented:

- Planning application NY/2017/0310/FUL (C8/2018/0374/CPO): New access of Went Edge Road. Planning permission was granted 18 November 2018.
- Planning application NY/2016/0185/ENV (C845/13AL/PA): 8 hectare extension from Area 4 of the quarry to extract 4.4 million tonnes of limestone to a depth of 20m AOD (Areas 5, 6 and 7); low level restoration of the site using engineered fill from the existing waste treatment facility to create 1:2.5 slopes to the exposed quarry faces. Planning permission granted 4 September 2018 subject to a S106 Agreement to provide for a Restoration, Aftercare and Management Plan, the establishment of a Local Liaison Committee and a Traffic Route Agreement requiring HGVs attending the site to arrive and leave via the A1.

- Planning application NY/2014/0348/73 (C8/2014/1283/CPO): variation of conditions 7 and 13 to planning permission C8/45/13AE/PA relating to excavation depth and hours of working; planning permission granted 30 September 2015 subject to a S106 Agreement relating to a Restoration, Aftercare and Management Plan.
- Planning application NY2014/0113/ENV (C8/45/13AJ/PA): extension of the quarry to the west of Area 3 to extract limestone to a depth of 20m AOD; low level restoration using imported inert construction waste against the quarry faces, dressed with limestone fines, for grassland and woodland planting. Planning permission granted 30 September 2015 subject to a S106 Agreement relating to a Restoration, Aftercare and Management Plan, provision of additional road signage to the site entrance, re-painting of road markings and installation and maintenance of drainage at the site entrance with the public highway.
- Planning application NY/2010/0317/MRP (C8/45/13AB/PA): application for the review of conditions to which IDO permission (Old Mineral Permission) Planning Permission C8/45/13K/IDO applies. A Schedule of conditions agreed 26 January 2017.
- Planning application NY/2010/0158/FUL (C8/45/13AE/PA): extension of the quarry to the east over an area of 1.2 hectares including the creation of screening bunds and planting to the frontage of Went Edge Road and the site access. Planning permission granted 25 July 2013 subject to a S106 Agreement relating to a Restoration, Aftercare and Management Plan.
- Planning application C8/45/13Z/PA: waste transfer station. Planning permission granted 25 June 2010 (by Selby DC).
- Planning Application NY/2006/0073/FUL (C8/45/13W/PA): extension of the quarry to extract limestone to the southeast corner of the quarry, Area 3. Planning permission refused 18 September 2006.
- Planning application NY/2006/0071/FUL (C845/13V/PA): extraction of limestone from Areas 1 and 2. Planning permission granted 11 December 2006.
- Planning application MIN3254 (C8/45/13P/PA): extraction of limestone. Planning permission granted 7 August 2002.
- Planning application MIN2834 (C8/45/98/PA): extraction of limestone from northern face of existing quarry for stabilisation purposes. Planning permission granted 22 July 2003.
- Planning application MIN2730 (C8/45/13N/PA): retrospective application for extension to quarry. Planning permission granted 16 July 1996.
- Planning permission MIN2726 (C8/45/13M/PA): continued tipping of waste materials
- Planning application MIN2524 (GIDO/237): IDO consent for extension to lime works.
- Planning application MIN2522 (C8/45/13K/IDO): Determination of conditions on IDO consent. Schedule of conditions issued 17 June 1994.
- Planning application MIN2517: Registration of IDO No. 237 for extension of lime works.

2.18 Planning permission has previously been granted for a number of uses within the existing quarry including waste recycling operations, initially granted in 2002 (NY/2001/0001/COU) with a further planning permission granted for their relocation within the quarry in 2010 (NY/2010/0317/MRP). The planning status of some of the current industrial development relocated within the base of the quarry following the extraction of stone is being investigated. Complaints and representations received refer to unauthorised operations and developments in the existing quarrying operations and encroachment into the adjoining SSSI to the north by the deposit of soils associated with the construction of screening bunds. There are on-going investigations into the planning status of some of these uses and discussions with the operator; the

planning status of the existing uses is not a material consideration for the determination of this application.

- 2.19 In view of the nature of the proposal, the issues that it has raised, particularly its location in the Green Belt and relationship to the adjoining Brockadale SSSI, and the level of public interest, members of the Planning and Regulatory Functions Committee visited the site and surrounding area on 4 February 2020. Other than the remaining permitted stone reserves having been worked out and progress with the restoration in accordance with approved details, nothing of significance has changed at the quarry since the visit took place.

### **3.0 The proposal**

- 3.1 The proposal is to extract 4.9 million tonnes (2,375,000 cubic metres) of Magnesian limestone over a period of eight years as an eastern extension to the existing Went Edge Quarry. The proposed extension area would be 9.7 hectares with stone extraction on 8.6 hectares. A plan of the proposed working is appended as 4 to this report. Following stone extraction the quarry would be progressively restored to a combination of grass and woodland planting utilising imported recycled inert waste as engineering fill and quarry limestone fines from the adjacent quarry over a period of ten years. A plan of the proposed final restoration is appended as 5 to this report. The application is accompanied by a series of supporting plans and drawings, a Planning Statement, an Environmental Statement (ES) prepared in accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017, and a Non-Technical Summary. To address comments received a revised planning statement addressing policy, a revised Non-Technical Summary, revisions to the ES relating to ecology, archaeology and landscape and visual impact, and additional information were submitted in September 2019. The ES, as submitted and revised, assesses the cumulative impacts of the proposal and undertakes an assessment of the impact of the proposal on the following:

- Ecology;
- Landscape and visual;
- Socio – economics;
- Noise and vibration;
- Dust emissions;
- Hydrology and flood risk;
- Ground conditions;
- Transport;
- Archaeology;
- Agricultural Land classification.

- 3.2 The proposed extension area is located to the east of the existing Went Edge quarry, north of Wentedge Road and south and west of the Brockadale SSSI. It would extend over an area of approximately 9.7 hectares roughly rectangular measuring approximately 260m wide at its western end, 150m wide at its eastern end and 475m long fronting Wentedge Road. The land is currently in arable agricultural use, is predominately flat, and falls away gently towards the north with its boundary to Brockadale SSSI and the River Went valley.
- 3.3 The extension would be a continuation of existing quarrying operations from Area 7 into the proposed Area 8. No permitted reserves remain in the existing quarry. Extraction in Area 8 would be to a similar depth as the existing quarry (20m AOD) the faces to which are approximately 35m high. The residual void would be restored to low-level grassland and woodland utilising imported inert waste material from the waste recycling facility in the existing quarry; the waste would be dressed with on-site limestone fines. The

restoration would be similar to that approved under previous permissions for mineral extraction and which is subject of a S106 legal agreement relating to a Restoration, Aftercare and Management Plan. The terms of the existing Agreement are proposed to be included in a new Section 106 Agreement for the proposed extension area. Access to the proposed extension area would be via the existing quarry and access to Went Edge Road.

- 3.4 The proposed extraction would take place in 3 phases, 8A, 8B and 8C over a period of eight years. Area 8C is proposed to be worked in two sub phases in view of the location of the existing overhead electricity pylon and for which notice would need to be served to work in close proximity. Based on recent production figures for Areas 6 and 7, production is estimated at 600,000 tonnes per annum or 12,000 tonnes per week. The stone would continue to be used for aggregate and limestone building / dimension stone utilising the existing saw shed in the former quarry to produce block stone products including lintels and walling stone. A drying shed similarly located would continue to be used to store lime dust for block making and agricultural purposes and existing concrete floored bays would store washed sand and grit produced from the washing plant. The proposed extraction area would provide a 30m standoff to the B6474 (Went Edge Road) within which would be stored sub and topsoil's in the form of bunds. An initial standoff of 25m would be retained on the northern boundary reducing to 10m determined by arboriculture surveys to identify the extent of tree roots, and 20m to Thompson's Field.
- 3.5 To access the rock in each phase, the top and sub soils would be stripped by hydraulic excavators to a depth of 0.7m; the soils would be stored in mounds to the south and east sides of the site up to 2.5m high. The mound on the eastern boundary would be relocated as each phase is accessed and the mound alongside the B6474 extended to minimise views into the site. The mounds to the southern boundary would be set in to provide for the construction of a 3m wide permissive footway/bridleway for pedestrians, cycling and horse riders; the permissive footway/bridleway path would link to the existing footpath network. The soils would be used as part of the restoration of the site once the phases are worked out.
- 3.6 Following the removal of soils, the weathered limestone would be removed by excavator to the rock head, a depth of approximately 3m, after which the harder limestone would be won by drilling and blasting to a depth of 20 AOD via a series of benches with the overall face being approximately 30 – 35m. A standoff of 15m would be provided around the pylon as part of Phase 8C. As the phases are worked out, they would be progressively restored to a low level with slopes up the side of worked faces to varying heights using material from the inert waste recycling plant in the existing quarry. To achieve the proposed restoration levels and create the stabilising slopes would necessitate the deposit of 100,000 tonnes of material. The site would be progressively restored throughout the 8-year mineral extraction phase and final restoration would be completed within a further period of two years followed by an extended period of aftercare of 10 years and which would be secured through condition and legal agreement.
- 3.7 Following completion of the restoration, the whole site would be managed in accordance with a Restoration and Aftercare Management Plan reflective of that currently in place for Area 5, 6 and 7 (NY/2016/0185/ENV) for an extended aftercare period of 10 years and which is provided for as part of a Section 106 Agreement. The plan would provide for the restoration and aftercare of the site to a combination of acid grassland and woodland planting to complement the adjoining Brockadale SSSI. The proposed permissive footway / cycleway running parallel to Went Edge Road behind the proposed hedgerow would have viewpoints into the restored quarry. The applicant proposes a new section 106 agreement to provide (amongst other provisions) a commuted sum of not less than £100,000 to be used for the long-term management

of the site and an extended period of aftercare for 10 years in conjunction with an ecological body, such as the Yorkshire Wildlife Trust or similar, to manage the site in conjunction with the Brockadale Nature Reserve.

- 3.8 The quarrying and restoration of the site would work within the same permitted working hours to the existing quarry; 0700 – 1900 hours Monday to Friday, 0700 - 1300 hours Saturdays, with no mineral working on Sundays or Bank or Public holidays other than for emergency works or servicing and repair of plant and machinery. It is proposed to restrict the export of minerals from the site to 1800 Monday to Friday and 1300 on Saturday. Operations would retain up to 25 full time and 3 part time staff (26 full time equivalent) within the quarry and supporting elements within the industrial area of the existing quarry including the waste and recycling operations.
- 3.9 The proposed extension area would use the existing access to the quarry. The access has recently been relocated and upgraded and has a tarmac surface for 150m from Went Edge Road. In view of the weight restrictions on Went Edge Road, HGV's access and leave the site to the west via the A1 south bound junction approximately 300 metres to the west of the quarry access. The access to the A1 northbound is obtained via Wentbridge and the B6474, or via a minor road connection just to the south of Wentbridge; this is the subject of a Section 106 Agreement to planning permission NY/2016/0185/ENV and is proposed to continue to be the case if the quarry were to be extended. The existing quarrying operations have previously generated approximately 175 to 200 HGV movements per day, the majority between 0700 and 1900 hours and which is envisaged to be the case with the proposal
- 3.10 An ES has been submitted with the application. A revised ES and Non-Technical Summary were submitted in September 2019 to address matters relating to ecology, archaeology and landscape and visual impact. The ES has been prepared based on that prepared for Area 4 and that prepared for Areas 5, 6 and 7; they have been updated for Area 8. The ES assesses the environmental effects of the proposal, which are summarised as follows:

#### Ecology

- 3.11 An assessment of the ecological impact associated with the proposed extension of the quarry has been carried out and which considers the impact the existing quarry has had on the habitat of Brockadale SSSI since 1993 when the quarry was working along the northern boundary of the site adjacent to the SSSI. Previous surveys of the SSSI have concluded that the quarry has not affected the SSSI.
- 3.12 The assessment concludes that the proposed extension would have little or no impact on the surrounding habitat, biodiversity or the condition of the SSSI. Whilst there would be a loss of agricultural land, the proposed extension area runs parallel to the SSSI along its northern and eastern boundary and the design of the proposed restoration to provide calcareous grassland and woodland planting, this and natural regeneration would enhance the biodiversity of the area and the habitat would be significantly improved to that existing. Offsite hedge and tree planting would provide nesting habitat and unmanaged grasslands a habitat for invertebrates, small mammals and seed eating birds. The applicant also undertook a badger survey of the proposed extension area. The survey did not identify any setts within the proposed extension area but identified one in close proximity to it. The sett is an established sett with a number of used entrances and whilst badgers may use the proposed extension area for foraging, there was no clear evidence of such, possibly attributable to the nature of the agricultural use for arable farming. The survey concluded there is likely to be an increasing potential impact on badgers and the sett as quarrying progresses eastwards and recommends a number of options to mitigate the impact. The options include the provision of a 50m standoff to reduce blasting vibration and disturbance; create an



alternative artificial sett in an area away from the extraction area; prepare a badger management plan to monitor activity, assess impact of the operations on badgers and the need or opportunity to provide an alternative sett or establish whether the badgers have relocated independently due to any disturbance from quarrying operations.

The revised ES proposes an amended restoration scheme comprising calcareous grassland and pockets of woodland on the restored slopes with reinstatement of agricultural land, particularly adjacent to the nature reserve and SSSI. A review of the ecology of the area concludes the proposal would not have any adverse impact on the SSSI.

#### Landscape and visual

- 3.13 A Landscape and Visual Assessment of the existing quarry site and proposed extension has been carried out to:
- Assess the landscape character of the site and its surroundings and the value placed on it;
  - Assess where the site is visible from and the importance placed on views of the site;
  - Analyse the cumulative landscape and visual impact of the proposal;
  - Analyse the landscape and visual impact throughout the construction period of the proposals;
  - Analyse the impact of mitigation proposals whilst working the quarry;
  - Analyse the residual impact after restoration of the site.
- 3.14 The assessment and analysis concludes that given the scale of the proposal, the small contribution quarrying makes towards defining landscape character in the area, and the generally low visibility of Went Edge Quarry and other quarries in the vicinity results in a negligible cumulative effect on both landscape character and on visual amenity. It further concludes the overall effect of the proposals on landscape character and visual amenity is assessed as minor adverse during the operational life of the quarry, but minor, beneficial after restoration. The ES has been revised to take into account a revised Landscape and Visual Impact Assessment given the revised restoration scheme; this includes additional planting around the boundaries to the site with progressive restoration to a combination of woodland and grassland and planting of a hedge to the frontage with Wentedge Road. The impacts of the proposed extension on the landscape are considered low to medium given the presence of the existing quarry and other major visual features including the A1 and the overhead electricity transmission line. Whilst the continued quarrying would have a slightly adverse impact it would not affect the openness of the Green Belt and following the removal of screening mounds it is anticipated the impact on landscape throughout the restoration phase would be neutral.

#### Socio – economics

- 3.15 An assessment of the socio-economic effects of the proposed development has been carried out. The assessment considers demographics, impact on the local economy and other socio-economic benefits.

The proposed extension would maintain the employment of 25 and 3 part time staff (26 full time equivalent) with potential new employment opportunities with associated quarrying operations. The quarry would continue and extend the supply of high quality products in a sustainable way and support the local economy and construction industry where there is a local accessible market.

### Noise and vibration

- 3.16 An assessment of the impacts of noise and vibration of the proposed extension has been carried out. Baseline conditions were established when the quarry was operative and identified primary sources of noise and vibration. These are noise associated with plant and equipment, vehicles and vibration associated with the winning of minerals by plant and equipment and by blasting. The assessment concludes noise emissions would be attenuated by the depth of the quarry, screening, and nature of the open countryside and distance of operations to the nearest receptors in the River Went Valley. Operations nearer the surface such as soil stripping would be of short duration; removal of weathered rock would be by excavator, noise associated with which would be progressively attenuated by screen mounds and rock face as the operations progress deeper. The quarry and proposed extension is in close proximity to the A1.
- 3.17 Vibration associated with plant and machinery would be localised and unlikely to be felt outside the site. Monitoring of vibration associated with blasting has been carried out at the nearest receptors on Jackson's Lane. The monitoring confirmed the peak particle velocity used to measure vibration and restricted by condition fell within the specified limits. The assessment concludes blast design minimises impact and disturbance and would not result in any greater disturbance to properties or wildlife than has previously been experienced.
- 3.18 Practiced working methods would continue and it is not expected that noise or vibration associated with the quarrying operations would have any unacceptable impact.

### Dust emissions

- 3.19 An assessment of the impacts of dust (air quality) arising from quarrying activities has been carried out in accordance with national guidance. Existing conditions have been assessed and any potential changes in conditions resulting from the proposed extension predicted, including on the Brockadale SSSI located to the north and east of the proposed extraction area, and mitigation measures identified. Measures to suppress dust include the construction of screening mounds, solid boundary fencing, tree planting, dust suppression by spraying earth moving and material processing activities and haul roads with water, minimisation of drop heights when loading aggregate, use of wheel wash facilities and sheeting of vehicles exporting materials from the site. Weather conditions would be monitored to determine the need to trigger dust management practices. The assessment concludes that:
- the Air Quality objectives for PM<sub>10</sub> are expected to be achieved;
  - there would be no unacceptable impact on the Brockadale SSSI;
  - enhanced dust suppression measures would prevent unacceptable levels of dust migration;
  - soil stripping would not generate unacceptable levels of dust or lead to an exceedance of air quality criteria; and
  - there would be no unacceptable impact on footpath users.

### Hydrology and flood risk

- 3.20 An assessment of the hydrological and hydrogeological impacts associated with the proposed extension has been carried out with the benefit of experience from operations in Areas 5, 6 and 7 of the existing quarry and assessed against national policy. The aim of the assessment was to determine whether the proposed extension would have any adverse impact on ground water, surface water drainage, flooding, water quality of the site and surrounding area, particularly the adjoining Brockadale SSSI, and the River Went some 70m to the north of the proposal, a tertiary watercourse identified by the Environment Agency. The existing quarry and proposed extension fall within Zone 1

where there is little or no flood risk. The River Went is in Zone 3 – most susceptible to flooding.

- 3.21 The assessment concludes the limestone beds and maximum depth of the existing and proposed quarry are and would continue to be 6m above the identified water table and that the water table below the quarry is below the level of the River Went. The assessment concludes that the proposal would not have any direct impact on ground water, surface water drainage, flooding, water quality of the site and surrounding area and particularly the adjoining Brockadale SSSI and the River Went.

#### Ground conditions

- 3.22 Ground conditions have been assessed to determine whether the proposed design of the quarry will ensure slope stability following excavation of limestone. It concludes that the proposed standoffs to Went Edge Road (30m) and Brockadale SSSI (10m) with support to the buttresses with inert waste materials to the design proposed would ensure stability of the faces.

#### Transport

- 3.23 An assessment of the traffic associated with the existing quarry site and proposed extension of the site has been carried out. The assessment anticipates the volume of traffic generated by the proposal would remain unchanged. The assessment concludes traffic accessing and leaving the site would not materially impact on the operation of the site access arrangement or the wider highway network. Accident data provided by NYCC demonstrates two accidents were recorded in the five years prior to the assessment being carried out both of which were unrelated to the quarry and associated uses. Access to the quarry would continue to operate in a safe and satisfactory manner beyond the 2026 assessment year, particularly in view of the weight restrictions on Wentedge Road, which is lightly trafficked, and in Wentbridge, that require all HGV's to access the A1 other than for local access; and traffic flows at the junction are well within capacity.
- 3.24 Due to the location of the site and distance from property and settlements, walking is not an important mode of transport in the area and is primarily associated with recreation on the existing public footpath network. There is a National Cycle Network route on the B6474 north of Wentbridge, which is in easy distance of Kirk Smeaton and is enhanced by the weight restrictions on Wentedge Road.

#### Archaeology

- 3.25 An archaeological desktop study has been undertaken on Area 8; it is proposed to undertake a field assessment in each phase in advance of any soil stripping and working, should planning permission be granted. Based on findings in Area 7 it is not anticipated the proposal would have an impact on the archaeological interest or that there would be any artefacts when there is soil stripping but these would be revealed as part of a watching brief as soil stripping takes place in Area 8.
- 3.26 The revised ES confirmed an archaeological dig with trenching along the field boundaries found on old maps would be undertaken following the granting of planning permission in an area measuring 30m x 170m parallel to Area 7 to facilitate the working of Area 8 A and subsequently Areas 8B and C.
- 3.27 Subsequent to the amendment, the applicant undertook trenching investigations in October 2020 in accordance with a scheme first agreed with the County Council's Archaeologist. The trial trenching confirmed the presence of archaeological features, which largely correlate to the results of the Geophysical Survey and cropmark data. It

has demonstrated that the geophysical anomalies/cropmarks are a combination of archaeological features and natural fissures within the bedrock. The western and eastern quarters of the site contain archaeological features consistent with later prehistoric or Roman period activity and which suggest the area was likely to be concerned primarily with livestock control. Findings, including a Roman Broach, are fairly well preserved in the form of rock cut ditches. The middle portions of the site are largely archaeologically sterile based on the results of the field evaluations.

#### Agricultural Land classification

3.28 An assessment of the agricultural land in the proposed extension area has been carried out which included auger borings and soil sampling. The assessment found that a strip of land approximately 30m wide within the application area fronting Went Edge Road is classed as Grade 2 and the remainder of the land within the application area as Grade 3B due to there being little subsoil thickness over the limestone. The majority of the proposed extension area in the central and eastern parts has topsoil to a depth of 280mm over subsoils to a depth of 260mm. At the western end of the proposed extension area there is 240mm of topsoil on weathered limestone rock head. The soils are well drained and have been farmed for many years. An estimated 21,740 cubic metres of stripped soils would be stored on the Grade 2 strip adjacent to Wentedge Road and retained temporarily as screening mounds and subsequently used as part of restoration and where possible returned to Grade 3b and if possible Grade 2.

3.29 The application details, Non-Technical Summary, ES and supporting documentation can be viewed on the County Council on line planning register:

<https://onlineplanningregister.northyorks.gov.uk/Register/PlanAppDisp.aspx?recno=10747>

#### **4.0 Consultations**

4.1 The following bodies have been consulted on the application and supporting documents as initially submitted (11 March 2019) and on subsequent revised / additional information provided by the applicant (1 November 2019). The views received in respect of the application as submitted and where received on the revised / additional information provided by the applicant are available to view on the County Councils on line planning register. A summary of consultation responses received are set out as follows:

##### **Highway Authority**

4.2 Responded on 19.11.19. Acknowledges there would not be an increase in the HGV movements of 200 per day, which are restricted to the short section of highway to the A1 Junction. The access is to be improved and the section of highway to the front of the quarry is to be improved by the applicant under the provisions of an earlier planning permission (NY/2017/0310/FUL for the new access). (*Officer Note: The access has now been improved and is in use*). Conditions are proposed requiring:

- the maintenance of the access and immediate highway;
- the installation, maintenance and uses of a wheel wash by vehicles transporting waste materials or finished products to or from the site to prevent the deposit or mud or waste materials on the highway.

##### **Environment Agency**

- 4.3 Responded 18.11.19. Raise no objection to the application as submitted and amended. If the current restoration plan changes and other waste types (hazardous or non-hazardous) were proposed, then a water risk assessment would be required.

#### **The Lead Local Flood Authority (SuDS)**

- 4.4 Responded 1.4.19 and 29.11.19. The applicant has not made any specific proposals with regard to drainage or flood risk and therefore there are no comments.

#### **Danvm Drainage Commissioners**

- 4.5 No response received.

#### **National Grid (Plant Protection)**

- 4.6 The proposal is near an electricity transmission overhead line. National Grid made an initial holding objection to assess the impact of the proposal on the pylon; no further response has been received. (*Officer note; notwithstanding the absence of any further response, the standoff to the pylon is a matter between the applicant and National Grid and is not a material planning consideration*).

#### **Natural England**

- 4.7 Natural England (NE) initially advised (19.4.19) that insufficient assessment of the potential impacts on the Brockadale SSSI, particularly in respect of dust or particles, falling onto plants, which can physically smother the leaves affecting photosynthesis, respiration, transpiration and leaf temperature, and larger particles can block stomata, had been provided. There may also be toxicity issues (caused by heavy metals particles) and potential changes in pH (particularly if the dust is alkaline (e.g. cement dust)). NE were also concerned the SSSI could be sensitive to changes in hydrology from dewatering and any discharges from the proposal into the SSSI. Agriculture is considered an appropriate after use.
- 4.8 In respect of further information received, NE advised (29.11.19) further information regarding surface water drainage from the site and measures to avoid polluted surface water impacting on the habitats of the SSSI were required and in the absence of which, NE maintained a holding objection. NE were concerned the proposed bund within the 10m buffer may risk damage to the SSSI and that there should be a 5m standoff to the boundary of the SSSI of any bund within the 10m buffer and that the boundary of such should be clearly defined and fenced. NE support the restoration proposals and involvement of the Yorkshire Wildlife Trust to manage the restored site in the long term. (2.7.20). The Trust refers to additional surveys undertaken by Friends of Brockadale that have been identified to be rare within Yorkshire. The list of plants offers a good insight into the importance and significance of plants found in the locality and further highlights the importance of the SSSI. NE has further advised (30.4.21) they have no objection to the proposal subject to securing appropriate mitigation without which the application would *'damage or destroy the interest features for which Brockadale SSSI has been notified'*. To mitigate adverse effects and make the development acceptable, NE require an *'appropriate woodland buffer between the proposal and the SSSI boundary; a dust management plan; a surface water management plan'* to be secured through the imposition of conditions or obligation. Specifically NE are concerned that bund creation in the proposed 10m buffer may risk damage to the SSSI and therefore require a 5m zone within the proposed SSSI buffer adjacent to the SSSI where no soil stripping or bund creation should take place and which should be clearly demarcated with fencing to avoid bunds encroaching into the buffer and within which an appropriate woodland habitat should be created. NE also require the submission of a dust

management plan to avoid impacts on sensitive habitats within the SSSI from dust emissions and that the plan should include:

- *'Appropriate monitoring of sensitive receptors within the SSSI and appropriate remedial and preventative measures.*
- *Monitoring of meteorological conditions and appropriate preventative measures.*
- *Monitoring and preventative measures for soil stripping, handling and bund construction. Earthworks carried out during dry and/or windy conditions should be avoided where practicable. Where unavoidable, and the nature of the activity indicates that dust may potentially affect sensitive receptors within the SSSI, appropriate water suppression measures should be used.*
- *Storage of potentially dusty material should be away from the boundary of the SSSI.*
- *Appropriate hoardings should be employed between sources of dust emissions and the SSSI during conditions or activities which may lead to dust emissions in order to protect sensitive receptors within the SSSI. The height of hoardings should be managed to suit the dust risk and meteorological conditions at the time of the activity.*
- *Monitoring, water suppression and hoardings should be used for both the construction and operational phases of the proposal.'*

NE also require the submission of a surface water management plan, which should include:

- *Appropriately designed SUDS including oil separators and silt traps in order to ensure that such pollutants do not follow into the SSSI*
- *Any soil bunds intended to remain in place for more than 6 months or over the winter period should be grassed over. The seed mixture and application should be agreed with the minerals planning authority.*
- *It should be considered whether topsoil could be stored in bunds away from the boundary of the SSSI in order to reduce the risk of finer silt and nutrients being washed into the SSSI.*

NE note the proposed restoration scheme may be capable of delivering significant biodiversity and green infrastructure benefits given its proximity to the SSSI and require the highest standards of restoration and aftercare and be in accordance with Paragraph 171 of the NPPF. NE note the proposal would affect approximately 4.23ha of 'Best and Most Versatile Land', and recommend the soils be managed in accordance with Defra's Good Guide for Handling Soils at various phases. NE also welcomes the on-going engagement with the Yorkshire Wildlife Trust regarding restoration and aftercare of the proposed extension and concur with their position on the restoration and aftercare with a view to the site being managed by them in the long term.

- 4.9 By email dated 17 May 2021 Natural England advised they had reviewed the officer report ahead of the forthcoming meeting and confirmed they are satisfied with the proposed conditions and are content that the concerns set out in their letter dated 30 April 2021 had been addressed.

#### **Yorkshire Wildlife Trust**

- 4.10 The Trust has made a number of representations on 27.3.19, 01.08.19, 29.11.19, 2.7.20 and 17.3.21.
- 4.11 The Trust manages Brockadale nature reserve and the manages the SSSI in Thompsons Field designated for Magnesian limestone woodland, grassland and scrub areas and a number of plant species on behalf of the landowner, Plantlife. The Trust Part of the site identified within the application boundary containing woodland is owned

by the Trust; the plan should be amended to exclude the Trust's land from the application boundary (*the boundary was subsequently amended*).

- 4.12 The Trust initially lodged a holding objection due to the lack of ecological and restoration information available, and the potential for dust and disturbance to affect the SSSI. The Trust had concerns about the landscape impacts on the nature reserve given the proposals would be visible from the grassland part of the SSSI.
- 4.13 The Trust advised the woodland within the SSSI and along the northern boundary of the quarry extension is also designated Ancient woodland described in the NPPF as '*irreplaceable habitat*'. In accordance with 175(c) of the NPPF (2019), '*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*'.
- 4.14 The Trust considers the 10m buffer between the quarry and the SSSI to the north and the 20m buffer to the east to be totally inadequate and would lead to impacts on the wood and grassland leading to impacts on tree roots and hydrology, particularly in drier conditions. Windblown dust may also have a negative impact. Dust could also have a negative impact on the grassland due to dust deposition.
- 4.15 The narrow buffer zone could potentially lead to changes in soil pH impacting on plant diversity and loss of species. A species rich hedgerow identified in the ecology survey appears to have been removed, possibly illegally. Whilst the buffers are too narrow, the proposed restoration to Magnesian grassland could be of value with appropriate long-term management (in perpetuity) and potentially lead to biodiversity gains in the area.
- 4.16 The material to be used for the backfill must not create leachate with a different pH to the Magnesian limestone to avoid any impact on good quality grassland.

The Trust is aware that there are potential plans to widen the A1 next to Brockadale reserve. These plans could have very negative impacts on the western area of the reserve and in combination with impacts to the south of the reserve, due to this application, could lead to serious deterioration of the SSSI. The council has a duty to preserve biodiversity (see NERC Act 2006, NPPF 175(b)) and should consider the likely implications of other schemes and proposals within the area and which may have an impact upon the designated site

- 4.17 The Trust concluded, and continues to conclude, following the submission of additional information by the applicant, the extension to Went Edge quarry has potential to damage a nationally important SSSI. The application in the present form does not give confidence that impacts can be avoided and maintain their holding objection. The Trust does however; conclude a sympathetic proposal and careful restoration combined with a fully funded long-term management plan could potentially lead to a net gain in biodiversity and an increase in valuable habitats. To ensure the creation of a valuable restored site to the uses proposed, the Trust is of the opinion an officer should be funded and employed two days a week for up to 10 years and which could be achieved through a S106 Agreement.
- 4.18 The Trust refers to recent additional surveys undertaken by Friends of Brockadale that have identified plants to be rare within Yorkshire. The Trust is of the view the list of plants surveyed offers a good insight into the importance and significance of plants found in the locality and further highlights the need for their protection and the application of additional precautionary measures. They are of the view that the loss of diversity on the SSSI, as one of the last strongholds for many of the species present, will potentially severely risk the ability for these species to expand their range across

Yorkshire and further north. This would be of critical importance due to many of the species being at their northern range, requiring opportunities to further colonise through connective corridors to expand their range as a result of climate change impacts. The Trust is of the view the current application will severely limit the species ability to achieve this and thus may become a national concern for some rare species.

- 4.19 Any loss of diversity in such ancient grassland habitats is also considered a risk to the ability for the site to sequester carbon. The Trust believe there has, thus far, been no consideration of the potential for reducing the ability of the grassland to sequester carbon due to the impacts from the adjacent quarry. Given recent climate emergency declarations it is considered to be of more importance for consideration now than ever before. The Trust supports the additional information provided by Friends of Brockadale and Plantlife. The Trust concludes there remains outstanding potential impacts upon biodiversity of unknown and potential high significance as a result of quarry operations in these areas.

#### **NYCC Heritage - Ecology**

- 4.20 Responded on 18.11.19, 12.5.20, and 8.6.20. The level of survey work that has been carried out on site is acceptable and the proposed restoration layout and choice of habitats would be appropriate to the local area. More information needs to be provided on the long-term management and aftercare of the site, including the potential provision of a bridge to allow easier movement of livestock to and from Brockadale Nature Reserve, which is outside the current red line boundary. NE has requested further information on the impact of surface water runoff onto the SSSI; any response will determine whether there are any outstanding matters relating to the protection of the SSSI (*Officer note: further response received form Natural England – see paragraph 4.7 and 4.8 above*). The principle of the restoration is supported, although there are a number of outstanding concerns relating to the scheme impacts, restoration, and long term after care and management including an agreement between the applicant and the Yorkshire Wildlife Trust, which require further information and clarification.

#### **NYCC Public Rights of Way Team**

- 4.21 Responded 15.3.19 and 1.11.19. The line of any Public Right of Way (35.43/3/1) is unlikely to be affected by the application.

#### **Ramblers Association**

- 4.22 Responded 16.3.21. The Association strongly object to the proposal. It acknowledges no footpaths would be directly impinged upon but are of the view that the proposal would impact on the amenity value of the nearby countryside and the Brockadale Valley valued for its flora and enjoyed by users of the public footpath.

#### **Selby District Council (Planning)**

- 4.23 Responded 19.4.19 and 12.06.19. They consider the proposal should be assessed against the saved policies of the adopted 2005 Selby District Local Plan, the 2013 Selby District Core Strategy and the NPPF. They consider the key issues are the Green Belt, impact on the landscape and impact on Brockadale SSSI.
- 4.24 In terms of openness of the Green Belt, they are of the view the proposal would not introduce any further built development; forms an extension to an existing quarry; and the site will be subject to restoration following extraction of the limestone. It is not considered that the mineral extraction at this location would undermine the purposes of including land within the Green Belt and on this basis, the proposal is considered



appropriate development in the Green Belt. It will be necessary to assess the visual impact the proposal would have on the openness of the Green Belt.

- 4.25 The site is located in a designated Locally Important Landscape Area where priority is given to the conservation and enhancement of the character and quality of the landscape. CS policy SP18 aims to protect the high quality and local distinctiveness of the natural environment. Thought will need to be applied to the overall impact of the proposal on the countryside, environment and amenity.
- 4.26 The site is adjacent to the Brockadale SSSI. CS Policy SP18 requires nature conservation sites are safeguarded from inappropriate development and that development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining natural interest of a site.

#### **Selby District Council (Environmental Health)**

- 4.27 Responded on 15.3.19 and 15.11.19. No objection subject to the imposition of conditions relating to:
- hours of operation as proposed;
  - no blasting other than between the hours of 0900 and 1700 Monday to Friday; notification of properties on Jackson Lane when blasting is to take place;
  - effective silencing of plant and machinery;
  - restrictions on noise limits for operations and soil stripping;
  - blasting PPV limit of 6mm/second in accordance with BS5228;
  - sheeting of vehicles transporting aggregate out of the site; and
  - the employment of dust mitigation measures to prevent the migration of dust including the spraying of roadways and stock.

The applicant is advised an application to vary the current Environmental Permit for the extraction and processing of limestone will be required.

#### **Kirk Smeaton Parish Council**

- 4.28 The Parish Council has made three representations objecting to the proposal as initially submitted and as amended (04.4.19, 27.4.19 and 29.11.19). More recently, a number of emails have been circulated expressing concern to the potential impact of the proposal on the adjacent SSSI and supporting the views of a number of ecologists and Friends of Brockadale, who have identified 24 rare and declining at risk plants on the adjoining SSSI. The substantive representations are very detailed (10, 4 and 44 pages respectively). In the first representation, the Parish Council recognise there is a need to ensure a sufficient supply of minerals to help provide for the infrastructure the Country needs but are of the view this should not take precedence over unacceptable and adverse impacts on the natural and historic environment. The Parish Council acknowledge the support the quarry operator has provided to Kirk Smeaton in the past but are of the view the proposed extension is a step too far. The Parish Council considers the proposal would have an unacceptable cumulative impact in the locale given the presence of other quarries with permitted reserves (Barnsdale Bar and Darrington) and would increase the damage to the Green Belt. The key points raised in the first representation objecting to the proposal are:
- The proposal would be visually intrusive screened by unsightly bunds adversely affecting the scenic value of the area when seen from vantage points in the adjoining nature reserve and public right of way through Thompson Meadow to the eastern boundary of the proposed extension. The proposal would not preserve the openness of the Green Belt and therefore would be inappropriate development in

the Green Belt. The applicant has not demonstrated very special circumstances and the proposal would be contrary to national (NPPF) and local development plan policy.

