

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely, via Microsoft Teams, on 28 September 2021 at 10.30 am.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Caroline Goodrick, Robert Heseltine, David Hugill, Mike Jordan, John McCartney, Zoe Metcalfe, Chris Pearson and Clive Pearson

The meeting was available to watch live via the County Council's website and a recording of the meeting is now available on the website via the following link www.northyorks.gov.uk/livemeetings

In addition, 8 members of the public were in attendance.

Copies of all documents considered are in the Minute Book

243 Start time of today's meeting

With the agreement of the Chairman, the scheduled start time was put back half an hour to 10.30 a.m. due to technical difficulties.

244. Welcome and Introductions

The Chairman apologised for the delayed start (see minute No. 243, above)

The Chairman added that there is still a need to remain cautious due to infection levels. Therefore, due to limited capacity within the Council Chamber (the venue for today's meeting) it is also being live broadcast.

Members and officers introduced themselves.

245 Pre-determination

With reference to the Item on Went Edge Quarry (Minute No. 249, below), the representative of the Assistant Chief Executive (Legal and Democratic Services) read out the following statement as a reminder on the issue of pre-determination:-

Councillors have already received a detailed letter from Barry Khan (Assistant Chief Executive, Legal and Democratic Services) advising about pre determination. However, I will give a brief overview for the purposes of this meeting.

As Members are aware, the meeting today will involve a full rehearing of the application, however the issue of predetermination could arise as a number of Councillors on the Committee have already considered this application at a previous informal meeting.

The law regarding predetermination provides that if a Councillor has a 'closed mind' on the application, then they cannot take part in the decision on the new application. Having

a closed mind means that a Councillor has already made up his/her mind up on the application and will not listen to any new evidence that is submitted or discussed prior to or at the meeting. If you consider that you have a 'closed mind' and have predetermined the application then you should not take part.

However, if you had taken part in the last debate and vote, but are willing to consider the matter with an 'open mind' (i.e. that you are willing to weigh up the evidence and arguments on both sides and come to a view on the matter based on the evidence at this Committee meeting, including any new evidence), then you can take part in the meeting.

Members can be reassured that if you have an open mind there is no issue arising out of you having commented and actually voted on the application previously as you are entitled to have a view and to have expressed that view. It is lawful for decision makers to be 'predisposed' to particular views (For example having read the papers you may favour/be predisposed to one view, but as long as you are willing to be persuaded the other way and explore the issues at the meeting, you will have an open mind).

Therefore, in terms of the meeting this morning Members must approach the consideration and determination of the application with an open mind.

246. Minutes of the meeting held on 3 August 2021

Resolved -

That the Minutes of the meeting held on 3 August 2021, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

247. Declarations of Interest

Councillor Jordan advised that he knows Councillor Gillian Ivey (of Little Smeaton Parish Council – one of the speakers in attendance) in his capacity as a new member of the Trans Pennine Trail. Whilst they had been communicating on this, he did not consider it an issue at this meeting but wanted to raise it.

Councillor McCartney stated that he knew Councillor Gillian Ivey and most of the other speakers and been lobbied by various organisations over the last year or so on this issue, including two MPs.

248. Public Questions or Statements

The Chairman stated that there were no general questions or statements from members of the public, but there were 7 speakers in opposition to the application below and the applicant would also speak.

249 NY/2019/0002/ENV (C8/2019/0253/CPO) - 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; and 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, Wentedge Road, Kirk Smeaton, Selby

NOTE: There are several references to SSSI. This abbreviation stands for Site of Specific Scientific Interest.

Considered -

The report of the Corporate Director, Business and Environmental Services requesting Members 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; and 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.

A combined total of 333 representations had 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.

Objections had 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; the Ramblers Association; the Woodland Trust; Womersley Parish Council and the Campaign for the Protection of the Rural Environment

Public statements were made by the following:-

- Councillor Gillian Ivey
- Michael Britton
- Chris Toohie
- Professor Alastair Fitter
- Ellen Milner
- Honor Eldridge
- Councillor Professor Tricia Storey Hart

The statements are reproduced below:-

Gillian Ivey, Chair of Little Smeaton Parish Council, attended the meeting in person and made the following statement:-

Much of the Brockadale Nature Reserve north of the river Went, lies in the parish of Little Smeaton.

I am here today representing local residents, many of whom walk the valley regularly and also volunteer in the Brockadale Nature Reserve, both through practical working parties and also monitoring the Highland cattle who graze parts of the reserve in the winter months.

This application proposes to extend quarrying right up to the boundary with the Brockadale reserve; a nationally important SSSI, that spans Little Smeaton, Kirk Smeaton and Wentbridge; and is highly valued by locals and visitors alike. Our residents are asking us "How can a quarry in Green belt, next to an SSSI, with several hundred local objections, plus professional objections on environmental grounds, be recommended for approval?"

You have recently received representations from a number of organisations including other parish councils, CPRE and Selby District Council. "Friends of Brockadale" have produced an excellent booklet detailing some of the rare species on the site, and the speakers who follow me will present the case for refusal –

- *Because of the loss of recreational amenity*
- *Because of the unquantified and unqualified risk to the full range of species on the site.*

You will hear from the Chair of Darrington Parish Council, two experts in Ecology – Chris Toohie and Professor Alastair Fitter - and representatives from Yorkshire Wildlife Trust and Plantlife.

Finally, my colleague Tricia Storey, Chair of Kirk Smeaton Parish Council, will make the closing statement and summarise the reasons why we think the application should be refused.

I would like for a moment to take you back to the site visit in August, and to thank you for being there. To stand on the quarry floor was to immediately appreciate the vast area already quarried; as I understand it, approval of the application will virtually double the size of the quarry.

