

North Yorkshire County Council**Planning and Regulatory Functions Committee****14 July 2015****NY/2012/0357/MRP - Planning application for the purposes of the Review of Old Mineral Permissions on land at Wensley and Cote Pasture, Richmondshire, on behalf of Tarmac Ltd and Cemex UK Operations Ltd (Middle Dales Electoral Division – Richmondshire District)****1.0 Purpose of the Report**

- 1.1 To determine a planning application for the purposes of the Review of Old Mineral Permissions (ROMP) on land at Wensley and Cote Pasture, Richmondshire, on behalf of Tarmac Ltd (now known as Lafarge/Tarmac Ltd) and Cemex UK Operations Ltd (Middle Dales Electoral Division – Richmondshire District).
- 1.2 This application has been the subject to objections, two of which remain unresolved. One has been raised by the Royal Society for the Protection of Birds (RSPB) with regards to the proposed woodland planting in the north eastern area of the Cote Pasture site (shown on the attached proposed site restoration plan, Fig 3.3CP - Drg W4/111). The RSPB has suggested this proposed planting would potentially render areas of wet grassland and unimproved grassland in this part of the site unsuitable for waders, due to increased edge effects and the potential for increased predator cover.
- 1.3 In contrast the NYCC Principal Landscape Architect is concerned as to the lack of landscape enhancement at both quarry sites and the lack of screening of mineral extraction activities at Cote Pasture Quarry. It is for these reasons that this application is reported to this meeting of the Committee.

2.0 Background

- 2.1 The Wensley Quarry and Cote Pasture Quarry sites are located adjacent to each other on the northern valley side of the River Ure in Wensleydale, North Yorkshire. Cote Pasture Quarry is approximately 2 kilometres west of the town of Leyburn, and 0.5 kilometres north of the village of Wensley. The village of Preston-under-Scar is 1 kilometre south of Wensley Quarry, and the Yorkshire Dales National Park forms the hinterland just 1.5 kilometres to the south, west and north of both sites. A plan showing the application sites is attached to this report (see Fig 1.2 - Drg, W4/102).
- 2.2 The overall permission area encompassing the two quarries is referred to as Wensley Quarries, and comprises of land granted permission under an Interim Development Order (IDO) for the extraction of limestone (Ref No C1/83/47A/IDO). Limestone quarrying is one of the main land uses in the surrounding area. The Wensley Quarries complex covers a large area on the northern valley ridge in Wensleydale and comprises of Redmire Quarry, Wensley Quarry, Preston Scar, Cote Pasture and Black Quarry. Wensley Quarry itself covers an area of approximately 124ha within the quarry complex, with the Preston Scar element of the quarry located to the south, the two sites being split by Scarth Nick Road. The Cote Pasture Quarry (overlapping part of Black Quarry) covers an area of approximately

193ha. The Wensley and Cote Pasture Quarries are linked by a disused tip and an aerial ropeway, which is now dismantled.