- The proposal would adversely affect the adjoining Brockadale nature reserve managed by the North Yorkshire Wildlife Trust, parts of which are designated a Site of Special Scientific Interest. The nature reserve adjoins the northern and eastern boundaries of the proposed extension. The nature reserve is valued for its bio diversity and rare fauna, particularly butterflies, and flora, with over 300 species of flowering plants. It is a nationally valued asset valued in the locale and by visitors from the surrounding areas. The fauna and flora would be at particular risk from dust migrating from the site, which could adversely affect trees and flora.
- The proposal would bring the quarry closer to Kirk Smeaton and would affect the amenities and health of residents from airborne dust migration. Dust currently migrates from the quarry and is evident on properties and vehicles in the village; the extension would exacerbate this problem being closer to the village. Those at risk from airborne dust pollution include older residents with health and respiratory concerns in Kirk Smeaton; users of Wentedge Road; visitors to the nature reserve via Thompson's meadow; farmers in the vicinity.
- Noise from the A1 is prevalent in the locale and nature reserve as is noise from the existing quarry. Noise from the proposed extension would further spoil the peace and tranquillity of the reserve to the detriment of visitors and fauna and consequently flora that depend on birds and insects to cross-pollinate. Noise would also adversely affect horses at a local equestrian centre located to the north of the quarry.
- The proposal would result in excavations below the water table. There is a risk of pollution to the River Went from explosive residues, spilled fuel and other chemicals by seepage through ground water.
- Wentedge Road is unsuitable for the existing and proposed levels of traffic and the proposal would exacerbate road safety issues.
- The supporting documentation to the application is inaccurate and unbalanced. It does not recognise: the history of farming on the proposed extension; it adjoins a SSSI; the proposal would double the size of the quarry and would not be 'medium sized'; fails to recognise the potential impact of the proposal on the SSSI; over emphasises the noise impact of the A1 on residents in Kirk Smeaton; the woodland in the nature reserve has not been felled and renewed; provides an unbalanced opinion on landscape value.

4.29 The second representation (27.4.19) assess the proposal against the saved policies of the North Yorkshire Minerals Local Plan and policies of the emerging North Yorkshire Minerals and Waste Joint Plan. The Parish Council do not believe the proposal meets the objectives of the Minerals Local Plan to ensure environmental impacts are kept as far as possible to an acceptable minimum; or that it strikes a balance between the need for minerals and the need to protect the environment. The Parish Council are of the view the proposal would not be acceptable in view of the impacts associated with:

- *Ecological issues and impact on Brockadale and the S.S.S.I.*
- *Landscape and visual intrusion issues including impacts on the locally important landscape and features.*
- *Impact on best and most versatile agricultural land*
- *Impact on the conservation area.*
- *Traffic Impact*
- *Amenity issues, including noise, dust and air quality issues on people using the rights of way.*
- *Restoration issues.*

North Yorkshire Minerals Local Plan:

- 4.30 The Parish Council do not believe the County Council can be satisfied the proposal meets the requirements of policy 4.1 of the Minerals Local Plan, which requires:
- *the siting and scale of the extension is acceptable;*
  - *the proposed method and programme of working would minimise the impact of quarrying on the site;*
  - *the proposal to construct bunds would effectively mitigate the impact of quarrying on the site;*
  - *other environmental and amenity safeguards would effectively mitigate the impact of quarrying on the site;*
  - *the proposed low-level restoration is acceptable and would achieve an appropriate level of restoration given the nature and location of the site;*
  - *a high standard of aftercare and management of the land could be achieved;*
  - *any cumulative impact on the local area resulting from the quarrying is acceptable.*
- 4.31 The Parish Council are of the view the proposal is contrary to:
- Policy 4.6 (A) Nature Conservation and Habitat Protection – Local in that the proposal will have the potential to cause significant damage to nature conservation and wildlife habitats in the adjoining nature reserve.
  - Policy 4.14 Local Environment and Amenity in that the proposal could never be environmentally acceptable given its high visibility location, proximity to the nature reserve and rights of way.
- 4.32 The Parish Council do not believe satisfactory restoration or longer-term enhancement of the site could ever be achieved and the low-level restoration would be incompatible with the local landform. The Parish Council believe the County Council has a duty to refuse the application.
- 4.33 In their third submission (26.11.19), the Parish Council responds to the revised documents submitted by the applicant. The Parish Council maintains its objection to the application and sets out in detail the reasons for doing so which were expressed in earlier representations and which draw the following conclusions:
- 4.34 Green Belt: *The Parish Council believe that this proposal clearly amounts to inappropriate development because:*
- *It does not preserve the openness of the Green Belt*
  - *It conflicts with the purpose of including land in the Green Belt*
- and in respect of the inappropriateness:*
- *There are no very special circumstances that clearly outweigh the harm caused to the Green Belt.*
- 4.35 Sustainable development: *the Parish Council does not believe that this proposal can be deemed to be sustainable development. Furthermore, it does not believe that the presumption in favour of sustainable development can apply to the proposal given that:*
- *The application of policies in the Framework that protects areas or assets of particular importance provides a clear reason for refusing the development.*
  - *Any adverse impacts would significantly outweigh any benefits surrounding the development.*
  - *An appropriate assessment has not concluded that the development will not adversely affect the integrity of the SSSI*

- *The proposal conflicts with policies in Selby District Council and NYCC's development plans. There are no material considerations that indicate the plans should not be followed.*

Selby District Local Plan 2005 – saved policies:

- 4.36 *The Parish Council believe that the proposal has the potential to cause significant damage to the nature reserve which is a Site of Special Scientific Interest. The ancient woodland is particularly vulnerable to harm as it runs the full length of the proposed development site. The proposal is to quarry up to 10 metre to the ancient woodland and even after restoration there will be a significant downslope and 'hole' on the south side of the woodland. The Parish Council have been advised that this could have serious hydrology implications for the woodland. There is a strong possibility that it could lead to drying out which would cause damage and even die-off of trees that run close to the slope on the north, thereby damaging ecology and removing the woodland screening. The vulnerability to the woodland caused by changes in hydrology was also identified in a letter of objection from Yorkshire Wildlife Trust on 1 August 2019. The Parish Council do not believe there any mitigation measures that would guarantee to safeguard the nature reserve from harm.*
- 4.37 *There is no development need that cannot be met elsewhere. There is no need given the significant Landbank that is in place and the arrangements that have already been put in place by NYCC to maintain a steady supply of stone right up to 2030 and beyond. There are no reasons for the development that outweigh the nature conservation value of the nature reserve, including the ancient woodland.*
- 4.38 *The proposal is totally at odds with ENV 15 in relation to the conservation and enhancement of the character and quality of the landscape.*

Selby District Council Core Strategy:

- 4.39 *The Parish Council believe that the proposal is clearly in conflict with Selby District Council's Core Strategy. It is completely at odds with the strategic objectives that the Council says it will pursue in order to deliver its vision. Furthermore, the Parish Council believes that in respect of policies SP 13 and SP 18, the proposal:*
- *Amounts to inappropriate development*
  - *The applicant has not demonstrated very special circumstances to justify why planning permission should be granted*
  - *It is totally irreconcilable with the core strategy in terms of sustaining, protecting and enhancing the environment.*
  - *The applicant would not appear to have carried out an appropriate archaeological evaluation as specified by NYCC's Principal Archaeologist.*
- 4.40 *AQMA gives an area special status in that consideration must be given to air quality when developments are likely to create more traffic or introduce new receptors in an AQMA. The Parish Council believe that the proposal will increase air pollution and this will be prejudicial to the health and well-being of people living in Wentbridge and other nearby settlements adjoining the A1.*

North Yorkshire Local Minerals Plan – saved policies:

- 4.41 *Saved Policies 3/2, 3/3 and 3/4 preferred areas, areas of search and other areas: There can be no policy justification to approve this proposal. The Local Plan clearly says that mineral extraction outside of preferred areas and areas of search would generally be contrary to policy and would have to be justified in very compelling circumstances. Such circumstances might include:*

- *An unforeseen need for the minerals that cannot be met elsewhere*
- *The creation of environmental, economic or other benefits to justify substituting an allocated site.*

- 4.42 *The Local Plan says that in practice an acceptable proposal outside a preferred area or area of search is likely to be very rare. This quarry is not a preferred area or area of search but it has recently been allowed to grow under the pre-text of small scale extensions. The proposal to increase the size of the quarry by almost 50% can hardly be deemed to be a small scale extension.*
- 4.43 *Saved Policies 4/1, 4/6a) and 4/14 – Environmental Protection, Nature Conservation and habitat protection, Local Environment and Amenity: There are so many environmental issues and sensitivities associated with this site that the Parish Council cannot possibly see how the proposal would not have a significant adverse impact on the Local Environment and amenity. The Parish Council do not believe that there are any mitigation measures that would guarantee to safeguard the nature conservation and wildlife in the nature reserve from harm.*
- 4.44 *Saved Policy 5/5 – Crushed rock preferred areas, areas of search and other areas - The Parish Council do not believe that there is any justification for further mineral extraction from this quarry given the provision that has already been made in the Local Plan for crushed rock through preferred areas and areas of search.*

Emerging Minerals and Waste Joint Plan:

- 4.45 *Policies MO5 – Provision of Crushed Rock, MO6 – Land banks for crushed rock, MO9 – Meeting crushed rock requirements, M10 – Unallocated extensions to existing quarries, DO1 – presumption in favour of sustainable development, DO2 – Local amenity and cumulative impacts, DO5 – Mineral's... in the Green Belt, DO6 - Landscape, DO7 – Biodiversity and geodiversity, and DO12 – Protection of agricultural land and soil.*
- 4.46 *From what is reported in MO5, M06 and MO9, there is clearly no business need for a further extension to Wentedge Quarry. The permitted reserves meet the demand for stone right up to 2031 and beyond - and also contribute to maintaining a significant longer term Landbank after 2031. The Parish Council note that within part 1 Allocations (policy MO9) – Barnsdale Bar Quarry (MJP28) and Wentedge Quarry (MJP29) are both allocated 2.0 million tonnes respectively i.e. 4 million tonnes of magnesium limestone in total. The planning consent under MJP 29 has however resulted in the extraction of 4.4 million tonnes of stone - and the quarry at Barnsdale Bar currently has a planning application with NYCC to extract a further 6.8 million tonnes of stone. If the application is approved, then together with the additional stone extracted from Wentedge Quarry - an additional 9.2 million tonnes of stone will have been extracted. This being over and above the crushed rock requirement contained within the plan. It is assumed that that this additional stone will contribute to what is already a very significant Landbank. The Parish Council also note that maintenance of supply is also supported through the identification of other allocated sites - again contributing to the very significant Landbank.*
- 4.47 *The Parish Council can see no justification whatsoever under policy M10 to approve a further extension to this quarry.*
- 4.48 *The Parish Council fail to see how this proposal can possibly accord with relevant development policies contained in the emerging plan.*

- 4.49 Landscaping and visual impacts – the Parish Council are of the view the assessment is biased, incomplete and fails to properly address the impact on the landscape character of the area, impact on the openness of the Green Belt and Locally Important Landscape. They further question the ability of the landscape absorb further harm and the applicants assessment should have been made against Selby District Council's Landscape Assessment and Countryside Character Map.
- 4.50 The Parish Council agree with the identification of the landscape character for the area but generally disagree with the overall findings of the applicants Landscape and Visual Impact Appraisal. They do not agree with the applicants conclusions that the A1 is a dominant visual or noise feature; or that the existing screening bunds are well integrated into the landscape. They dispute the claimed presence of hedgerows to the southern boundary of the site and maintain there are clear uninterrupted views to the woodland and beyond in an open landscape which would be compromised by the proposal and associated screening bunds. They maintain the landscape quality and sensitivity is exceptional/very good rather than good/medium as identified by the applicant. They also maintain the viewpoints used for the purposes of the appraisal do not properly represent the site and when seen from surrounding vantage points, the existing quarry is a dominating and intrusive feature, which will become major/adverse if the quarry is extended. Further, a low-level restoration scheme would fail to respect the local landscape character and would take a considerable period to achieve using unidentified imported and recycled materials, which may not be suitable for the proposed restoration and fear the site may become an extension of the industrial estate. The Parish Council conclude: *The Parish Council strongly believe that the proposal will have a devastating impact on the character and appearance of the area and is completely at odds with the policy about enhancing the natural and local environment and recognising the intrinsic character and beauty of the countryside, and the economic and other benefits of best and most versatile agricultural land.*
- 4.51 With regard to the potential impacts on the amenity value of the area, the Parish Council conclude: *The Parish Council believe that the proposal to extend the quarry right into the heart of Brockadale will detract significantly from the amenity value of the reserve. So much so that a considerable number of people both within the immediate and wider community have said that they will no longer visit the reserve. As one gentleman who regularly visits the reserve put it "I visit the nature reserve because it is located in a scenic open countryside setting. I enjoy the peace and tranquillity the reserve has to offer and I enjoy breathing in fresh air and listening to the rustling of trees and birds singing. I do not visit the reserve to breathe in dust and other emissions and to listen to loud bangs and other industrial noise"*
- 4.52 *It is widely accepted that quarrying is a destructive industry and the Parish Council believe that regardless of any mitigation measures, dust and noise will be evidenced in the reserve. The very fact that a large-scale quarry is operating almost within the reserve and immediately alongside public rights of way will inevitably discourage people from visiting the reserve.*  
*There is no need for this stone given the significant Landbank that is in place both within NYCC and the Yorkshire and Humberside Region. There can therefore be no justifiable grounds to damage an amenity that is valued and enjoyed by so many people. This would not contribute towards the physical, social and cultural well-being of individual people or communities.*
- 4.53 *The Parish Council believe that it would be a shameful indictment if the needs of the quarry took precedence over the needs of people and communities.*
- 4.54 In overall conclusion, the Parish Council are of the view the only benefits of the proposal are financial to the applicant. They consider there are little if any economic benefits in terms of employment; no employee at the quarry has a right to a job for life

and given the quarry has worked the remaining stone reserves assume these jobs have already been displaced elsewhere. Any benefits from biodiversity would only serve to neutralise damage done to date. The proposal would lead to irreversible damage to the character and appearance of the area, result in the loss of Green Belt land and would compromise the openness of Green Belt land. It would adversely affect long distance views and the amenities of the area including the nature reserve. It would lead to a loss of best and most versatile agricultural land and would contribute to poor air quality in Wentbridge. The proposal fails to recognise the social and cultural needs of local and wider communities. It would result in delays to the restoration of the site. The Parish Council are of the view there is sufficient aggregate land bank and this proposal would lead to an excessive extraction of minerals that would have a significant adverse impact on the environment and discourage the sustainable use of recycled materials. The Parish Council maintain the proposal is contrary to the policies of the NPPF, the policies of the development plan and should be refused. The Parish Council request the Committee to undertake a further visit to the site and the surrounding area including the Brockadale Nature Reserve and Site of Special Scientific Interest.

- 4.55 **Kirk Smeaton Parish Council:** made the following written representations to Members of the Committee on 17 May 2021. The representations provide examples of where the Parish Council consider the officer report presented to the 18 May 2021 Planning and Regulatory Functions Committee lacked balance and was factually incorrect. (text in **bold** is that of the Parish Council):

#### **1. Preferred Areas and Areas of Search**

Paragraphs 6.7 and 6.8 of the Officer's Report says the National Planning Policy Framework does not identify the need for preferred areas or areas of search and therefore little weight can be attached to this policy. Paragraph 207 c) of the NPPF says mineral planning authorities should make provision for the land won and other elements of their Local Aggregate Assessment in the form of specific sites, **preferred areas and areas of search**. Preferred areas and areas of search are Saved policies approved by the Secretary of State and as such form part of the development plan. Planning Law requires that planning permissions must be determined in accordance with the development plan unless material considerations indicate otherwise. **The Officer's Report is not correct because the NPPF does identify the need for preferred areas and areas of search but in any event planning applications must be determined in accordance with the development plan which includes preferred areas and areas of search.**

#### **2. Yorkshire Wildlife Trust**

**The Officers report does not provide an accurate or balanced view of representations made by the Yorkshire Wildlife Trust:**

- It does not report the Trusts view that the restoration scheme does not provide any confidence to be an influential consideration in support of the application.
- It may be possible there could be a gain in biodiversity in the long term, but this is not certain and these proposals will not begin to be implemented until extraction is completed leading to a temporal lag before delivery. The lag is not taken into full consideration within the proposals and as such the Trust has concerns that the long term 'temporary impacts' on the local area will be very significant, potentially irreversible and limit the value that restoration proposals can achieve; thus, no net gain would result.
- There is no confidence the restoration proposals are achievable.
- There are still outstanding concerns to the ability to source material to allow the restoration to take place.
- There are concerns about the ability to recreate a suitable substrate for the

proposals due to failed attempts within similar nearby schemes. Womersley Quarry found the use of limestone fines to result in a substrate that was very difficult to seed and created numerous run-off complications resulting in a number of failed attempts to create this habitat. The current proposals are therefore concerning and unlikely to be successful.

- The NPPF and local policy requires a **measurable** biodiversity net gain for a site to be demonstrated. This has not been the case and fear it will not be possible to achieve should impacts occur on the SSSI which cannot be mitigated.
- The Trust strongly advise that the potential benefits of the restoration are only viewed as such, and do not influence the determination process of the application.
- Should the proposals be approved, there is a high likelihood there will be significant, irreversible and unacceptable impacts on the SSSI and that ancient relics of our landscape i.e. woodland and grassland will be lost.

### 3. Natural England:

The Officer's Report says on a number of occasions that Natural England support the restoration proposals but what N.E said is that is that they welcome the applicants ongoing engagement with YWT. **The Officer's Report paragraph 7.145 says that N.E and YWT support the restoration proposal.** YWT have not said they support the restoration proposal because they do not believe it is feasible and N.E have not commented other than to say:

- They welcome the applicant's on-going engagement with YWT.
- Considering the proximity of the proposal to Brockadale SSSI we consider the highest levels of restoration should be achieved in order to protect and enhance the SSSI .
- NE would expect the application to be rigorously examined in the light of Government policy set out in paragraph 171 of the NPPF which states that planning policy and decisions should contribute to enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside including the economic and other benefits of best and most versatile agricultural land.

**The Officer's Report misrepresents NE's support for the restoration proposal.**

### 4. Landscape

Paragraph 7.31 of the Officer's Report says NYCC's Principal Landscape Architect initially objected to the proposal on the basis that it would significantly affect local views, character and setting of the local landscape and the openness of the Green Belt in the short term; following amendments to the proposal is now satisfied that subject to provisions being made for the restoration of the site and associated landscaping the proposal would be acceptable and would not affect the openness of the Green Belt.

The letter from the Landscape Architect on 4 June 2019 raised significant issues regarding the adverse impact the development would have on the landscape. He did not say "in the short term" He said "particularly in the short term" The letter from the Landscape Architect on 21 May 2020 says the application remains unsatisfactory in terms of landscape in its current form **There is nothing registered on the online planning portal to suggest the Landscape Architect now considers this application acceptable.**

**The Officer's report plays down the adverse impacts identified by the Landscape Architect and suggests that this Officer is now in favour of the proposal but does not provide any documentation or evidence to support this.**

### 5. NYCC – Heritage Ecology

NYCC - Heritage Ecology reported in a letter dated 18.11 2019 - "without a secure after care scheme in place it is not possible to ensure that all impacts have been avoided,



mitigated or compensated and it is not possible to ensure that the development will secure a measurable net gain for biodiversity. As a result of this it is considered that the application proposal in its current form is not in accordance with policy DO7 of the MWJP or with the NPPF.

In a letter dated 12.5.2020 NYCC – Ecology reported “YWT are not prepared to agree to the Heads of Term in its current form. At this stage it is my recommendation that the application cannot be determined until there is a robust mechanism by which the long-term management of the site can be secured”

**The Officer’s Report chose to ignore the above information from what NYCC – Heritage Ecology had to report. Excluding this information does not provide a balanced report.**

## 6. General

- a) Paragraph 7.145 says ...” The proposed restoration of the site would be a continuation of that underway and which has previously been found to be acceptable”

**No restoration work has been carried out at this quarry, so it is perverse to claim that the restoration underway has previously been found to be acceptable. If the Officer’s Report is alluding to restoration work carried out at another quarry, then the quarry should be identified so that an appropriate assessment of acceptability can be carried out.**

- b) The Officer’s Report refers to minerals still being extracted from this quarry. There is more than one example - paragraph 2.2 says “The permitted mineral reserves to the quarry have almost been worked out”. Conversely paragraph 3.13 says no permitted reserves remain in the quarry.
- c) The Officer’s Report says that the planning approval is required to maintain the continuation of employment for 26 full time employees but then says the applicants’ employees have been made redundant.

**The permitted reserves at this quarry were worked out almost 2 years ago and as such it is a disused quarry that is not operational.**

## NYCC Heritage – Landscape

- 4.56 Initially objected and sought further clarification to determine whether the landscape and visual effects of the proposed development are within acceptable limits with a suitable landscape restoration, maintenance / after care scheme. Considered the proposal has potential to significantly affect local views, character and setting of the landscape and the openness of the Green Belt in the short term.
- 4.57 In respect of the amended details, advised on 22.11.19 that the revised phasing plans showing advanced planting, soil bunds etc. are acceptable. Restoration proposals are an improvement; better grouping of the proposed woodland blocks, and Grade 2 ALC on the east field area (rather than split 2/3b) is needed; clarification is needed on the status of the industrial area, existing access and weighbridge and screening is needed (*Officer note: see paragraph 2.17 above; the planning status is being investigated*) . There is a need for a phased hand over of restoration with the Wildlife Trust and provision made for the proposed footpath. Clarification is needed on the imported material to achieve restoration. Conditions would be required to define the limit of extraction to the northern boundary and undertake an arboricultural survey to determine the stand-off / tree protection issues along the northern boundary. Further comments of 21.5.20 agreed with the scope of the applicants updated LVIA but

disagreed with its conclusions which are considered to be understated. The proposal would lead to a dramatic change to the current landform by the presence of earth bunding and hedgerows significantly affecting local views, character and setting of the area but would not affect the openness of the Green Belt. The general restoration approach is supported but agreement regarding longterm management with a third party is still to be reached. Details are required to secure the delivery of the proposed footway/bridleway. An arboricultural survey should be carried out to establish the tree protection and working limits along the northern boundary of the proposed extraction area.

- 4.58 Further comments were received on 24 May 2021. They confirmed views previously expressed on the applicant's Landscape and Visual Impact Assessment (LVIA) remain unchanged and that comments relating to short-term operational effects remain as previously stated. It was also confirmed that the proposed restoration scheme is satisfactory and that in the longer-term, following extraction (8 years +), the adverse landscape and visual effects can be sufficiently mitigated and reduced provided that the whole site restoration and 10-year aftercare scheme (including footpath link) can be secured by condition or legal agreement.
- 4.59 The achievement of a whole-site restoration scheme for the quarry is dependent on revising the existing approved restoration scheme for Went Edge Quarry (to make corresponding changes to the adjoining previously approved scheme to the west side), because there are discrepancies in extraction working areas, restoration levels and contours. Previous queries relating to phasing and progressive restoration have been resolved by amended phasing plans. The Landscape Architect is also satisfied that his concerns relating to defining extraction areas, arboricultural survey and stand-off / tree protection areas along the northern boundary and correction of inconsistencies are resolved by the revised plans and documents submitted and by the proposed landscape related conditions. However his concerns regarding the impact on the green belt during the operational phase of development remain.

#### **NYCC Heritage – Archaeology**

- 4.60 Responded on 3.4.19, 27.11.19 and 25.01.21. Initially advised:
- The desk based assessment referred to an out of date NPPF;
  - It makes no reference to Policy DO8 of the emerging Joint Minerals and Waste Local Plan;
  - The desk assessment is lacking in detail and no geophysical has been carried
  - A field evaluation in the form of a geophysical survey, followed by a programme of trial trenching, should be carried out to be able to properly assess the significance of deposits.
- 4.61 Following the undertaking of a geophysical survey and a series of trial trenching the results demonstrate the western and eastern quarters of the site contain archaeological features consistent with later prehistoric or Roman period activity but the middle parts of the site are largely archaeologically sterile based on the results of the field evaluations. The areas that contain archaeology are of local to regional interest with the archaeological features being fairly well preserved in the form of rock cut ditches. The County Council's Archaeologist recommends a condition be imposed requiring the submission of a Written Scheme of Investigation and subsequent implementation should planning permission be granted.

#### **Notifications**

- 4.62 **County Cllr. John McCartney** was notified of the application and amended details/additional information submitted by the applicant.
- 4.63 As the application is accompanied by an Environmental Statement (defined under the provisions of Regulation 18 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017), the Secretary of State for the Ministry of Housing, Communities and Local Government was notified in accordance with Regulation 19(3) (a) of those regulations.

## 5.0 Advertisement and representations

5.1 The application, Environmental Statement and supporting documents to the application have been advertised in the local press (Selby Times), 3 site notices posted on Wentedge Road in the vicinity of the quarry and proposed extension area and the footpath at its entrance to Thompson's Field (18 March 2019). The further Environmental Information submitted by the applicant was similarly advertised in the press (Selby Times) and site notices posted in the same locations (28 November 2019).

5.2 The following properties considered to be most likely affected by the proposal were notified by letter dated 8 March 2019 (34 in total):

- 2 Top House Court, Kirk Smeaton
- 4 Top House Court, Kirk Smeaton
- 5 Top House Court, Kirk Smeaton
- 6 Top House Court, Kirk Smeaton
- Top House Court, Kirk Smeaton
  
- 'Kimberley', Went Edge Road, Kirk Smeaton
- 'Brockadale', Went Edge Road, Kirk Smeaton
- 'Ferndale', Went Edge Road, Kirk Smeaton
- 'Beechfield', Went Edge Road, Kirk Smeaton
- 'Beechcroft', Went Edge Road, Kirk Smeaton
- 'The Willows', Went Edge Road, Kirk Smeaton
- 'Wendover House', Went Edge Road, Kirk Smeaton
- 'Went Edge House, Went Edge Road, Kirk Smeaton
- 'Oakfield House', Went Edge Road, Kirk Smeaton
- 'Westgarth', Went Edge Road, Kirk Smeaton
- 'Hjatland' Went Edge Road, Kirk Smeaton
- 'Holly Tree House' Went Edge Road, Kirk Smeaton
- 'Smeaton House', Went Edge Road, Kirk Smeaton
- 'Santi', 6 Went Edge Road, Kirk Smeaton
- 'Milestones', 7 Went Edge Road, Kirk Smeaton
  
- 'The Hollies', Pinfold Lane, Kirk Smeaton
- 'Crag Tops', Pinfold Lane, Kirk Smeaton
- 'Grange Farm', Pinfold Lane, Kirk Smeaton
- 'Misty Meadows' Pinfold Lane, Kirk Smeaton
- 1 Hall Cottages, Pinfold Lane, Kirk Smeaton
- 2 Hall Cottages, Pinfold Lane, Kirk Smeaton
- 'Autumn Cottage, Pinfold Lane, Kirk Smeaton
  
- 'Brockadale House', Jackson's Lane, Wentbridge
- 'Brockadale Alpaca Stud', Jackson's Lane, Wentbridge
- 'The Cottage', Jackson's Lane, Wentbridge

- 'Brockadale Arabians', Jackson's Lane, Wentbridge
- 'Brockadale Sett', Jackson's Lane, Wentbridge
- 'Brockadale Oaks', Jackson's Lane, Wentbridge
- 'Timbertops', Jackson's Lane, Wentbridge

5.3 The above properties and those individuals from whom representations had been received, were notified of the amended details/additional information submitted by the applicant by letter or email dated 3 December 2019.

5.4 At the time of finalising this report, a combined total of 282 representations have been received from individuals objecting to the application as initially submitted, amended and by making further representations. 137 individuals made representations objecting to the proposal following the initial consultation. 46 individuals made representations on the amended proposals and a further 24 individuals made representations to Members of the Committee, many of which are by individuals who had already made representations and who reiterate their objections to the proposal. A further 75 representations have been received, some of which are from individuals reiterating their objections to the proposal. The primary reasons for objecting to the proposal are summarised as follows:-

- The proposal would affect the landscape character of the area, resulting in a greater loss of openness and would be visually intrusive.
- Unacceptable loss of and inappropriate development in the Green Belt.
- There is no need for the development; the landbank for minerals is significant – particularly with the recent permission for Barnsdale Bar Quarry.
- Risk of damage to the adjoining Brockadale Nature Reserve and the SSSI, which host rare flora, invertebrates and an historic badger set, from noise dust, vibration, potential pollution and water starvation.
- Risk of pollution of the SSSI.
- Loss of agricultural land some of which is high grade.
- Unacceptable levels of traffic on Went Edge Road, a rural road and substandard junctions with the A1 posing risks and danger to local cars, cyclists and walkers.
- Failure of the operator to comply with existing planning conditions and that no further quarrying would be proposed.
- Unacceptable impacts on the amenities of the area from noise and dust and on footpath users.
- Unacceptable impact on the historic villages of Wentbridge and Kirk Smeaton bringing quarrying operations closer to residential properties.
- Contrary to the policies of the development plan and national guidance.

5.6 Representations objecting to the proposal have also been received from the following bodies:

5.7 **Darrington Parish Council:** object to the planning application on the grounds of loss of amenities, potential environmental damage and loss of habitat and state that the proposal would be detrimental to the adjoining nature reserve. As the nature reserve abuts Darrington's parish boundary they consider that the proposal would constitute a loss of amenities to their parish residents.

5.8 **Plant Life:** Plantlife is a British conservation charity working nationally and internationally to save threatened wild flowers, plants and fungi. Plantlife owns the SSSI which is managed by Yorkshire Wildlife Trust. Plantlife objects to the proposed extension due to the potential adverse impact on the SSSI from migrating dust settling on the leaves of protected and rare species, altering the ecology of the habitat and leading to negative change. There is evidence of dust migration in the area close to the existing quarry and there is no certainty this would not occur in the SSSI or that

mitigation measures would prevent or control it. With reference to Paragraph 175 of the NPPF, Plantlife has not been able to identify any overriding reasons of interest that would outweigh the likely impact on the SSSI. Plantlife are of the view there is uncertainty about the delivery of the restoration proposals, noise would lead to a negative experience to the users of the SSSI and support the views of the Yorkshire Wildlife Trust expressed in their representation of 2 July 2020.

5.9 **Brockadale Nature Reserve Supporters Group:** object to the proposal, which will bring quarrying activity immediately adjacent to the Brockadale Nature Reserve and SSSI with impacts on:

- Badgers: there is a sett within 2m of the application boundary;
- Important rare plants (listed): would be at threat from migrating dust;
- Trees and shrubs: may be impacted by a reduction in water supply which could alter current habitats;
- Barn owls: disturbance could keep the owls away from woodland edge hunting grounds;
- Birds, butterflies, moths and fungi: would be affected by quarrying activities;
- Noise: noise from the existing quarry is intrusive and will be exacerbated by the extension;
- Visual intrusion: there would be visual impact from the quarry when seen from the nature reserve.

5.10 **Brockadale Action Group:** Object to the proposal for the following summarised reasons:

- Limestone dust from years of blasting will fall onto rare flora and fauna – the nature reserve is home to
  - 400 wild flower species of which 24 are scarce and declining;
  - A nationally very rare snail;
  - A spider which lives in only one other place in Britain;
  - Ancient woodland and grassland;
- Noise and vibration pollution will impact on precious bird life and animals;
- The landscape will be changed for ever and the openness will disappear;
- There will be further loss of agricultural land;
- The peace and tranquillity will be ruined by quarrying, blasting, increased numbers of heavy goods vehicles impacting on air quality and damaging the country roads.

5.11 **Wakefield District Badger Group:** object to the proposal in view of the potential impact on the historic badger sett located in the Brockadale Nature Reserve near the boundary of the Nature Reserve to the proposed extension.

5.12 **Butterfly Conservation (Yorkshire Branch):** object to the proposal due to the potential for limestone dust to migrate from the proposed extension onto ancient grasslands of the SSSI and cause irreversible harm to rare species that rely solely on the grasslands. There are some key arboreal species on the site that rely on the trees as their foodplant; quarrying next to the woodland will result in hydrological and other impacts that will result in significant irreversible harm to the woodland. The proposal would severely affect the Lepidoptera and other invertebrates in the SSSI and surrounding locality which should be protected.

5.13 **Little Smeaton Parish Council:** object to the impact the proposal would have on the open landscape, obstructing open views and introducing alien bund features and hedgerows. The Parish Council also object to the impact the proposal would have on the Went Valley and specifically the Brockadale Nature Reserve and support the weight of public opinion opposing the application in the 1100-plus signed petition. The

Liaison Committee meeting required as part of previous permissions never materialised and the willingness of the applicant to meet commitments made as part of the current application is questioned.

- 5.14 A petition objecting to the proposal has been set up by a member of Kirk Smeaton Parish Council:

[Petition - Wentedge Quarry Extension - Planning Objection, North Yorkshire UK - Change.org.](https://www.change.org/p/petition-wentedge-quarry-extension-planning-objection-north-yorkshire-uk)

The petition invites signatories to:

*Urge the North Yorkshire County Council Planning and Regulatory Functions Committee to refuse the application for the following reasons: -*

- *loss of natural habitat, green belt and agricultural land*
- *impact to the adjoining Site of Special Scientific Interest (SSSI); the Brockadale nature reserve and Thompsons Meadow*
- *loss of natural views in a local beauty spot*
- *the development is opposed by wildlife conservation charities and the local Parish Councils*
- *the quarry is unnecessary, and there is already a vast supply of magnesian limestone at Barnsdale Bar Quarry, Kirk Smeaton, with an additional application approved in 2020*
- *dust and airborne debris surrounding natural habitat, fields, footpaths and roads*
- *noise pollution from blasting affecting local residents as well as walkers and nature lovers who are enjoying the reserve for its peace and tranquillity*
- *concerns surrounding contamination of the river Went and water table*
- *danger to road users, pedestrians and cyclists from HGV quarry traffic*

At the time of publication of this report on 19 July 2021, the petition had 1407 signatories.

- 5.15 Representations have also been received in support of the proposal. 30 representations have been received from 11 companies and 19 individuals, some of whom work for the quarry, supporting the proposal for the following summarised reasons:

- The proposal will maintain a competitive supply of primary and recycled materials with direct access to a local market reducing fuel costs, the number of HGV movements and emissions to atmosphere.
- The proposal will meet a shortfall in supply of primary aggregates and reduce lead times to meet demand avoiding costly delays to regeneration and development projects.
- The proposal will retain an existing skilled work force and provide new employment opportunities for old and young in the locale at a time when individuals and families are trying to remain in employment or seek employment in a difficult economic climate exacerbated by the pandemic.
- The proposal would ensure continuity of operations and provide security and employment opportunities to supporting industries.
- The proposal would be an extension to an existing quarry reducing the need for new quarries to be opened.
- The proposal would maintain the supply of concrete and concreting sands essential for development including railway upgrades, motorway upgrades and repairs, hospitals, prisons, and communication networks.