The low-level restoration resulting in a U-shaped valley was also clearly explained to us all, which was helpful.

Once back on the surface and able to view the area from both sides of the Went Valley, I'm sure that you could appreciate the beauty and the openness of the surrounding countryside.

I put it to you that there is a clear need to assess the visual impact on the Green Belt and where it affects openness. It has already been pointed out by several other bodies that further quarrying would be inappropriate development which then requires "very special circumstances" to be put forward.

We do not believe that "very special circumstances" have been proven.

This is a particularly important planning decision which rests on the relative value placed on biodiversity, the environment and commercial mineral extraction.

I ask for your very careful consideration of points made by all our speakers.

Thank you.

Michael Britton, Chairman of Darrington Parish Council, attended the meeting in person and made the following statement:-

My name is Michael Britton and I am Chairman of Darrington Parish Council.

I am addressing this meeting as a representative of Darrington in West Yorkshire. Many of our residents are regular visitors to Brockadale nature reserve for recreation and enjoyment. To local people this is the equivalent of Fountains Abbey and Studley Royal for the residents of Harrogate and Ripon.

Darrington is in West Yorkshire about 2 miles from the proposed quarry extension.

Darrington is surrounded by the redundant mining areas of West and South Yorkshire. I was brought up in this industrialised area where our world was not green it was grey. Since the mines closed millions of pounds have been spent on restoring the old pit sites. In the middle of this much altered industrial landscape lies the jewel in the crown which is the only truly natural feature – the Brockadale Nature Reserve, with its ancient woodland and meadows.

Though our village is rural it has a surprisingly few public footpaths and for that reason many of our residents use Brockadale for recreation. The nature reserve is frequented in all weathers by people from the surrounding towns and villages. Many of the visitors may not appreciate the finer points of the ecology but they are all in no doubt of the aesthetic beauty and tranquility of the area and they keep coming back because of this.

I am aware that few of you here today will have walked through the nature reserve but I can assure you that the impact of the quarry working up to the very edge of the nature reserve would seriously detract from the pleasure that visitors experience when visiting the river valley and surrounding meadows.

Brockadale's ancient woodland has stood almost untouched since the Norman conquest and the ecology has developed over thousands of years since the deep sided valley was created at the end of the last ice age.

The site is designated as Site of Special Scientific interest for good reason and others are better qualified to speak about this than I am. However I believe that the application should be refused because the extension of the quarry as proposed would result in significant loss of recreational amenity for the surrounding towns and villages.

Thank you for listening, and I hope that you will vote against the application because of the adverse impact on this valuable scientific and recreational site.

Chris Toohie, of Wold Ecology, attended the meeting in person and made the following statement:-

I am the proprietor of Wold Ecology Ltd. I have been an ecological consultant since 2006 and I am part of a team which specialise in protected species and habitat surveys. Peter Cook is a nationally renowned botanist and Peter's contribution to British botany have earned him recognition as Fellow of the Linnean Society. Both Peter and I have reviewed this planning application and I wish to make the following statements on behalf of both of us.

The proposed quarry extension adjacent to the SSSI and subsequent zone of influence from quarrying activities is highly likely to impact upon the flora and fauna of the SSSI

and the following operations are considered by Natural England to cause irreversible damage to the special interest:

- The destruction of any plant.
- The changing of water levels and tables
- Application of lime.

The proposed extension to Went Edge Quarry lies to the south and east of Brockadale SSSI, exposing the reserve to dust borne on the prevailing wind. Dust is a potential stressor to plants and their dependent fauna when precipitated onto leaves and flowers. Farmer (1993) reviewed published research on the physical effects of dust on vegetation. These effects included:

- inhibition of growth, photosynthesis, pollination
- increased transpiration,
- blocked stomata
- reduced seed set
- increased aphid infestation
- increased fungal disease.

These stresses, in particular inhibition of photosynthesis, will change meadow plant distributions by favouring plants that require less light. A dust and air quality assessment in accord with IAQM 2016 has been reported by DustScanAQ. In Table 4.4 of their report, the dust impact risk and the magnitude of dust effects on Brockadale are presented.

For each of the quarrying operations they are assessed as, “low risk” with, “negligible effect”. These conclusions appear to have been developed on the human as receptor and the National Air Quality Objective for 10 micron Particulate Matter (PM10). PM10 particles, being smaller and lighter will be disseminated over a wide area whereas heavier, “disamenity dust” will precipitate over a less wide area, closer to source, with the potentially adverse effects on plants described earlier.

There is no estimate or measure of disamenity dust, an unknown that will be extremely harmful to the ecology of the SSSI and will be challenging to mitigate by screening no matter how high. NB screening would be in place for years and thus impact on the openness of the Green Belt landscape.

Brockadale Nature Reserve and SSSI, demonstrated by the recently circulated booklet, is an excellent example of an assemblage of plants characteristic of magnesian limestone, some of them are very rare in the region. Purple Milk-vetch *Astragalus danicus*, Spring Cinquefoil *Potentilla verna* (syn. *P. neumanniana*) and Hound’s-tongue *Cynoglossum officinale* are examples of plants that are especially at risk. They are light-loving plants rarely found where relative illumination in summer is less than 40%. A coating of dust on their leaves inhibiting transmission of sunlight will reduce their relative illumination.

The proposed quarry extension will have an extremely detrimental impact upon the favourable conservation status of Brockadale SSSI. If permission is granted, the local authority will contradict Section 40 of the Natural Environment and Rural Communities Act which places a duty to conserve biodiversity on public authorities in England. It requires local authorities to have regard to the purposes of conserving biodiversity when decision-making – this must be an important consideration.