- 2.3 The sites are located in a relatively quiet rural location, which at the time of the application formed part of the Pennine Fringe Area of Great Landscape Value. Cote Pasture Quarry is bounded to the north and east by minor roads, to the west by a mature mixed woodland plantation (Gillfield Wood), with Black Quarry lying to the south east and 'The Scars' escarpment to the south. Wensley Quarry is an active quarry which lies above Preston Scar on Preston Pasture, with Scarf Nick Road and Preston Scar Quarry to the south east and woodland screen planting to the south and west. Redmire Quarry is on the western boundary beyond the woodland screen, with open moorland to the north and the track to Land Scar to the east, with open moorland beyond. The settlement pattern in the area is characterised by villages such as Preston under Scar and Redmire and scattered farmsteads. The nearest residential properties to the site are The Cottages/Moor Farm, Lang Scar Cottage, Scarth Nick House, Preston Spring House, Stonecroft/Walshford Farm and Rock House (see Fig 1.2 – Drg W4/102).
- 2.4 Permission for the extraction of limestone at both Wensley Quarry and Cote Pasture Quarry were originally granted in 1947. Planning conditions were attached to both permissions in 1955 by North Yorkshire County Council (NYCC).
- 2.5 Wensley Quarry is an active limestone quarry currently operated by Lafarge/Tarmac Ltd (Tarmac). Wensley Quarry consists of 6 phases of extraction. Tarmac is currently working in phase 2. The proposed next 15 year working period would see the completion of phases 2 and 3 and extraction progressing through part of phase 4 (see Fig 3.2W – Drg W4/142 attached to this report). Unrelated to Lafarge/Tarmac, but significant to this site is the fact that the planning decision containing revised planning conditions for Part A of the site ('planning permission' C1/83/47A/IDO (iii)) was quashed by a House of Lords judgement in 1999, therefore, limestone extraction is no longer permitted in this area (see Fig 1.2 - Drg W4/102) of Wensley Quarry.
- 2.6 Cote Pasture is under the control of Cemex UK Operations Ltd, (Cemex), however the site is not currently operational. Cemex is currently working in the adjacent Black Quarry. The operations on Black Quarry partially overlap the Cote Pasture permission area. Extraction at Cote Pasture will consist of 3 phases. Once extraction at Black Quarry is complete, Cemex will begin working Cote Pasture. Phases 1 and 2 are planned to be quarried within the next 15 year working period (see Fig 3.2CP – Drg W4/143, attached to this report). As part of their IDO submission in 1995, Cemex elected not to work the southern section of the site, which had environmental benefits. Therefore, under the 1995 Environment Act the permission is quashed and limestone extraction is not permitted in this area (see Fig 1.2 - Drg W4/102, attached to this report).
- 2.7 Wensley Quarry is accessed from Scarth Nick Road. Access to Cote Pasture will eventually come off Moor Road located on the eastern boundary, but initially via the existing access into Black Quarry. There are various Public Rights of Way surrounding the Wensley Quarries complex that make up a network connecting the surrounding villages. Footpath 20.54/2/1 runs through the proposed 15 year working area in Wensley Quarry and footpaths 20.40/24/1 and 20.70/4/5 run through the Cote Pasture Quarry proposed 15 year working area, therefore they will all need to be diverted prior to extraction. The Regional Cycle Route 10, the Yorkshire Dales Cycleway, also runs along the valley just to the south of the sites.

- 2.8 The moorland to the north of the Wensley Quarries Complex is used by the Catterick Garrison for military training. A large area to the north-east of the sites is a designated Danger Area with several rifle ranges. Other areas of moorland are managed for grazing and grouse shooting.
- 2.9 There are a large number of heritage assets in the surrounding area to the quarries, including Scheduled Monuments such as the Keld Heads Smelt Mill and Mine Complex to the south-west of Cote Pasture, the Cobscar Mill complex to the north-west of Wensley Quarry, Castle Bolton 2 kilometres west of Wensley Quarry and the Churches and Halls of the surrounding villages.
- 2.10 There is further evidence of lead mining contained within the two quarries. Linking the two Scheduled Monuments and continuing into Wensley Quarry is the flue (horizontal chimney) to the Smelt Mill, which is Scheduled for the first 250 metres (these lie outside the permission boundary). The remaining part of the flue is of equivalent significance to designated heritage assets. Wensley Quarry also contains significant evidence of Mesolithic activity. The area was inhabited throughout the Bronze Age, with records of Roman, Anglo Saxon and Medieval finds.
- 2.11 The site at Cote Pasture Quarry occupies an upland fringe location, between the smaller enclosed fields of Wensleydale below the limestone escarpment to the south at a height of approximately 180 metres AOD and open upland heath to the north at approximately 300 metres AOD. It is located in the River Ure catchment area. A tributary beck, the Wensley Brook, drains the Gillfield Wood valley to the west of the site, before turning east to flow to the south of the scarp slope (see Fig 1.2 - W4/102). There are no defined surface water drainage channels within the site. There is a registered water discharge point in the south of the adjacent Black Quarry that drains towards Leyburn Shawl, that is key to the development and restoration of the Cote Pasture Quarry. The proposed area of working over the next 15 years in Cote Pasture Quarry consists mostly of improved grass leys and arable land, bounded by fences and dry stone walls. There is one acid grassland field to the north established in an area of old lead mining. Ecological sensitivities over much of the site are, therefore, low. There are no statutory designated conservation sites located within the site boundary.
- 2.12 Wensley Quarry lies above Preston Scar on Preston Pasture at an elevation of approximately 300 metres AOD. The Wensley Quarry site is an existing operational site with areas of restored quarry land located at the western edge of the future extraction area. This area comprises of poor semi improved grassland, moss dominated short vegetation and marshy grassland. A large quarry cliff, approximately 15 metres in height and devoid of vegetation wraps around this section of the site. The head waters of the Wensley Brook flow through the quarry. A number of springs have been identified on the site and one is licensed by the EA as an abstraction point and forms the drinking water supply and industrial water supply for the nearby Bolton Estate. The proposed area to be worked over the next 15 years in Wensley Quarry consists of largely poor semi improved grassland, which is of low nature conservation interest. There are no statutory designated conservation sites located within the site boundary.
- 2.13 The internationally important North Pennine Moor Special Area for Conservation (SAC) and Special Protection Area (SPA) are located north of the Wensley Quarries complex permission area. These areas are important for upland bird assemblages. They coincide with nationally important designations of the Lovely Seat - Stainton Moor Site of Special Scientific Interest (SSSI) and there are also a number of Sites of