## 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:
- 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 application comprises the following:
- The ‘saved’ policies of the North Yorkshire Minerals Local Plan (1997) (NYMLP);
  - The policies of the Selby District Core Strategy 2013
  - The ‘saved’ policies of the Selby District Local Plan 2005

*Emerging Plans:* The following emerging plans are not part of the statutory development plan but are material considerations and to which proportionate weight can be attached:

- North Yorkshire Minerals and Waste Joint Plan (MWJP) (emerging)
- Selby District Council Local Plan (new local plan)

- 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 the Selby Local Plan Preferred Options Consultation 2021. 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 Selby Local Plan Preferred Options

Consultation 2021, this Plan is at a very formative stage as an initial consultation document and to which changes may be made; it is therefore considered little weight can be attached to the Preferred Options proposals and proposed policies at this stage. 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 (1997) saved policies**

6.6 The North Yorkshire Minerals Local Plan was adopted in 1997. In the absence of an adopted MWJP 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' and provide an important part of the current local policy framework for development control decisions for minerals related development. The 'saved' policies relevant to the determination of this application are:

- 3/2 Preferred Areas
- 3/3 Areas of Search
- 3/4 Other Areas
- 4/1 Determination of Planning Applications
- 4/6A Nature Conservation and Habitat Protection – Local
- 4/10 Water Protection
- 4/13 Traffic Impact
- 4/14 Local Environment and Amenity
- 4/17 Importation of waste
- 4/18 Restoration to Agriculture
- 4/20 Aftercare
- 5/5 Crushed rock preferred areas and areas of search

6.7 **3/2 Preferred areas:** In order to maintain landbanks of permitted reserves, proposals for aggregates mineral working in Preferred Areas will be regarded as acceptable in principle. Satisfactory details will have to be submitted before planning permission can be granted. Paragraph 207(e) and (f) of the NPPF support the principle of landbanks and ensuring an adequate supply of aggregates and (h) supports the calculation and maintenance of landbanks for specific aggregates that have a distinct and separate market. The NPPF identifies the need for preferred areas but policy 3/2 is now out of date and little weight should be attached to it.

6.8 **3/3 Areas of search:** Planning permission may be granted for aggregate mineral working within Areas of Search where the Mineral Planning Authority is satisfied that sufficient mineral cannot be obtained from the Preferred Areas. The NPPF identifies the need for areas of search but policy 3/3 is now out of date and little weight should be attached to it.

6.9 **3/4 Other areas:** Outside Preferred Areas and Areas of Search, planning permission for aggregate mineral working will normally only be granted for borrow pits and small-scale extensions to existing sites. The supporting text (paragraph 3.2.9) includes: *Due to the individual nature of mineral workings, it is not appropriate to quantify the term "small-scale", but the County Council will assess proposed extensions, including the deepening of quarries, against the following criteria - mineral quantity, working life, annual production and the geographical extent and scale in relation to the existing quarry area.* Some weight can be attached to this policy.

6.10 **4/1 Determination of Planning Applications:** *In considering an application for mining operations, the Mineral Planning Authority will need to be satisfied that, where appropriate:*

- a) *the mineral deposit on the application site has been fully investigated;*



- b) *the siting and scale of the proposal is acceptable;*
- c) *the proposed method and programme of working would minimise the impact of the proposal;*
- d) *landscaping and screening has been designed to effectively mitigate the impact of the proposal;*
- e) *other environmental and amenity safeguards would effectively mitigate the impact of the proposals;*
- f) *the proposals and programme for restoration are acceptable and would allow a high standard to be achieved;*
- g) *a high standard of aftercare and management of the land could be achieved;*
- h) *the proposed transport links to move the mineral to market are acceptable; and*
- i) *any cumulative impact on the local area resulting from the proposal is acceptable'.*

- 6.11 The NPPF does not refer to matters required by criterion a), b), c) and, d). For the purposes of criterion e), Paragraph 205 of the NPPF requires local planning authorities to ensure any unavoidable emissions or vibrations are controlled or mitigated (if it is not possible to remove them at source); more weight therefore should be given to the NPPF.
- 6.12 Paragraph 205 e) of the NPPF 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 and delivered through planning conditions, where necessary. Therefore f) and g) of Policy 4/1 are consistent with the NPPF and can be given great weight.
- 6.13 Criterion h) of 'saved' Policy 4/1 does not conflict with the provisions of the NPPF; however, paragraph 102 of the NPPF states that improvements to the transport network should be considered, therefore, the NPPF should be given more weight in this instance.
- 6.14 Paragraph 205 b) of the NPPF states that in granting permission for mineral development the cumulative effects of multiple impacts from individual sites and/or from a number of sites in a locality should be taken into account. Criterion i) is consistent with the NPPF and can be given great weight.
- 6.15 **'Saved' Policy 4/6A Nature Conservation and Habitat Protection – Local:** states that 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 regarding protecting the local environment by minimising impacts on biodiversity and therefore this Policy can be given great weight.
- 6.16 **'Saved' Policy' 4/10 Water Protection:** Proposals for mining operations and the associated depositing of mineral waste will only be permitted where they would not have an unacceptable impact on surface or groundwater resources. Paragraph 205 b) of the NPPF states that mineral planning authorities should ensure that there are no unacceptable adverse impacts on natural environment, which would therefore include the flow and quantity of surface and groundwater. The Policy is consistent with this paragraph of the NPPF and therefore can be given great weight.
- 6.17 **'Saved Policy' 4/13 Traffic Impact:** Where rail, waterway or other environmentally preferable modes of transport are not feasible, operations will only be permitted where the likely vehicle movements to be generated can be satisfactorily accommodated by the local highway network and would not cause undue disturbance to local communities.

- 6.18 The policy is consistent with paragraph 102 a), 108 b&c) and 111 of the NPPF that improvements to the transport network should be considered and that transport proposals should be assessed and be sustainable and safe. Paragraph 109 of the NPPF advises 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. The policy is consistent with the NPPF and can be given weight.
- 6.19 **'Saved' Policy 4/14 Local Environment and Amenity:** Proposals for mining operations and the associated depositing of mineral waste will be permitted only where there would not be an unacceptable impact on the local environment or residential amenity.
- 6.20 Paragraph 205 of the NPPF states that when determining planning applications, local planning authorities should ensure that there are no unacceptable adverse impacts on the natural environment and human health and that the cumulative impacts of a development on a locality should be taken into account (criterion b and c). The policy is consistent with the NPPF and can therefore be given great weight.
- 6.21 **'Saved' Policy 4/17 Importation of waste:** Proposals for mining operations involving restoration through infilling with imported wastes will only be permitted where:
- (a) waste disposal can assist in achieving the most appropriate restored landform; and
  - (b) the transport and disposal of the waste would not have an unacceptable impact on the environment or local amenity.
- 6.22 The National Planning Policy for Waste (NPPW) advises in paragraph 7 that *'When determining waste planning applications, waste planning authorities should; ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary'*. The Policy is consistent with paragraph 7 of the NPPW and therefore can be given great weight.
- 6.23 **'Saved' Policy 4/18 Restoration to Agriculture:** Where agriculture is the intended primary, 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.
- 6.24 Paragraph 205 e) of the NPPF also considers that restoration and aftercare should be achieved at the earliest opportunity and for it to be to high environmental standards, through the use of appropriate conditions. The policy is consistent with the NPPF and should be therefore be given weight.
- 6.25 **'Saved' Policy 4/20 Aftercare:** 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.
- 6.26 Paragraph 205 e) of the NPPF 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. The policy is consistent with the NPPF and should be therefore be given great weight.

- 6.27 **‘Saved’ Policy 5/5 Crushed rock preferred areas and areas of search:** Provision is made through Preferred Areas and Areas of Search for the extraction of 53 million tonnes of crushed rock. Paragraph 203 of the NPPF states it is essential to ensure there is sufficient supply of minerals and can only be worked where they are found. Paragraph 204 requires Mineral Safeguarding Areas to safeguard mineral resources. Paragraph 207 (c) requires mineral planning authorities to take account of the advice of Aggregate Working Parties and make provision for specific sites, preferred areas and/or areas of search and locational criteria as appropriate. Paragraph 207(f) requires the maintenance of land banks of at least 10 years for crushed rock. It is therefore, considered that some weight can be attached to this policy.

### **Selby District Core Strategy 2013**

- 6.28 The Selby Core Strategy is the long-term strategic vision setting out a number of broad policies to guide development principles for the area. It does not contain any policies specific to minerals or waste-related development, but there are general development management policies that are relevant to this application. The Core Strategy was adopted in the context of the 2012 publication of the NPPF and where later NPPF publications in 2018 and 2019 materially differ from the position of NPPF consistency, attention has been drawn, where appropriate, in the paragraphs that follow. The most relevant policies are:

- SP1 Presumption in Favour of Sustainable Development;
- SP2 Spatial Development Strategy;
- SP3 Green Belt
- SP13 Scale and Distribution of Economic Growth;
- SP15 Sustainable Development and Climate Change
- SP18 Protecting and Enhancing the Environment;

- 6.29 **SP1 Presumption in Favour of Sustainable Development:** *When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly 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. Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date (as defined by the NPPF) at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.*

- 6.30 **SP3 Green Belt:** Within the Core Strategy Local Plan, Policy SP3 is considered relevant to the determination of this application, as the development site is located with the Green Belt. The Policy states *‘In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted’*. It is considered therefore that this Policy accords with paragraph 144 of the NPPF in respect of the consideration of whether development is inappropriate and whether very special circumstances exist and therefore should be given full weight.

- 6.31 **SP13 Scale and Distribution of Economic Growth:** *Support will be given to developing and revitalising the local economy in all areas by:*

**C Rural Economy**

*In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example:*

1. *The re-use of existing buildings and infrastructure and the development of well-designed new buildings.*
  2. *The redevelopment of existing and former employment sites and commercial premises*
  3. *The diversification of agriculture and other land based rural businesses.*
  4. *Rural tourism and leisure developments, small scale rural offices or other small scale rural development.*
  5. *The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy SP14.*
- D In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.*

- 6.32 **SP15 Sustainable Development and Climate Change**

**B. Design and Layout of Development**

*In order to ensure development contributes toward reducing carbon emissions and are resilient to the effects of climate change, schemes should where necessary or appropriate:*

- d) Protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise biodiversity to contribute to climate change mitigation and adaptation;*
- e) Include tree planting, and new woodlands and hedgerows in landscaping schemes to create habitats, reduce the 'urban heat island effect' and to offset carbon loss;*
- g) Make provision for cycle lanes and cycling facilities, safe pedestrian routes and improved public transport facilities; and*

- 6.33 **SP18 Protecting and Enhancing the Environment:**

Policy SP18 of the Selby District Core Strategy seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. Not all the criterion within Policy SP18 are of relevance; the relevant criterion are as follows:

*The high quality and local distinctiveness of the natural and manmade environment will be sustained by:*

1. *Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance.*
3. *Promoting effective stewardship of the District's wildlife by:*
  - a) *Safeguarding international, national and locally protected sites for nature conservation, including SINCS, from inappropriate development.*
  - b) *Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site.*

- c) *Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate.*

7. *Ensuring that new development protects soil, air and water quality from all types of pollution.*

### **Selby District Local Plan 2005 'saved' policies**

6.34 Some of the existing Selby District Local Plan policies (adopted in 2005 and saved in 2008 by Direction of the Secretary of State) remain extant. It does not contain any policies specific to minerals or waste-related development, but there are general development management policies that are relevant to this application. As these policies pre-date the adoption of the NPPF, the weight given to them depends on their consistency with the NPPF. Those most of relevance to this application and the weight than can be attached to them are set out as follows:

- ENV1 Control of Development;
- ENV2 Environmental pollution and Contaminated land;
- ENV9 Sites of importance to nature conservation;
- ENV11 Ancient Woodlands;
- ENV12 Rivers and stream corridors;
- ENV15 Local Important Landscape Areas;
- ENV28 Archaeology;
- EMP9 Expansion of existing employment uses in the countryside;
- T1 Development in Relation to the Highway network;
- T8 Public Rights of Way.

### **Control of Development**

6.35 **ENV1:** *Proposals for development will be permitted provided a good quality of development would be achieved. In considering proposals the District Council will take account of:*

- 1) *The effect upon the character of the area or the amenity of adjoining occupiers;*
- 2) *The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking;*
- 3) *The capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure;*
- 4) *The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping;*
- 5) *The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area;*
- 6) *The extent to which the needs of disabled and other inconvenienced persons have been taken into account;*
- 7) *The need to maximise opportunities for energy conservation through design, orientation and construction; and*
- 8) *Any other material considerations*

6.36 The most relevant criterion of Policy ENV1 to the proposed development are 1, 2 and 5. The NPPF states the effects on the natural environment (paras 170, 175, 178 and 180) or general amenity (paras 127 and 180), and the potential sensitivity of an area to adverse effects (para 180), should be taken into account. With regards to transport, the NPPF (paras 102, 103, 108 and 111) require improvements to the transport network should be considered and that transport proposals should be assessed, be sustainable and safe. The NPPF (para 109) confirms that development should only be prevented or refused on highways grounds, where there would be an unacceptable

impact on highway safety; or the residual cumulative impacts on the road network would be severe. The policy is considered to accord with the NPPF and therefore full weight can be given to it.

### **Environmental pollution and Contaminated land**

- 6.37 **ENV2 A)** Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences.
- 6.38 Part A) is consistent with NPPF (paragraph 70, principles e) and f)) for determining planning applications and (paragraph 180) in that it requires the effects of a development, the sensitivity of an area and the proposed mitigations to be taken into account. The policy is considered to accord with the NPPF and therefore full weight can be given to it.

### **Sites of Importance for Nature Conservation**

- 6.39 **ENV9:** *Proposals for development which would harm a local nature reserve, a site of local importance for nature conservation or a regionally important geological/geomorphological site, will not be permitted unless there are no reasonable alternative means of meeting the development need and it can be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic local nature conservation value of the site or feature.* Policy ENV9 is consistent with NPPF paragraph 170 principles a) and b) for determining planning applications and therefore can be given full weight.

### **6.40 Ancient Woodland**

**ENV11:** Development will not be permitted where it is likely to cause loss of, or damage to, an ancient woodland, unless the reasons for the development outweigh the nature conservation value of the woodland.

### **River and Stream Corridors**

- 6.41 **ENV12:** *Proposals for development likely to harm the natural features of or access to river, stream and canal corridors will not be permitted unless the importance of the development outweighs these interests, and adequate compensatory measures are provided.* Policy ENV12 is consistent with NPPF paragraph 170 principles a) and b) for determining planning applications and therefore can be given full weight.

### **Local Important Landscape Areas**

- 6.42 **Policy ENV15:** *Within the locally important landscape areas, as defined on the proposals map, priority will be given to the conservation and enhancement of the character and quality of the landscape. Particular attention should be paid to the design, layout, landscaping of development and the use of materials in order to minimise its impact and to enhance the traditional character of buildings and landscape in the area.* Policy ENV 15 is considered to be consistent with NPPF paragraph 170 principles a) and b) for determining planning applications and therefore can be given full weight.

### **Archaeology**

- 6.43 **ENV28:** (A) *Where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application.*  
 (B) *Where development affecting archaeological remains is acceptable in principle, the Council will require that archaeological remains are preserved in situ through careful design and layout of new development.*  
 (C) *Where preservation in situ is not justified, the Council will require that arrangements are made by the developer to ensure that adequate time and resources are available to allow archaeological investigation and recording by a competent archaeological organisation prior to or during development.* Parts A and B are relevant to the proposal. Policy ENV28 is generally considered to be compliant with paragraph 189 of the NPPF.

#### **Expansion of existing employment uses in the countryside**

- 6.44 **EMP9:** *Proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map, will be permitted provided:*
- 1) *The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;*
  - 2) *The nature and scale of the proposal would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests;*
  - 3) *The proposal would achieve a high standard of design, materials and landscaping which complements existing buildings; and*
  - 4) *Proposals involving expansion onto adjoining land would not result in the loss of best and most versatile agricultural land and the site would be well related to existing development and well screened and/or landscaped.*

Policy EMP9 is consistent with paragraph 80 of the NPPF as it seeks circumstances in which businesses can invest, expand and adapt and can therefore be given full weight.

#### **Development in Relation to the Highway network**

- 6.45 **T1:** *Development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer.* Paragraph 109 of the NPPF states that 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. Policy T1 is consistent with the NPPF and should be given great weight in the determination of this application.

#### **Public Rights of Way**

- 6.46 **T8:** *Development which would have a significant adverse effect on any route in the district's public rights of way network will not be permitted unless the following can be achieved:*
- 1) *Satisfactory and attractive alternative routes are provided; and*
  - 2) *Adequate sign posting is provided; and*
  - 3) *As far as is reasonable, the new route can make provision for walkers, horse riders, cyclists and people with sight or mobility problems; and*

- 4) *In the case of new reasonable development, such development must replace extinguished rights of way with attractive highway infrastructure which is equally capable of accommodating appropriate users of the original right of way.*

*The District Council will work with the highway authority and other interested parties to extend and improve the public rights of way network for amenity as well as highway reasons. Policy T8 is consistent with the NPPF and should be given full weight in the determination of this application.*

- 6.47 Criterion 3) is the criterion most applicable to the proposed development. Paragraph 96 of the NPPF advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 98 of the NPPF is clear that decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. Paragraph 102 c) of the NPPF also states that opportunities to promote walking, cycling and public transport use should be identified and pursued. Policy T8 is consistent with the NPPF and should be given full weight in the determination of this application

#### **North Yorkshire Minerals and Waste Joint Plan (MWJP) (emerging)**

- 6.48 The NPPF (paragraph 48) permits authorities to give weight to relevant 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).*
- 6.49 The draft MWJP (the Plan) was published for consultation in November 2016. It was submitted to the Secretary of State for Communities and Local Government on 28 November 2017. An Examination in Public (EiP) was held in February 2018. The hearings have been concluded. The degree of weight to be attached to the emerging Plan must have regard to the draft Plan still being 'under examination' and, consequently may change. It must be approached for development management purposes with some caution relative to the nature of representations made in respect of the content of the draft policies. Modifications to the Plan were proposed in advance of the examination; Main Modifications have been prepared to meet the Inspectors requirements but have yet to be published for consultation, the timetable for which is not yet confirmed. 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. Given the stage the Plan is at some weight can be attached to the emerging policies as proposed and as proposed to be modified. The policies relevant to this application are:

#### **Emerging strategic policies for minerals**

- 6.50 Prior to the examination of the Plan a number of modifications were proposed to some of the emerging policies and supporting text. The proposed modifications to the following relevant emerging policies are **highlighted for amended wording in bold text**, and wording to be deleted is **struck-out**. Following the examination hearings further amendments were proposed; these are **HIGHLIGHTED FOR AMENDED**



**WORDING** and wording to be deleted is **STRUCK OUT**. The policies considered to be most relevant to this proposal are:

- Policy M01 Broad geographical approach to supply of aggregates
- Policy M05 Provision for crushed rock
- Policy M06 Landbanks for crushed rock
- Policy M09 Meeting crushed rock requirements
- Policy M10 Unallocated extensions to existing quarries
- Policy M15 Continuity of supply of building stone
- Policy W01 Moving waste up the waste hierarchy
- Policy D01 Presumption in favour of sustainable minerals and waste development
- Policy D02 Local amenity and cumulative impacts
- Policy D03 Transport of minerals and waste and associated traffic impacts
- Policy D05 Minerals and waste development in the Green Belt
- Policy D06 Landscape
- Policy D07 Biodiversity and geodiversity
- Policy D08 Historic Environment
- Policy D09 Water Environment
- Policy D10 Reclamation and afteruse
- Policy D12 Protection of agricultural land and soils

6.51 **Emerging Policy M01 - Broad geographical approach to supply of aggregates:** *The Plan area outside the North York Moors National Park, the Areas of Outstanding Natural Beauty and the City of York will be the main focus for extraction of aggregate (sand and gravel and crushed rock)*

6.52 **Emerging Policy M05 - Provision of crushed rock:** *Total provision for crushed rock over the 15 year period 1st January 2016 to 31st December 2030 shall be ~~56.3~~ 51.75 million tonnes, at an equivalent annual rate of 3.75 million tonnes, within which specific provision for a total of ~~22.5~~ 18 million tonnes at an equivalent annual rate of 1.520 million tonnes per annum shall be for Magnesian Limestone.*

*Additional provision shall be made through a ~~MID-TERM~~ 5 YEARLY review of provision in the Plan, if necessary, in order to maintain ~~A MINIMUM AT LEAST A~~ 10 year landbank of crushed rock, including a separate minimum 10 year landbank for Magnesian Limestone, at 31 December 2030 ~~AND/OR TO MEET ADDITIONAL REQUIREMENTS IDENTIFIED THROUGH UPDATES TO THE LOCAL AGGREGATES ASSESSMENT~~ based on an annual rate of provision to be determined through the review.*

6.53 **Emerging Policy M06 - Landbanks for crushed rock:** ~~A MINIMUM AN~~ overall landbank of **AT LEAST** 10 years will be maintained for crushed rock throughout the Plan period. A separate **LANDBANK OF AT LEAST** minimum 10 year ~~LANDBANK~~ will **AS FAR AS PRACTICAL**, be identified and maintained for Magnesian Limestone crushed rock **THROUGHOUT THE PLAN PERIOD**.

*Where new reserves of crushed rock are required in order to maintain ~~THE AN~~ overall landbank ~~ABOVE THE OF AT LEAST~~ 10 years ~~S MINIMUM PERIOD~~ these will **AS FAR AS IS PRACTICABLE** be sourced from outside the National Park and Areas of Outstanding Natural Beauty.*

6.54 **Emerging Policy M09 - Meeting crushed rock requirements:** *Requirements for ~~MAGNESIAN LIMESTONE CRUSHED ROCK~~ over the Plan period will be met through existing permissions and the grant of permission on sites allocated in the Joint Plan for working **SHOWN ON THE POLICIES MAP, AND AS INDICATED IN TABLE 3**.*

*Magnesian Limestone allocations:*

*Part 1) Allocations required in order to meet requirements during the Plan period:*

*Land at Jackdaw Crag South, Stutton (MJP23), **IN SELBY DISTRICT**  
 Land at Barnsdale Bar Quarry (MJP28), **IN SELBY DISTRICT**  
 Land at Went Edge Quarry, Kirk Smeaton (MJP29), **IN SELBY DISTRICT***

*Part 2) Allocations required to contribute to maintaining an adequate landbank at 31 December 2030:*

*Land at Gebdykes Quarry (MJP11), **IN HAMBLETON DISTRICT AND HARROGATE BOROUGH**  
 Land at Potgate Quarry (MJP10), **IN HARROGATE BOROUGH***

*Maintenance of supply of crushed rock is also supported through the identification of allocated sites at:*

*Land at Settrington Quarry (MJP08) (Jurassic Limestone) **IN RYEDALE DISTRICT**  
**LAND AT WHITEWALL QUARRY (MJP12) (JURASSIC LIMESTONE), IN RYEDALE DISTRICT**  
 Land at Darrington Quarry (MJP24) (retention of processing plant site and haul road), **IN SELBY DISTRICT***

*Proposals for the development of sites identified in this Policy will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.*

**PART 3) PERMISSION WILL BE GRANTED OUTSIDE ALLOCATED SITES WHERE THE DEVELOPMENT WOULD CONTRIBUTE TO MAINTENANCE OF AN ADEQUATE AND STEADY SUPPLY OF CARBONIFEROUS LIMESTONE, MAGNESIAN LIMESTONE AND JURASSIC LIMESTONE CRUSHED ROCK THAT CANNOT BE MET THROUGH RESERVES ON SITES IDENTIFIED IN THE PLAN, AND/OR THE DEVELOPMENT WOULD SUPPORT THE MAINTENANCE OF ADEQUATE PRODUCTION CAPACITY OR AN EFFECTIVE GEOGRAPHICAL DISTRIBUTION OF SOURCES OF SUPPLY IN THE PLAN AREA. PROPOSALS WILL ALSO NEED TO BE CONSISTENT WITH THE DEVELOPMENT MANAGEMENT POLICIES IN THE PLAN.**

6.55 The supporting text to the policy (paragraph 5.43) has been revised, reducing the reserves of Magnesian limestone needed to meet the requirements over the period 1 January 2016 to 31 December 2030 based on permitted reserves at the end of 2015 from 8.16 million tonnes to 6.9 million tonnes. Notwithstanding the granting of planning permission at Barnsdale Bar, a further 12 million tonnes of reserves would be required to maintain a landbank of at least 10 years at 31 December 2030. Sites expected to contribute to the supply of Magnesian Limestone are set out in the following revised table 3:

<b>C) MAGNESIAN LIMESTONE</b>	<b>MILLION TONNES</b>
<b>TOTAL ESTIMATED REQUIREMENT OVER THE PLAN PERIOD 1 JANUARY 2016 TO 31 DECEMBER 2030 AT 1.20 MILLION TONNES PER ANNUM</b>	<b>18.0</b>

<b>ADDITIONAL REQUIREMENT TO MAINTAIN 10 YEAR LANDBANK AT 31 DECEMBER 2030</b>	<b>12.0</b>
<b>TOTAL REQUIREMENT</b>	<b>30.0</b>
<b>PERMITTED RESERVES AT 1 JANUARY 2016</b>	<b>11.1</b>
<b>RESIDUAL SHORTFALL TO BE MET THROUGH THE PLAN</b>	<b>18.9</b>
<b>TOTAL VOLUME OF RESERVES IN ALLOCATIONS VIA POLICY M09</b>	<b>14.5 COMPRISING:</b> <b>7.0 PART 1 (SITES MJP23, MJP28 AND MJP29)</b> <b>7.5 PART 2 (SITES MJP10 AND MJP11)</b>

For the purposes of Table 3:

MJP23 – Land at Jackdaw Crag South            in Selby District  
MJP28 – Land at Barnsdale Bar                in Selby District  
MJP29 – Land at Wentedge Quarry            in Selby District

MJP10 – Land at Potgate Quarry              in Harrogate District  
MJP11 – Land at Gebdykes Quarry            in Harrogate District

6.56 It should be noted that whilst the table identifies Went Edge Quarry (allocation MJP29) as having a permitted reserve, this was granted planning permission on 4 September 2018 (ref NY/2106/0185/ENV, C845/13AL/PA) for the extraction of 4.4 million tonnes of stone from land identified as Areas 5, 6 and 7; Area 5 reflected the boundary of the allocation area. Areas 5 and 7 extended beyond the allocation area. All the permitted stone reserves have now been worked out.

6.57 It should also be noted that the land the subject of the allocation at Barnsdale Bar Quarry (allocation MJP28) was granted planning permission on 30 March 2020 (ref NY/2019/0072/ENV, C8/2019/0585) for the extraction of 7 million tonnes of stone up to 2040, and is now being worked. Further, Jackdaw Crag South (allocation MJP23) was granted planning permission in September 2016 (NY/2009/0253/ENV) for the extraction of 2 million tonnes of stone for a period of seven years and which is now being implemented. Consequently, the total volume of reserves (14.5 million tonnes) has already been reduced by 4.4 million tonnes by the working of stone from Went Edge Quarry, the 7 million tonnes of reserves are being worked at Barnsdale Quarry, and the 2 million tonnes of reserves at Jackdaws Crag South have planning permission to be worked in the next seven years. There is therefore a need to release further reserves to maintain the 10 year landbank.

6.58 **Emerging Policy M10 - Unallocated extensions to existing quarries:** *Proposals for extensions to minerals extraction sites on land not allocated for working in the Joint Plan will be permitted subject to the following criteria;*

*.ii) The development would not compromise overall delivery of the strategy for the sustainable supply and use of minerals, including encouraging the use of alternatives to primary minerals;*

iii) *The development would be consistent with the development management policies in the Joint Plan.*

Paragraph 5.50 of the policy justification advises *'The presumption in favour of sustainable development means that development should not be prevented solely because it is not identified and supported specifically in the Joint Plan. Such an approach could unnecessarily prevent development which might otherwise be acceptable and could impact adversely on the local and wider economy and other social objectives. However, it will be important to ensure, where development proposals come forward on land not identified specifically for working, that they do not compromise other important strategic objectives of the Joint Plan and that any environmental and amenity impacts are considered by applying relevant development management policies in the Joint Plan. In all cases, any reserves granted on unallocated sites would, where relevant, contribute towards the landbank of the mineral.'*

6.59 **Emerging Policy M15 - Continuity of supply of building stone:** Part 1 ii) and v) and part 2 are relevant to the proposal.

- 1) *In order to secure an adequate supply of building stone, proposals will, where consistent with other policies in the Joint Plan, be permitted for:-*
  - i) *the extension of time for completion of extraction at permitted building stone extraction sites;*
  - ii) *the lateral extension and/or deepening of workings at permitted building stone extraction sites;*
  - v) *the incidental production of building stone in association with the working of crushed rock;*
- 2) *Proposals for the supply of building stone should be supported by evidence to demonstrate the contribution that the stone proposed to be worked would make to the quality of the built and/or historic environment in the Plan area and/or to meeting important requirements for building stone outside the area. The scale of the proposal should be consistent with the identified needs for the stone.*

6.60 **Emerging Policy W01 - Moving waste up the waste hierarchy:** Part 1 i) and ii), and part 4 i) are relevant to the proposal

- 1) *Proposals will be permitted where they would contribute to moving waste up the waste hierarchy through:*
  - i) *the minimisation of waste, or;*
  - ii) *the increased re-use, recycling or composting of waste, or;*
- 4) *Landfill of inert waste will be permitted where it would facilitate:*
  - i) *a high standard of quarry reclamation in accordance with agreed reclamation objectives, or;*

### **Emerging Draft Development Management Policies**

6.61 **Emerging Draft Policy D01 - Presumption in favour of sustainable minerals and waste development:** *When considering development proposals the Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. 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.*

*Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date then the Authority will grant permission unless:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*

#### **6.62 Emerging Draft Policy D02 - Local amenity and cumulative impacts:**

*1) Proposals for minerals and waste development, including ancillary development and minerals and waste transport infrastructure, will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space including as a result of:*

- *noise,*
- *dust,*
- *vibration,*
- *odour,*
- *emissions to air, land or water*
- *visual intrusion,*
- *site lighting*
- *vermin, birds and litter*
- *subsidence and land instability*
- *public health and safety*
- *disruption to the public rights of way network*
- *the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park*
- *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.*

*Proposals will be expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable.*

*2) Applicants are encouraged to conduct early and meaningful engagement with local communities in line with Statements of Community Involvement prior to submission of an application and to reflect the outcome of those discussions in the design of proposals as far as practicable.*

#### **6.63 Emerging Draft Policy D03 - Transport of minerals and waste and associated traffic impacts**

*1) Where practicable minerals and waste movements should utilise alternatives to road transport including rail, water, pipeline or conveyor.*

*Where road transport is necessary, proposals will be permitted where:*

- *There is capacity within the existing network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not have an unacceptable impact on local communities, businesses or other users of the highways network, or any such impacts can be appropriately mitigated, for example by traffic controls, highway improvements and traffic routing arrangements; and*
- *Access arrangements are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users, where relevant; and*
- *There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.*

*Where access infrastructure improvements are needed to ensure that the requirements above can be complied with, information on the nature, timing and delivery of these should be included within the proposals.*

*2) For all proposals generating significant levels of road traffic, a transport assessment and green travel plan will also be required to demonstrate that opportunities for sustainable transport and travel have been considered and will be implemented where practicable.*

#### 6.64 **Emerging Draft Policy D05 - Minerals and waste development in the Green Belt:**

##### *Part 1) - Minerals*

*Proposals for minerals development within the York and West Yorkshire Green Belts will be supported where **it would be consistent with the purposes of Green Belt identified in national policy and** preserve the openness of the Green Belt and, where the **proposed** development ~~would be~~ **is** located within the York Green Belt, **it** would preserve the historic character and setting of York. Where minerals extraction in the Green Belt is permitted, reclamation and afteruse will be required to be compatible with Green Belt objectives.*

##### *Part 2) - Waste*

*Proposals for waste development in the Green Belt, including new buildings or other forms of development which would result in an adverse impact on the openness of the Green Belt or on the purposes of including land within the Green Belt, including those elements which contribute to the historic character and setting of York, will be considered inappropriate.*

*Substantial weight will be given to any harm to the Green Belt and **inappropriate waste development in the Green Belt will only be permitted in** very special circumstances, which must be demonstrated by the applicant, **in order to outweigh harm caused by inappropriateness, or any other harm which the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations.***

*The following (relevant) forms of waste development will be appropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt, including those elements which contribute to the historic character and setting of York:*

- vi) landfill of quarry voids including for the purposes of quarry reclamation and where the site would be restored to an after use compatible with the purposes of Green Belt designation;*

**6.65 Emerging Draft Policy D06 - Landscape:**

*1) All landscapes will be protected from the harmful effects of development. 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 proposed mitigation measures.*

*4) Where proposals may have an adverse impact on landscape, tranquillity or dark night skies, schemes should provide for a high standard of design and mitigation, having regard to landscape character, the wider landscape context and setting of the site and any visual impact, as well as for the delivery of landscape enhancement where practicable.*

**6.66 Emerging Draft Policy D07 - Biodiversity and geodiversity:**

*1) Proposals will be permitted 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 proposed mitigation measures.*

*2) A very high level of protection will be afforded to sites designated at an international level, including SPAs, SACs and RAMSAR sites. Development which would have an unacceptable impact on these sites will not be permitted.*

*3) Development which would have an unacceptable impact on the notified special interest features of a SSSI or a broader impact on the national network of SSSIs, or the loss or deterioration of ancient woodland or aged or veteran trees, will only be permitted where the benefits of the development would clearly outweigh the impact or loss.*

*4) Where development would be located within an Impact Risk Zone defined by Natural England for a SPA, SAC, RAMSAR site or SSSI, and the development is of a type identified by Natural England as one which could potentially have an adverse impact on the designated site, proposals should be accompanied by a detailed assessment of the potential impacts and include proposals for mitigation where relevant.*

*5) Through the design of schemes, including any proposed mitigation measures, proposals should seek to contribute positively towards the delivery of agreed biodiversity and/or geodiversity objectives, including those set out in agreed local Biodiversity or Geodiversity Action Plans, or in line with agreed priorities of any relevant Local Nature Partnership, with the aim of achieving net gains for biodiversity or geodiversity and supporting the development of resilient ecological networks.*

*6) In exceptional circumstances, and where the development site giving rise to the requirement for offsetting is not located within a SPA, SAC, RAMSAR or SSSI, the principle of biodiversity offsetting to fully compensate for any losses will be supported. These circumstances include where:*

- i) It has been demonstrated that it is not possible to avoid or mitigate against adverse impacts; and*
- ii) The provision of compensatory habitat within the site would not be feasible; and*
- iii) The need for and/or benefits of the development override the need to protect the site; and*
- iv) Any compensatory gains would be delivered within the minerals or waste planning authority area in which the loss occurred.*

**6.67 Emerging Draft Policy D08 - Historic Environment:**

*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.*

2) Particular regard will be had to the benefits of conserving those elements which contribute most to the distinctive character and sense of place of the Plan area including:

- The World Heritage Site at Fountains Abbey/Studley Royal;
- The historic character and setting of York;
- The archaeological resource of the Vale of Pickering, the Yorkshire Wolds, the North York Moors and Tabular Hills, and the Southern Magnesian Limestone Ridge.

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.

Proposals affecting an archaeological site of less than national importance will be permitted where they would conserve those elements which contribute to its significance in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, adequate provision should be made for excavation and recording and subsequent analysis, publication and archive deposition before or during development.

6.68 There are no objections to the policy and no proposed modifications. The policy accords with paragraph 144 of the NPPF and therefore moderate weight can be attached to it.

6.69 **Emerging Draft Policy D09 - Water Environment:**

- 1) Proposals for minerals and waste development will be permitted where it can be demonstrated that no unacceptable impacts will arise, taking into account any proposed mitigation, on surface or groundwater quality and/or surface or groundwater supplies and flows.
- 2) In relation to surface and groundwater quality and flows, a very high level of protection will be applied to principal aquifers and groundwater Source Protection Zones. Development which would lead to an unacceptable risk of pollution, or harmful disturbance to groundwater flow, will not be permitted.
- 3) Permission for minerals and waste development on sites not allocated in the Joint Plan will, where relevant, be determined in accordance with the Sequential Test and Exception Test for flood risk set out in national policy. Development which would lead to an unacceptable risk of, or be at an unacceptable risk from, all sources of flooding (i.e. surface and groundwater flooding and **groundwater** flooding from rivers and coastal waters) will not be permitted.