Damage to the SSSI will be long-term and irretrievable and in the current biodiversity crisis, this will be exacerbated on a local, regional and national level and by granting permission, the local authority will be contributing to the present biodiversity decline. Reflecting the above points raised, we strongly object to this application and urge the committee members to recommend its refusal.

Professor Alastair Fitter CBE FRS, Emeritus Professor of Ecology at the University of York, joined the meeting via video link and made the following statement:-

I am a trustee of the Yorkshire Wildlife Trust but am making this statement in a personal capacity.

The application to extend Went Edge Quarry involves mining land immediately adjacent to Brockadale Nature Reserve. I wish to emphasise to the Committee the exceptional quality of the habitats and wildlife in this reserve, so that they can take this properly into account in assessing the risk of harm to an irreplaceable set of habitats.

Brockadale lies on magnesian limestone, the rock that is intended to be quarried. Because of the high quality of the soils that develop on this substrate, the vast majority has been converted to arable agriculture. Prior to the Second World War, large areas of grassland remained on the magnesian limestone, notably at Aberford Common and around Micklefield. These were ploughed during the war and remain arable now. Only tiny remnants remain and Brockadale is by some way the finest example in the region, reflected in its designation as an SSSI. Magnesian limestone supports a very distinct form of calcareous grassland with an unique flora, very different from chalk and limestone grasslands elsewhere.

An indication of the richness of this ecosystem is that it hosts 323 plant species, representing 33% of all plant species in Yorkshire, and including a series of rare and threatened species.

*I have recently undertaken an analysis of the species of greatest conservation concern in Yorkshire, using information including the rarity of each species in Britain or England and in Yorkshire; whether the species is declining in abundance or distribution; and the importance of the Yorkshire populations on a national scale. Using this calculation on plant species produces a list of 58 species (out of nearly 1000 in the Yorkshire flora) that are of greatest conservation concern (GCC): three of those are found at Brockadale, namely Mezereon *Daphne mezereum*, Rare spring sedge *Carex ericetorum* and Purple milk-vetch *Astragalus danicus*. There are many other notable plant species in addition to these which, though rare, do not carry the same weight of concern.*

To put that figure in context, I have compared it with that for Askham Bog near York, which is the most species-rich site in Yorkshire for its size. Three GCC species is a large number: Askham Bog has two GCC plant species and yet its national, and indeed international importance, is well recognized. In 2019, York City Council rejected an application to build houses adjacent to the Bog; the developer appealed but the rejection was upheld at a planning inquiry, demonstrating the validity of the original decision, and I applaud York Council for demonstrating its commitment to the conservation of its threatened biodiversity.

Brockadale is a site of equivalent significance to Askham Bog. In addition to its rare plants, it hosts an exceptional invertebrate fauna, including a number of species found nowhere else in Yorkshire

Were there no existing quarry, it would be unthinkable to allow a destructive development such as a quarry immediately adjacent to such a site. It is impossible to tell what damage has already been done to the ecosystem at Brockadale by quarrying, since insufficient baseline data exist, but councillors should bear in mind that we are experiencing a biodiversity crisis, as severe and as threatening to our survival as the climate crisis. I urge you to think very carefully of the likely impacts before you consider permitting this extension; if you do give permission, you will be taking a calculated but unquantified risk that the development will cause irreparable damage, beyond anything that the proposed mitigations, offered without evidence of effectiveness, could achieve.

Ellen Milner, Yorkshire Wildlife Trust, attended the meeting in person and made the following statement:-

Thank you chair and committee for this opportunity to present our objection. I am (Ellen Milner) a planning professional representing Yorkshire Wildlife Trust and our nearly 50,000 members.

Brockadale is one of Yorkshire's most beautiful and beloved nature reserves. Cherished by local people and visitors, providing a natural sanctuary for the community. Any threat to it is taken very seriously, which is why the Trust have objected - a very rare instance for us as we object to less than 5% of over 700 applications we comment on annually.

The Trust request that the committee refuse this application due to the risk of significant irreversible impacts to Brockadale - a nationally designated site. The rare mosaic of ancient woodland and grassland habitats are irreplaceable. We can't recreate them in our lifetime, or even in our great grandchildren's lifetimes. If we lose species from Brockadale, we risk losing them forever.

Please allow me to give six reasons why we object.

One - there is published research that dust generated by limestone quarries can harm plants, including limestone specialists. It can cause local extinction of species, which has knock on effects for other wildlife. The SSSI is a high sensitivity receptor to dust, not low sensitivity as stated in the Air Quality Assessment. There is no long-term monitoring data to prove that dust has not already affected the SSSI - monitoring requires a systematic methodology repeated over time, which has not been undertaken.

Two - the proposed dust mitigation measures are inadequate for the rare and specialised habitats.

Three - in line with national and international commitments, where evidence shows risks of significant harm, the precautionary principle must be applied. We simply cannot risk harming this precious site.

Four - Contrary to the incorrect summary in the Case Officer's report, we do not support the restoration strategy. It has not been proven to be feasible or adequately financed, and no evidence that it can secure Biodiversity Net Gain has been provided. This is not just about the quarry but how the landscape will look and function ecologically for many generations.

Five - National and Local Policy states that development causing the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons. The application does not demonstrate that there are no alternatives, nor provide compensation for its impacts.

Six - the Government has announced world-leading commitments to halt the decline of nature. If we want to see our nature thriving here in Yorkshire and nationally, it starts with protecting wild places like Brockadale, which are the foundations for tackling the climate and biodiversity crises. To be in agreement with the Government's commitments this application must be refused.