Interest for Nature Conservation (SINCs) in the area, such as the Preston Under Scar Complex (including Gillfield Wood), Warren Wood (Leyburn) and Black Quarry.

Planning History

- 2.14 Permission for the extraction of limestone at Wensley and Cote Pasture Quarries was granted under an Interim Development Order (IDO), which was originally granted for approximately 322ha of land including Wensley, Preston Scar and Cote Pasture (part Black Quarry) in 1947 (Ref. No. C1/83/47A/IDO). The sites currently have permission to extract limestone until February 2042. This original permission was not subject to any conditions or time limit. Section 22 and Schedule 2 of the Planning and Compensation Act 1991 gave NYCC, the Mineral Planning Authority, the power to impose conditions upon the operation of the quarry. The Environment Act 1995 requires that the existing mineral permissions of the sites require a periodic review every 15 years, to ensure that modern conditions are put in place to protect amenity.
- 2.15 As part of the review process, in June 1995 three separate decision notices were issued for Wensley Quarry, Cote Pasture Quarry and Black Quarry containing planning conditions. Lafarge/Tarmac is currently operating in accordance with those conditions at Wensley Quarry (Ref No C1/83/47A/IDO (ii)), and Cemex has submitted details necessary to commence development within Cote Pasture Quarry via the existing permission (Ref No C1/83/47A/IDO (i)) through this ROMP.
- 2.16 As stated earlier in this report, as part of their IDO submission in 1995, Cemex decided not to work the southern section of the Cote Pasture Quarry site. As a consequence limestone extraction is not permitted in this area. Further, the planning decision that issued revised planning conditions for Part A of the site ('planning permission' C1/83/47A/IDO (iii)) was quashed by a House of Lords judgement in 1999, therefore, limestone extraction is no longer permitted in this area. (see Fig 1.2 - Drg W4/102, attached to this report).
- 2.17 The Environment Act requires that modern conditions for working and restoration are put in place to protect amenity. As the IDO conditions were approved on 26 June 1995, a periodic review was due on 26th December 2010; however no notice in accordance with section 96 and schedule 14 of the Environment Act 1995 was served. Both Tarmac and Cemex applied to the Council to extend the deadline for submission of proposed conditions and supporting environmental information. The Applicant's has taken legal advice and presented the ROMP as a single submission on 11 October 2012.