- 4) *Proposals for minerals and waste development should, where necessary or practicable taking into account the scale, nature and location of the development proposed, include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures including use of sustainable urban drainage systems.*

#### 6.70 Emerging Draft Policy D10 - Reclamation and afteruse:

*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, have demonstrably:*

- i) ~~Been brought forward following discussion with local communities and other relevant stakeholders and, where practicable, the proposals reflect the outcome of those discussions;~~ **Applicants are encouraged to discuss proposals at an early stage with local communities and other relevant stakeholders and where practicable reflect the outcome of those discussions in submitted schemes***
- ii) Taken into account the location and context of the site, including the implications of other significant permitted or proposed development in the area and the range of environmental and other assets and infrastructure that may be affected, including any important interactions between those assets and infrastructure;*
- iii) Reflected the potential for the proposed restoration and/or afteruse to give rise to positive and adverse impacts, including cumulative impacts, and have sought where practicable to maximise potential overall benefits and minimise overall adverse impacts;*
- iv) Taken into account potential impacts on and from climate change factors;*
- v) Made best use of onsite materials for reclamation purposes and only rely on imported waste where essential to deliver a high standard of reclamation;*
- vi) Provided for progressive, phased restoration where appropriate, providing for the restoration of the site at the earliest opportunity in accordance with an agreed timescale;*
- vii) Provided for the longer term implementation and management of the agreed form of restoration and afteruse (except in cases of agriculture or forestry afteruses where a statutory 5 year maximum aftercare period will apply).*

*Part 2) In addition to the criteria in Part 1) above, 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, including where relevant:*

- i) In areas of best and most versatile agricultural land, prioritising the protection and enhancement of soils and the long term potential to create areas of best and most versatile land during reclamation of the site;*
- viii) ~~Promoting the delivery of Achieving significant net gains for biodiversity and the establishment of a which help create coherent and resilient ecological network, based on contributing, Wwhere practicable, towards established objectives including the creation of Biodiversity Action Plan habitats,~~ **proposals should contribute significantly to the creation of habitats of particular importance in the local landscape and seeking to deliver benefits at a landscape scale. This includes wet grasslands and fen in the Swale and Ure valleys and species-rich grassland on the Magnesian limestone ridge;***

#### 6.71 Emerging Draft Policy D12 - Protection of agricultural land and soils:

*Best and Most Versatile agricultural land will be protected from unnecessary and irreversible loss. Where development of best and most versatile agricultural land is justified proposals should prioritise the protection and enhancement of soils and the long term potential to recreate areas of best and most versatile land. Where relevant, development will be subject to aftercare requirements to ensure that a high standard of agricultural restoration can be achieved.*

*Development proposals will be required to demonstrate that all practicable steps will be taken to conserve and manage on-site soil resources, including soils with environmental value, in a sustainable way. Development which would disturb or damage soils of high environmental value such as **intact peat or other soil contributing to ecological connectivity or carbon storage** will not be permitted.*

### **Selby District Council Local Plan (new local plan)**

- 6.72 The Selby District Council 'New Local Plan' (the Plan) is in its formative stages. A public consultation on the 'Preferred Options Selby District Local Plan (2021)' was launched on 29 January 2021, extending to 12 March 2021. The Plan is described as 'a vision and framework for future growth of the district, identifying new housing, employment and other development could take place' and sets out the policies against which planning applications will be considered. It does not include any preferred options or policies relating to minerals or waste developments. The new Local Plan is still at the consultation stage and has not been through examination. Consequently, whilst the emerging preferred approaches are acknowledged and those relevant to this proposal set out below, it is considered little weight can be attached to them at this stage in the plan process.
- 6.73 The consultation document 'sets out the Council's preferred approach to development growth in the District up to 2040'. The List of Preferred Approaches considered most relevant to this proposal are:
- 6.74 **Preferred Approach SG5 - Development in the Countryside:** seeks to protect and enhance the intrinsic character and beauty of the countryside recognising the important role it plays in the local economy, for the health and well-being of local residents and as a biodiversity resource. Development in the countryside will be limited to activities which have an essential need to be located in the open countryside and are supported by other Local Plan policies or national policy and would not harm the character, appearance and environmental qualities of the area in which it is located; and protects the best and most versatile land by avoiding the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible; and avoiding Grade 1 agricultural land unless there are exceptional circumstances where the benefits of the proposal significantly outweigh the loss of land.
- 6.75 **Preferred Approach SG7 - Green Belt:** proposals for development of land within the designated Green Belt identified on the draft Policies Map will be determined in accordance with the National Planning Policy Framework.
- 6.76 **Preferred Approach SG12 - Proposals which affect the Historic Environment:** 'A' - Proposals for development that affect heritage assets should conserve, and where appropriate, enhance those elements that contribute to their significance. Such proposals will be determined in accordance with national planning policy.
- 6.77 **Preferred Approach IC7 - Public Rights of Way:** development which may have an impact on a public right of way network will only be supported where it can be demonstrated that 'Opportunities for enhancement through the addition of new links to the existing network and the provision of improved facilities to make them more attractive to users, and facilitate sustainable access modes, including public transport,

*cycling and walking which minimise conflicts have been fully explored and, where appropriate, all reasonable and viable opportunities have been taken up.'*

- 6.78 **Preferred Approach NE3 - Protect and Enhance Landscape Character:** The preferred approach promotes high quality design and seeks to enhance the landscape and respect the overall development guidelines identified in the Selby Landscape Character Assessment which identifies (amongst others) the Magnesian Limestone Ridge as a locally important landscape area.
- 6.79 **Preferred Approach NE4 - Protecting Designated Sites and Species:** The preferred approach seeks to protect the district's wildlife by safeguarding designated sites and assess proposals against National Policy Guidance requiring ecological assessments proportionate to the proposed development. Where a proposal affects a designated site of national importance, they will only be supported where significant harm would be avoided or adequately mitigated and the mitigation measures are equivalent to the value assigned to the site / asset in the ecological assessment.
- 6.80 **Preferred Approach NE5 - Biodiversity Net Gain for Ecological Networks:** The preferred approach seeks to protect the district's wildlife and deliver at least a 10% net gain in biodiversity for ecological networks.
- 6.81 **Preferred Approach NE6 - Trees, Woodland and Hedgerows:** The preferred approach seeks to prevent the loss of, and to enhance, trees, woodland and hedgerows and supports proposals where a number of criterion have been satisfied including how retained features are to be protected (2) and where it prevents the loss or deterioration of woodland unless part of an extant agreed forestry management scheme (4).

### **Selby Landscape Character Assessment**

- 6.82 Wentedge Quarry and the proposed extension area fall within the Smeaton Ridge Landscape Character Area, an area identified as a Locally Important Landscape Area in the Selby District Landscape Character Assessment 2019 having the following key features:
- *Low ridge of Magnesian limestone with large scale gently rolling arable farmland.*
  - *Distinct lack of hedgerows, with fields commonly defined by grassed 'beetle banks' and occasional hedgerow trees.*
  - *Long distance views to surrounding landscape.*
  - *Strong presence of large areas of calcareous woodland distributed evenly throughout the landscape.*
  - *General sense of openness, but more enclosed around woodland.*
  - *Settlement concentrated within the nucleated villages of Womersley, Little Smeaton and Kirk Smeaton.*
  - *Evidence of limestone extraction at the active Darrington and Barnsdale Bar quarries, and disused Northfield Quarry.*
  - *Local influence of small scale parkland landscapes.*

The relevant location specific management guidelines for the Character Area include:

- *Mineral extraction sites should seek to establish long-term gains for the landscape during restoration, such as creating net biodiversity gains by introducing new habitats, and creating potential access to safe parts of the site for recreational purposes;and*
- *Protect the special character of the limestone valleys, including their management,*

*appearance and undeveloped nature.*

**Other policy considerations:**

**National Planning Policy Framework (Published 2019)**

- 6.83 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The overriding theme of 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, in paragraph 8, as that being which fulfils the following three roles: an economic objective; a social objective or an environmental objective. When the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted without delay unless there are clear reasons for refusing the development proposal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole (paragraph 11).
- 6.84 NPPF Paragraph 47 confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.85 Paragraph 48 states 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).
- 6.86 NPPF Paragraphs 54-56 regarding 'planning conditions and obligations' requires local planning authorities to consider if development can be made acceptable by using conditions or planning obligations with planning obligations only used where it is not possible to address impacts through planning conditions. Planning conditions should be kept to a minimum and only imposed where they are met the test for condition and likewise planning obligations must only be sought where they meet all the tests for being necessary to make the development acceptable in planning terms; being directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 6.87 Paragraph 80 includes decisions should help create circumstances where businesses can invest, expand and adapt with significant weight placed on supporting economic growth, taking account of local business needs and wider development opportunities. Thereby allowing areas to build on strengths, counter weaknesses and address the challenges of the future.
- 6.88 Paragraph 96 of the NPPF advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 98 of the NPPF is clear that decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. Paragraph 102 c) of the NPPF also states that opportunities to promote walking, cycling and public transport use should be identified and pursued.
- 6.89 Chapter 9 (Promoting sustainable transport) requires (paragraph 102) potential impacts on transport networks to be considered from the earliest stages of

development proposals (c), and 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 (d). Paragraph 108 requires safe and suitable access can be achieved (b), and any significant impacts from development on highway safety can be mitigated (c). Paragraph 109 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'*.

- 6.90 Chapter 13 *'Protecting Green Belt land'*, (paragraph 133 ) ...attaches great importance to Green Belts with the fundamental aim being to prevent urban sprawl by keeping land permanently open so the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 sets out the five purposes of Green Belt:
- a) *'to check the unrestricted sprawl of large built-up areas;*
  - b) *to prevent neighbouring towns merging into one another;*
  - c) *to assist in safeguarding the countryside from encroachment;*
  - d) *to preserve the setting and special character of historic towns; and*
  - e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'*.
- 6.91 Paragraph 141 states that once Green Belts have been defined *'local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land'*.
- 6.92 NPPF paragraph 143 states *'that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 144 goes on to state that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*.
- 6.93 Paragraph 146 states that *'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it'*. *'Mineral extraction'* is listed as one of the forms of development that may not be inappropriate (a). Although a proposal may not conflict with the purposes of including land in the Green Belt, it could still represent inappropriate development if deemed to have a greater impact on the openness of the Green Belt than the site does at present. It is necessary to consider the effects of the proposed development on the openness of the Green Belt.
- 6.94 Chapter 15 - Conserving and enhancing the natural environment) requires planning policies and decisions should contribute to and enhance the natural and local environment and sets out a number of criterion. Those considered relevant to this proposal are:
- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (... 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; ...*

- 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’;*

6.95 Paragraph 175 seeks to protect habitats and biodiversity by applying 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<sup>58</sup> 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.’*

6.96 Paragraph 177 states ‘*The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site’.*

6.97 Paragraph 180 states that planning policies and decision should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living condition 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:

- ‘a) *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;*
- b) *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*
- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’*

6.98 Paragraph 183 within Chapter 11 states “the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution

control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities". In this case, the quarry must operate in accordance with the permitting regime of the Environment Agency and the Health and Safety Executive regulations.

- 6.99 Chapter 16 of the NPPF – Conserving and enhancing the historic environment, paragraph 189, requires local authorities in determining applications: *should require applicants to describe the significance of heritage assets affected, including any contribution made by their setting with the detail proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.* Paragraph 190 requires local planning authorities to assess the particular significance of any heritage asset that may be affected by a proposal (including where it would affect the setting of a heritage asset) and take this into account when considering the impact on a heritage asset, to avoid or minimize any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.100 When considering potential impacts, Paragraph 194 states that *'any harm to, or loss of, a designated heritage asset's significance (from alteration or destruction, or from development within its setting), should be clearly and convincingly justified'*. Paragraph 196 continues with *'where a proposal will lead to less than substantial harm on a designated heritage asset's significance, this harm should be weighed against the public benefits of the proposal'*.
- 6.101 Paragraph 197 states the effect on a non-designated heritage asset's significance should be taken into account in determining an application and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 199 is relevant to the determination of this application; which requires applicants to *'record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'*.
- 6.102 Chapter 17 of the NPPF is about facilitating the sustainable use of minerals. Paragraph 203 states *'it is essential there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found best use needs to be made of them to secure their long-term conservation'*.

- 6.103 Paragraph 205 states:

*When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:*

- a) *as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;*
- b) *ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;*
- c) *ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source<sup>66</sup>, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;*
- d) *not grant planning permission for peat extraction from new or extended sites;*

- e) *provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;*
- f) *consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and*
- g) *recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.*

6.104 Paragraph 208 requires:

*Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:*

- a. *co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;*
- b. *encouraging safeguarding or stockpiling so that important minerals remain available for use;*
- c. *maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment<sup>68</sup>; and*
- d. *taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.*

#### **National Planning Practice Guidance (PPG) (2014)**

6.105 On 6<sup>th</sup> 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 summarised as follows:

#### **Environmental Impact Assessment**

6.106 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority, when deciding whether to grant planning permission for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes these into account in the decision making process.

#### **Green Belt**

6.107 When assessing the impact of a proposal on the openness of the Green Belt, a local planning authority must make a judgement on the case's circumstances. Case law has established a number of matters, which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects so the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.



It goes on:

*Where it has been demonstrated that it is necessary to release Green Belt land for development, strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. These may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and could for instance include:*

- *new or enhanced green infrastructure;*
- *woodland planting;*
- *landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);*
- *improvements to biodiversity, habitat connectivity and natural capital;*
- *new or enhanced walking and cycle routes; and*
- *improved access to new, enhanced or existing recreational and playing field provision.*

## **Minerals**

6.108 The guidance identifies the importance of minerals and the contribution they make to the country's prosperity and quality of life and that planning for the supply of minerals has a number of special characteristics that are not present in other developments i.e.:

- They can only be worked where they naturally occur meaning location options for economically acceptable mineral extraction may be limited;
- Working is a temporary use of land, notwithstanding it may take place over a long period of time;
- Working may have adverse and positive environmental effects, but some adverse effects can be mitigated;
- It has to be monitored;
- Following working, land should be restored to make it suitable for beneficial afteruse.

6.109 The guidance provides advice for the planning for mineral extraction in plan making and the application process. For the purposes of this proposal, the most relevant advice is:

- planning for mineral safeguarding to ensure non minerals development does not prevent the future extraction of mineral resources of local and national importance; planning for minerals extraction to ensure a steady and adequate supply of minerals by designating specific sites, preferred areas and areas of search. The suitability of each proposed site as an extension to an existing site or a new site must be considered on its merits relative to the need for the specific mineral type, economic considerations, environmental impacts and cumulative impacts.
- Assessing environmental impacts from mineral extraction such as noise, dust, air quality, lighting, visual impact, landscape character, archeology, traffic, contamination to land, soil resources, geological structure, impact on best and most versatile land, blast vibration, flood risk, land stability, internationally, nationally or locally designated wildlife sites, protected habitats and species and ecological networks, site restoration and aftercare.
- Restoration and aftercare of mineral sites to ensure a suitable afteruse
- Planning for aggregate minerals. With regard to landbanks the guidance states *There' is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level this may be seen as a*

*strong indicator of urgent need.* It goes on to say, 'Where there is a distinct market for a specific type or quality of aggregate (such as high specification rock, or sand used for concrete or sand for asphalt), a separate landbank calculation based on provision to that market may be justified for that material or those materials. This is because materials of different physical properties and quality are often needed to meet different end uses, and the scope to substitute one aggregate for another can be limited.' With regard to this application, there is a separate landbank for Magnesian Limestone.

### **Land Stability**

- 6.110 An appraisal of slope stability should be based on existing information to identify potential hazards to people, property and environmental assets and identify any features, which could adversely affect the stability of the working.

### **Water supply, wastewater and water quality**

- 6.111 Water quality is only likely to be a significant planning concern when a proposal would indirectly affect water bodies, e.g. as a result of runoff into surface water sewers that drain directly, or via combined sewers, into sensitive water bodies with local, national or international habitat designations, or through a lack of adequate infrastructure to deal with wastewater.

### **Air Quality**

- 6.112 Advises how planning can take account of the impact of new development on air quality. The degree of relevance depends on the proposed development and its location, e.g. does it change vehicle-related emissions in the immediate vicinity or further afield or expose people to harmful concentration of air pollutants, including dust or have a potential adverse effect on biodiversity. Where dust emissions are likely to arise from mineral operations, an operator is expected to prepare a dust assessment study and if required provide mitigation that is location specific, relates to the proposed development and be proportionate to any likely impact. Local planning authorities should work with applicants to determine the need for mitigation to ensure new development is appropriate for its location and unacceptable risks are prevented. Planning conditions and obligations can be used to secure mitigation where the relevant tests are met.

### **Historic environment**

- 6.113 This reiterates the NPPF objective to obtain biodiversity net gains as part of any planning permission by creating or enhancing habitats on-site, off-site or through a combination of on-site and off-site measures. These can include enhanced wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes, food and energy production, and the management of flood risk. These benefits are also known as ecosystem services and need considering early in development preparation, taking into account existing natural assets and the most suitable locations and types of new provision and that such green infrastructure will require sustainable management and maintenance if it is to provide long term benefits, including appropriate funding of required. Local community engagement can assist with management and tailoring provision to local needs.

### **Noise**

- 6.114 The impact of noise needs to be considered when development may create additional noise or would be sensitive to the prevailing acoustic environment. The subjective nature of noise means that there is not a simple relationship between noise levels and

the impact on those affected. This will depend on how various factors combine in any particular situation. Decision taking should take account of the acoustic environment and in doing so consider: whether or not a significant adverse effect is 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. In addition, it offers guidance on the need to identify whether the overall effect of noise exposure is, or would be, above or below the significant observed adverse effect level (when noise exposure gives rise to detectable adverse effects on health and quality of life) and the lowest observed effect level for the given situation, below which no effect at all on health or quality of life can be detected.

6.115 Applicants should carry out a noise impact assessment and give guidance regarding the control or mitigation of noise emissions including:

- 'consider the main characteristics of the production process and its environs, including the location of noise-sensitive properties and sensitive environmental sites;
- assess the existing acoustic environment around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;
- estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;
- identify proposals to minimise, mitigate or remove noise emissions at source;
- monitor the resulting noise to check compliance with any proposed or imposed conditions'.

And that it may be appropriate to set specific limits to control reversing beepers that are independent of background noise.

### **Healthy and safe communities**

6.116 The design and use of the built and natural environments, including green infrastructure are major determinants of health and wellbeing. Planning and health need to be considered together in two ways: in terms of creating environments that support and encourage healthy lifestyles.

## **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 'Development Plan' unless material considerations indicate otherwise. Further, the NPPF Paragraph 11 advises decisions should be made without delay where proposals accord with the 'Development Plan', but if such a Plan were absent, silent or relevant policies out-of-date, then decisions should be made provided that there is no conflict with the policies of the NPPF that protect areas or assets of particular importance or where *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies'* of the NPPF when taken as a whole.

7.2 For the purposes of this application, there is a range of policies in the Development Plan that must be taken into account, as well as a number of other material considerations including the policies of emerging plans. In considering the relationship of the proposals to the development plan, it is important that proposals should be judged against the Development Plan, as a whole and not just against individual policies in isolation.

- 7.3 The assessment that follows is against the relevant extant planning policies of the Development Plan set out in Section 6.0 above. This assessment considers the acceptability, or otherwise, of the proposal against those policies to establish whether, 'in principle', the development either is, or is not, acceptable by compliance and/or conflict with the policies of the Development Plan.
- 7.4 The main issues for the purposes of the proposal to extend the quarry are considered to be:
- The principle of the proposed development;
  - Need for the mineral;
  - Impact on the Green Belt;
  - Impact on the landscape;
  - Impacts on the biodiversity, habitats, nature conservation and protected species, most particularly associated with Brockadale SSSI;
  - Flood risk and drainage, water quality and resources;
  - Local amenity (noise, vibration, light pollution) and air quality (emissions, odour and dust);
  - Soils and agricultural land use;
  - Highways matters- Traffic and transport;
  - Public Rights of Way;
  - The historic environment;
  - Economic and social impacts including employment;
  - Restoration and aftercare;
  - Issues raised regarding the Officer Report;
  - Legal Agreement;

### **Principle of the proposed development**

- 7.5 Quarrying operations at Went Edge Quarry, formerly Smeaton Lime Works, have been carried out for many years. The continued use of the quarry was regularised under the provisions of an Interim Development Order following the introduction of planning legislation in 1947. Through a number of planning permissions, (set out in Section 2.0 above) the quarry has been progressively extended in 'Areas'; a number of associated industrial uses have been granted planning permission. The most recent planning permission was for an 8ha extension of the quarry from Area 4, into Areas 5, 6 and 7 (NY/2016/0185/ENV/C845/13AL/PA) for the extraction of 4.4 million tonnes of limestone to a depth of 20m AOD reflective of the existing quarry floor limitation. The decision notice was issued on 4 September 2018 following the completion of a Section 106 Agreement relating to aftercare, the setting up of liaison meetings and HGV routing requiring HGVs attending the site to arrive and leave via the A1. The permission provides for a continuation of a low-level restoration of the quarry using engineered fill derived from an existing waste treatment facility (C8/45/13Z/PA granted 25 June 2010 by Selby District Council) to create 1:2.5 slopes to the exposed quarry faces. The existing quarry and proposed extension fall within the Green Belt; adjacent to a SSSI; and at the time of being granted planning permission on Grade 2 BMVL. The principle of stone extraction in this location within the Green Belt, adjacent to the SSSI and on BMVL is therefore long established and previously been found acceptable. There is no evidence that the quarrying operations have adversely affected the adjoining SSSI; although quarrying activities in the past have encroached on the SSSI boundary as have electricity supply works.
- 7.6 The current proposal is for a 9.7ha extension to the quarry to extract a further 4.9 million tonnes of stone – Area 8. The proposed extension would utilise the existing quarry infrastructure including the weighbridge, wheel wash, offices, site access etc.

and would provide material for building stone and other stone products. It would also be supported by the waste recycling operations through the use of reclaimed materials for restoring the site to the approved and proposed restoration levels. As an extension to the existing quarry it would reduce the requirement for potential new quarry sites to be developed in the area or other areas to meet a demand currently met by this site for a specific type of crushed rock and building stone (Magnesian limestone) in the future and would result in continued employment at the site through the safeguarding and creation of jobs and employment in support industries and customers. It would also continue to provide crushed stone and dressed stone to development in the County and to the sub region it serves beyond the boundaries of the County. The principle of the proposed development in this location is therefore considered acceptable.

## Need

- 7.7 Individuals and Kirk Smeaton Parish Council have objected to the proposal on the basis there is no need for the stone. The objections maintain the proposal is at odds with national policy and is contrary to 'saved' policies 3/2, 3/3 and 3/4 and 5/5 of the North Yorkshire Minerals Local Plan and policies M05, M06 and M09 of the MWJP. For the purposes of the 'saved' policies, the proposal is not identified as a preferred area; consequently, this would make the proposal contrary to policy and would have to be justified in very compelling circumstances. The Parish Council conclude there are no compelling circumstances as there is no unforeseen need for the minerals that cannot be met elsewhere and there would be no environmental, economic or other benefits to justify substituting an allocated site. The Parish Council is of the view the quarry has been allowed to grow under the pretext of small scale extensions (the current proposal is to increase the size of the quarry by 50%) and that there is already provision in the local plan for crushed rock through preferred areas and areas of search.
- 7.8 For the purposes of the emerging policies M05, M06 and M09 the Parish Council is of the view there is no business need for a further extension of Went Edge Quarry, the permitted reserves meet demand up to 31 December 2030 and beyond without the need to release further reserves. They maintain the granting of previous permissions at Went Edge Quarry and Barnsdale Quarry have released an additional 9.2 million tonnes of Magnesian limestone over and above the requirements of the Plan. The Parish Council can see no justification to approve a further extension to the quarry and which would be contrary to policy.
- 7.9 The NPPF (paragraph 203) states: *'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation'*.
- 7.10 Paragraph 204 sets out a number of criterion that policies for minerals should deliver. Most particularly, they should provide for the extraction of mineral resources of local and national importance and safeguard mineral resources by defining Mineral Safeguarding Areas.
- 7.11 Paragraph 207 requires mineral planning authorities to plan for a steady and adequate supply of aggregates maintaining a landbank of at least 10 years for crushed rock. Paragraph 208 requires mineral planning authorities to encourage safeguarding or stockpiling so that important minerals remain available for use.
- 7.12 Went Edge Quarry and the proposed extension do not fall within a Preferred Area or an Area of Search for the purposes of saved policy 5/5 of the North Yorkshire Minerals Local Plan. Saved Policy 3/4 supports aggregate mineral working outside Preferred

Areas and Areas of Search but only for borrow pits and small-scale extensions to existing sites, although the supporting text to the policy (paragraph 3.2.9) advises that that due to the nature of mineral workings it is not appropriate to quantify small scale and that the County Council will assess proposed extensions against mineral quantity, working life, annual production and the geographical extent and scale in relation to the existing quarry area .

- 7.13 Paragraph 204 of the NPPF requires Mineral Safeguarding Areas to safeguard mineral resources. Paragraph 207 (c) requires mineral planning authorities to take account of the advice of Aggregate Working Parties and make provision for specific sites, preferred areas and/or areas of search and locational criteria as appropriate. Paragraph 207(f) requires the maintenance of land banks of at least 10 years for crushed rock and for which there is no maximum. Each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. Whilst some weight can be attached to 'saved' policies 3/4 and 5/5 it is considered more weight should be attached to the emerging policies of the MWJP given they have been prepared in accordance with the NPPF and been subject to examination.
- 7.14 The MWJP identifies the Issues and Challenges to be considered of most significance to North Yorkshire. Those most relevant to the current proposal include the need to ensure a continuity of supply of minerals, reflecting where practicable, the likely levels of economic and housing growth and future requirements for minerals; maintaining the required landbanks for...crushed rock... but as far as practicable providing for these outside of the National Park and AONBs; and developing an appropriate locational strategy for minerals supply, taking account of cross-boundary supply issues where relevant.
- 7.15 The MWJP's Vision and Priorities requires the maintenance of an adequate and steady supply of minerals recognising the important role the Plan area has in the supply of a range of minerals and in particular recognising the area's role in aggregates provision in the Yorkshire and Humber area and the adjacent North East region. Provision will must also reflect the importance of using local minerals to help to maintain and improve the quality of the area's built environment. Important minerals resources and minerals supply infrastructure must be safeguarded effectively for the future.
- 7.16 In terms of optimising the spatial distribution of mineral development, there is a requirement to ensure a good match between locations of minerals supply and demand where geology allows.
- 7.17 The Plan's Vision and Priorities are incorporated in to the objectives of the Plan. These include safeguarding important minerals resources and minerals infrastructure for the future and planning for the steady and adequate supply of the minerals needed to contribute to local and wider economic growth.
- 7.18 The Objectives of the Plan are delivered by the policies. Of most relevance to the issue of need for aggregates are emerging Policy M05 relating to the provision of crushed rock; Policy M06 relating to the provision of landbanks; Policy M09, meeting crushed rock requirements; and Policy M10, unallocated extensions to existing quarries.
- 7.19 Following the Plan hearings, modifications are proposed to Policy M05. As far as the policy relates to Magnesian limestone, it identifies a need for 18 million tonnes of Magnesian limestone to be delivered at an equivalent annual rate of 1.2 million tonnes per annum throughout the plan period up to 2030. The policy also provides for a 5 yearly review of the Plan to maintain at least a 10-year landbank of crushed rock, including a separate minimum 10-year landbank for Magnesian Limestone.
- 7.20 Amendments to Policy M06 have also been proposed following the Examination hearings. As far as the Policy relates to Magnesian Limestone, it requires a separate

landbank of at least a minimum of 10 years, as far as practical, to be identified and maintained throughout the plan period. The policy also requires, as far as is practicable, new reserves of crushed rock to maintain an overall landbank of at least 10 years to be sourced from outside the National Park and Areas of Outstanding Natural Beauty.

- 7.21 Amendments have also been proposed to Policy M09. The policy identifies the sites with planning permission and / or allocations to meet the requirements of the landbank for crushed rock over the Plan period. For the purposes of Magnesian limestone, allocations and revisions to the text are set out in paragraph 6.54 and Table 3 above.
- 7.22 The table identifies Went Edge Quarry as having an allocated reserve; the land the subject of allocation MJP29 was granted planning permission on 4 September 2018 (ref NY/2106/0185/ENV, C845/13AL/PA). The planning permission provided for the extraction of 4.4million tonnes of stone from Areas 5, 6 and 7 of the quarry; Area 5 reflected the boundary of the allocation area. Areas 6 and 7 went beyond the allocation area. The permitted stone reserves have now virtually been worked out. The allocated reserves at Went Edge Quarry can no longer therefore contribute to the landbank. In addition, the land the subject of the allocation at Barnsdale Bar Quarry was granted planning permission on 30 March 2020 (ref NY/2019/0072); and the land the subject of the allocation at Jackdaw Crag South was granted planning permission on 22 September 2016 (NY/09/0253/ENV). The planning permissions at Barnsdale Quarry and Jackdaw Crag South have both been implemented; the permission at Barnsdale Bar is for the extraction of 7 million tonnes of Magnesian Limestone by 2040 and Jackdaw Crag is for the extraction of 2 million tonnes of Magnesian limestone for a period of seven years. They are therefore unlikely to make a major contribution to the landbank over the full plan period.
- 7.23 Policy M10 provides support for proposals for extensions to minerals extraction sites on land not allocated for working in the MWJP. The Policy states planning applications will be permitted, providing they meet certain criterion. For the purposes of this application, the proposal is not in a National Park or AONB; it would not compromise the overall delivery of the strategy for the sustainable supply and use of minerals. An assessment of the proposal against the relevant development management policies is set out later in this report. Supporting paragraph 5.50 to the policy advises that *the presumption in favour of sustainable development means that development should not be prevented solely because it is not identified and supported specifically in the Joint Plan*. The paragraph further advises *‘that such an approach could unnecessarily prevent development which might otherwise be acceptable and could impact adversely on the local and wider economy and other social objectives. However, it will be important to ensure, where development proposals come forward on land not identified specifically for working, that they do not compromise other important strategic objectives of the Joint Plan and that any environmental and amenity impacts are considered by applying relevant development management policies in the Joint Plan. In all cases, any reserves granted on unallocated sites would, where relevant, contribute towards the landbank of the mineral’*.
- 7.24 The most recent Local Aggregate Assessment (LAA) for the North Yorkshire Sub-region (Third Review 2017) was produced in response to new requirements introduced in the National Planning Policy Framework 2012. It constitutes a third review of the LAA for the sub-region, first published in January 2013. It includes information and an updated forecast of demand for sand and gravel, and more particularly for the purposes of this application, updated information on movements of aggregate, derived from the 2014 Aggregates Monitoring Survey. The LAA:

- Summarises available information on the supply of aggregate within, and movements of aggregates into and out of, the sub-region;
- Identifies a basis for establishing future requirements for aggregates from the region over the period to 2030;
- Summarises key issues which may impact on the supply of aggregates and identifies the extent to which it is likely that future supply requirements can be met; Identifies a range of factors which may need to be considered in the preparation of minerals plans, addressed through co-ordination with other planning authorities, or may require on-going review.

In respect of aggregates, the LAA concludes (**officer emphasis**):

- Aggregates supplied from the sub-region are of significance at a regional level and beyond.
- Although there has been a decline in production over the past few years, in response to economic conditions, **the strategic significance of aggregate supply from the sub-region is likely to remain high** and may increase, particularly for concreting sand and gravel.
- The sub-region has high overall reserves of crushed rock but reserves of sand and gravel are more limited and there is a need to identify further resources suitable for working to cover the period to 2030. **There is also potential for shortfall in supply of Magnesian Limestone in particular in the mid term in the absence of release of further reserves.**
- This LAA suggests future provision for sand and gravel at an overall annual rate equivalent to 2.44mt and for crushed rock at an annual rate of 3.75mt for the period 2016 to 2030 for the North Yorkshire County Council, City of York Council and North York Moors National Park Authority minerals plan area. These levels are significantly higher than that derived using current 10 year average sales.
- There is no expectation of a substantial near term shift in the overall balance of supply from the main sources of aggregate produced in the sub-region (ie crushed rock, land won sand and gravel and secondary and recycled aggregate) although a number of factors, discussed further in Part C of the LAA, have been identified which could impact on this in the mid to long term.
- A range of factors including matters relating to resource distribution and the presence of substantial areas of National Park and other important designations are likely to place increasing constraints on the supply of aggregates in the longer term.
- A number of cross-boundary movements of aggregate to/from other areas have been identified which should be considered further where appropriate through preparation of local minerals plans. Whilst the latest data on movements indicates some differences from the 2009 data reported in previous LAAs, the overall picture of flows to and from the North Yorkshire sub-region remains broadly unchanged.

7.25 Policy M15 of the MWJP supports proposals for the lateral extension and / or deepening of workings at permitted building stone extraction sites (criterion ii) and the incidental production of building stone in association with the working of crushed rock (criterion v). The existing quarry has produced building stone as part of the working of crushed rock; the proposal is to work stone for crushed aggregates and continue winning stone for building stone purposes. The applicant estimates there could be 150,000 tonnes of building stone in the reserve, which is important to the local construction industry in supporting conservation, repair and extensions to existing buildings; and to supply stone for new builds to enable buildings to be in keeping with and reflect the local vernacular. The proposal is therefore considered to accord with emerging MWJP Policy M15.



- 7.26 In the earlier stages of the preparation of the Plan, Went Edge Quarry was identified as a major contributor to the supply of Magnesian limestone and land was brought forward and allocated for future development. The contribution the allocation could make to the landbank has been realised by the granting of planning permission for the allocation (and beyond), and the stone in which has subsequently been (virtually) worked out. There continues to be a demand for Magnesian limestone as demonstrated in the most recent LAA available (2017) and (notwithstanding the most recent economic difficulties associated with the pandemic), is not expected to change and is more likely to increase. It is therefore understandable why the applicant has brought the proposal forward.
- 7.27 It is considered there is a continuing need to release Magnesian limestone reserves to maintain **at least** a 10-year landbank for the plan period and therefore the proposal complies with policies M05, M06, M09 and M10 of the emerging MWJP. The proposal complies with emerging MWJP Policy M15 in that it would be an extension to an existing quarry reducing the need to develop further quarries in the area. The most recent LAA states aggregates supplied from the sub-region are of significance at a regional level and beyond and that the strategic significance of aggregate supply from the sub-region is likely to remain high. It further concludes there is a potential shortfall in the supply of Magnesian limestone, in particular in the mid-term in the absence of release of further reserves. The proposed extension would release a viable reserve (4.9 million tonnes) which would make an important contribution towards the supply of Magnesian limestone in the County and to the main markets in the sub region. The approach is consistent with the NPPF (paragraph 207) that requires mineral planning authorities to plan for a steady and adequate supply of aggregates through the LAA,
- 7.28 The objections raised by individuals and Kirk Smeaton Parish Council on need for the mineral are therefore not accepted. The release of further reserves of Magnesian limestone would be contrary to the 'saved' policies of the Minerals Local Plan, but more weight should now be attached to the policies of the emerging MWJP and with which the proposal is considered to accord. The emerging policies accord with the NPPF in that they aim to ensure there is a sufficient supply of mineral to provide the infrastructure, buildings and goods the country needs; recognise minerals are a finite resource and can only be worked where they are found; and best use needs to be made of them to secure their long term conservation (NPPF paragraph 203). The policies also provide for the extraction of mineral resources of local and national importance (NPPF paragraph 204(a)) and therefore substantial weight can be attached to them at this stage in the development plan process. However, an assessment of the proposal against other policies of the development plan and policies of the emerging plans must still be carried out and which is set out below.

### **Green Belt**

- 7.29 The existing quarry and proposed extension fall within the Green Belt. Whilst previous planning applications have been considered against Green Belt policies and have been found acceptable, Green Belt is considered an important designation against which the proposal requires careful consideration.
- 7.30 Selby District Council considers the Green Belt to be an important issue in considering the acceptability or otherwise of the application. The Council is of the view the proposed extension would not introduce any further built development; forms an extension to an existing quarry; and the site would be subject to restoration following the extraction of the limestone. The Council considers that mineral extraction at this location would not undermine the purposes of including land within the Green Belt and, on this basis, the proposal is considered appropriate development in the Green Belt.

They recommend an assessment be carried out of the visual impact the proposal would have on the openness of the Green Belt.