These six points show how important it is that this application is rejected. For our generation, future generations and for Yorkshire's nature. We look forward to the planning committee joining us and the people of Yorkshire in protecting this unique and irreplaceable site by refusing this application

Honor Eldridge, from Plantlife, joined the meeting via video link and made the following statement:-

Thank you for the opportunity to give this statement today on behalf of Plantlife. Plantlife is the owner of Thompson Meadow, which is part of the Brockadale SSSI and lies immediately adjacent to the proposed quarry extension on its eastern edge.

Plantlife **objects** to the proposed quarry extension due to the damage that it will cause to rare and important wildlife. We believe that quarrying adjacent to this SSSI is "likely to have an adverse effect". The council has a legal duty to protect SSSI and biodiversity. Fulfilment of this duty is not consistent with approval of this application.

The Thompson Meadow is a rare example of a remaining UK wildflower meadow. Within the grassland, there are four species listed on the Vascular Plant Red List for England and 59 species that are rare and declining in Yorkshire more broadly. This is a site that the Council has a duty to protect.

Rare and vulnerable species found at Thompson's Meadow and other meadow areas of the SSSI include:

- purple milk vetch (Section 41, Endangered*)
- adder's-tongue fern (Vulnerable*)
- moonwort (Vulnerable*)
- summer rock rose (Near Threatened*)
- clustered bellflower
- spring cinquefoil,
- squinancywort.

NOTE: Photographs of some of the species referred to above were displayed at the Committee meeting at the request of Plantlife.

We are deeply concerned that the meadow and its exceptional wildlife will be adversely impacted by dust from the quarry were it to be expanded. While the existing quarry is over 400m from important grassland areas in the SSSI, the proposal states an intention to extract 4.9 million tonnes of limestone from within 10 to 15 metres of the SSSI, with significant levels of dust resulting. We are concerned that the flora of the grassland habitat will be adversely impacted by quarry dust, specifically:

- Reduced photosynthesis, gas exchange and water stress from deposition of dust on leaves, resulting in reduced productivity.
- Direct chemical effects on leaves of individual plants.

- *Increased susceptibility of individual plants to pests and pathogens as a result of stress*
- *A resulting change in vegetation communities through the above impacts on individual plants and from changes to environmental conditions*

Consequently, it is our opinion that, if approved, the development would risk damaging the ecology of the whole habitat. Furthermore, we disagree with the dust and air quality assessment within the planning proposal and the judgement that the SSSI is not 'highly sensitive' to dust effects. Given the likely adverse effect of dust on the adjacent SSSI, consideration should be given to Paragraph 175 of the National Planning Policy Framework.

Plantlife objects to this development and strongly urges that planning permission be refused.

Thank you.

Councillor Professor Tricia Storey Hart, Chair of Kirk Smeaton Parish Council, attended the meeting in person and made the following statement-

I would like to thank you again for listening carefully to our speakers. We believe that the application should be refused in order to

1. *Protect the diverse species on the site from species loss due to the unquantified and unqualified risk caused by extending this quarry and taking quarrying right up to the edge of the SSSI.*
2. *Protect the landscape and outdoor space which supports the local communities' health and social well-being and provides essential recreational amenity for thousands of people living in the surrounding towns and villages.*

How much attention has been given to biodiversity of the site and adjacent habitats? Has a species by species assessment been done – No it hasn't. The risk is unquantified and unqualified. The loss of just one rare species at Brockadale nature reserve is unacceptable, especially when the natural environment is now recognised as being so important to us all and this is being enshrined in the Environment Bill.

The NPPF requires planning authorities to refuse applications where they will result in the loss or deterioration of irreplaceable habitats, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Which there is not. The NPPF also removes the presumption in favour of sustainable development where the proposal is likely to have a significant effect on a habitats site. (Para. 182).

So, in reaching your decision Members, please carefully consider the relative weighting that you give to the short term commercial benefit to a Quarry business versus the risk of permanent loss of species in the locality and the permanent impact on the landscape which is recognised by Selby Council, in their Local Plan as a Locally Important Landscape Area LILA.

Substantial weight should be applied to the environmental and social objectives in the NPPF. This proposal would clearly not benefit the local community, nor would it protect or enhance our important natural environment, or improve biodiversity, or provide any net gains, and so the proposal is simply not sustainable and should be refused.

Four Parish Councils have objected, 8 National Agencies have objected because of the environmental impact of extending the quarry to the edge of the SSSI, surely they cannot all be incorrect in their assessment?

47 conditions have been proposed, if permission is granted. What assurances have you been given that these will be monitored and enforced? That it needs 47 conditions to aim to protect the neighbouring SSSI in itself says that there are problems and concerns with the application.

Humanity stands at a crossroads with regard to the legacy it leaves to future generations, your grandchildren and mine. The proposal is not sustainable. Biodiversity is declining at an unprecedented rate, 97% of ancient meadows have been lost. Please do not intensify this decline in North Yorkshire by approving this application. This is a Locally Important Landscape Area.

The site is a SSSI, we should not be extending quarrying in this location. Please, vote against this proposal.

Thank you

John Carlon, the agent for the applicant, attended the meeting in person.

Mr. Carlon had submitted a statement. It is not being reproduced as Mr. Carlon's presentation contained updated information.

Mr. Carlon thanked the Chair and Committee for allowing him to speak today and the Planning Team for a comprehensive report.

He advised that his presentation would comprise reference to:-

- A video
- Restoration of the site
- Funding for the long-term management of the site
- Dust management
- Letters of support from local businesses and the local workforce
- The Green Belt

Mr. Carlon talked the Committee through a video.

He stated that the video was shot about 4 weeks ago and illustrated the extent of the existing quarry and access into the quarry, with Sales plantation and the field towards Brockadale and the southern flank of the River Went.