3.0 The Proposal

- 3.1 The application for a Review of Old Mineral Permissions (planning ref no. NY/2012/0357/MRP) has been prepared by Wardell Armstrong on behalf of Lafarge/Tarmac and Cemex to assess and bring up to date the existing planning conditions, in line with The Environment Act 1995. The Environment Act 1995 requires that existing mineral planning permissions, granted before 22 February 1982, are subject to periodic review every 15 years either from the date of the previous review or from the date of the latest mineral permission. This review and Environmental Statement (ES) explain that the documents submitted focus in detail on the next 15 year working period on the site, but at the same time will address the long term strategic issues of the Wensley Quarries complex. Consideration is also

given to long term issues of the life of the quarries, and also the restoration of the sites.

- 3.2 Wensley Quarry is an operational limestone quarry that has been partially worked. Lafarge/Tarmac proposes to extract 450,000 tonnes of limestone per annum from Wensley Quarry over the next 15 years. The method of working identifies 6 phases which are worked in an easterly direction covering an area of 16.6 ha. The mineral has been extracted from phase 1 and the area has been partly restored. Extraction is almost complete on phase 2. The next 15 year working period would complete phases 2, 3 and part of 4.
- 3.3 The majority of phase 2 has been worked and has advanced the extraction into the north-western edge of the site. The working of phases 3, 4 and 5 would then open up the rest of the site to the north of Scarth Nick Road in a north-easterly direction. Finally, phase 6 would work the part of the site to the south of Scarth Nick Road. All soils stripped will be used in the restoration of the previous phases (some on Preston Scar) or stored in appropriately sized mounds on the quarry floor. Lafarge/Tarmac is currently stripping soils in phase 2 and placing them directly to restoration in phase 1. This will continue as the extraction process progresses through the 15 year working area.
- 3.4 A ditch runs from the north western face northwards in phase 2 to take ground water issuing from the face to the point where it collects in the north-western corner of the site in phase 2. This water would be retained here by increasing the level of the quarry floor locally at the eastern edge of the lake, or by installing a bund. This would allow Lafarge/Tarmac to continue working eastwards without having to pump water. There is also an existing stream that runs through the 15 year working area in phases 3, 4 and 5. The western end of this has been diverted, but does not hold surface water flow. More of the route will be diverted as the extraction process progresses. A Water Monitoring Plan is in place at this quarry.
- 3.5 Wensley Quarry currently employs (directly) 7 members of staff on site, consisting of 1 manager, 1 foreman and 5 operatives.
- 3.6 The quarry produces limestone aggregate which has traditionally supplied the steelworks at Teesport. The quarry also supplies the local market. Due to the nature of the minerals being extracted there will be a requirement for blasting which will be limited to between the hours of 9.00am and 4.00pm on weekdays only. Blasting will be carried out in line with Lafarge/Tarmac's site specific rules, and all blasting will be designed and controlled by suitably qualified persons.
- 3.7 Wensley Quarry operates with the following mobile plant and equipment:
 - Excavator – 1; and
 - Rigid Dump Trucks – 3
- 3.8 This mobile plant feeds primary, secondary and tertiary crushers (3 in total), and three screens. Mobile plant will be used periodically to strip top soils and overburden when appropriate.
- 3.9 Hours of operation at Wensley Quarry will remain as permitted under the current planning permission;
 - Monday to Friday 6.00am – 6.00pm
 - Saturday 6.00am – 1.00pm
 - No working on Sundays or Bank Holidays.