- 7.31 NYCC Principal Landscape Architect initially objected to the proposal on the basis it would significantly affect local views, character and setting of the local landscape and the openness of the Green Belt in the short term; following amendments to the proposal is now satisfied that subject to provisions being made for the restoration of the site and associated landscaping the proposal would be acceptable and would not affect the openness of the Green Belt. The County Council's Landscape Architect made further comments clarifying his views expressed during pre-committee discussions with officers on landscape matters. These are reported in paragraphs 4.57 and 4.58 above. The consultation response is clear that with regard to restoration and long term management the Landscape Architect is satisfied these can be covered by the S106 and conditions so in the longer term the impacts on the Green Belt have been resolved. However, he remains concerned regarding the impact on the Green Belt during the operational phase of development.
- 7.32 Individuals and Kirk Smeaton Parish Council have objected to the proposal on the basis it would have an unacceptable impact on the Green Belt and would not preserve the openness of the Green Belt or the purposes of including land within the Green Belt. The Parish Council are of the view the proposal amounts to inappropriate development and that there are no special circumstances that clearly outweigh the harm caused to the Green Belt by way of inappropriateness. They maintain that whilst the construction of screen mounds and their retention throughout the working of the stone would be a temporary obstruction to openness and long distance views, the erection of boundary fencing and planting of hedgerows to Wentedge Road would be permanent features impacting on the openness of the Green Belt and result in the loss of long distance views across the field to the woodland of the SSSI and longer views (through the pylon gap) to users of Wentedge Road. The Parish Council are also of the view the proposal conflicts with including land within the Green Belt as it constitutes encroachment which will, irrespective of restoration proposals, become an extension of the existing industrial estate. The Parish Council are concerned the proposal would affect the historic villages of Kirk Smeaton and Wentbridge and would adversely affect their respective settings.
- 7.33 There are no 'saved' policies from the Selby Local Plan relating to Green Belt. The previous policies relating to Green Belt have been replaced by the Selby Core Strategy.
- 7.34 The proposal must therefore be assessed against Policy SP3 of the Selby District Core Strategy Local Plan (2013) and having regard to the emerging Preferred Approach SG7 – Green Belt in the Selby District Local Plan – Preferred Options Consultation, Policy DO5 of the emerging MWJP, the NPPF, and Planning Practice Guidance on Green Belts.
- 7.35 Policy SP3 of the Selby Core Strategy states, '*In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted*'. The policy accords with paragraph 144 of the NPPF and should be given full weight. Preferred Approach SG7 of the emerging Selby District Local Plan Preferred Options consultation states that proposals in the Green Belt will be determined in accordance with the NPPF, although little weight can be attached to this emerging approach at this stage.
- 7.36 Planning Practice Guidance on Green Belt provides advice on the role of Green Belt in the planning system and sets out what factors can be taken into account when

considering the potential impact of development on the openness of the Green Belt. These are set out in paragraph 6.113 above.

- 7.37 The NPPF at paragraph 133 attaches great importance to Green Belts and their fundamental aim to prevent urban sprawl by keeping land permanently open with openness and permanence being their essential characteristics. Paragraph 134 sets out the five purposes of Green Belt:
1. *to check the unrestricted sprawl of large built up areas;*
  2. *to prevent neighbouring towns merging into one another;*
  3. *to assist in safeguarding the countryside from encroachment;*
  4. *to preserve the setting and special character of historic towns; and,*
  5. *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'.*
- 7.38 When considering proposals affecting the Green Belt, Paragraph 143) states that *'inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances'*.
- 7.39 When considering planning applications in the Green Belt, the NPPF (paragraph 144), requires local planning authorities to *'ensure that substantial weight is given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*.
- 7.40 However, paragraph 146 of the NPPF states that mineral extraction is not inappropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Therefore, it is necessary to consider whether the proposed development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt.
- 7.41 The underlying aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and which is linked to the five purposes of Green Belt. Mineral extraction is not inappropriate providing it preserves its openness and does not conflict with the purposes of including land within it. This is because minerals can only be extracted where they are found, are of a temporary nature and subject to restoration requirements thereby limiting their impact, albeit 'temporary' can extend over a number of years.
- 7.42 National Planning Practice Guidance on Green Belt requires local planning authorities to make a judgement on the impact of a proposal on the openness of the Green Belt including its visual impact and volume, duration of the development, restoration provisions and degree of activity likely to be generated, such as traffic generation. The proposal is for an extension to an existing quarry, all of which, following soil stripping and initial surface stone working would be below surrounding ground level and would be screened from view from Wentedge Road and surrounding area by soil storage/screening bunds and the proposed planting of hedgerows. Whilst there may be some views into the south east corner of the proposed extension area when seen from the north elevated side of the River Went valley through the overhead electricity pylon line 'gap' due to the fall in ground levels, this would be limited and would not have an adverse visual impact, particularly in the longer term given the proposed restoration of the quarry with sloping sides of grassland and woodland to existing ground levels. The proposal is to extract stone for a period of up to 8 years with progressive restoration being completed within a further 2 years including the removal

of soil storage/screening mounds, thereby maintaining the openness of the Green Belt. All activities subsequent to soil stripping would be at or below ground and, other than the limited views through the pylon 'gap' in the final extraction phase, would not be readily seen and would not affect the openness of the Green Belt. The existing quarry and access would continue to be used for processing the stone and importing materials that would be used in restoration. Vehicle numbers would not increase and they can be controlled by condition. The access is in very close proximity to the A1; all HGV's associated with mineral extraction at the quarry are required to access the site via the A1 through a Section 106 routing agreement. The applicant proposes the routing agreement to continue as part of a new legal agreement should planning permission be granted. It is considered stone extraction operations and traffic associated with the proposed extension would not result in an unacceptable level of activity in the Green Belt. The proposal is therefore considered to comply with the National Planning Practice Guidance on Green Belt.

- 7.43 'Openness' is not defined in the NPPF, but it is commonly taken to be the absence of built development for the purposes of paragraph 134 a) of the NPPF. The proposed development would be on agricultural land. Whilst the land abuts the existing operational quarry, it would not introduce any further built development into the area; the proposed restoration would be to open grassland and woodland planting maintaining open undeveloped space, albeit at a lower surface level. Whilst there is industrial development in the existing quarry, given it is in the base of the quarry, it cannot be readily seen from outside the quarry, albeit due to the presence of screening bunds and additional landscape planting and hedging provided to the boundary of the quarry to Wentedge Road. There is no proposal to extend the existing industrial estate as part of this planning application. Ongoing investigations will establish the planning status of the existing industrial uses. Any future planning applications for industrial uses would be considered on their own merits and against the policies of the development plan. Soil storage/screening bunds are proposed around the periphery of the proposed extension with hedgerow planting proposed along the extension frontage to Wentedge Road from the outset and which would screen views into the proposed extension and into the existing quarry preventing views of the industrial estate as stone is progressively worked eastwards. Whilst introducing a visual change to the landscape, it is considered that the presence of temporary soil storage/screening mounds and permanent additional hedging would not adversely affect the openness of the Green Belt. Screen mounds and hedging would reflect the screening mounds and hedge planting that has already been carried out to the frontage of the existing quarry as part of previous planning permissions and which was found acceptable for the purposes of Green Belt policy. As part of the landscaping proposals a hedge is proposed to be planted along the frontage to Wentedge Road; this would prevent views into the quarry and of the industrial estate to all but users of the proposed permissive footway / bridleway. The proposed extension to the quarry would not involve any built development and would therefore would keep the land permanently open. The proposal would therefore not undermine the objective of safeguarding the countryside from encroachment as the proposed extension is to, and in conjunction with, an existing operational quarry. It would be a temporary use of land and would be progressively restored to a lower level for open grassland and woodland following completion of the extraction of stone. Given the location of the proposed extension which would be adjacent to an existing operational quarry, its rural nature, and the fact that minerals can only be worked where they are found, it is considered that the site would not undermine the aims of the Green Belt or conflict with the purposes to check unrestricted sprawl, prevent neighbouring towns merging into one another, preserve the setting and special character of historic towns or assist in regeneration for the purposes of paragraph 134 a), b), d) and e). The restoration

scheme would assist in safeguarding the countryside from encroachment for the purposes of paragraph 134 c).

- 7.44 Consideration must also be given to the visual impact of the proposed development on the Green Belt. The existing quarry processing plant and machinery are located at the base of the quarry and therefore screened from view. Other than soil stripping operations and removal of the surface rock at the start of each phase, plant and machinery associated with such would progressively be below ground level and behind soil storage/screening mounds and a maturing hedgerow to Wentedge Road. Whilst mobile processing plant and machinery would relocate as the quarry face advances through the proposed phases, this would always be located in the base of the quarry and screened from view from nearby viewpoints due to the soil storage / screening mounds which would be constructed along the frontage to Wentedge Road and along the eastern boundary of each phase. These would be continued along the frontage to Wentedge Road and along the eastern boundary as each phase progresses. The screening mounds would be temporary, being retained only through the operational phases. On completion of quarrying and restoration operations, the screening mounds would be removed. A hedge has already been planted to the part of the frontage of the existing quarry to Wentedge Road as part of the previous planning permission, therefore establishing the acceptability of such in the Green Belt; it is proposed to continue the hedge along the full length of the frontage of the proposed extension from the outset and which would be retained following completion of working. Therefore, the proposed extension is not considered to conflict with the aims of preserving the openness of the Green Belt. The proposed development is a temporary use of land and would be progressively restored. It is considered that whilst the proposal constitutes development in the Green Belt, there would be no built development and therefore the openness of the Green Belt would be preserved and there would be no unacceptable visual impact associated with the development on the Green Belt.
- 7.45 Selby District Council are similarly of the view the proposed extension would not introduce any further built development; forms an extension to an existing quarry; and the site would be subject to restoration following extraction of the limestone. They consider that mineral extraction at this location would not undermine the purposes of including land within the Green Belt and on this basis, the proposal is considered appropriate development in the Green Belt.
- 7.46 There are controls currently in place to restore the existing quarry through planning conditions and a S106 Agreement for a 10-year long term aftercare given the nature of the proposed restoration and need to ensure its success. The applicant is willing to enter into a further agreement to ensure appropriate and adequate restoration of the proposed extension area would take place and for aftercare of the restored site to be similarly extended to 10 years. This would be necessary to ensure establishment of the proposed grass and woodland. There is no proposal to extend the industrial estate as part of this application; a separate planning application would be required for any additional built development. It is considered the openness of the Green Belt would not be adversely affected by the extension and restoration to a lower level or by the planting and retention of hedgerows and there would be no conflict with the purposes of including land within the Green Belt.
- 7.47 Further, it is considered that the proposed development is not inappropriate development within the Green Belt and therefore the applicant does not have to demonstrate very special circumstances for the purposes of Policy SP3 of the Selby Core Strategy. The acceptability of the proposed restoration of the extension area; the fact that minerals can only be worked where they occur; and that mineral operations

are temporary, it is considered that the proposed development would not conflict with the fundamental aim and the essential characteristics of openness and permanence of the Green Belt.

- 7.48 Policy D05 of the emerging MWJP supports proposals for minerals developments in West Yorkshire Green Belt where it would be consistent with the purposes of Green Belt identified in national policy and the openness of the Green Belt. Where minerals extraction in the Green Belt is permitted, reclamation and afteruse will be required to be compatible with Green Belt objectives.
- 7.49 With regards to waste, the emerging policy considers the landfill of quarry voids including for the purposes of quarry reclamation and where the site would be restored to an afteruse compatible with the purposes of Green Belt will be considered appropriate in the Green Belt providing it preserves the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.
- 7.50 Considerable weight can be attached to the emerging policy. The proposal would be consistent with the purposes of Green Belt and preserve its openness. The proposed reclamation scheme and after use is compatible with Green Belt objectives. The use of waste and recycled materials for restoration purposes would ensure the afteruse would be compatible with the aim of including land within the Green Belt and appropriate in the Green Belt as it would preserve its openness and would not conflict with the purposes of including land within it.
- 7.51 Individuals and Kirk Smeaton Parish Council have expressed concern and objected to the proposal on Green Belt grounds. However, whilst the reasons for objecting are understood, they are not accepted for the reasons set out above.
- 7.52 The proposed extension of the quarry in the Green Belt would therefore be in accordance with Policy SP3 of the Selby District Core Strategy Local Plan (2013), policy D05 of the emerging MWJP, would be consistent with Preferred Approach SG7 of the emerging Selby Local Plan and with the NPPF and Planning Practice Guidance on Green Belt.

### **Landscape impact**

- 7.53 The quarry and proposed extension fall within the 'Smeaton Ridge' Character Area of the Southern Magnesian Limestone Locally Important Landscape Area identified in the Selby Landscape Character Assessment (November 2019). The land within the Character Area comprises relatively flat rolling countryside dominated by large-scale open arable agricultural land with woodlands and remnants of hedgerows. To the north of the existing quarry and north and east of proposed extension area is the Brockadale SSSI.
- 7.54 Paragraph 170 of the NPPF states that policies and developments should contribute to and enhance the local environment by *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); and 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.* 'Saved' policy 4/1 - Determination of Planning Applications of the North Yorkshire Minerals Local Plan is relevant and in part, consistent with the NPPF and therefore carries some weight.

- 7.55 Policy SP18 of the Selby Local Plan Core Strategy seeks to sustain the high quality and local distinctiveness of the natural and manmade environment by safeguarding and enhancing the natural environment including the landscape character.
- 7.56 'Saved' Policy ENV15 of the Selby Local Plan prioritises the conservation and enhancement of the character and quality of the landscape with particular attention being given to landscaping to minimise impact.
- 7.57 Emerging Draft Policy D06 – Landscape of the MWJP seeks to protect landscapes from harmful effects and supports proposals where there would be no unacceptable impact on the quality and/or character of the landscape having taken into account any proposed mitigation measures.
- 7.58 Preferred Approach SG5 and NE3 of the Selby District Local Plan Preferred Options Consultation seek to protect and enhance the intrinsic character and beauty of the countryside and avoid significant loss of key characteristics.
- 7.59 The Selby Landscape Character Assessment identifies the key characteristics of the Smeaton Ridge Character Area being large scale gently rolling arable farmland with a distinct lack of hedgerows, long distance views, strong presence of calcareous woodlands, general sense of openness, concentrated settlements including Kirk Smeaton, local influence of small-scale parkland landscapes. It also identifies evidence of limestone extraction at the active Darrington and Barnsdale Bar quarries, and disused North Field Quarry, but does not identify Went Edge quarry despite its presence and active operation at the time the Assessment was published. Irrespective, the Assessment identifies principle forces for change including potential proposals for the extraction of limestone, which may result in localised changes in appearance to the area. As part of the management guidelines for the area, location specific guidelines advise:
- *Mineral extraction sites should seek to establish long-term gains for the landscape and biodiversity: by encouraging the creation of important new habitats during restoration phases, with links to existing woodland to create networks; and by creating potential recreational opportunities once extraction ceases or in safe areas of the site which are now restored;*
  - *Seek improvements to the areas around existing mineral extraction sites, to ensure they are sympathetically absorbed into the landscape.*
  - *Housing development should be focused within and around the main villages, to prevent the spread of settlement, and should reflect the limestone vernacular.*
- 7.60 The applicant undertook a Landscape and Visual Assessment of the existing quarry site and proposed extension area and which was subsequently revised for the purposes of the ES. The objectives and conclusions of the Assessment (as revised) are set out in Section 3, paragraph 3.13 and 3.14.
- 7.61 Selby District Council advise the site is located in a designated '*Locally Important Landscape Area*' where priority is given to the conservation and enhancement of the character and quality of the landscape and Core Strategy policy SP18 aims to protect the high quality and local distinctiveness of the natural environment and requires nature conservation sites are safeguarded from inappropriate development and that development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining natural interest of a site. The Council advise thought will need to be applied to the overall impact of the proposal on the countryside, environment and amenity.
- 7.62 NYCC Principal Landscape Architect initially objected to the proposal and sought further clarification to determine whether the landscape and visual effects of the proposed development would be within acceptable limits with a suitable landscape restoration, maintenance / after care scheme. Whilst the Principal Landscape Architect

considered the scope of the LVIA was acceptable, he did not agree with the overall summary of adverse effects and considered them understated. He considered the proposal had potential to significantly affect and dramatically change local views, character and setting of the Landscape and Visual Impact Appraisal and the openness of the Green Belt in the short term. However, following the submission of amended details relating to restoration including the provision of advanced planting, soil bunds etc. he has confirmed his views on the on the applicant's Landscape and Visual Impact Assessment (LVIA) remain unchanged and that his comments relating to short-term operational effects remain as previously stated. He has also confirmed he is satisfied with the proposed restoration scheme and that in the longer-term, following extraction (8 years +), the adverse landscape and visual effects can be sufficiently mitigated and reduced provided that the whole site restoration and 10-year aftercare scheme (including footpath link) can be secured by condition or legal agreement. He has advised achieving a whole-site restoration scheme for the quarry is dependent on revising the existing approved restoration scheme for Went Edge Quarry (to make corresponding changes to the adjoining previously approved scheme to the west side), because there are discrepancies in extraction working areas, restoration levels and contours. His previous queries relating to phasing and progressive restoration are resolved by amended phasing plans. He is also satisfied that his concerns relating to defining extraction areas, aboricultural survey and stand-off / tree protection areas along the northern boundary and correction of inconsistencies are resolved by the revised plans and documents submitted and by the proposed landscape related conditions. However his concerns regarding the impact on the green belt during the operational phase of development remain.

- 7.63 Individuals and Kirk Smeaton Parish Council object to the proposal on the basis it would have an unacceptable visual impact on the landscape of the area; the introduction of soil storage/screening bunds and hedgerows would interrupt the views of the trees to the SSSI and longer views of the landscape to the north; and would introduce views into the proposed extension area, existing quarry and industrial estate following restoration. The Parish Council maintain the assessment of the impact of the proposal by the applicant is biased and wrongly concludes the overall effects of the proposals would be minor adverse during operations but minor beneficial after restoration. Individuals and the Parish Council are also concerned the proposal would damage the historic character of Wentbridge and Kirk Smeaton.
- 7.64 The field the subject of the application is relatively flat but falls away in the north east corner towards the River Went Valley. It is currently in open agricultural use bordering woodland in the River Went Valley to the north and is open to Wentedge Road. There are open views from Wentedge Road to the south. Views from Wentedge Road north across the field meet the woodland to the River Went Valley with a narrow longer and more distant view through a gap in the woodland through which passes the overhead electricity line, a pylon supporting which is located just within the eastern boundary of the proposed extension. A pole mounted electricity line runs west – east across part of the field. The existing quarry is located to the west with access taken from Wentedge Road near its junction with the A1 and which is visible from Went Edge Road.
- 7.65 However, due to the depth of the quarry and the presence of screening mounds and the newly planted hedgerow, the quarry, associated operations and industrial uses are well screened and absent from local views from Wentedge Road, the public footpath across Thompson's Field and, due to the change in elevations and the presence of woodland, from the River Went valley. This would similarly be the case with the proposed extension other than for some restricted views into the southeastern corner of the proposed extension when seen from the northern edge of the River Went Valley through the pylon gap as part of the final phases of extraction and restoration.
- 7.66 The proposed extension would be on an existing arable field open fronted to Wentedge Road. It would have soil storage/screening mounds progressively extended from the



existing quarry through the phased extraction areas, which would screen the operations from view from Wentedge Road, and from the east looking west; the hedgerow to the existing quarry would be continued along the length of the frontage of the extension area to Wentedge Road. The soil storage / screening mounds and proposed hedgerow would progressively remove the view to the trees on the edge of the River Went valley north of the field and the longer distance views through the pylon gap. As the extension progresses east, and the soil storage/screening mound continues along the frontage to Wentedge Road, views north would become increasingly restricted to the point of being removed; as the proposed hedge matures, views would similarly be removed and would unlikely to return post restoration as the hedge would be retained.

- 7.67 Whilst the current views north are open and pleasant, the pylon line, particularly when travelling from the west dominates them. As travel progresses along Wentedge Road towards Kirk Smeaton village, the field boundaries are increasingly hedged, including that to the frontage of the SSSI at Thompson's Field. Irrespective, should the applicant wish to plant a hedge to the frontage of the proposed extension area to Wentedge Road notwithstanding the intention as part of the current proposal, he would be entitled to do so. It is more than likely many of the fields that now contribute to the 'openness' of the landscape had the benefit of hedgerows in previous times and of which there is evidence. In short, the open landscape that is now so revered, was not so open in the past, is manmade. The planting of hedgerows would provide ecological protection and enhancement opportunities, which are encouraged by other policies of the development plan.
- 7.68 It is therefore considered, that whilst the proposal would have a visual impact on the landscape, this would be restricted to the loss of a 9.7-hectare open field and the loss of views to the north when seen from a section of Wentedge Road. However, this would be for a distance of approximately 450 metres along the frontage to Wentedge Road and which in any event could be lost by the planting of a hedgerow, irrespective of the proposal.
- 7.69 The proposed method of working the extension and the proposed screening of the site by the construction of soil storage/screening mounds and the planting of a hedge would accord with 'saved' policy 4/1 of the North Yorkshire Minerals Local Plan in that it would effectively mitigate the visual impact of the proposal when seen by users of Wentedge Road. Whilst it is accepted the presence of soil storage/screening mounds may not be sympathetic to the area, they would mitigate the visual impact of the proposal, would be temporary and would be removed in time. The planting of a hedge would be sympathetic to the landscape character of the area, reflective of that acknowledged in the Selby Landscape Assessment. The landscaping and screening would effectively screen and mitigate the impact of the proposal.
- 7.70 Policy SP18 of the Selby Core Strategy seeks to safeguard and where possible enhance the high quality and local distinctiveness of the natural and manmade environment including the landscape character and setting of areas of acknowledged importance. There is no doubt that the proposal would result in a change to the landscape character by the loss of an open arable field, the introduction of soils storage/screening mounds and hedgerows and a loss of views north to the woodland of the SSSI and the longer views through the 'pylon gap' along a 450m section of Wentedge Road. However, the proposal would be temporary and progressively restored, albeit to a lower level, but would, irrespective be screened by a hedgerow (and which could be planted without any restrictions). The hedgerow would reflect other hedgerows in the immediate vicinity, including that which has already been planted by the applicant to the frontage of the existing quarry and Wentedge Road. It is therefore considered that whilst there would be a change in the landscape it would be very localised and limited to a 450m section of Wentedge Road. Further, other than possible minor views into the site in its last phase of working from the north of the SSSI, the

proposal would not affect the setting of the SSSI. Representations have expressed concern that the proposal would adversely affect the historic setting of Kirk Smeaton village; however, the nearest point of the proposed extension would be 750m from the village. Consequently, it is considered the proposal would not affect the setting of the village.

- 7.71 'Saved' policy ENV15 of the Selby Local Plan requires proposals within locally important landscape areas, to conserve and enhance the character and quality of the landscape and for landscaping to minimise its impact and to enhance the traditional landscape in the area. As above, whilst the proposal would introduce change to the landscape, for the reasons stated it is considered such change would not be unacceptable.
- 7.72 Emerging Draft Policy D06 of the MWJP seeks to protect landscapes from harmful effects and supports proposals where there would be no unacceptable impact on the quality and/or character of the landscape having taken into account any proposed mitigation measures. It is considered, the proposal would not have an unacceptable impact on the landscape and the proposed measures would minimise the impact by the construction of temporary soil storage/screening mounds for the operational and restoration phases and the planting of a hedgerow would be acceptable.
- 7.73 Selby's (new) Local Plan Preferred Approach NE3 seeks to protect and enhance landscape character with reference to the Selby Landscape Character Assessment including the Magnesian Limestone Ridge requiring developments to avoid significant loss of key characteristics and respond to specific recommendations in the Landscape Character Assessment. The area can be considered to be a valued landscape for the purposes of the Selby Landscape Character Assessment and therefore the Preferred Approach would be in accordance with Paragraph 170 a) of the NPPF.
- 7.74 The Selby Landscape Character Assessment (November 2019) requires mineral extraction sites to establish long-term gains for the landscape and biodiversity by encouraging the creation of important new habitats during restoration phases, with links to existing woodland to create networks and by creating potential recreational opportunities once extraction ceases. It also seeks improvements to the areas around existing mineral extraction sites, to ensure they are sympathetically absorbed into the landscape. The proposal would be temporary and is proposed to be restored to a low-level grass and woodland area to compliment the adjacent SSSI and create new habitats and links to existing woodland. The hedge to the frontage of Wentedge Road would similarly create a new habitat and on the inside of which is proposed a new recreational route. It is therefore considered, that the proposal would meet the recommended management guidelines of the Landscape Character Assessment.
- 7.75 It is also noted the Landscape Character Assessment requires housing development to reflect the limestone vernacular. The existing quarry produces building stone and would continue to do so contributing stone to new development proposals and maintaining and repairing existing buildings.
- 7.76 It is therefore concluded, that whilst introducing a change to the landscape, the change would be localised, would not be significant, and, in the longer term, through the restoration of the site and planting of a hedgerow to the frontage of Wentedge Road, (which would be controlled by conditions 39, 40, 41, 42 and 43) and would be the subject of an extended aftercare plan through the proposed Section 106 Agreement, and would introduce a more diverse habitat interconnecting to other nearby habitats, principally the SSSI. Given the scale of the proposal and its distance from the villages of both Wentbridge and Kirk Smeaton, it is considered their historic character and locations in the landscape would not be adversely affected. It is considered, therefore, that whilst the proposal is located in a valued landscape, the landscape would not be so adversely affected and would continue to be protected by the proposed landscaping measures as part of the operational life of the site and restoration proposals. The

proposal is therefore considered to be acceptable for the purposes of Paragraphs 170 a) and b) of the NPPF, Policy 4/1 of the North Yorkshire Minerals Local Plan, Policy SP18 of the Selby Core Strategy, Policy ENV15, Policy DO6 of the emerging MWJP, and would accord with the management guidelines of the Selby Landscape Assessment 2019.

### **Biodiversity, habitats, nature conservation and protected species**

- 7.77 'Saved' Policy 4/1 (e) of the North Yorkshire Minerals Local Plan requires environmental and amenity safeguards to mitigate the impact of a proposal. 'Saved' Policy 4/6A requires the protection of nature conservation and sites that have nature conservation interest and importance and Policy 4/10 requires the protection of surface and ground water resources. 'Saved' Policy ENV11 of the Selby Local Plan seeks to protect ancient woodlands. Policy SP18 of the Selby Core Strategy requires national protected sites to be safeguarded from inappropriate development, ensure developments produce a net gain in diversity by designing in wildlife and ensure developments protect soil, air and water quality from pollution. Emerging Policy DO7 (1) of the MWJP supports proposals where there would be no unacceptable impacts on biodiversity on SSSIs; supports proposals that would not have an unacceptable impact on a SSSI where the benefits of the development would clearly outweigh the impact or loss; supports proposals in an impact zone of a SSSI where a detailed assessment of the potential impacts including proposals for mitigation where relevant; and plan positively to achieve net gains for biodiversity. Emerging Policy DO9 seeks to protect the water environment. Selby's emerging Local Plan's Preferred Approach NE4 seeks to protect designated sites and species with SSSI designation with reference to National Policy and Guidance. Preferred Approach NE5 looks to gain biodiversity for ecological networks and Preferred Approach NE6 seeks to prevent the loss of and to enhance trees, woodland and hedgerows. The NPPF (paragraph 175) seeks to protect habitats and biodiversity specifically advising planning permission be refused for proposals that would cause significant harm; if a proposal is likely to have an adverse effect it should not be supported unless the benefits clearly outweigh both its likely impact on the features that make a SSSI and any broader impacts.
- 7.78 The applicant has undertaken an assessment of the ecological impact associated with the proposed extension of the quarry and which considers the impact the existing quarry has had on the habitat of Brockdale SSSI since 1993 when the quarry was working along the northern boundary of the site adjacent to the SSSI. The assessment refers to previous surveys of the SSSI, which have concluded that the quarry has not affected the SSSI.
- 7.79 The assessment concludes that the existing quarry has had little or no impact on the surrounding habitat, biodiversity or the condition of the SSSI and that this would remain the case with the proposed extension. The applicant is of the view that the proposed restoration to provide a combination of calcareous grassland, woodland planting, natural regeneration would enhance the biodiversity of the area improving the existing habitat. The applicant is also of the view that offsite hedge and tree planting would provide nesting habitat and unmanaged grasslands would provide a habitat for invertebrates, small mammals and seed eating birds and is proposing, as with the previous permission for the extension of the quarry into areas 5, 6 and 7, to enter into a Section 106 Legal Agreement to extend the five year aftercare period to ten years.
- 7.80 The applicant also undertook a badger survey of the proposed extension area. Badgers are protected under the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 and therefore subject to a separate regime in terms of protection as a licence (from Natural England) would be required if it is found that a sett is within the area subject to extraction even if planning consent is granted. The survey did not identify any setts within the proposed extension area but identified a sett in close

proximity to it. The survey confirmed the presence of a well-established sett with a number of used entrances. Whilst badgers may use the proposed extension area for foraging, there was no clear evidence of such, possibly attributable to the nature of agricultural use. The survey concludes there would be an increasing impact on badgers and the sett as quarrying progresses eastwards and recommends a number of options to mitigate the impact. The options include the provision of a 50m standoff to reduce blasting vibration and disturbance; create an alternative artificial sett in an area away from the extraction area; prepare a badger management plan to monitor activity, assess impact of the operations on badgers and the need or opportunity to provide an alternative sett or establish whether the badgers have relocated independently due to any disturbance from quarrying operations. The preferred option would be determined by the monitoring of the sett as workings progress eastwards.

- 7.81 The County Council's Ecologist is of the view the survey work carried out on the site is acceptable and the proposed restoration layout and choice of habitats would be appropriate to the local area and is supported although refers to a number of outstanding concerns relating to the scheme impacts, restoration, and long term after care and management including an agreement between the applicant and the Yorkshire Wildlife Trust.
- 7.82 Representations objecting to the potential impact of the proposal on the ecology of the SSSI have been made by Natural England, Yorkshire Wildlife Trust, Brockadale Nature Reserve Supporters Group, Kirk Smeaton Parish Council, Darrington Parish Council, Wakefield Badger Group, Butterfly Conservation (Yorkshire Branch) and Plantlife (who own land adjacent to the proposed extension), and individuals objecting to the proposal.
- 7.83 Natural England (NE) initially objected to the proposal in view of the potential impacts on the Brockadale SSSI, particularly in respect of dust or particles, falling onto plants have not been properly addressed. They considered there may also be toxicity issues (caused by heavy metals particles) and potential changes in pH (particularly if the dust is alkaline (e.g. cement dust)). NE were also concerned the SSSI could be sensitive to changes in hydrology from dewatering and any discharges from the proposal into the SSSI. Agriculture is considered an appropriate after use. They maintained a holding objection regarding surface water drainage from the site, and measures to avoid polluted surface water impacting on the habitats of the SSSI. They were further concerned the proposed bund within the 10m buffer may risk damage to the SSSI and that there should be a 5m standoff to the boundary of the SSSI of any bund within the 10 metre buffer and that the boundary of such should be clearly defined and fenced. NE support the restoration proposals and involvement of the Yorkshire Wildlife Trust to manage the restored site in the long term. NE has subsequently raised no objection subject to mitigation measures to protect the SSSI including the provision of a 5m wide fenced landscaped buffer strip between the SSSI and the proposal (plan no WEQ/AR8/PA-14 and proposed condition 39), a dust management plan (proposed conditions 24 and 25) and a surface water management plan to ensure there is no surface water run or soil or silt run off into the SSSI (proposed condition 39) and which the applicant is agreeable to and have confirmed they are satisfied with the proposed conditions and are content that the concerns set out in their letter dated 30 April 2021 had been addressed.
- 7.84 The Yorkshire Wildlife Trust manages Brockadale nature reserve and SSSI on behalf of Plantlife. The Trust were initially concerned part of the application site containing woodland fell within the application boundary; the applicant amended the plan to exclude any land within the SSSI. The Trust concluded, and continues to conclude, following the submission of additional information by the applicant, the extension to Went Edge quarry has potential to damage the SSSI and ancient woodland. The Trust is of the view that the application in its present form does not give confidence that

impacts can be avoided and maintain a holding objection. The Trust does, however, conclude, a sympathetic proposal and careful restoration combined with a fully funded long-term management plan could potentially lead to a net gain in biodiversity and an increase in valuable habitats. To ensure the creation of a valuable restored site to the uses proposed, the Trust is of the opinion an officer should be funded and employed two days a week for up to 10 years and which could be achieved through a S106 Agreement.

- 7.85 Plantlife, Brockadale Nature Reserve Supporters Group, Kirk Smeaton Parish Council, Darrington Parish Council, Wakefield Badger Group, Butterfly Conservation (Yorkshire Branch), and individuals object to the proposal in view of the potentially damaging, irreparable and destructive impacts of the proposal on the SSSI leading to the potential loss of endangered plant species and invertebrates due to water depletion, water pollution, and dust and would have an adverse impact on an historic badger sett.
- 7.86 The potential impacts of the proposal on the SSSI and ancient woodland can be summarised primarily as potential impacts of water depletion, ground water pollution, surface run off, migration of limestone dust that could change the pH of the soil and could also affect photosynthesis, noise, relationship of the boundary of the proposed extension to the SSSI and proposed standoffs and impact on badgers and a badger sett through noise and vibration. The north western and northern boundary of the existing quarry is adjacent to the SSSI and to which extensions adjacent to the SSSI have previously been granted. The depth of the quarry has always been proposed and restricted to a depth of 20m AOD leaving 6m of stone in the base of the quarry above the water table. The applicant has monitored the impact of previous stone working on the SSSI, the results of which have been relied upon for the purposes of the current proposal. The applicant has not identified any water depletion on the SSSI and ancient woodland or die back attributable to water depletion. The proposed extension would be adjacent to the SSSI on its north and east boundaries. It should be noted the stone that has been, is being, and is proposed to be worked is limestone, a naturally porous stone. It is therefore understandable that there has not been any water depletion as part of the previous workings in the quarry and consequently more than unlikely that there would be water depletion as part of the proposed extension, although monitoring for such could be required by condition (proposed condition 31). Due to the restrictive depth of the quarry, there is no evidence of pollution of the River Went; nor is there likely to be as a result of the proposed extension subject to a condition restricting the depth to that which is proposed and reflective of the existing quarry (proposed condition 33), and to which the Environment Agency has raised no objection.
- 7.87 In terms of surface run off into the SSSI and the matters raised by NE, due to the shallow depths of top and sub soils and nature of the stone, there is no evidence of surface water runoff from the existing field. 1.5m high limestone rubble/soil storage/screening mounds are proposed along the northern boundary to the SSSI to the woodland and Elwiss's Meadow; due to their proposed height of 1.5 metre and location within the proposed 10m buffer zone and the fact that soil stripping and mineral extraction would progressive south to north, there would unlikely be any run off or risk of pollution through the buffer zone that would be damaging to the SSSI. If anything, any run off would help address concerns regarding water depletion. An initial 25m standoff is proposed to the northern boundary of the site adjacent to the SSSI to assess the extent of tree roots of tree in the SSSI; this would reduce to a minimum of 10m depending on the findings of an arboricultural survey and which is proposed to be controlled by proposed condition 31. A 3m high soil storage/screening bund would be created to the eastern boundary of the site within a 20m standoff to Thompsons Field. It is not anticipated there would be any surface water run-off into Thompsons Field due to the porous nature of the stone beneath. The applicant has expressed a willingness to provide a fenced 5m buffer zone to the northern boundary of the site adjacent to the SSSI and is willing to employ drainage measures to ensure there is no surface water

run-off into the SSSI during soil stripping or from the safety bunds to address NE's concerns and which are proposed to be controlled by proposed condition 39. It is therefore considered the applicant has satisfactorily demonstrated that there would not be any unacceptable impacts on the adjoining SSSI associated with surface water run off.