The Area 8 extension is a large field. The Brockadale plantation and woodland is along the flank, The Cottage in the woodland and the pasture alongside the River Went. Evidence from maps shows the woodland to be mixed deciduous between 90 and 100 years old, with evidence of former limestone workings and railway along the valley.

The quarry has been worked since 1947, primarily from the surface and then going deeper from 1993.

The Arboriculturists refer to vigorous healthy trees that do not appear to have been affected by dust. This is not a surprise as, from 1993, the control of dust from any workplace has been viewed as paramount by the Health and Safety Executive, with the

aim of controlling it at source to protect human health.

The video showed the existing quarry and access road and its proximity to the woodland, moving onto the existing boundary of the current planning permission. The SSSI was designated after the quarry was granted planning permission in 1947.

The trees on the boundary of the existing quarry are all very healthy according to Ecologists and Arboriculturists who have undertaken surveys on the site.

Towards Area 7 of the quarry, in the north east corner, there has been some spillage onto sapplings within the SSSI. Natural England are aware of this and compensation planting has been agreed with them.

The Area 8 proposed extension area is currently a 9.3 hectare agricultural field which is ploughed, cultivated, harvested, etc. This can be a dusty procedure, over which the Council and Planning Department has no control.

The trees and the vegetation within the SSSI, up to the edge of the existing quarry, are in excellent condition and health.

There is no evidence that the SSSI has been affected by the existing quarry. This has been monitored regularly by the company's Ecologist who has worked on a number of extensions to the quarry since 2006.

The trees are not suffering from water depletion, as limestone drains quickly.

Following the video, Mr, Carlon stated that he had been involved with this quarry for over 20 years and submitted previous applications referred to in the report. To accompany those planning applications, there have been environmental statements to support the applications submitted since 2010 and these included specialist reports on ecology, landscape and visual impact, noise and dust and air quality and the management thereof.

Reports have been submitted to the Council for the purposes of planning conditions to those planning permissions relating to Dust, Noise and Air Quality Management and which were approved by the Council.

The Ecologist and Landscape Architect, who advise the applicant on the management of the site, including part of the Brockadale Plantation, some of which the Director (of the quarry, Mr. Meakin) owns, have not recorded any deterioration to the woodland or the meadows within the SSSI since quarrying started.

Activity on the surface in Area 8 will be over a short period of time in the field to strip soil from each phase and store it on the Wentedge Road side of the site - not the SSSI side.

The weathered limestone will be removed down to the processing area some 30 metres below the surface.

The applicant has commissioned reports on noise, dust, air quality, landscape and visual impact, for the purposes of this application, with reference to reports prepared for previous applications, including a Tree Report from Jonathan Cockin Associates, who have said that the trees are relatively healthy and there should be no damage to the SSSI from excavations within 10 metres from the boundary.

The applicant had reviewed the objections to the proposed extension and received a copy of objection from Yorkshire Wildlife Trust, dated 21st September and had responded to that as they have with previous concerns, including meeting with the Trust on numbers of occasions at County Hall.

Mr. Carlon went through his response to Yorkshire Wildlife Trust, dated 21st September 2021. *(Copies of that letter and the applicant's response are contained on the Council's On-line Planning Register.)*

In summary, he advised that Yorkshire Wildlife Trust had had an input into the schemes for Areas 3 and 4 and for Areas 5, 6 and 7 for the most recent planning permission; Areas 6 and 7 are adjacent to Brockadale Plantation. A number of meetings had taken place with the Yorkshire Wildlife Trust and Friends of Brockadale to discuss the future management of the site and the restoration to calcareous grassland as part of proposals in Areas 2,3 4, 5 and 7, the whole of the current quarry. Section 3.3 of the existing Section 106 Agreement for the current planning permission provides for the long-term management of the restored site, involving the Yorkshire Wildlife Trust and which is similarly proposed as part of the current application. The County Ecologist has previously supported restoration for these purposes and, particularly, the potential use of hay from the SSSI to support seeding and diversity of habitat.

The objections of the Woodland Trust and the Parish Council remain the same and their concerns are understandable, but the SSSI is in excellent health and has probably been assisted by the presence of the quarry over a number of years.

With regard to the Restoration Plan, currently the proposal is on a large arable field which is ploughed, cultivated and seeded and over which the Council has no control.

The Restoration Plans have evolved over a period of two years since Yorkshire Wildlife Trust objected in March and August 2019, with the input of Yorkshire Wildlife Trust, the County's Ecologist and Landscape Architects and those of the applicant. These were discussed on 5th December 2019 and attended by the Yorkshire Wildlife Trust. The Yorkshire Wildlife Trust confirmed that if planning permission were to be granted they were prepared to negotiate terms for the long-term management of the restored area as an extension to Brockadale Nature Reserve, subject to specific provisions as part of a legal agreement.

The current quarry will be restored over the next 3 to 4 years, meaning that it will be possible to see, with Yorkshire Wildlife Trust and other stakeholders, how that restoration proceeds well before Area 8 will be worked and restored. The restoration scheme can be tweaked at any time.

In terms of dust impact, the Air Quality Assessment, dated October 2019, provided a basis for the assessment of specified criteria; with regard to local receptors, it can be considered that where dust deposition levels are below those associated with annoyance, they can be expected to be below levels at which ecological receptors would be affected. The sensitivity of the woodland and undergrowth has been classed as low, as the source of dust is classed as annoyance or disamenity. It is unusual to have PM10s or smaller particles in quarries – it would usually be PM 30 – PM70, which does not travel so far.

Sources of dust can be controlled by good management procedures – one of which, the Dust Management Scheme has already been approved by the Council. Modern machinery, employing systems that capture dust at source to protect human health,

would be used. If possible, dust is contained at source; there are systems in the Management Scheme to control the disamenity dust e.g. through weather reports; weather records; wind speed records; damping down of haul roads in the absence of rain; general inspection of the quarry boundaries and around the woodland. Dust would be monitored on a regular basis for 12 months, using frizbies and collection systems to ascertain what type of dust, if any, is being blown towards the boundary of the site.

The applicant employs 30 staff at present and supports 12 local businesses, all of whom support the reopening of the quarry as there is a massive shortage of construction materials within the Yorkshire region and a number of current projects are on hold at present.

The applicant and their specialists believe that there will be no risk from dust to the SSSI and other issues regarding drainage and water - due to the geology, the plantation is protected.

The company's Ecologist and Landscape Architect, along with Natural England, who have withdrawn their objection, believe the two can live side by side.

The Chairman made the following comments:

The Committee and Planning Service have a duty to fully assess applications - not to try and find reasons to refuse them, but decide if there are reasons not to approve them.

The Committee must take notice of responses from statutory consultees and Planning Officers and fully understand the reasons provided by the applicant and supporters.

It is very important that the Committee take note of objections made and decide if these raise material planning reasons that cannot be dealt with by conditions.

A large number of objections does not mean that an application should automatically be refused

Much also been said about what might or might not happen. There might be dust. There might not be enforcement. Members must decide.

There have been many late representations, which are difficult to deal with at a very late stage. The Chairman urged Members to look at the facts and evidence and judge what is a genuine material planning issue.

Following the public statements and the comments made by the Chairman, a representative of the Head of Planning Services presented the Committee report, highlighting the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy and planning considerations. The reports also provided a conclusion and recommendations. He provided details to address the issues that had been raised during the public questions/statements session, which were also set out in the reports.

Detailed plans, photographs and visual information were presented to complement the report.

The presentation highlighted the following primary issues in relation to the proposal to extend the quarry:-

- 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;
- Issue raised regarding the officer report
- Legal Agreement.

The Planning Officer updated the Committee on the following issues:-

- Since the meeting of 18th May 2021 and the last Committee on 27th July 2021, when the application was deferred for a site visit there had been no significant change in circumstance in the intervening time period since Members of the Committee considered the application and resolved that planning permission be granted and subsequently resolved to visit the site.
- The published Officer Report, together with the Power Point Presentation to be made, would both constitute a refresher for those Members having visited the site and provide a context of the site for those Members who may not have previously visited it.
- There have been no changes to the application, no further information has been submitted, there have been no further representations from statutory consultees and no material change in circumstances or policy.
- Following publication of the report to the 27th July Committee, further representations had been received from Selby District Council and the Yorkshire Wildlife Trust. Representations had also been received from the Woodland Trust and Womersley Parish Council objecting to the proposal. A summary of the further representations made by the District Council and the Wildlife Trust were reported in Section 4 of the report. A summary of the views of the Woodland Trust and Womersley Parish Council was set out in Section 5. All the matters raised in the representations were addressed in Section 7 of the report. Copies of the representations received have been copied to Members and are available to view on the Council's On-line Planning Register.
- The applicant responded to the representations made by Womersley Parish Council and the Woodland Trust, and which are similarly on the On-line Planning Register. These are reported in Section 7 of the report at paragraphs 7.170 – 173.
- The Yorkshire Wildlife Trust subsequently commented on the remarks included in the applicant's response to the Woodland Trust; their comments have been copied to Members are available to view on the Council's On-line Planning Register. The views of the Wildlife Trust were summarised.

- Following the publication of the report a further 12 representations have been received by email objecting to the proposal. The additional representations do not raise anything beyond those reasons for objecting that have already been received and addressed in the report, other than one representation referring to an increase in traffic, including lorry and skip wagons, speeding through Wentbridge causing extra pollution and noise to residents.
- As of 27th September 2021, letters had been received from Yvette Cooper, the MP for Normanton Pontefract and Castleford, referring to the concerns of her constituents, all of which are referred to in the report and from Nigel Adams, MP, reiterating his previous comments regarding the application and which are reported in the report.
- An on-line petition, set up by a member of Kirk Smeaton Parish Council and referred to in paragraph 5.14 of the report, was initially submitted on 17th May 2021 and at the time had 1239 signatories.
- No further submission of the petition has been received to date. It was noted that, as of the morning of the Committee meeting, the on-line petition had 1432 signatories. The reasons for objecting to the proposal set out in the petition have not changed and are reported in paragraph 5.19 and addressed in Section 7 of the report
- The applicant has responded to the further comments made by the Yorkshire Wildlife Trust; the response has been copied to Members and is available to view on the Council's on line planning register. The representative of the Head of Planning Services summarised the response by the Trust.
- Following the publication of the report, a further two representations have been received in support of the proposal. The letters cite reasons for support reflective of those set out in Section 5, paragraph 5, of the report. They emphasise the increasing need and demand for crushed rock and sand for concreting following the pandemic and lifting of restrictions. This had led to a shortage of supply that was not being met by other quarries, particularly for housing schemes. Reference was also made to an increase in demand associated with government-backed schemes including the commencement of enabling works associated with HS2 and the Leeds east orbital link road. Concerns are expressed to the level of objection received to a proposal that is remote from habitation and would make such a positive contribution to the supply of a much needed mineral resource in the area it would supply, minimising travel distance and emissions.
- On 21st July, the Ministry of Housing, Communities and Local Government, (now re titled as the Department for Levelling Up, Housing and Communities – DLUHC) published a revised National Planning Policy Framework (NPPF). The revised document replaces the NPPF published in February 2019 and against which the application was assessed. The relevant policies are set out in Section 6 of the Report and referred to in Section 7. The revised NPPF does not include significant changes and the majority of policies and paragraphs referred to in the report against which the application has been assessed remain the same and are merely renumbered. Additional paragraphs inserted in the revised NPPF are not relevant to this proposal. The paragraphs referred to in Sections 6 and 7 of the report have been updated to the new paragraph numbers of the NPPF and are identified in Appendix 6.