- 7.88 In terms of dust, concern has been expressed by Natural England, Yorkshire Wildlife Trust, Plantlife, Kirk Smeaton Parish Council, Brockadale Supporters Group, Brockadale Action Group and individuals to the potential migration of dust onto the adjoining ancient woodland and SSSI and onto the calcareous grassland of Elwiss's Meadow and Thompson Field parts of the SSSI. These are two distinctly different parts of the SSSI. Whilst there may be some dust migration from stone extraction and processing operations there is no evidence it has been problematic to the woodland adjacent to the existing quarry or would be problematic to the woodland adjacent to the proposed extension and which would be assisted by the 10m proposed standoff, additional planting along the northern boundary and dust mitigation measures. In terms of Elwiss's Meadow and Thompson Field, these parts of the SSSI comprise open grassland important for its diverse range of plant species and invertebrates, the rarity and importance of which are accepted. The proposal is for a 20m standoff to the boundary of the SSSI and a 10m standoff to the base of the pylon that stands on the boundary between the two. This is perhaps the more sensitive part of the SSSI to the potential for dust migration being the areas with concern having been expressed that limestone dust will change the pH of the soil and could smother plants and affect photosynthesis, respiration, transpiration and leaf temperature and prevent growth, and lead to loss. NE initially raised particular concerns regarding the potential migration of dust and the potential impacts on the SSSI. However, in view of the mitigation measures proposed by the applicant, they have subsequently raised no objection subject to a requirement for a dust management plan to require monitoring of sensitive receptors within the SSSI and appropriate remedial and preventative measures; monitoring of meteorological conditions and appropriate remedial and preventative measures; dust suppression during soil stripping and bund construction; storage of potentially dusty material away from the SSSI; the employment of 'hoardings' between sources of dust emissions and the SSSI during conditions or activities which may lead to dust emissions to protect sensitive receptors in the SSSI the height of which should reflect the dust risk and meteorological conditions at the time of the activity; and monitoring, water suppression and hoardings to be used throughout the construction and operational phases of the proposal.
- 7.89 The applicant proposes measures to suppress dust generated by the site, which include the construction of screening mounds, tree planting, dust suppression by spraying earth moving and material processing activities and haul roads with water to meet NE's requirements, minimisation of drop heights when loading aggregate, use of wheel wash facilities and sheeting of vehicles exporting materials from the site. Weather conditions are proposed to be monitored to determine the need to trigger dust management practices. NE has requested monitoring of sensitive receptors in the SSSI with appropriate remedial and preventative measures and the employment of hoardings to be employed between sources of dust emissions and the SSSI, the height of which should be relative to the dust source. Proposed conditions 24 and 25 require a dust management plan and monitoring of meteorological conditions. Soils would be stripped and stored away from the boundary of the SSSI. Proposed conditions 26, 27 and 28 would control the movement of soils and periods and conditions within which they would be moved. Proposed condition 31 requires a monitoring scheme to assess the impacts of the proposal on the species for which the SSSI is designated. It is considered, with such mitigation measures, and which could be controlled by the proposed conditions, dust would not migrate from the site in a way that would have an unacceptable adverse impact on the ancient woodland or open grassland of the SSSI.

- 7.90 In terms of noise, there is no evidence that noise from the existing quarry has had a negative effect on the SSSI. Noise is greater from the nearby A1. Noise would arise from soil stripping and the construction of soil storage and screening mounds for each phase, removal of rock head, blasting of bedrock, loading and unloading of stone and screening and processing of such. Whilst there would be greater noise in the first part of each phase, this would diminish as depth of working increases. There is no evidence to suggest that noise from these activities would have an adverse effect on the SSSI to the north of the site or on Thompson's Field. The most likely impact on fauna is from noise and vibration on badgers as the stone extraction progresses east. Whilst the badgers are in reasonable proximity to the existing quarry, the proposal would bring stone working much closer. It would not directly affect the sett due to the depth of the sett and the standoff of the proposed extension from the boundary, but it would bring operations closer to the sett as part of the soil stripping and creation of the soil storage bunds and introduce noise and vibration during blasting. It is difficult to predict how detrimental this would be to the sett and the badgers. While badgers and their setts are protected by law from deliberate and direct harm or disturbance, in this particular instance, no sett has been found to be present within the area of the application (though acknowledging a presence within close proximity), there are options to safeguard their presence and if need be relocate them. It is considered that provisions could be made to monitor and protect the badgers and possibly the sett and which could be controlled by proposed condition 32.
- 7.91 The proposal is to restore the site to a low-level grassland and wooded area. This would potentially lead to an increase and net gain in biodiversity to complement the SSSI. The applicant has already entered into a Section 106 Agreement to ensure the restoration and extended aftercare management of the existing quarry for Areas 4, 5, 6 and 7 for a period of 10 years. The applicant is willing to enter into a similar Section 106 Agreement to provide for an extended 10 year aftercare period should planning permission be granted and which is considered necessary to ensure the restoration is successful in delivering the proposed combination of woodland and calcareous grassland. As part of the proposed Section 106 Agreement, the applicant is also willing to form a liaison group which would include Natural England and the Yorkshire Wildlife Trust to convene at agreed times throughout the extraction and restoration phases of the proposed extension and provide a commuted sum to a minimum of £100,000 to support the management and maintenance of the restored site post aftercare by a recognised body ecological / conservation body such as the Yorkshire Wildlife Trust.
- 7.92 In conclusion, the proposal is accompanied by an ecological assessment; there is no evidence the proposal would have an unacceptable adverse effect on the ancient woodland or ecology of the area subject to the employment of mitigation measures that could be controlled by condition. There would be no loss of trees and additional trees and hedgerow are proposed as part of the restoration proposals. The arable field currently host little of ecological interest. The proposed restoration and planting of trees and hedgerows would potentially result in ecological net gain over that which is currently present without adversely affecting the SSSI. The aftercare period would be for an extended period of 10 years secured through the provisions of a proposed Section 106 Agreement. The proposed Section 106 Agreement would also include the establishment of a steering / liaison group with Natural England and the Yorkshire Wildlife Trust, which may be party to the restoration and management of the aftercare proposals. Natural England are satisfied with the proposed conditions and are content that their concerns have been addressed. It is considered the proposal would provide environmental safeguards and adequate mitigation for the purposes of 'saved' Policy 4/1 (e) and 4/6A of the North Yorkshire Minerals Local Plan in that environmental and amenity safeguards would be in place to prevent impacts on nature conservation and nature conservation interests. It would comply with 'saved' policy 4/10 in that it would not adversely affect surface and ground water resources. It would not have an adverse impact on the ancient woodland for the purposes of 'saved' policy ENV11 of the Selby

Local Plan. The proposed restoration and long term management would ensure a net gain in biodiversity to that which is present and protect soil and water quality for the purposes of Policy SP18 of the Selby Core Strategy. There is no evidence it would have an unacceptable impact on the biodiversity of the SSSI and there would be net gains to the biodiversity of the area as part of the restoration proposals for the purposes of emerging Policy DO7 (1) of the MWJP. There is no evidence the proposal would have an adverse impact on the water environment for the purposes of emerging MWJP Policy DO9. Selby's (new) Local Plan's Preferred Approach NE4 seeks to protect designated sites and species with SSSI designation with reference to National Policy and Guidance. Preferred Approach NE5 seeks a net gain on biodiversity and NE6 seeks to prevent the loss of and to enhance trees, woodland and hedges. Whilst little weight can be attached to these preferred approaches at this stage, the proposal would be consistent with the NPPF. Consequently, the reasons for objecting to the proposal cannot be supported.

### **Flood risk and drainage, water quality and resources**

- 7.93 'Saved' Policy 4/10 of the North Yorkshire Minerals Plan supports mineral extraction that would not have an unacceptable impact on surface or groundwater resources. 'Saved' Policy ENV12 of the Selby District Local Plan supports proposed developments that would not harm natural features of or access to rivers or streams providing the importance of the development outweighs these interests and adequate compensatory measures are provided. Policy D09 of the emerging MWJP supports minerals and waste developments where it is demonstrated that no unacceptable impacts will arise taking account proposed mitigation, on surface or groundwater. Planning Practice Guidance on Water Supply, Waste Water and Water Quality seeks to ensure adequate measures are employed to address surface water run-off.
- 7.94 The applicant has undertaken an assessment of the hydrological and hydrogeological impacts of the proposal with the benefit and experience of operations carried out in Areas 5, 6 and 7 of the existing quarry. The aim of the assessment was to determine whether the proposed extension would have any adverse impact on ground water, surface water drainage, flooding, water quality of the site and surrounding area, particularly the adjoining Brockadale SSSI, and the River Went some 70m to the north of the proposal, a tertiary watercourse identified by the Environment Agency. The existing quarry and proposed extension fall within Zone 1 where there is little or no flood risk. The River Went is in Zone 3 – most susceptible to flooding. The assessment concludes the limestone beds and maximum depth of the existing and proposed quarry are, and would continue to be, 6m above the identified water table and that the water table below the quarry is below the level of the River Went. The assessment concludes that subject to a depth restriction on the proposed quarry workings of 20m AOD reflective of the existing quarry restrictions, the proposal would not have any direct impact on ground water, surface water drainage, flooding, water quality of the site and surrounding area and particularly the adjoining Brockadale SSSI and the River Went.
- 7.95 Concerns in respect of drainage and particularly the possible impacts on the SSSI in terms of loss of surface water drainage and potential pollution derived from the materials to be used in the restoration of the site, have been expressed by Kirk Smeaton Parish Council, Brockadale Supporters and a number of individuals objecting to the proposal. Natural England requested further information regarding surface water drainage from the site and measures to avoid polluted surface water impacting on the habitats of the SSSI in the absence of which they maintained a holding objection. Natural England has now raised no objection to the proposal subject to mitigation measures, one of which requires a surface water management plan to prevent the potential for silt and pollution flowing into the SSSI during soil stripping, handling and bund construction phases of the operation by the employment of appropriately designed sustainable urban drainage scheme (SUDS) including oil separators and silt



traps (although have subsequently advised that a contained drainage ditch to the northern boundary of the proposed soil stripping operations); soil bunds to be grassed over if to be retained for longer than 6 months; and the soil storage bunds to be located away from the boundary of the SSSI to reduce the risk of finer silt and nutrients being washed into the SSSI.

- 7.96 The Environment Agency has raised no objection to the proposal in its current form. They advise that if the current restoration plan changes and other waste types (hazardous or non-hazardous) were proposed, then a water risk assessment would be required. The Lead Local Flood Authority (SuDS) advises that the applicant has not made any specific proposals with regard to drainage or flood risk and therefore have made no comments; and no response has been received from Danvm Drainage Commissioners.
- 7.97 There are no surface water connections within the quarry likely to be affected by the extraction and application site would not occupy land in contact with River Went. The Environment Agency has not objected to the proposal.
- 7.98 It is not evident that the existing quarrying operations have had a negative impact on the adjoining SSSI and it is not envisaged that the proposal would have any greater impact on the SSSI. An initial 25m standoff from the northern boundary is proposed to determine the extent of tree roots from trees in the SSSI reducing to 10m or more depending on arboricultural survey findings. There is unlikely to be significant surface water run-off into the SSSI at present from agricultural land due to the geology of the area and the existence of the quarry void. Whilst the proposed extension area naturally slopes towards the River Went Valley in the northeastern corner of the proposed site, there is no evidence of surface water run-off. Nevertheless, a 5m landscaping strip is proposed to the northern boundary of the proposed extension area and contained drainage could be provided along the boundary to meet Natural England's requirements (proposed condition 39). Soil mounds are proposed to be located within the 30m standoff to Wentedge Road and would be seeded (proposed condition 28). Safety bunds to the northern faces of the extraction areas would be constructed of rubble and would not generate any run off or dust that would be detrimental to the SSSI and which in any event would be captured by the peripheral drainage ditch required for the purposes of condition 39. The proposed depth of working would continue to be 6 metres above the water table and which is below the River Went (proposed condition 33). There is therefore no direct pathway for the proposed extension to the quarry, as part of stone extraction or restoration, to pollute the SSSI and to which the Environment Agency has raised no objection. It is therefore considered that the proposal would not have an unacceptable impact on flood risk and drainage, water quality and resources or would adversely affect the SSSI and complies with 'Saved' Policy 4/10 of the North Yorkshire Minerals Plan, 'saved' Policy ENV12 of the Selby District Local Plan and Policy D09 of the emerging MWJP.

### **Local amenity (noise, vibration, light pollution) and air quality (emissions and dust)**

#### **Noise**

- 7.99 'Saved' Policy 4/1(e) of the North Yorkshire Minerals Local Plan requires environmental and amenity safeguards to be in place to mitigate the impact of the proposals. 'Saved' Policy 4/14 of the North Yorkshire Minerals Local Plan seeks to ensure proposals for mineral extraction and waste management do not have an unacceptable impact on the environment or residential amenity. 'Policy D02 of the emerging MWJP supports minerals and waste developments where it can be demonstrated there will be no unacceptable impacts on local amenity and users of public rights of way and public open space from noise. Paragraph 205 (c) requires any

unavoidable noise from mineral extraction is controlled, mitigated or removed at source and for there to be appropriate noise limits for extraction in proximity to noise sensitive properties.

- 7.100 The applicant has undertaken an assessment of noise based on noise levels associated with the existing operative quarry. The assessment identifies the noise sources as being primarily plant and equipment associated with the winning, working and processing of stone and blasting. The assessment concludes noise emissions are attenuated by the depth of the quarry, screening, nature of the countryside and distance of the operations to the nearest receptors. Operations nearer the surface such as soil stripping (0.7 metres depth) would be of short duration; removal of weathered rock is by excavator progressively attenuated by soil storage / screening mounds and the faces of the quarry as excavation deepens. The quarry and proposed extension is also in close proximity to the A1 which generates noise and which is prevalent in the area.
- 7.101 To win the stone initially involves the stripping of soils at surface and their use in the construction of storage / screening mounds for each phase of the proposed extension. Noise associated with these operations can be noticeably higher but would be for a short time period and would be on a phased basis; this is recognised and allowances for higher noise levels for operations of this nature are made in policy and Planning Guidance - Minerals. Excavators would win the weathered rock beneath the soils to a variable depth of 3 metres to rock head. To win the rock beneath would involve drilling shot holes and blasting to create a series of benches into the quarry void. There would be noise associated with the screening and crushing operations but these are, or would be, located in the quarry floor. Noise would initially be attenuated by the screening mounds and then by the quarry void as the depth of working increases.
- 7.102 It is acknowledged that there would be increased levels of noise to varying degrees depending on the phasing and nature of the quarrying activities at the time. The proposed extension would not come closer than 750m to the nearest residential properties in Kirk Smeaton. It is considered these properties would not be affected by noise associated with the proposed extension due to the intervening distance and background noise levels. The nearest properties would be the Cottage and Brockadale Oaks Farm, both located to the north of the proposed extension, low in the River Went Valley in Brockadale Plantation and accessed via Jackson's Lane from the west. These properties are approximately 150m to the north of the proposed extension and at a lower elevation, which helps attenuate noise from the existing quarry; this would continue to be the case for noise associated with the proposed extension. There is also local background noise from the A1, although experience of this varies depending on elevation and weather conditions, particularly wind direction. Users of the local footpath network and visitors to the SSSI would similarly experience some noise depending on the phasing and nature of the quarrying activities at the time along with weather conditions.
- 7.103 Concerns to noise and the disturbance associated with such in the locale and on the SSSI have been raised in representations and by Yorkshire Wildlife Trust, Kirk Smeaton Parish Council, Brockadale Supporters and individuals.
- 7.104 The impacts of noise and proposed means of mitigation have been considered by the applicant and monitoring carried out in the existing quarry. The levels of noise generated as part of former quarrying operations were found acceptable and did not exceed the specified limits. Selby District Council's Environmental Health Officer considers there are unlikely to be any significant effects from noise associated with the proposal (including from blasting) and has raised no objection subject to the imposition of conditions controlling:
- hours of operation as proposed; (proposed condition 8)

- no blasting other than between the hours of 0900 and 1700 Monday to Friday; (proposed condition 9 and 10)
- notification of properties on Jackson Lane when blasting is to take place; (proposed condition 18)
- effective silencing of plant and machinery; (proposed condition 23)
- restrictions on noise limits for operations and soil stripping; (proposed conditions 21 and 22)
- blasting PPV limit of 6mm/second in accordance with BS5228.(proposed condition 19)

7.105 There is no evidence existing quarrying operations have generated unacceptable levels of noise or disturbance to the SSSI, users of the SSSI or the nearest sensitive receptors. Noise would be generated by the operations for a further eight-year period and which would be in closer proximity to the SSSI at its eastern end closest to the footpath network passing through Thompson's Field. However, noise would be progressively restricted due to the deepening of the void. It is considered that the mineral extraction operations would not generate noise to levels that would be unacceptable to the nearest residential properties, local amenities of the area or have an unacceptable impact on users of the local footpath network and visitors to the SSSI. Noise associated with traffic on the A1 can be persistently in the background during most daytime hours depending on weather conditions and it is considered that the noise from quarrying operations would not lead to an increase in background noise levels in an unacceptable way. It is therefore considered that the proposal would not generate levels of noise that would be unacceptable for the purposes of 'saved' policies 4/1(e) and 4/14 of the North Yorkshire Minerals Local Plan, emerging Policy D02 of the MWJP and paragraph 205 (c) of the NPPF.

### **Vibration**

- 7.106 'Saved' Policy 4/1(c) of the North Yorkshire Minerals Local Plan requires proposed methods of working to minimise the impact of a proposal. 'Saved' Policy 4/14 seeks to protect the local environment and residential properties from unacceptable impacts on amenity. Emerging Policy D02 to the MWJP supports proposals for minerals and waste development where there will be no unacceptable impact on local amenity and users of the public rights of way network from vibration. Paragraph 205 (c) of the NPPF requires any blasting vibrations from mineral extraction to be controlled, mitigated or removed at source.
- 7.107 The applicant has carried out an assessment of the impacts of vibration of the proposed extension. Vibration is likely to be associated with plant and machinery and blasting. It concludes that vibration associated with plant and machinery would not be at a level that would be experienced outside the site. Vibration associated with blasting at the site has been monitored at the nearest residential receptors on Jackson Lane and which confirmed the peak particle velocity used to measure vibration and restricted by condition fell within the specified limits. The assessment concludes that providing practised working methods continue, blast design would minimise impact and disturbance from vibration and will not result in any greater disturbance to properties or wildlife than has previously been experienced or have any unacceptable impact.
- 7.108 Representations have been received from Kirk Smeaton Parish Council, Yorkshire Wildlife Trust, Brockdale Supporters and individuals about the impact vibration could have on the SSSI and particularly on an established badger sett located on the boundary of the SSSI with the proposed extension area.
- 7.109 Due to the nature and scale of plant and machinery, vibration associated with such would be either non-existent or negligible and it would be unlikely to be experienced outside the site. Blasting operations would be periodic and could be controlled by

proposed conditions 9, 10, 17, 18, 19 and 20, in a similar way to previous consents for quarrying operations. Blasting is regulated by the Mines and Quarries Inspectorate to the Health and Safety Executive.

- 7.110 Selby District Council's Environmental Health Officer considers there are not likely to be any significant effects from blasting and has raised no objection to the proposal subject to the imposition of a condition restricting blasting peak particle velocity to 6mm/second in accordance with BS5228.
- 7.111 An initial 25m standoff is proposed to the northern boundary reducing to a 10m standoff subject to assessment of tree root extensions; a 20m standoff to the eastern boundary of the site to Thompson's Field; and a 30m standoff to the boundary of Went Edge Road reflective of that at the existing quarry. Following the stripping of soils in each phase, surface rock would be 'ripped' using excavators and would be unlikely to cause any vibration. The bedrock below would be won by blasting. This would inevitably result in some vibration of varying degrees depending on the location and depth of blasting within the quarry, the scale of such and frequency. The impact of vibration is likely to be less due to the existence of the existing quarry void, which would absorb the blast air pressure. As the proposal would extend east, there would be greater impact from vibration on the adjoining SSSI and on the amenities of users of the footpath network including that crossing Thompson's Field. However, vibration has not been a problem with the existing quarry that is similarly in close proximity to the SSSI and the public footpath network and controlled by conditions; such conditions could similarly be imposed should planning permission be granted for the proposed extension (proposed conditions 17, 18, 19 and 20). It is considered, that whilst blasting would continue and ultimately be closer to the footpath through Thompson's Field, it would be infrequent and controlled and would not have an unacceptable impact on the village of Kirk Smeaton or on the amenities of the area, users of the footpath network or visitors to the SSSI. In terms of the badgers and badger sett, this is near surface, in soils, and is likely to experience some effects from blasting as the quarry progresses eastward. However, it is not possible to predict what the impact would or would not be and options are available to address such; these are set out in the assessment of impacts on ecology. Irrespective, whilst it is noted the sett may have been present for some years and badgers and their setts are protected by law from deliberate and direct harm or disturbance, it is not considered that the impact would be so great as to constitute a sustainable reason for refusing the planning application.
- 7.112 It is therefore, considered that vibration would not result in any unacceptable loss of amenity and could be controlled by condition. Impacts associated with vibration would be acceptable for the purposes of 'saved' policies Policy 4/1(c) and 4/14 of the North Yorkshire Minerals Local Plan, emerging Policy D02 to the MWJP and paragraph 205 (c) of the NPPF.

### **Climate change and Air quality – Dust emissions**

- 7.113 'Saved' policies 4/1(c & e) and 4/14 of the North Yorkshire Minerals Local Plan, policies SP15, SP18 and SP 19 of the Selby District Core Strategy Local Plan and 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan (2005) and Policy D02 of the emerging MWJP all seek to address climate change, and protect the environment, amenities of the area and air quality. Paragraph 205 (c) of the NPPF requires any dust and particle emissions from mineral extraction to be controlled, mitigated or removed at source.
- 7.114 SP15b) of the Selby Core Strategy requires development to contribute towards reducing carbon emissions and are resilient to the effects of climate change; the policy sets out a number of criterion that development should meet. Whilst the policy is more

orientated to built development rather than mineral operations, certain of the criterion could be considered relevant in that they:

- encourage the use of recycled and secondary aggregates and use of locally sourced materials (b),
- protect, enhance and create habitats to improve biodiversity resilience to climate change and utilise biodiversity to contribute to climate change mitigation and adaptation, include tree planting and hedgerows to offset carbon loss (d and e), and
- make provision for cycle lanes and safe pedestrian routes.

7.115 The applicant has not undertaken an assessment of climate change as part of the EIA. However, the potential impacts of the proposal on climate change are considered to be impacts on air quality and carbon emissions associated with plant and machinery. For the purposes of this application air quality is most likely to be affected by emissions from plant and machinery and from the potential migration of dust associated with soil stripping, the winning, working and processing of stone and the deposit of materials to achieve the proposed restoration levels. The applicant has undertaken an assessment of the impacts on air quality arising from quarrying activities in accordance with national guidance. Existing conditions were assessed and any potential changes in conditions resulting from the proposed extension predicted, including on the Brockadale SSSI and mitigation measures identified. Measures to suppress dust generated by the site include the construction of screening mounds, tree planting, dust suppression by spraying earth moving and material processing activities and haul roads with water, minimisation of drop heights when loading aggregate, use of wheel wash facilities and sheeting of vehicles exporting materials from the site. Weather conditions would be monitored to determine the need to trigger dust management practices. The assessment concludes that:

- the Air Quality objectives for PM<sub>10</sub> are expected to be achieved;
- there would be no unacceptable impact on the Brockadale SSSI;
- enhanced dust suppression measures would prevent unacceptable levels of dust migration;
- soil stripping would not generate unacceptable levels of dust or lead to an exceedance of air quality criteria; and
- there would be no unacceptable impact on footpath users.

7.116 Representations have been received from the Natural England, Kirk Smeaton Parish Council, Yorkshire Wildlife Trust, Brockadale Supporters, Butterfly Conservation (Yorkshire Branch) and individuals about the impact migrating dust could have on the SSSI and particularly on trees and specified protected birds and rare invertebrates and flora within it. Natural England is concerned that insufficient assessment has been provided of the potential impacts on the Brockadale SSSI, particularly in respect of dust or particles, falling onto plants, which could physically smother the leaves affecting photosynthesis, respiration, transpiration and leaf temperature, and larger particles could block stomata. They are also concerned there may be toxicity issues (caused by heavy metals particles) and potential changes in pH (particularly if the dust is alkaline (e.g. cement dust)). In representations received on 30.4.21, Natural England has raised no objection to the proposal subject to a dust management plan. Dust issues in respect of the SSSI are been addressed in paragraphs 7.88 and 7.89 above.

7.117 The proposed extraction and processing of limestone at the site and the deposit and grading of recycled materials for restoration of the site could have the potential to generate dust and which could be blown off the site. The applicant is proposing dust mitigation measures, which would include general good management and housekeeping of the site and the use of clean water for dust suppression using water bowsers and sprays to avoid re-circulating fine material. A wheel wash facility is also employed to prevent the tracking out of material on the haul road and public highway

that could be ground down and become windblown when dry. Such measures are proposed to be controlled by condition number 25. Selby District Council Environmental Health Officer has not raised objection subject to the imposition of conditions requiring the sheeting of vehicles removing materials from the site, and the employment of dust mitigation measures to prevent the migration of dust including the spraying of roadways and stock. Subject to proposed conditions 14, 15, 16, 24, 25 and 31 it is considered dust suppression measures and monitoring would prevent or minimise the migration of dust and consequently it would cause no unacceptable impact on the surrounding areas, including the SSSI.

- 7.118 The proposal could have an impact through emissions from vehicles, plant and machinery; however, there are no other options to winning and working the stone other from where it occurs or distributing it from the site, or for importing the waste materials to the site for restoration purposes. Plant and machinery are governed by manufacturer's specifications and HGV's by Government restrictions. For the purposes of Policy SP15 of the Selby Core Strategy, the wider operations at the site involve the production of recycled materials, the residue of which would be used as part of the restoration of the existing quarry and proposed extension. The proposed extension would produce primary materials, which would be used in the local construction industry, and secondary minerals that would be used as part of the restoration of the existing quarry and proposed extension. The proposed mitigation measures would protect habitats and the proposed restoration scheme would create new habitats including new tree planting and hedgerows that would contribute to offsetting carbon loss; a concessionary path/bridleway would facilitate a safe route interconnecting public footpaths as an alternative to using Wentedge Road. It is therefore considered that the proposal would not have an unacceptable impact on climate change and would meet the relevant criterion of Policy SP15 of the Selby Core Strategy.
- 7.119 Subject to conditions controlling dust, the proposal is considered acceptable for the purposes of 'saved' Policies 4/1(c & e) and 4/14 of the NYMLP (1997);; Policy SP18 and 19 of the Selby District Core Strategy Local Plan (2013); 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan (2005); Policy D02 of the emerging MWJP and paragraph 205 (c) of the NPPF.

### **Soils and agricultural use**

- 7.120 'Saved' Policy 4/1 (b) of the North Yorkshire Minerals Local Plan requires the siting and scale of mining operations to be acceptable. Saved policy 4/18 relates to the restoration of land to agriculture, Policy 4/20 to aftercare and emerging Policy D12 of the MWJP seeks to protect Best and Most Versatile Land (BMVL) and requires soils to be conserved and managed and used in a high standard of restoration.
- 7.121 The proposed extension area is in arable agricultural use. A soils analysis carried out by the applicant identifies a 30m strip of the site nearest Wentedge Road as Grade 2 BMVL with the remainder of the land being Grade 3. The land identified as Grade 2 is not proposed to be quarried; it would remain unquarried within the proposed 30m standoff to Wentedge Road and is proposed to be used for the storage of sub and topsoil's in the form of a screening bund throughout the operational life of the quarry. On completion of extraction, the stored soils would be removed and used in the restoration of the site and a strip adjacent to Wentedge Road used for the construction of the pathway/bridleway. This would result in the loss of some of the Grade 2 land from productive agricultural use.
- 7.122 Representations have been received from individuals and Kirk Smeaton Parish Council objecting to the loss of agricultural land and particularly the loss of Grade 2 BMVL. They maintain the loss would be contrary to saved policy 4/18 of the North Yorkshire Minerals

Local Plan and saved policy EMP9 of the Selby District Local Plan, which seek to protect BMVL, and Policy D12 of the emerging MWJP.

- 7.123 Policy D12 requires BMVL to be protected from unnecessary and irreversible loss, but where its loss can be justified; proposals should prioritise the protection and enhancement of soils and the long term potential to recreate areas of BMV land. Paragraph 205 of the NPPF requires restoration and aftercare to be achieved at the earliest opportunity and for it to be to high environmental standards, through the use of appropriate conditions.
- 7.124 It is acknowledged that the land in its current use is of value to the agricultural economy, and that national policy seeks to avoid the loss of high-grade land. However, minerals can only be worked where they occur. It is not always possible to avoid land in agricultural use or that designated as BMVL. Similarly, it is not always possible to achieve restoration of mineral workings to their former use or to a higher grade than their former use. It is understandable, geographically, why it is proposed to extend the quarry in the direction proposed; there is no other direction for it to go given it is constrained on other boundaries by the SSSI or public highway. Whilst it would result in the permanent loss of agricultural land, including some classed as BMVL, it would facilitate the winning of a valuable mineral reserve as an extension to an existing quarry site. The resultant void is proposed to be restored in a way that would reinstate some of the agricultural land to Grade 3 and retain that identified as Grade 2, albeit it may not be used for agricultural purposes in the same way as it is at present. The restoration could also enhance the biodiversity of the area and compliment the adjoining SSSI. The loss of the agricultural land therefore needs to be carefully assessed against the need for the mineral and the opportunity to create a more diverse ecological habitat to that which currently exists. It is considered extending the quarry would enable the continued supply of high quality building products. The proposed restoration of the residual void would seek to reinstate some Grade 3 agricultural land, possibly some to Grade 2, and create a more diverse ecology in the area beyond that which is currently present. The proposed extension would ensure a continued supply of building materials and associated products from a sustainable extension of an existing quarry, which would utilise existing infrastructure and retain employment. It is considered the wider economic benefits of the proposed development should be given weight and consideration. These benefits and the opportunity to create a more diverse agricultural and ecological environment are considered to outweigh the loss of a relatively small area of Grade 3 and Grade 2 BMV agricultural land. It is therefore considered subject to proposed conditions 39, 40, 41, 42 and 43, the proposal would not be in conflict with the intentions of saved policy 4/18 of the NYMLP and saved policy EMP9 of the Selby District Local Plan that seek to protect BMVL, Policy D12 of the emerging MWJP or the NPPF.

### **Highway Matters – Traffic and Transport**

- 7.125 ‘Saved’ policies 4/1(h) and 4/13 of the North Yorkshire Minerals Local Plan support proposals where the likely vehicle movements to be generated can be satisfactorily accommodated by the local highway network and would not cause undue disturbance to local communities. ‘Saved’ policy 4/17(a) supports mineral operations where waste materials are to be imported to achieve restoration and 4/17(b) the transport and disposal of waste would not have an unacceptable impact on the environment or local amenity. ‘Saved’ Policy T1 of the Selby District Local Plan requires development proposals to be well related to the existing highways network that have adequate capacity and can safely serve the development. Policy D03 to the emerging MWJP supports proposals where there is traffic capacity on the highway network for the level of traffic proposed, where access arrangements are appropriate and there is space with a site for vehicles to manoeuvre, park, and load and unload. Paragraph 109 of the

NPPF advises development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.126 The proposal is for an extension to the existing quarry. Access to the proposed extraction area would be via the existing quarry haul and access roads. A new improved access to the quarry from Wentedge Road was granted in November 2018; the permission also provided for improvements to a section of the highway to the frontage with the quarry. The access and works to the highway have been completed. The existing quarry is restricted to 200 HGV movements per day; these are required to access and leave the site via Wentedge Road and the north and south junctions with the A1 and which is controlled via a legal agreement. The proposal is also for up to 200 HGV movements per day with similar restricted access to the A1 with the applicant willing to enter into a legal agreement to ensure such. There are permitted uses within the quarry that use, and which would continue to use the same access; this includes the waste recycling operations, and which is integral to the restoration of the existing quarry and the proposed extension. Other uses are subject to investigation and discussion with the applicant to establish their planning status.
- 7.127 The Local Highway Authority has raised no objection subject to the imposition of conditions requiring maintenance of the existing access and the use and maintenance of wheel cleaning facilities by HGVs to prevent the deposit of mud or waste materials on the highway. Conditions controlling such are proposed and the applicant is willing to enter into a legal agreement to control HGVs accessing the site via the via the south and north junctions to the A1 off Wentedge Road and the B6474.
- 7.128 Representations have been received from individuals and Kirk Smeaton Parish Council objecting to the numbers of HGV movements and the road safety. No alternative means of transport is available to remove stone from the quarry. The proposed number of HGV movements would be no different to those previously permitted; there is no record of accidents associated with HGV's and the site access. There is capacity within the existing network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not have an unacceptable impact on local communities, businesses or other users of the highways network. Access arrangements are appropriate to the volume and nature of the road traffic generated and safe and suitable access can be achieved for all users of the site. There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.
- 7.129 Wheel cleaning facilities are available on site; proposed condition 14 would ensure the wheel cleaning facilities would be maintained throughout the quarry and restoration operations. Proposed condition 15 would ensure the haul roads within the quarry and the access and highway would be maintained and cleaned. The applicant is proposing a legal agreement to ensure all HGVs enter and leave the site via the B6474 junctions with the A1 and which is necessary to ensure HGV's do not access the site via the local road network in the interests of highway safety and to protect the amenities of other highway users. 'Saved' policies 4/1, 4/13 and 4/17 of the North Yorkshire Minerals Local Plan support proposals where transport would not have an unacceptable impact on the environment or local amenity. The access and link to the A1 is acceptable and can safely accommodate the proposed numbers of HGVs and accords with these 'saved' policies. Proposed condition 11 would restrict the access to and from the quarry to that currently existing. The access and egress via the A1 provides access to the market the quarry currently and proposes to continue to serve and given the proximity and proposed restrictions to access the site via such, would not affect the openness of the Green Belt. The access to and from the site is therefore considered acceptable and the objections to the proposal on highway and highway safety grounds are not supported.



The proposal is considered acceptable for the purposes of ‘saved’ policies 4/1, 4/13 and 4.17 of the North Yorkshire Minerals Local Plan, and ‘saved’ Policy T1 of the Selby District Local Plan (2005) which are consistent with the NPPF, and Policy D03 to the emerging MWJP.

### **Public Rights of Way**

- 7.130 ‘Saved’ Policy 4/15 of the North Yorkshire Minerals Local Plan seeks to protect recreational amenities and enjoyment of public rights of way. ‘Saved’ Policy T8 of the Selby Local Plan seeks to protect public rights of way from development, provide alternatives and support extensions and improvements to the public right of way network. Policy D02 of the emerging MWJP supports developments that would not have unacceptable impacts on local amenity and users of public rights of way. Paragraph 98 of the NPPF requires planning decisions to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users including adding links to existing rights of way networks.
- 7.131 Public footpath 35.43/3/1 runs from Wentedge Road north towards the River Went Valley beyond the eastern boundary of the proposed extension through Thompson’s Field and the SSSI. The footpath continues through the Brockadale Nature Reserve and interconnects with other footpaths primarily running west to east through the River Went Valley (35.43/1/2 and 35.46/3/2) and linking Wentbridge and Kirk and Little Smeaton villages. It is evident the footpath network within the Went Valley is well frequented.
- 7.132 The proposal would not physically affect any of the existing footpaths. NYCC Public Rights of Way Team has raised no objection to the proposal.
- 7.133 Individuals, the Ramblers Association and Kirk Smeaton Parish Council have raised objections to the impacts of the proposal on the amenities of the area and users of the footpath network. The existing quarry has been operating for many years in close proximity to the existing footpath network within the River Went valley, although it is acknowledged the footpaths are in the bottom of the valley at a lower elevation to the northern edge of the existing quarry and proposed extension. There would inevitably be an awareness of the proposed extension activities more so as operations progress in an easterly direction leading to a greater impact on the amenities of users using the footpath network, particularly as operations extend closer to footpath 35.43/3/1 running through Thompson’s Field. The impacts would be most likely caused by noise from soil stripping, quarrying activities, periodic blasting (and which would also generate some vibration), dust and visual impact from the construction and presence of the screening mounds associated with the final phase of the operations when seen from public footpath 35.43/3/1, although these would be temporary and there is an existing substantial hedge to the eastern boundary of the proposed extension with Thompson’s Field. As operations progress to the nearest point to the public footpath running through Thompson’s Field, blasting may require precautionary measures to be employed by the quarry; these could include the stationing of sentries by the operator at strategic points on the footpath network to temporarily restrict users of the footpath for the duration of the blast and audible warnings of when a blast is about to take place in accordance with blasting regulations controlled by the Health and Safety Executive. This is not an uncommon practice in situations of this nature. However, the quarrying operations would be progressively at depth and as part of the last phase would be set back 20m from the boundary to Thompson’s Field. There would be a 2.5m soil storage / screening mound, which would prevent views into the operational site along with the hedge boundary to Thompson’s Field. Soil stripping would be restricted to each phase and would be short term. Soil mounds and advanced planting would screen the quarrying activities as they move progressively east. Noise from quarrying activities

would diminish as depth increases; blasting and vibration would be periodic. Conditions are proposed to control hours of operation (8, 9 and 10), noise (21, 22 and 23), dust (24 and 25), blasting (17, 18, 19 and 200 and the creation of screening mounds and planting (26, 27, 28 and 39). The proposal would not have any direct impact on the footpath network and it is considered it would not have an unacceptable impact on the amenities of footpath users.