- In updating the report to the 27th July Committee, it was noted a number of the paragraphs of the NPPF, against which the proposal has been assessed in Section 7, were not set out in Section 6. Section 6 has now been updated to include:
 - Paragraph 85 – Supporting a prosperous rural economy
 - Paragraph 100 – Open space and recreation
 - Paragraph 210 – Facilitating the sustainable use of minerals
 - Paragraph 213 – Maintaining supply
- No changes had been made to these paragraphs in the revised NPPF and the inserted paragraphs were not considered relevant to the assessment of this proposal.

The representative of the Head of Planning Services concluded that it is considered there were no material planning considerations to warrant the refusal of this application.

The application, along with the supporting Environmental Statement and additional information, have been assessed; it is considered 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. For these reasons, it is considered, that the development in this location is acceptable.

It is, therefore, considered, that the proposed development is acceptable for the purposes of the policies of the Development Plan currently in force for the area, policies in the emerging plans for the area, the NPPF and Planning Practice Guidance and all other relevant material considerations, for the reasons set out in paragraph 9.1 in the report. Subject to the applicant first entering into a Section 106 Agreement to address those matters set out in paragraph 9.2 of the report, it was recommended that planning permission be granted subject to those conditions and informatives set out in Section 9 of the report.

Members then undertook a detailed discussion of the application and the following issues and points were highlighted during that discussion:-

- It was asked what would be the start and finish date for the work if approval were granted? The representative of the Head of Planning Services advised that the development could not start until the applicant submitted details in relation to the Grampian Conditions. The County Council would then need to determine whether these were acceptable or not before work could start. Therefore, a specific date could not be confirmed. Once confirmed, the end date would be 8 years from commencement.
- There have been many generic statements from objectors but very few site-specific statements. What weight should Members put on generic statements that could apply to any quarry in the country? The representative of the Assistant Chief

Executive (Legal and Democratic Services) advised that Members must consider this particular application before them. The report set out clearly in Section 7 that there is a justifiable need around this particular quarry.

- A Member mentioned that Professor Fitter had said that if there was no existing quarry in place at Went Edge, it would be unthinkable to allow this destructive development next to the site and that it is vital to protect the final remnants of calcareous grassland supported by Magnesian limestone. The Professor feels it is important that we protect this. Does the Planning Officer agree? The representative of the Head of Planning Services responded that that it is for the Professor to say what he did and for Members to decide what weight they attach to his views. The views of statutory consultees have been taken into account and it was noted that Natural England had withdrawn their objection.
- The same Member asked why the County Council's Ecologist had not been further consulted, having expressed concerns about the restoration and long-term management agreement in June 2020 and stating that she would be happy to comment further on any additional information? The representative of the Assistant Chief Executive (Legal and Democratic Services) said the Ecologist had been involved in the Section 106 Agreement discussions, where she had concerns around restoration. The representative of the Head of Planning Services added that everyone had been re-consulted on the amended proposals for restoration.
- The same Member noted that eight regional and national environmental and ecological organisations strongly oppose the application and asked again why the County Council's Ecologist had not been re-consulted on the issue of dust and the potential impact on the SSSI? The representative of the Assistant Chief Executive (Legal and Democratic Services) reiterated that the County Council's Ecologist had been re-consulted and that she does not have to respond but had been involved in the Section 106 Agreement discussions.
- The same Member asked why Natural England were not re-consulted? The representative of the Head of Planning Services advised that Natural England had been consulted as a statutory consultee. They were consulted, re-consulted and had provided their advice.
- Regarding the impact on the Green Belt, the same Member found the officer's response to Selby District Council's letter odd, as two key sentences had been omitted. Selby did not give a view – they were saying that someone should look at the impact on the Green Belt but that they do not support the view that it is not having an impact on the Green Belt. The representative of the Head of Planning Services responded that the views of Selby District Council were fairly summarised and reported. The further views of the District Council did not add anything further to what they said initially i.e. that the development would not be inappropriate in the Green Belt.
- A question on dust monitoring from the quarry was raised. If approved, would there be an enhanced Dust Management Policy as the quarry moved closer to the nature reserve? The representative of the Head of Planning Services stated that Conditions 24 and 35 address this aspect.
- A Member sought clarification at Appendix 4 of the Report. Why is there only a 10 metre buffer zone between the SSSI and the proposed quarry extension? Why are there different depths of buffer zone, such as the 30 metre buffer zone at the

roadside? If the proposed extension was closer to the SSSI, surely it would have been sensible to move the buffer zone further away? In addition, where will the tree planting be?

The representative of the Head of Planning Services advised that the 30 metre buffer zone to Wentedge Road is to support the highway and within which there would be sub and topsoil bunds, a hedgerow and, in the longer term, a footpath/bridleway. The boundary with Thompson's Field is set back to recognise the proximity of Thompson's Meadow. Therefore, that is set at 20 metres. To the north, the standoff is less because it is the treed part of the SSSI which the applicant feels has not been impacted upon by existing operations. A 25 metre standoff is proposed initially to identify root structures which would progressively reduce over time to a minimum of 10 metres. A 5 metre section of this standoff would be planted with woodland to complement and protect the SSSI along that boundary.

- A Member referred to the report which states there is a need for aggregates in the county. The Member questioned what weight was being attached to the need. He understood that this county has always been an exporter of minerals and has never imported minerals - so where is the need that is not already being met?