- 7.134 The proposal includes the construction of a new permissive footpath/bridleway running parallel with Wentedge Road for horse riders, cyclists and walkers incorporating 'break out' routes to viewpoints over the restored quarry void. Whilst this has been questioned and criticised in representations objecting to the proposal, it would create an off road link to the existing footpath and local road network to the west and east. 'Saved Policy T8 of the Selby Local Plan supports extensions and improvements to the public right of way network and paragraph 98 of the NPPF supports proposals that would provide better facilities and add links to existing rights of way.
- 7.135 In conclusion, the proposed development would not have any physical impact on public footpath 35.43/3/1 or any other footpaths as part of the public rights of way network. Whilst some impacts may be experienced by users of the footpath through Thompson's Field as mineral extraction progresses eastwards into its final phases attributable to noise, the visual presence of screening bunds, vibration and possible temporary restriction during blasting operations, these would be limited and over a relatively short time period. The footpath runs down the eastern side of Thompson's Field and there would be a 20m standoff from the western boundary of Thompson's Field to the limit of extraction operations within which there would be a 2.5m high screen mound. It is considered such impacts, would not be unacceptable and could be mitigated by conditions controlling hours of operation, noise levels, blasting limits and times of blasting, dust suppression and landscaping. The proposed permissive footway/bridleway would provide an off road-interconnecting link to the existing footpath and local public rights of way network to the benefit of future users and is the subject of proposed condition 41. It is therefore considered that the proposal would be acceptable for the purposes 'Saved' Policy 4/15 of the North Yorkshire Minerals Local Plan, 'saved Policy T8 of the Selby Local Plan, Policy D02 of the emerging MWJP and paragraph 98 of the NPPF.

### **Archaeology**

- 7.136 Policy ENV28 of the Selby Core Strategy requires archaeological assessments to be carried out and anything of importance to be preserved in situ or recorded. These requirements are reflected in emerging Policy D08 of the MWJP.
- 7.137 The applicant carried out an archaeological desktop study and proposed to undertake a field assessment in each phase in advance of any soil stripping and working, should planning permission be granted. Based on findings in Area 7 it was not anticipated the proposal would have an impact on the archaeological interest but that any artefacts would be revealed as part of a watching brief during soil stripping. NYCC's Archaeologist advised the desk based assessment lacked detail, no geophysical survey had been carried out and recommended a field evaluation in the form of a geophysical survey, followed by a programme of trial trenching, should be carried out to be able to properly assess the significance of deposits. A programme of fieldwork was agreed with the applicant and fieldwork involving the excavation of a series of trenches across the site took place in October 2020. The trial trenching confirmed the presence of archaeological features that largely correlate to the results of the Geophysical Survey and cropmark data. It has demonstrated that the geophysical anomalies/cropmarks are a combination of archaeological features and natural fissures within the bedrock. The western and eastern quarters of the site contain archaeological features consistent with later prehistoric or Roman period activity and

which suggest the area was likely to be concerned primarily with livestock control. The middle portions of the site were found to be largely archaeologically sterile. The trenching exercise and results were found acceptable to the County Council's Archaeologist who has raised no objections subject to the imposition of conditions for further survey work as part of soil stripping operations.

- 7.138 It is therefore concluded the proposal would not have an unacceptable impact on archaeological interests in the area; proposed conditions 36, 37 and 38 require an archaeological watching brief be carried out during soil stripping operations over those areas which were not subject to trenching. The proposal is therefore considered acceptable for the purposes of Policy ENV28 of the Selby Core Strategy and Policy D08 of the emerging MWJP.

### **Economic and social impacts (including employment)**

- 7.139 'Saved' Policy SP13 of the Selby Local Plan supports developing sustainable development and economic growth in the rural economy through local employment opportunities or expansion of businesses and enterprise. 'Saved' Policy ENV1 of the Selby Local Plan Core Strategy supports development of good quality where they would not affect the character of the area and has good access links. 'Saved' Policy EMP9 supports proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas provided they would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; the nature and scale of the proposal would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests; and proposals involving expansion onto adjoining land would not result in the loss of best and most versatile agricultural land. Emerging policy D01 of the MWJP encourages local planning authorities to take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF when considering development proposals and 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.
- 7.140 The applicant has undertaken an assessment of the socio-economic effects of the proposed development. The assessment considers demographics, impact on the local economy and other socio-economic benefits. The assessment concludes the proposed extension would maintain the employment of 25 full time and 3 part time staff with potential new employment opportunities with associated quarrying operations. The quarry would continue and extend the supply of high quality products in a sustainable way and support the local economy and construction industry where there is a local accessible market. However, given the elapse of time since the application was submitted, and the impacts associated with the Covid pandemic, the applicant has advised the residual stone reserves at the quarry have now been almost worked out and redundancies have had to be made. Nevertheless, the quarry and associated operations continue to employ people and provide employment opportunities to supporting companies and businesses and from whom 30 letters of support for the proposal from individuals and companies have been received in view of the job security and opportunities it would provide.
- 7.141 The proposal would also employ or re-employ people in the support industry to the quarrying operations. Notwithstanding the waste recycling operations have planning permission beyond the life of the stone extraction operations and do not fall within the current planning application boundary or form part of the current planning application proposals, they would need to be retained to achieve the restoration of the existing quarry and proposed extension. They would continue to provide a valuable recycling operation in the area and would safeguard employment. There is also the opportunity

for other associated industrial operations to continue within the quarry subject to the planning status being confirmed or regularised. The site is served by a good direct access from the primary road network and can accommodate the levels of traffic anticipated for the purposes of Policy EMP9 of the Selby District Local Plan. It has been concluded the proposal would not have a significant adverse effect on local amenity and whilst introducing change to the character and appearance of the landscape character of the area, activities to achieve such would be a temporary. It would not harm acknowledged nature conservation interests and whilst it would involve expansion onto adjoining land, it would not result in a significant loss of BMV agricultural land and would introduce a landscape with greater ecological diversity.

- 7.142 Policy SP13 of the Selby District Core Strategy supports the development and revitalisation of the local economy in all areas. Economic growth, employment opportunities and expansion of businesses in rural areas are required to be sustainable, appropriate in scale and type to the location, not harm the character of the area, and achieve a good standard of amenity; this is reflected in paragraph 84 of the NPPF. The proposal to work stone for a further period of eight years and recycle materials to facilitate the restoration of the site beyond would continue to bring economic and social benefits to the area and would accord with the policies of the development plan and the NPPF.
- 7.143 The proposal is therefore considered acceptable for the purposes of ‘Saved’ policies SP13, ENV1 and EMP9 of the Selby Local Plan.

#### **Restoration and aftercare**

- 7.144 ‘Saved’ Policy 4/1(f) and (h) of the North Yorkshire Minerals Local Plan requires mining operations to have a high standard of restoration and aftercare. ‘Saved’ policy 4/17 supports proposals for mining operations involving restoration through infilling with imported materials where waste disposal can assist in achieving the most appropriate restored landform and the transport and disposal of the waste would not have an unacceptable impact on the environment or local amenity. ‘Saved’ Policy 4/18 of the North Yorkshire Minerals Plan requires restoration schemes to include landscape, conservation or amenity proposals where agriculture is the intended primary afteruse. ‘Saved’ Policy 4/20 of the North Yorkshire Minerals Local Plan requires a high standard of aftercare and an extended period for such where forestry, amenity (including nature conservation) afteruses are proposed through management agreements. ‘Saved’ Policy 4/21 of the North Yorkshire Minerals Local Plan requires high standard progressive restoration where possible and ‘saved’ Policy 4/23 requires an aftercare period to ensure the land is restored to an approved standard. Emerging Policy D07 of the MWJP requires schemes that would be located within an Impact Risk Zone for a SSSI to achieve net gains for biodiversity through design scheme, including any proposed mitigation measures. Emerging Policy D10 requires positive and diverse restoration and aftercare to a high standard in a progressive way where possible, protecting soils where a proposal is on best and most versatile land and provide net gains for biodiversity; and emerging Policy D12 requires the protection of agricultural land and soils. Paragraph 205 (e) of the NPPF supports proposals that provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards and which can be controlled by conditions.
- 7.145 Following the extraction of limestone, the proposal is to progressively restore the residual void to a combination of low-level grassland and woodland utilising imported inert waste material from the waste recycling facility in the existing quarry (topsoil (uncontaminated), subsoil (uncontaminated), stone, clay, sand (excluding foundry sand), construction waste fines including brick, concrete and stone, gravel, slate and hardcore, quarry fines and silt); the waste would be surface dressed with on-site

derived limestone fines. The soil mounds would be removed and used in the restoration; peripheral hedge planting would be retained. To achieve the proposed restoration levels and create the stabilising slopes in Area 8, the proposed extension area would necessitate the progressive deposit of 2.2 million tonnes of materials throughout the mineral extraction area and with a further two years beyond the cessation of mineral extraction to achieve the proposed final restoration levels following the cessation of mineral extraction. The restoration would be similar to that approved under previous permission for mineral extraction and which is subject of a S106 legal agreements. The agreement provides for the site to be restored in accordance with a Restoration, Aftercare and Management Plan and which provides for an additional 5 years of aftercare of the restored site, 10 years aftercare in total, necessary to ensure the success of the restoration for the purposes for which is designed – calcareous grassland and woodland planting. The applicant proposes to enter into a new S106 Agreement to deliver this. It is proposed that the management of the site post aftercare would be carried out by an ecology body, such as the Yorkshire Wildlife Trust, which would complement the management of the Brockdale Nature Reserve and SSSI.

7.146 Natural England and the Yorkshire Wildlife Trust, notwithstanding their concerns regarding the impact of the proposal on the SSSI and ecology of the area, support the restoration proposals and, subject to long-term management, the ecological benefits they may bring. The proposed restoration of the site would be a continuation of that currently underway and which has previously been found acceptable. The proposed restoration and aftercare scheme is acceptable and would allow a high standard to be achieved contributing to and improving the ecological diversity in the area. The applicant is willing to enter into a new Section 106 Agreement to provide for an extended 10-year aftercare scheme and make financial provision for the long-term management of the site post aftercare by the payment of a commuted sum of not less than £100,000.

7.147 The restoration and aftercare proposals are therefore acceptable and would accord with 'saved' policies 4/1(f) (h), 4/17, 4/18 and 4/20 of the North Yorkshire Minerals Local Plan in that the site would be restored to a high standard for agriculture and nature conservation and is proposed to be subject to aftercare and long term management through the proposed S106 Agreement. The proposed restoration and aftercare would accord with emerging policy D07 in that it would contribute to biodiversity in the area; emerging policy D10 in that would provide for a progressive, phased restoration using imported recycled inert materials to achieve a high standard of restoration; and emerging policy D12 in that it would achieve a high standard of agricultural restoration. The proposed restoration and aftercare would also comply with paragraph 205 e) of the NPPF in that it would provide for progressive restoration and aftercare at the earliest opportunity to high environmental standards and which could be achieved by proposed planning conditions 43, 44, 45 and 46 with an extended aftercare period of 10 years in total through the proposed legal agreement. The proposed restoration and aftercare is therefore considered acceptable and complies with the policies of the development plan and paragraph 205 (e) of the NPPF.

### **Cumulative impacts**

7.148 The assessment of the cumulative effects of a proposed development is a requirement of the regulations relating to environmental impact assessment. For the purposes of this application, the cumulative impacts are the combination of impacts associated with the proposal, in combination effects of other similar developments in an area and foreseeable impacts associated with future projects.

7.149 An assessment has been carried out of the impacts of the proposal on the Green Belt, the landscape, biodiversity, habitats, nature conservation and protected species, flood

risk and drainage, water quality and resources, local amenity (noise, vibration, light pollution) and air quality (emissions and dust), soils and agricultural land use, traffic and transport, Public Rights of Way, the historic environment and economic and social impacts, all in connection with effects during mineral extraction and processing and restoration. The assessment of each concludes there would not be unacceptable impacts subject to mitigation and acceptable restoration. Consequently, there would be no unacceptable cumulative impacts associated with the proposal. The nearest quarry to the proposal is Barnsdale Bar Quarry, an operative quarry located to the south of Kirk Smeaton village adjacent to the A1. Barnsdale Bar Quarry is similarly a Magnesian limestone quarry, an extension to which was allocated in the emerging MWLP. Planning permission for the allocated extension area to extract 7m tonnes of stone was granted in March 2020. The quarry has direct access to the A1 north and south junctions. It is considered the proposed extension at Went Edge Quarry would not generate any unacceptable in-combination effects with the operations at Barnsdale Bar Quarry. The Yorkshire Wildlife Trust has referred to potential plans to widen the A1 next to Brockadale Nature Reserve and which could have a negative impact on the western area of the reserve and in combination with impacts to the south of the reserve due to this proposal, could lead to serious deterioration of the SSSI. Highways England are developing plans to improve the A1 between Doncaster and Darrington from the junction with the M18 to the junction with the M62 at Holmfield to tackle problems with the current route and to make sure it's fit for the future. The scheme is one of over 30 across the country as part of a steady and flexible pipeline of schemes. The pipeline schemes were announced in Highways England's 2020-2025 Delivery Plan and they will consider them for potential construction beyond 2025 but state there is no commitment from government to construct any of the pipeline schemes. A Fact Sheet has been published for the A1 Doncaster to Darrington proposals advising non-intrusive walkover surveys as part of an Environmental Field Survey would be carried out post February 2021. The A1 currently passes over the River Went valley on a flyover accommodating a dual carriageway constructed in 1961. To improve the identified section of the A1 to motorway standards, there would be a necessity to improve, widen or replace the existing flyover. However, there is no certainty when the proposed improvements may come forward or if they do, whether they would be supported and delivered in the foreseeable future. Whilst preliminary ecological survey may be undertaken, there is no indication at this stage what the design of the scheme may be, the impacts it would or would not have on the SSSI or what mitigation measures may be proposed. The proposed extension to the quarry would be adjacent to the SSSI and not directly affect it. The applicant has demonstrated the proposed extension would not have an unacceptable impact on the SSSI and mitigation measures are proposed. The proposed A1 improvements are at their formative stage with no certainty of delivery and cannot be considered to generate a cumulative impact at this stage. There are no other development proposals in the area that would generate any foreseeable cumulative impacts.

### **Issues raised regarding the Officer Report**

- 7.150 As detailed in paragraph 4.55 Kirk Smeaton Parish Council made written representations to Members of the Committee on 17 May 2021 providing examples of where they consider the officer report lacked balance and was factually incorrect. Responses to the examples made are set out as follows:

#### ***Preferred Areas and Areas of Search***

- 7.151 Paragraph 207(c) of the NPPF states *'making provision for the land-won and other elements of their Local Aggregates Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Coordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate'*.

- 7.152 Paragraph 207(c) states: *Such provision should take the form of **specific sites, preferred areas and/or areas of search and locational criteria as appropriate***. The Proposal is contrary to those saved policies of the Local Plan, but limited weight should be given to this conflict and more weight given to compliance with the policies in the emerging MWJP

***Yorkshire Wildlife Trust - The Officers report does not provide an accurate or balanced view of representations made by the Yorkshire Wildlife Trust:***

- 7.153 The views of the Yorkshire Wildlife Trust are summarised in Section 4 of the report, paragraphs 4.9 – 4.18. Paragraph 4.9 refers to the five separate representations made by the Trust and which are available to view on line. It is considered the summary is an accurate reflection of the views of the Trust.

***Natural England: The Officer's Report misrepresents NE's support for the restoration proposal.***

- 7.154 The views of Natural England are reported in Section 4 of the report, paragraphs 4.7 – 4.8. The paragraphs provide a summary of the three representations made by Natural England, most significantly that of 30 April 2021 when they raise no objection to the proposal subject to securing appropriate mitigation and which is reported verbatim in paragraph 4.8. Natural England confirmed by email dated 17 May 2019 they had reviewed the officer report ahead of the forthcoming meeting and confirmed they are satisfied with the proposed conditions and are content that the concerns set out in their letter dated 30 April 2021 had been addressed; this was verbally reported to the Committee. It is considered the views of Natural England have been accurately reported.

***Landscape: There is nothing registered on the online planning portal to suggest the Landscape Architect now considers this application acceptable. The Officer's report plays down the adverse impacts identified by the Landscape Architect and suggests that this Officer is now in favour of the proposal but does not provide any documentation or evidence to support this.***

- 7.155 The County Council's Landscape Architect made further comments on 24 May 2021 clarifying his views expressed during pre-committee discussions with officers on landscape matters. These are reported in paragraphs 4.3 and 4.4 above. The consultation response is clear that with regard to restoration and long term management the Landscape Architect is satisfied these can be covered by the S106 and conditions so in the longer term the impacts on the Green Belt have been resolved. However, his concerns regarding the impact on the Green Belt during the operational phase of development were not fully explained. An assessment of the impact of the proposal on the Green Belt is set out in paragraphs 7.29 – 7.52 of the report and referred to in the officer presentation. Selby District Council's comments on the application and impact of the Green Belt are reported in paragraphs 4.22 – 4.25 of the report. As a statutory consultee and authors of the Green Belt policies against which the proposal was assessed, greater weight was attached to the views of the District Council in coming to the conclusion the proposal would not introduce any further built development; it forms an extension to an existing quarry; and the site would be subject to restoration following the extraction of the limestone. The District Council consider that mineral extraction at this location would not undermine the purposes of including land within the Green Belt and, on this basis, the proposal is considered to be appropriate development in the Green Belt.

***NYCC – Heritage Ecology - The Officer's Report chose to ignore the above***

**information from what NYCC – Heritage Ecology had to report. Excluding this information does not provide a balanced report.**

- 7.156 The County Council's Ecologists comments are set out in paragraphs 4.19 of the report. This sets out the concerns and requirements of the Council's Ecologist relating to the scheme's impacts, restoration, and long term after care and management including an agreement between the applicant and the Yorkshire Wildlife Trust.

**General - No restoration work has been carried out at this quarry and the permitted reserves at this quarry were worked out almost 2 years ago and as such it is a disused quarry that is not operational.**

- 7.157 Parts of the existing site are being progressively restored in accordance with the approved restoration scheme. Materials are currently being deposited in Area 6 and against the south face of the quarry adjacent to Wentedge Road in Areas 5 and 7 to achieve the approved levels. The proposed restoration of Area 8 would be a continuation (in part) and similar to the approved restoration scheme for Areas 5 and 7.

The permitted mineral reserves at the existing quarry have, or have almost, been worked out. The operator has been/is re-working residual processed sands in the quarry and which is provided for as part of the existing planning permissions. The quarry void is being restored using imported materials as part of the permitted (and un-time limited) waste recycling operations. It is not currently a disused quarry that is not operational.

### **Legal Agreement**

- 7.159 The long-term restoration and aftercare management of the site are proposed to be addressed through a Section 106 Planning Agreement. Past planning permissions at the existing quarry for Areas 3 and 4 and subsequently Areas 5, 6 and 7 have been the subject of Section 106 Agreements relating to the restoration and aftercare of the site. The legal agreement for Areas 5, 6 and 7 also provides for a vehicle routing agreement to ensure all HGV's access and leave the site via the north and south junctions with the A1 and the setting up of a steering group between the applicant, Natural England and the Yorkshire Wildlife Trust to ensure the restoration and aftercare of Areas 3 – 7, and the setting up of a local liaison meeting. Therefore, prior to any potential grant of planning permission for this proposal, a Section 106 Agreement is required to be entered into providing for:

- the long-term progressive restoration and a 10 year aftercare management scheme for Areas 3 – 8;
- the setting up of a steering group between the applicant, Natural England and the Yorkshire Wildlife Trust in relation to the working, restoration and aftercare of Area 8;
- the establishment of a Liaison Committee comprised of representatives of the Council, Selby District Council, Kirk Smeaton Parish Council, the Company and a representative of local residents;
- the setting aside of 2.5 pence per tonne with a minimum of £100,000 for the management of the aftercare of the site
- a vehicle routing agreement to ensure all HGVs entering and leaving the site do so via the junction of Wentedge Road with the southbound slip road to the A1 and via the B6474 and the north bound junction of the A1.

- 7.160 In the event that planning permission is granted for this proposal, the issuing of a decision notice will be subject to the completion of the Section 106 Agreement.

## **8.0 Conclusion**

commrep/96



- 8.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application in accordance with the development plan as a whole unless material considerations (including the NPPF and emerging plans) indicate otherwise. The assessment of material considerations within the overall 'planning balance' has been undertaken in Section 7.0 of this report.
- 8.2 With regard to the assessment of this application, the relevant policies of the 'Development Plan' are set out in Section 6.0 to this report. In considering the relationship of the proposals to the 'development plan', the proposal must be judged against the 'development plan' as a whole rather than against individual policies in isolation and it is not necessary for proposals to comply with all policies in order to be found acceptable. It is also necessary to bear in mind the relative weight to be attached to the policies in the 'development plan' against that which is laid down within national planning policy and which is similarly set out in Section 6.0 of this report.
- 8.3 While national policy within the NPPF is an important material consideration, it is necessary to determine applications against the extant policies, which comprise the 'development plan', unless other material considerations indicate otherwise.
- 8.4 The proposed development receives support, or avoids conflict with, a number of 'development plan' policies such as those policies which seek to prevent, minimise or mitigate against a number of potential harms. Conversely there exists the consideration of the potential for harm to the wider landscape in general, the Green Belt and, more particularly, to the adjoining SSSI, a national nature conservation designation
- 8.5 Even with satisfactory implementation of the range of mitigation measures proposed by the applicant, there is also anticipated to be a certain degree of residual impact, particularly with regard to noise to those taking recreation within the vicinity of the proposed development and potential harm to the SSSI.
- 8.6 The issues weighed in the 'planning balance' include whether impacts on the landscape and visual impact and the potential impacts on biodiversity would be outweighed by the proposed development.
- 8.7 The Environmental Statement accompanying the application assesses the likely significant effects of the proposed development upon the environment and full account has been taken of all environmental information received in the planning assessment of this application. The content, mitigation proposed and conclusions of the Statement and the details of the planning application documents describing and showing the proposed scheme, have been assessed.
- 8.8 The information provided in support of the application is considered to be sufficient, to reasonably address the likely significant effects without giving rise to matters of any material degree warranting the re-consideration of the assessments of the proposal as presented by the applicant. The information submitted during the processing of this application is considered both adequate and sufficient upon which to make a recommendation in regards to the determination of the application, the applicant is considered to have demonstrated that the proposed development is capable of being appropriately mitigated. The information has been subject to consultation; the responses to which have been taken into account.
- 8.9 The scale and nature of this proposal means that some impacts are inevitable. Very rarely are developments entirely without harm, or entirely without benefit. The question has to be one of balancing the important considerations and consequential areas of

policy conflict against those arguments that weigh in favour of the proposed development and whether any of the identified harms, together or individually, warrant a determination that the proposed development is either in conflict or compliant with the 'development plan' as a whole.

- 8.10 The main issues in the 'planning balance' are the impact on the Green Belt, change in the landscape and potential impact on the SSSI against the need for the mineral as an extension to an existing quarry. The proposal would not be inappropriate development within the Green Belt or affect the openness of the Green Belt or the purposes of including land within it, a view supported by Selby District Council. Whilst there would be a change to the landscape, the proposed extension of the quarry would accord with the relevant policies in terms of providing an alternative landscape and would accord with the management guidelines set out in the Selby Landscape Assessment 2019 for mineral operations. In terms of impact on the SSSI, concerns have been expressed to the potential for ground water pollution, surface water run-off, water depletion, dust migration, proximity to the boundary, noise and impacts on badgers. All these potential impacts have been addressed in Section 7.0 in this report. There is an existing quarry that has been adjacent to, and extended adjacent to, the SSSI in the recent past and none of the potential impacts have been demonstrated. It is acknowledged the proposal would bring quarrying closer to the SSSI including Elwiss's Meadow and Thompsons Field, which are potentially most susceptible to dust deposition. However, the standoff and proposed mitigation measures would prevent or minimise the potential migration of dust and would meet the requirements of Natural England who have raised no objection to the proposal subject to the imposition of conditions to meet their required safeguards, which are set out in Section 9 and which they have confirmed are satisfactory and meet their requirements. In terms of the need for the mineral, the emerging MWLP identifies the need to release more reserve of Magnesian limestone within the plan period. Policy M05 of the emerging MWJP identifies a specific provision of 18 million tonnes of Magnesian limestone at an equivalent annual rate of 1 million tonnes per annum. Additional provision is to be made through a 5 yearly review of provision in the Plan in order to maintain *at least* a 10 year landbank for Magnesian limestone at 31 December 2030 and / or to meet additional requirements identified through updates to the local aggregates assessment based on an annual rate of provision to be determined through the review. The allocation for Went Edge Quarry identified in emerging policy M09 has already been granted planning permission and has been virtually worked or worked out. The proposal would therefore contribute to maintaining the landbank within the plan period. Emerging policy M10 supports proposals for extensions to minerals extraction sites on land not allocated for working in the MWJP providing the development would not compromise overall delivery of the strategy for the sustainable supply and use of minerals, including encouraging the use of alternatives to primary minerals and would be consistent with the development management policies in the Joint Plan. The proposal is for an extension to an existing quarry with good access to the primary road network, which provides direct access to the sub region to which stone would be supplied to the construction industry and from where waste materials are sourced for the waste recycling operations, which would contribute to the restoration of the site. The proposal is considered to accord with the policies of the emerging MWJP.
- 8.11 In conclusion, it is considered there are no material planning considerations to warrant the refusal of this application. The application, along with the supporting Environmental Statement and additional information, has been assessed and it is considered on balance that there is a need for the mineral and there would be no unacceptable adverse environmental impacts resulting from the proposed development. Furthermore, it is considered that the proposed development, whilst leading to a change to the landscape, would preserve the openness of the Green Belt and not result in any

unacceptable impacts on local amenity, the character of the surrounding area and landscape, the local highway network, ecology or the water environment or lead to an unacceptable impact on air quality or climate change. The proposed landscaping, hedgerow planting and restoration of the site would make a positive contribution to biodiversity of the area. For these reasons it is considered that the principle of the development in this location is acceptable.

- 8.12 It is therefore considered, that whilst the proposed development may conflict with some individual policies, it accords with the Development Plan as a whole and all material considerations (including the NPPF and the emerging plans further support the conclusion is that subject to the applicant first entering into a Section 106 Agreement and subject to the conditions set out in Section 9 planning permission should be granted.

### **Obligations under the Equality Act 2010**

- 8.13 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**

- 8.14 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.
- 8.15 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 That after first taking into consideration the environmental information and further information, as defined in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 submitted in connection with this application and for the following reasons:
- the principle of the development is acceptable;

- there will not be an adverse impact upon local amenity, subject to further controls and mitigation secured through condition;
- the impacts upon the local landscape will not be adverse, subject to further controls and mitigation secured through condition;
- there would be no negative impact upon the openness or the purposes of including land within the Green Belt and as such it is considered not to be an inappropriate development;
- there will not be an adverse impact upon the highway network;
- there will not be an adverse impact upon the ecology of the site, subject to further controls and mitigation secured through condition;
- there will be no detrimental impact upon surface or groundwater resources;
- the proposals accord with the National Planning Policy Framework, the Planning Practice Guidance, with 'saved' Policies 3/4, 4/1, 4/6A, 4/10, 4/13, 4/14, 4/17, 4/18 and 4/20 of the North Yorkshire Minerals Local Plan (1997), Policies SP1, SP3, SP13, SP15 and SP19 of the Selby District Core Strategy (2013) and 'saved' Policies ENV1, ENV2, ENV11, ENV15, ENV28, T1, T8 and EMP9 of the Selby District Local Plan (2005), and emerging Policies M05, M06, M09, M10, M15, D01, D02, D03, D05, D06, D07, D08, D09, D10 and D12 of the North Yorkshire Minerals and Waste Joint Plan.

9.2 That, subject to prior completion of a Legal Agreement to secure:

- A 10 year after-care period which forms the 5-yr statutory after-care period for all mineral permissions plus an additional five years (as set out in the submitted Plan which stipulates a 10-yr Plan of after-care); and,
- A 20-year long-term management plan covering years 11 to 30.
- A liaison committee to be formed with representatives from the operator, Kirk Smeaton Parish Council, NYCC and open to others in the community to meet every 3 months for the duration of the works and 10 year aftercare period to discuss community and amenity matters.
- A Restoration & Management Committee to be formed with representatives from the operator, Natural England, Yorkshire Wildlife Trust, the Council and other bodies as considered suitable to meet through the operational, aftercare and long-term management periods to discuss ecological and landscape provisions.
- That every HGV driver using, accessing or egressing the Land for the purposes of the Development shall be notified by the Owner to use the route shown on Plan B and shall use that route at all times, save in the case of an emergency, provided that if there is any breach of the requirement to use the route shown on Plan B the Company will take appropriate action to prevent any reoccurrence of the breach.
- Development of community assets – and which principally relates to the provision of the proposed footway / bridleway on land within the applicants control as described in the officer report.

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

**Time limits**

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, the date of which

shall be notified in writing to the County Planning Authority within 7 days of commencement.

*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. Written notification of the commencement of each of the following stages of the development shall be provided in writing to the Mineral Planning Authority within seven (7) days of the commencement of each phase of the development shown on plan WEQ/AR8/PA-02 - Plan 2 Dated Nov 18:

- a) Soil stripping operations and construction of soil storage/screening mounds to the north, south and east boundaries of each phase of the proposed development.
- b) Extraction of surface mineral.
- c) Extraction of mineral by blasting.
- d) Cessation of mineral extraction.

*Reason: To enable the Mineral Planning Authority to monitor the development to ensure compliance with this permission.*

3. The permission hereby granted authorises the extraction of minerals for a period of 8 years in Area 8 following the commencement of soil stripping operations to be notified to the County Planning Authority for the purposes of condition 2. Thereafter the development hereby permitted shall be discontinued and all plant and machinery shall be removed from the site and the site shall be restored in accordance with the approved plans within a further period of two years.

*Reason: To ensure the restoration of the land with the minimum of delay in the interests of amenity.*

#### **Cessation**

4. In the event of mineral extraction ceasing on the site for a continuous period in excess of 12 months before the completion of the development hereby permitted for the purposes of condition 3, a revised scheme of restoration and landscaping including a revised time line for completion, shall be submitted within 3 months of such cessation to the County Planning Authority for approval in writing. The approved scheme of restoration and landscaping shall thereafter be implemented in full and in accordance with the requirements of conditions 42, 43 and 44 to this permission relating to restoration and aftercare.

*Reason: To ensure restoration is undertaken as soon as practicable in the interests of amenity*

#### **Approved Documents and Plans**

5. The development hereby permitted shall be carried out in accordance with the application details dated 2 January 2019 and strictly in accordance with the following approved documents and drawings and all schemes and programmes approved in accordance with this permission:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
WEQ/AR8/PA-01 R	Nov 18	Location Plan – Plan 1
WEQ/AR8/0319/LOC-01	Mar 19	Location Plan - Plan 1A
WEQ/AR8/PA-02	Nov 18	Application Plan – Plan 2
WEQ/AR08/PA-04	Nov 18	Existing 2017 Survey with Planning Application Area 8 Plan 4

WEQ/AR8/PA-05	Nov 18	Phase 8A working and tipping against Area 7 faces Plan 5
WEQ/AR8/PA-06	Nov 18	Phase 8B working and tipping against Area 8A faces Plan 6
WEQ/AR8/PA-07	Nov 18	Phase 8C working and tipping against Area 8B faces Plan 7
WEQ/AR8/PA-08	Nov 18	Phase 8C1 working Plan 8
WEQ/AR8/PA-09	Nov 18	Tipping against Areas 8C & 8C1 faces Plan 9
WEQ/AR8/PA-10A	Dec 19	Progressive Restoration Scheme Plan 10 A
WEQ/AR8/PA-10B	Dec 19	Progressive Restoration Scheme Plan 10 B
WEQ/AR8/PA-10C	Dec 19	Progressive Restoration Scheme Plan 10 C
WEQ/AR8/PA-10D	Dec 19	Progressive Restoration Scheme Plan 10 D
WEQ/AR8/PA-10E	Dec 19	Progressive Restoration Scheme Plan 10 E
WEQ/AR8/PA-10F	Dec 19	Progressive Restoration Scheme Plan 10 F
WEQ /AR08/PA-11		Longitudinal Section through Area 8
WEQ/AR08/PA-12		Total Extraction Design for Quarrying Limestone
WEQ/AR8/PA-13A	Nov 19	Protection Zones and Bund Construction
WEQ/AR8/PA-14	May 20	Natural England Compensation Planting
WEQ/REC 15-06		Typical slope construction against the face with inert material
WEQ/REC 19-07	Dec 19	Indicative Cross Sections showing comparison between face stabilisation with on-site fines and recovery option with inert material.
CF/MWE/275 – 9	Mar 15	Restoration proposals – quarry edge treatment
CF/MWE/526-10A	June 2020	Phases Restoration End of Year One
CF/MWE/526-10B	June 2020	Phased Restoration End of Year Three
CF/MWE/526-10C	June 2020	Phased Restoration End of Year Five
CF/MWE/526-10D	June 2020	Phased Restoration End of Year Seven
CF/MWE/526-10E	June 2020	Phased Restoration End of Year Eight
CF/MWE/526-10F	June 2020	Phased Restoration End of Year Nine
CF/MWE/526-10G	June 2020	Phased Restoration End of Year Ten
CF/MWE/275/11B Rev C	June 2021	Restoration Proposals
CF/MWE/275/12A	Aug 19	Restoration Cross Sections through the Quarry
CF/MWE/526/13		Boundary of the Restored Quarry to be Managed Long Term after the 10 Years Aftercare Programme on Restoration of the Site
CF/MWE/526-15	June 2020	Limit of excavation

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

6. A copy of the planning permission and any agreed variations and approved details and schemes and programmes for the purposes of the conditions, together with all the approved plans shall be kept available at the site office at all times and made known and available to managing and supervising staff on the site.

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

#### **Withdrawal of Permitted Development Rights**

7. Notwithstanding the provisions of Town & Country Planning (General Permitted Development) Order 2015 or any other order revoking or re-enacting the order, no plant

or buildings shall be erected within the application site without the prior grant of planning permission by the County Planning Authority.

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

### **Hours of working**

8. There shall be no minerals extraction, processing, vehicle movements, soil stripping, infilling or the deposit of materials in relation to restoration carried out at the site except between the following times:

07:00 – 19:00hrs Monday to Friday

07:00 – 13:00hrs Saturdays.

No minerals extraction, processing, vehicle movements, soil stripping, infilling or the deposit of materials in relation to restoration shall be carried out on Sundays and Bank (or Public) holidays. This condition shall not apply to emergency works within the quarry or repairs to plant and machinery within Area 8.

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

9. No drilling of blast holes shall be carried out on any part of the site except between the hours of 0900 and 1700 hours Monday to Friday. No drilling of blast holes shall take place on weekends, Bank, or Public Holidays.

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

10. No blasting shall be carried out on any part of the site except between the hours of 0900 and 1600 hours Monday to Friday. No blasting shall take place on weekends, Bank, or Public Holidays. This condition shall not apply in emergency situations outside these hours and in such situations the operator shall inform the County Planning Authority in writing of the emergency situation within 7 days of the event.

A warning siren shall be sounded 10 minutes prior to the commencement of any blasting operations and the operator shall take all necessary precautionary measures to ensure the safety of users of the public footpath no.35.43/3/1 running through Thompsons Field during blasting operations in Area 8C.

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

### **Highways**

11. There shall be no access or egress between the highway and the application site by any vehicles other than via Went Edge Quarry access with the public highway to Went Edge Road. The access shall be maintained in a safe manner, which shall include the repair of any damage to the existing adopted highway occurring during operations.

*Reason: In the interests of highway safety, amenity and convenience of highway users.*

12. The total number of heavy goods vehicle (as defined by this permission) accessing and leaving Went Edge Quarry removing stone or stone products from the application site and importing restoration materials into Area 8 shall not exceed 200 per day (100 going into the site and 100 going out).

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

13. A written record of all heavy goods vehicle movements (as defined by this permission) into and out of Area 8 of Went Edge Quarry for the purposes of condition 12 shall be maintained and retained at the quarry for a period of six months. The record shall contain the vehicles weight, registration number and the time and date of movement. The record shall be retained at Went Edge Quarry and made available to the County Planning Authority on request.