The representative of the Head of Planning Services advised that there is a continuing need for minerals. The UK has been an importer of some aggregates, particularly from Scandinavia and a producer for our own purposes, nationally and locally. The Head of Planning Services added that the industry is no different to other industries in terms of ebbs and flows of materials. Part of the County Council's statutory duty as a Mineral Planning Authority is to ensure a steady and adequate supply of aggregate mineral for the period of the Joint Mineral and Waste Plan and beyond. Magnesian Limestone is part of the make up of this.

The representative of the Head of Planning Services added that the County Council is an important player in the supply of aggregates in the county and surrounding region. There is a need to release additional Magnesian limestone reserves. If the Joint Plan is adopted there will need to be a review of the Plan in view of the allocations for Magnesian limestone having already been worked at Went Edge Quarry or being worked at other quarries such as Barnsdale and Jackdaw quarries. There is significant development in and beyond the county, requiring significant amounts of aggregate. There is a ten-year landbank for Magnesian limestone, as a minimum.

- A Member asked about access to the A1. Is it North and South or is it one way? The representative of the Head of Planning Services confirmed that the Southbound carriageway is served to access Wentedge Road from the A1 North and going onto the A1 to travel South. There is direct access to the A1 from the Wentedge Road without the need to use the other local highway network. He also confirmed that HGVs would not pass through Wentbridge Village.
- A Member sought to quantify the amount of dust. Has the applicant submitted information as to how much dust escapes presently; how effective is the plant and are there any predictions? The representative of the Head of Planning Services advised that dust is a variable. The applicant has submitted an assessment of dust, which has been found to be acceptable. The amount generated is subject to other controls employed, seeking to control at source - particularly through the Health and Safety Executive, who require the management of dust. Moreover, there are much more stringent methods now. It is difficult to quantify the amount of

dust as this will depend on the suppression measures employed. The County Council has sought to safeguard and minimise the risk of dust produced by the proposed conditions imposed.

Members summed up their consideration of the report. A range of views and points were made, encapsulated below:-

- It is disappointing that there were not more site-specific statements made by the objectors. There seems to be no damage to the trees. There will be dust, but this is blasting, which is different from hydraulic fraction. The applicant seems to have the dust contained.
- If there was any problem with the existing quarry, damage to the wildlife would have shown up by now.
- The permission sought is for 8 years, which is a relatively short period.
- In terms of the visual impact, the quarry is already in existence, so not too much weight should be put on this.
- There is a delicate balance between the nature reserve and an extension to an existing quarry.
- There is no evidence to say that damage has been done by the existing quarry.
- There is a Route Plan in place for all HGV drivers.
- There is an opportunity for people to work together on this via, for example, the Liaison Committee to be formed.
- The existing quarry has not damaged wildlife.
- This application has a huge number of conditions – 47. This indicates there is a real issue here about something going wrong. This indicates that officers have real concerns.
- We have listened intently and attended the site meetings. The visual impact is not a concern but the effect on nature is.
- The aggregates are required.
- The 47 conditions can be seen as safeguards.
- The biggest concern is the damage to the unique flora.
- This is a beautiful area, but minerals and aggregates need to be quarried where they sit and 8 years will be a long time for the residents.
- The Restoration Programme is substantial but it must be delivered. If it is, the reserve will prosper.
- We have not seen restoration in the current quarry. The answer that there is no idea as to the amount of dust that is produced is a concern. People say there is already a quarry there and so it will not have an impact. The difference is the

extension is going to be right next to Thompson's Meadow.

- Residents are not against quarrying - they are against destruction of the Brockadale site of SSSI.
- There is no proof that these minerals are needed. We should balance unproven need against the potential risk to the Brockadale SSSI.
- Yorkshire Wildlife Trust rarely object to planning applications yet here they are vigorously objecting due to the potential harm that may be caused.
- Dust is the big issue and its effect on the calcareous leaves. Heavy amenity dust will not be blown away. A layer of dust will impact on the flowers.
- As Professor Fitter said, this will impact on the calcareous grassland. Brockadale is the finest example of that in the region.
- The impact on the Green Belt has not been proven in the report. The Principal Architect is concerned at the impact and Selby District Council do not support the view that it will not impact on the Green Belt.
- Brockadale is unique to our area and should be protected.
- The risk to Brockadale is not worth the risk - a view shared by Nigel Adams, MP.
- There is a fine balance between the need for aggregates but there is a responsibility to protect the ecology of an area.
- The recommendation is contrary to NPPF. We would not allow this development today, next to a SSSI.
- The long-term effect on the landscape and Green Belt can be dealt with by the Section 106 and Conditions.
- This is a short-term operation - mitigating factors will minimise the visual impact.
- The importance of the Brockadale site is accepted but the issue is whether the proposed extension will harm the plants. The plants are lime tolerant and there is a robust Dust Management Plan in place.
- The objectors should be congratulated on how they have put their points across in a non-aggressive way.
- The flora surrounding the Craven Limestone quarries have flourished and thrived.
- There are 333 objections to the application, plus 12 other organisations, plus 2 MPs. The objectors include many eminent professionals in their field. We have been told the trees are in good health. Trees are hardy but plants are delicate and will die out because of the effects of dust. A lot of damage can be done in 8 years.

On being proposed and seconded, it was

Resolved:

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.

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

- A 10 year after-care period which forms the five year statutory after-care period for all mineral permissions plus an additional five years (as set out in the submitted Plan which stipulates a 10 year 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, North Yorkshire County Council 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 and 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 47 conditions stated in the report:

The meeting concluded at 2.22 p.m.

PD