*Reason: To enable the verification of vehicle movements limited under condition no. 12.*

14. The existing wheel wash facilities within Went Edge Quarry shall be retained and maintained in full working order at all times throughout the stone extraction and restoration phases of Area 8 the subject of this planning permission. All vehicles involved in the transport of materials or finished products from the site shall use the wheel cleaning facilities before leaving the site so that no mud or waste materials are deposited on the public highway.

*Reason: To prevent the tracking out of material onto the public highway and in the interests of highway safety and amenity and convenience of highway users.*

15. The existing hardstandings and surface of the haul road between the wheel cleaning facilities within Went Edge Quarry and the access to Wentedge Road shall be maintained in a clean and good state of repair and devoid of potholes at all times throughout the operational life of the development so that no mud or waste materials are deposited on the public highway.

*Reason: To ensure a satisfactory form of development and in the interest of the general amenity of the area and prevent the tracking out of material onto the public highway.*

#### **Vehicle Sheeting**

16. All heavy goods vehicles (as defined by this permission) exporting minerals or mineral products from Went Edge Quarry shall be securely sheeted or otherwise enclosed in such a manner as to prevent dust blowing from materials and to prevent material being spilled onto the public highway.

*Reason: In the interests of highway safety, amenity and convenience of highway users*

#### **Blasting and vibration**

17. Prior to the commencement of mineral extraction within Area 8, a scheme for the monitoring of ground vibration and air over pressure levels, including the maximum instantaneous charge, total charge weight, the blast location, number of holes, the hole diameter and depth, the face height, the type of detonator, the burden and hole spacing and the weather conditions, shall be submitted to and approved by the County Planning Authority.

Thereafter monitoring shall be undertaken in accordance with the approved scheme and if the results of monitoring show that the limit as stated in condition 19 to this permission is exceeded, blasting practice at the site shall be modified to ensure compliance with the limit specified in condition 19 to this permission. The results of monitoring shall be retained at Went Edge Quarry for a period of 12 months and made available to the County Planning Authority on request.

*Reason: This is a pre-commencement condition necessary to monitor the operations and protect the amenities of the area.*



18. Prior to the drilling of vertical holes and blasting the operator shall provide a minimum of 48 hours notification to occupiers of Brockadale Oaks Farm and 'The Cottage on Jacksons Lane of the date and times that drilling and blasting is planned to take place.

Reason: To protect the amenities of the area.

19. Blasting operations shall be designed and executed such that ground vibrations from 95% of all blasts in a calendar year shall not exceed a peak particle velocity of 6mm/second peak particle velocity at any properties on Jackson Lane and the property of 'The Cottage'. In the event that the limits are exceeded, blasting practice at the site shall be modified to ensure compliance with the limits specified.

Reason: To protect the amenities of the area.

20. Notwithstanding condition 18, the vibrations from any blast shall not exceed 9mm/sec peak particle velocity at any time when measured at any properties on Jackson Lane and the property of 'The Cottage'.

Reason: To protect the amenities of the area.

### **Noise**

21. The equivalent continuous noise level due to operations at the quarry during day time hours (07:00-19:00) shall not exceed the background noise level (LA90) by more than 10dB(A) at any residential properties on Jackson Lane, including 'The Cottage'. Measurements shall be hourly LAeq measurements and be corrected for the effects of extraneous noise. In the event that the noise levels are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps taken to attenuate the noise level to ensure compliance with the specified levels.

Reason: To protect the amenities of the area.

22. Notwithstanding the noise limits imposed within Condition 21, a temporary daytime noise limit of up to 70 dB(A) LAeq,1hour (free-field) at any residential properties on Jackson Lane, including 'The Cottage', is permitted for up to 8 weeks in a calendar year to facilitate essential site preparation and restoration work such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds, construction of new permanent landforms and site road maintenance.

Reason: To protect the amenities of the area.

23. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment, which shall be regularly maintained. Plant, machinery and vehicles operating within the quarry shall be fitted with non-audible reverse or broadband multi-frequency sound alarms (white noise) warning alarm systems.

Reason: To protect the amenities of the area.

### **Dust**

24. Prior to the commencement of soil stripping and stone extraction a dust management and monitoring plan for Area 8 to prevent or minimise the migration of dust from the site onto the Brockadale SSSI and to monitor the impact of any migrating dust onto the SSSI shall be submitted to the County Planning Authority for approval in writing. The dust management and monitoring plan shall include details of the monitoring equipment to be used, the location of monitoring equipment, including locations within the Brockadale SSSI, and details of how dust is to be monitored, the equipment to be used

and dust suppression measures to be employed, including the employment of water sprays and hoardings where appropriate or necessary, in each phase of the development to prevent or minimise the emission and migration of dust onto the Brockadale SSSI from:

- soil stripping operations;
- the construction of soil / rubble storage / safety bunds;
- the ripping and removal of surface rock;
- blast hole drilling;
- rock blasting;
- the transport of minerals;
- the processing of minerals;
- stockpiled materials;
- all exposed operational areas;
- restoration materials;
- restoration works;

Thereafter the approved dust management and monitoring plan shall be employed in full and the results of monitoring shall be retained for the life of the development and shall be made available to the County Planning Authority on request. In the event monitoring demonstrates dust is migrating from the site and being deposited in the SSSI to the detriment of species listed in the SSSI designation, operations shall cease until such time as measures to prevent such have been submitted to and approved in writing by the County Planning Authority; thereafter the approved measures shall be employed in full.

*Reason: This is a pre commencement condition necessary to ensure that the proposal does not have a negative effect on the Brockadale Site of Scientific Interest.*

25. Dust control measures to minimise the emission of dust shall include but not be limited to the spraying of roadways and stockpiles. During periods of high winds (over 20 metres per second as measured by an onsite anemometer at existing ground surface level) all mineral extraction operations shall cease. Thereafter the approved control and monitoring measures shall be implemented and maintained in accordance with the approved scheme. In the event that an assessment of dust emissions and/or the results of formal monitoring indicate that additional control measures are required to minimise emissions, proposals for such measures shall be submitted in writing to the County Planning Authority. The measures subsequently approved in writing by the County Planning Authority shall be implemented within such period as may be required by the County Planning Authority.

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity*

### **Soils**

26. Prior to the commencement of soil stripping in any phase in Area 8 within the 25m standoff to the northern boundary of Area 8 identified on approved plan M/WE/526/15 dated June 2020 until an Arboricultural Survey has been carried out to establish the root protection areas of woodland to the north of Area 8 and falling within the Brockadale Site of Special Scientific Interest. The results of the Arboricultural Survey shall determine the boundary of soil stripping operations and the position of soil storage/screening bunds to ensure they do not extend over the root protection areas. The results of the Arboricultural Survey and details of any amendments to the soil stripping and mineral extraction areas shall be submitted to the County Planning Authority for approval in writing. The soil stripping, storage of soils and mineral extraction shall be undertaken in accordance with the approved details.

*Reason: This is a pre-commencement condition necessary to ensure that the proposal does not have a negative effect on the trees to the northern boundary of Area 8 adjacent to the Brockadale Site of Scientific Interest.*

27. Topsoil and subsoils shall only be stripped and handled in accordance with Defra's 'Good Practice Guidance for Handling Soils' adopting the 'Loose Handling' methods (as described in Sheets 1- 4 of the Guide) to minimise damage to soil structure and to achieve high standards of restoration.

*Reason: To ensure soil resources are correctly handled and safeguarded.*

28. All topsoil and subsoil shall be stored in separate mounds that do not overlap as shown on plan numbers WEQ/AR8/PA-05 – Plan 5, WEQ/AR8/PA-06 – Plan 6, WEQ/AR8/PA-07 – Plan 7 and WEQ/AR8/PA-08 – Plan 8. The mounds shall be graded and seeded within one month of their construction and thereafter retained in a grassed, weed free condition throughout the duration of the development pending their use in the restoration of the site.

*Reason: To ensure that the soil resources are correctly handled and safeguarded.*

29. No topsoil or subsoil shall be removed from site. All topsoil and subsoil shall be retained for restoration of the site.

*Reason: To ensure soil resources are correctly handled and safeguarded.*

### **Ecology**

30. The development hereby permitted shall be carried out in strict accordance with the 'Ecological Impact Assessment', dated January 2019 and the mitigation measures detailed within Section 8 and the Mitigation Section to the Badger Survey dated August 2018 appended as 1 to the Ecological Impact Assessment; and the Addendum to the Ecological Impact Assessment for Area 8 dated 27 September 2019 and in accordance with the approved details for the purposes of conditions 31 and 32 to this planning permission.

*Reason: To protect the nature environment.*

31. Prior to the commencement of soil stripping and stone extraction in Area 8, details of a monitoring scheme for the woodland and Elwiss's meadow to the northern boundary of Area 8 and for Thompson's Field to the east boundary of Area 8 forming part of the Brockadale Site of Special Scientific Interest shall be submitted to the County Planning Authority for approval in writing. The monitoring scheme shall include details of monitoring for the impacts of water depletion and dust migration and impact and the effectiveness of water management and dust suppression practices employed for the purposes of conditions 24, 25, 33 and 34 to this permission on the sensitive receptors for which the SSSI is designated. Thereafter, the approved monitoring scheme shall be implemented in full and the results of which shall be submitted to the County Planning Authority. If the monitoring identifies adverse impacts on the woodland and/or on Elwiss's Meadow and Thompsons Field of the Brockadale Site of Special Scientific Interest, a mitigation plan shall be submitted to the County Planning Authority for approval in writing. Thereafter the approved mitigation plan shall be implemented in full throughout the operational life of the site including restoration.

*Reason: This is a pre-commencement condition necessary to ensure that the proposal does not have a negative effect on the woodland to the northern boundary of Area 8 and the calcareous grassland in Elwiss's Meadow and Thompson's Field to the northern and eastern boundary of Area 8 forming part of the Brockadale Site of Scientific Interest.*

32. Within 3 months of the extraction of stone in Phase 1 of Area 8, details of a monitoring scheme for badgers and associated sett(s) shall be submitted to the County Planning Authority for approval in writing.

a) The monitoring scheme shall include details of how the impacts of mineral extraction may be affecting the badgers and sett(s) and the means of mitigating for such including where necessary evidence of consent to mitigate by licence granted in accordance with the Protection of Badgers Act 1992 (or any subsequent amending legislation) of such proposed mitigation.

b) If the monitoring identifies the mineral extraction is having an adverse impact on the badger and sett(s), a mitigation plan shall be submitted to the County Planning Authority for approval in writing and subject to consent by licence in accordance with a) above thereafter the approved mitigation plan shall be implemented in full.

*Reason: to ensure the proposal does not have an adverse impact on badgers.*

#### **Protection of the natural environment**

33. No excavation within Area 8 shall take place below 20 metres AOD at any time.

*Reason: To ensure that the water resource is protected from pollution.*

34. No de-watering shall take place at the site.

*Reason: To ensure that the water resource is protected from pollution.*

35. Any oil, fuel, lubricant, paint or solvent within the site must be stored so as to prevent such materials contaminating topsoil or subsoil or reaching any watercourse. Any fixed oil or fuel tanks must:

- (a) be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tank so as to fully contain their contents in the event of spillage;
- (b) if there is multiple tankage, the enclosure must have a capacity not less than 110% of the largest tank;
- (c) all filling points, vents and sight glasses must be within the sealed impermeable enclosure;
- (d) there must be no drain through the impermeable enclosure.

*Reason: To prevent the pollution of groundwater and adjacent land.*

#### **Archaeology**

36. No development shall take place/commence in each phase shown on plan WEQ/AR8/PA-02 - Plan 2 until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording;
- b. The programme for post investigation assessment;
- c. Provision to be made for analysis of the site investigation and recording;
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e. Provision to be made for archive deposition of the analysis and records of the site investigation;
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation.

The condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

*Reason: This is a pre-commencement condition required to protect the archaeological heritage of the area.*

37. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 36 to this permission or any subsequent documents produced for successive phases of extraction.

*Reason: In order to ensure the archaeological resources at the site are adequately investigated, understood, and where necessary safeguarded.*

38. The post investigation assessment and analysis shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 36 to this permission and provision made for analysis, publication and dissemination of results and archive deposition within 12 months of the completion of each phase of the site works.

*Reason: In order to ensure the archaeological resources at the site are adequately investigated, understood, and where necessary safeguarded.*

### **Landscaping**

39. Prior to the commencement of soil stripping and stone extraction in any phase of Area 8, a scheme and programme for the planting of woodland trees in a 5m strip to the northern boundary of the extraction area as shown on Plan 14 WEQ/AR8/PA-14, shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include:

- a) Details for the planting of trees and shrubs including numbers, types and sizes of species to be planted, the spacing of planting, protection measures and methods of planting.
- b) Details for the management of the woodland planting including maintenance of tree planting.
- c) Details of protective fencing demarking the 5m landscaping strip from the operational area of the extension area.
- d) Details of a contained drainage ditch to be constructed to the south of the fence to the woodland strip to prevent the risk of silt and pollution flowing into the SSSI during the soil stripping and bund construction phases of the development.

The approved contained drainage ditch shall be constructed prior to the stripping of soils in each Phase and the woodland planting shall be undertaken in the first available planting season following the commencement of development and shall thereafter be maintained for a period of five years including weed control, replacement of dead and dying trees and shrubs with species of similar size and species and maintenance of protection measures.

*Reason: This is a pre-commencement condition necessary to ensure that the proposal does not have a negative effect on the woodland to the northern boundary of Area 8*

*and the calcareous grassland in Elwiss's Meadow and Thompson's Field to the northern and eastern boundary of Area 8 forming part of the Brockadale Site of Scientific Interest*

40. Within 6 months from the date of commencement of mineral extraction in each phase, as notified to the County Planning Authority for the purposes of condition 2 to this permission, a scheme and programme for the landscaping of each restored phase of the site shall be submitted to the County Planning Authority for approval in writing. The landscaping scheme and programme shall include:

- a) Details of the materials to be used as part of the final restoration surface.
- b) Details for the planting of trees and shrubs including numbers, types and sizes of species to be planted, location and layout of planting areas, protection measures and methods of planting.
- c) Details for the seeding of any landscaping areas including mixes to be used and rates of application.
- d) Details for the management of any landscaping areas including maintenance of tree and shrub planting and grazing or mowing of seeded areas.
- e) Details of trees and shrubs that are to be retained post restoration of the site.

The approved scheme and programme shall be implemented in the first available planting season following the certification in writing by the County Planning Authority of the completion of restoration of each phase (the date when the County Planning Authority certifies in writing that the works of restoration have been completed satisfactorily) and shall thereafter be maintained for a period of five years including weed control, replacement of dead and dying trees and shrubs with species of similar size and species and maintenance of protection measures.

*Reason: To secure a good standard of progressive restoration in the interests of amenity and protecting the character of the area.*

41. Within 1 month of the commencement of soil stripping operations in Phase A, as notified to the County Planning Authority for the purposes of condition 2 to this permission, details for the planting of hedges (including species, spacing, protection and maintenance) to the southern boundary of Area 8 to Went Edge Road and along the eastern boundary of Area 8 to Thompsons Field, shall be submitted to the County Planning Authority for approval in writing. The hedges shall be planted in the first available planting season following approval and thereafter maintained throughout the operational life of Area 8 and approved aftercare period for the purposes of condition 45 to this permission. Any plants that become diseased or die shall be replaced with a similar species in the first available planting season.

*Reason: In the interests of amenity and protecting the character of the area.*

42. Within 6 months of the commencement of mineral operations, as notified to the County Planning Authority for the purposes of condition 2 to this permission, a scheme and programme for the proposed footway/bridleway shown on drawing no. WEQ/AR8/PA-10F dated Dec 19 shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall provide for the permissive footway/bridleway to be constructed to footway/bridleway adoptable standards and shall include details of:

- a) the alignment and width of the footway/bridleway in relation to the hedge fronting Wentedge Road and the boundary to the restored areas;
- b) details of the fence and viewing platforms to be erected to the north of the footway/bridleway;
- c) surfacing materials;
- d) drainage provision;

- e) means of access and details of access gates/barriers to the entrances at either end of the footway/bridleway to Wentedge Road. The gates/barriers shall be designed to be suitable for pedestrian, cycle and horse riding access;
- f) maintenance of the footway/bridleway including maintenance of the surface of the footway/bridleway, drainage, the adjoining fence and management of the adjoining hedge to Wentedge Road to ensure it does not encroach onto the footpath/bridleway or inhibit its users in any way.

The footpath/bridleway shall thereafter be constructed in accordance with the approved details within three months of the certification in writing by the County Planning Authority of the completion of restoration (the date when the County Planning Authority certifies in writing that the works of restoration have been completed satisfactorily) for the purposes of condition 44 and thereafter be retained and maintained in accordance with the approved details.

*Reason: to secure the provision of the footway/bridleway.*

#### **Restoration and after-care**

43. The restoration of the site shall be completed within 10 years from the date of commencement of surface mineral extraction for the purposes of condition 2 to this planning permission and shall be carried out in accordance with the details contained in the 'Restoration Proposals, Aftercare and Management Plan' dated January 2019, revised December 2019 and June 2020 and in accordance with the schemes and programmes approved for the purposes of the conditions 39, 40 and 41 to this planning permission.

*Reason: To secure a good standard of progressive restoration in the interests of amenity and protecting the character of the area.*

44. Within 18 months of the date of this planning permission, a restoration masterplan for the total area of land under the control of Applicant as referred on Plan WEQ/AR08/PA-04 Plan 4, (including details regarding the area of the re-located industrial units), shall be submitted for approval in writing by the County Planning Authority. The masterplan shall detail the final landform and after use and details of mitigation and enhancement measures. Thereafter the quarry shall be restored in accordance with the approved masterplan.

*Reason: To secure a good standard of progressive restoration in the interests of amenity and protecting the character of the area.*

45. Within 3 months of the certification in writing by the County Planning Authority of the completion of restoration (the date when the County Planning Authority certifies in writing that the works of restoration have been completed satisfactorily) a scheme and programme for the aftercare of the site for a period of 5 years to promote the

agricultural afteruse of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:

- a) Maintenance and management of the restored site to promote its agricultural use.
- b) Weed control where necessary.
- c) Measure to relieve compaction or improve drainage.
- d) Maintenance and replacement of trees and shrubs, weed control and re-staking.
- e) An annual inspection in accordance with condition 44 to be undertaken in conjunction with representatives of the County Planning Authority to assess the aftercare works that are required the following year.

*Reason: To secure the proper aftercare of the site.*

46. Every 12 months from the date of this permission or at such other times as may be agreed in writing with the County Planning Authority, a review of the previous year's landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from the scheme approved under Condition 42 to this planning permission and any approved schemes and programmes. In the event of any departure, a revised scheme providing for the taking of such steps as may be necessary to continue the satisfactory landscaping, working, restoration and aftercare of the site including the replacement of any tree or shrub which may have died, been removed or become seriously damaged or diseased shall be submitted to the County Planning Authority for approval in writing. Thereafter all such works shall be carried out in accordance with the approved schemes.

*Reason: To secure a good standard of progressive restoration in the interests of amenity and protecting the character of the area.*

47. Nothing other than the following inert materials shall be used in the restoration of Area 8: Topsoil (uncontaminated), subsoil (uncontaminated), stone, clay, sand (excluding foundry sand), construction waste fines including brick, concrete and stone, gravel, slate and hardcore, quarry fines and silt.

*Reason: To secure a good standard of progressive restoration in the interests of amenity and protecting the character of the area.*

### **Definitions**

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with the conditions of this permission have been completed satisfactorily.

Heavy goods vehicle: a vehicle of more than 3.5 tonnes gross weight.

### **Informatives**

1. Environmental Permit  
The developer should contact Selby District Council regarding the need to vary the current Environmental Permit P65V3 for the extraction and processing of limestone as the area to be quarried is outside the current permit boundary.
2. Public Rights of Way  
Public rights of way are to be kept open for public use at all times throughout the operational life of Area 8 during mineral extraction and restoration phases of the development.



3. Removal of Waste  
If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.
4. Importation of Waste  
If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from the Environment Agency. The applicant is advised to contact the Environment Management team on 03708 306 306 or refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>
5. Restoration plan  
If the current restoration proposals change and any other waste types (hazardous or non-hazardous) are proposed that are not identified in the Restoration Proposals, Aftercare and Management Plan, a further water risk assessment will be required.
6. Abstraction licence  
Any proposals for ground water abstraction on the quarry site in quantities exceeding 20m<sup>3</sup> per day for activities including dust suppression, wheel washing and the watering of public roads will require a licence from the Environment Agency.
7. Historic Landfill  
The Environment Agency have records of an historic landfill in the area of the Smeaton Industrial Park. It is noted that this area is not included within the red line site boundary; the operator must ensure that the historic landfill is not affected or its stability compromised as a result of their works.
8. Badgers  
Badgers are protected under the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981. A licence from Natural England will be required if a sett is identified within the permitted extraction area.

**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.*

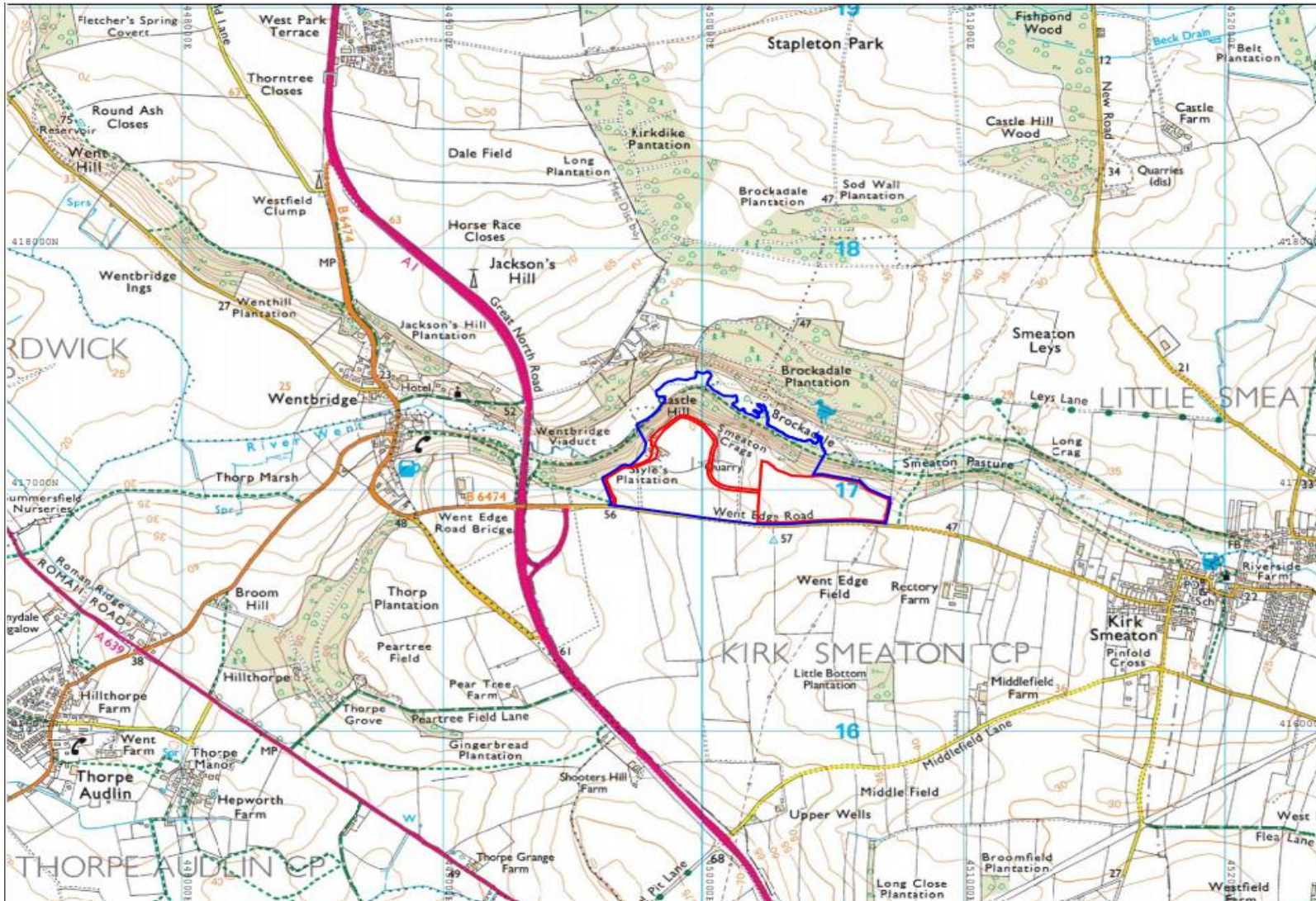
K BATTERSBY  
Corporate Director, Business and Environmental Services  
Growth, Planning and Trading Standards

Background Documents to this Report:

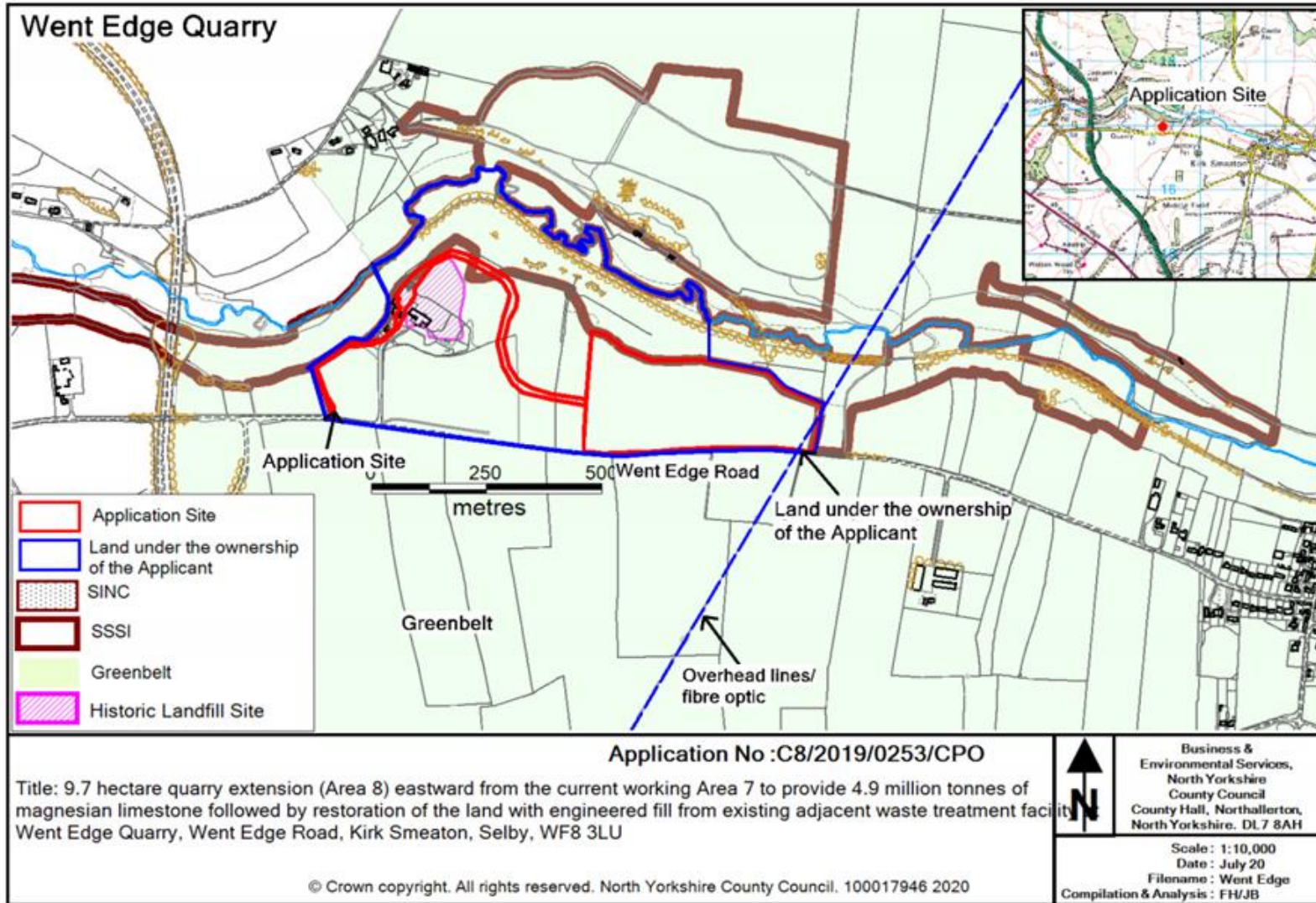
1. Planning Application Ref Number: **NY/2019/0002/ENV (C8/2019/0253/CPO)** registered as valid on 1 January 2019. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Stuart Perigo

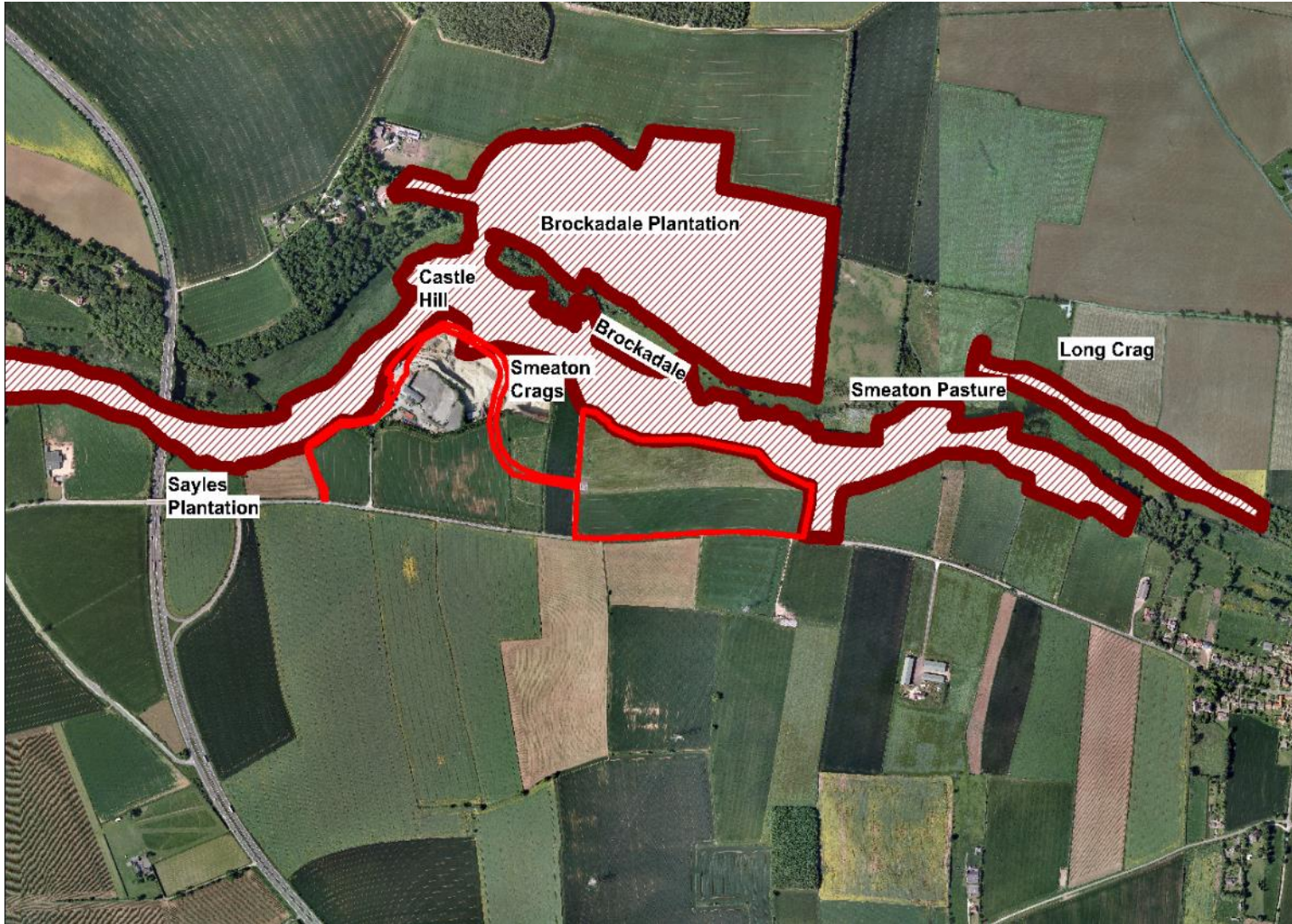
## Appendix 1 – Location plan



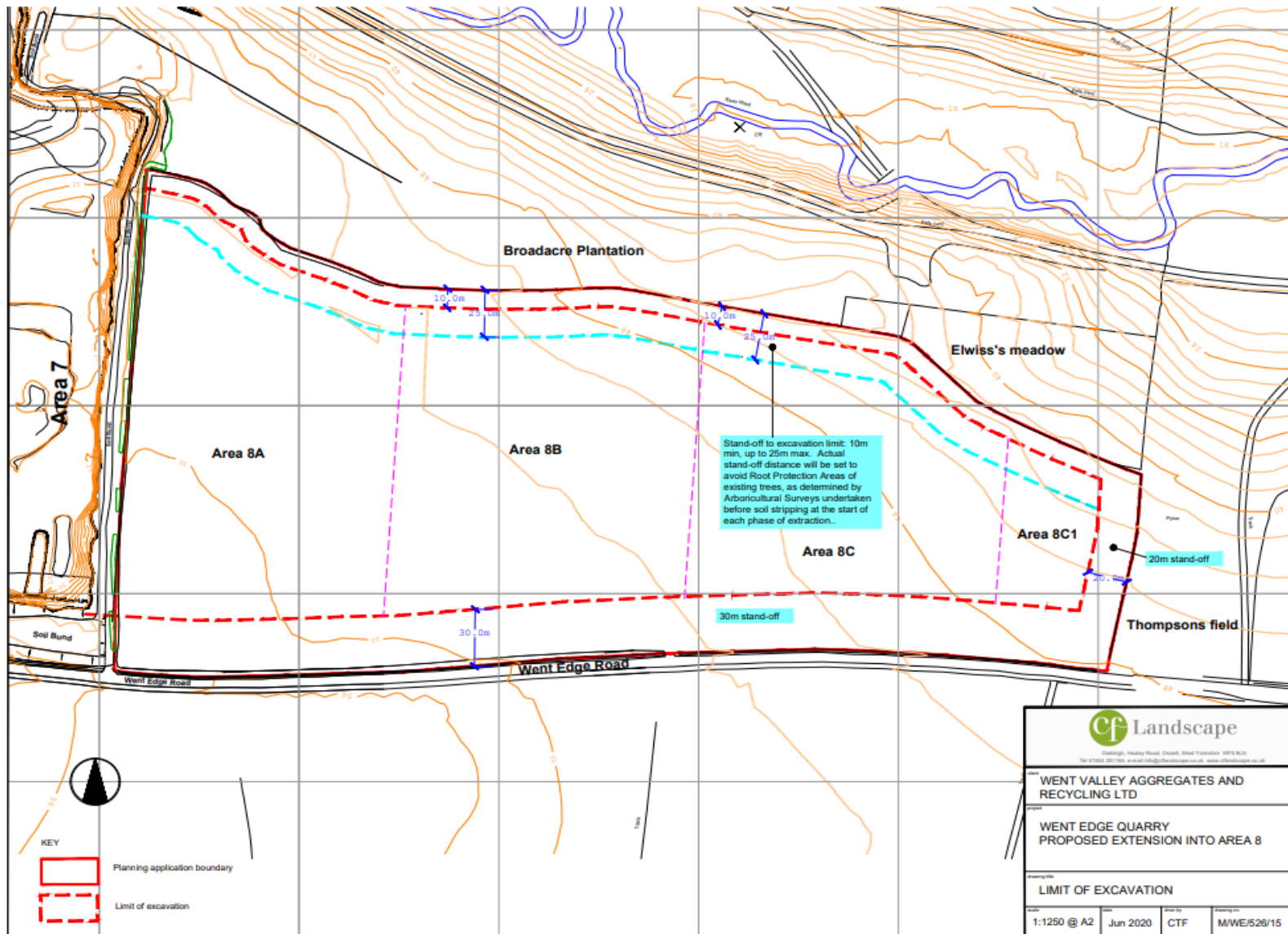
Appendix 2 – Location Plan with boundary of Brockdale Site of Special Scientific Interest



Appendix 3 – Aerial View with boundary of Brockadale Site of Special Scientific Interest



Appendix 4 – Limits of Excavation



Appendix 5 – Proposed Restoration