- Blasting must only be carried out between 9.00am and 4.00pm Monday to Friday.
- 3.10 Footpath No 20.54/2/1 at Wensley Quarry will be diverted, prior to extraction commencing in phase 4, along the north eastern, eastern and southern site boundary. Mitigation measures to combat effects of noise, dust and visual impacts on the users of this diverted footpath and the footpaths (20.56/15/1 and 20.54/4/1) and open access area users to the north of Wensley Quarry will include advance planting that has already been undertaken, screening mounds placed around the boundary nearest the working phases and phased restoration as identified on Figure 3.3 W – Drg W4/110. The footpath will be restored and the mitigation measures removed on the completion of phase 6.
- 3.11 It should be noted that in an update of the proposed development forwarded to NYCC on 25 September 2014, the authority was informed that the preliminary work for the footpath diversion has commenced at Wensley Quarry.
- 3.12 Cemex is proposing to extract circa 500,000 to 1,000,000 tonnes of limestone per annum from Cote Pasture Quarry over the next 15 years in an area covering 48.6 ha. The method of working identifies 3 main phases advancing in a westerly direction. Mineral has been extracted from the area which overlaps with the neighbouring Black Quarry planning permission boundary. The next 15 year working period would complete extraction in phases 1 and 2. There are currently soils stored in bunds along the western boundary of Black Quarry; these will be removed and used in the progressive restoration of Black Quarry. Soils stripped from Cote Pasture will be stored in bunds along the northern, eastern and southern boundaries of the site. The current operation at Black Quarry involves a coating plant and this will continue when extraction commences in Cote Pasture Quarry.
- 3.13 Cote Pasture Quarry operates with the following plant and equipment:
- Excavator – 1;
 - Loading Shovels - 3; and
 - Dumper Trucks – 2.
- 3.14 This mobile plant feeds a primary and secondary crusher and two power screens. Mobile plant will be used periodically to strip top soils and overburden when appropriate.
- 3.15 The current permitted working hours for quarrying, associated operations and transport at Cote Pasture Quarry are as follows:
- Monday to Friday 6.00am – 6.00pm
 - Saturday 6.00am – 1.00pm
 - No working on Sundays or Bank Holidays.
- 3.16 The current permitted working hours for any coating plant at Cote Pasture Quarry are as follows:
- Monday to Friday 5.30am – 6.00pm
 - Saturday 5.30am – 1.00pm
 - No working on Sundays or Bank Holidays.
- 3.17 Blasting will form part of the working regime at the quarry. Blasting will take place during the hours of 9.00am and 4.00pm on weekdays. All blasting will be carried out in accordance with Cemex's site specific rules on the use and control of explosives.

- 3.18 Excavation is yet to commence at Cote Pasture Quarry, but it is anticipated that the limestone aggregate, being similar to Black Quarry, will continue to supply that market, that is West Yorkshire, such as the A1 upgrade, and the north east of England.
- 3.19 Black Quarry currently employs 13 personnel directly on site and these posts would remain as the extraction progresses into the Cote Pasture Quarry site.
- 3.20 Footpath Nos 20.40/24/1 and 20.70/4/5 at Cote Pasture Quarry will be diverted prior to extraction commencing in phase 1, along the northern and southern edges of the quarry. Mitigation measures to combat the effects of noise, dust and visual impacts on the users of the diverted footpaths will include advance planting that has already been undertaken, screening mounds placed around the boundary nearest the working phases and phased restoration as identified on Fig 3.3 CP – Drg W4/111 Rev A. The footpath will be restored and the mitigation measures removed on the completion of phase 3.

Cultural Heritage

- 3.21 Both the sites have in the immediate surroundings and within them key archaeological features. These include Scheduled Monuments, such as the Keld Heads Smelt Mill and Mine Complex to the south-west of Cote Pasture, the Cobscar Mill complex to the north-west of Wensley Quarry, Castle Bolton is located 2km west of Wensley Quarry and the Churches and Halls of the surrounding villages. There is further evidence of lead mining contained within the two quarries. Linking the two Scheduled Monuments and continuing into the Wensley Quarry site is the flue (horizontal chimney), which is Scheduled for the first 250 metres (all of which is located outside the red line boundary of the quarry). The remaining part of the flue is of equivalent significance to designated heritage assets. Wensley Quarry also contains significant evidence of Mesolithic activity. The area was inhabited throughout the Bronze Age, with records of Roman, Anglo Saxon and Medieval finds.
- 3.22 The Environmental Statement that accompanied the ROMP also explains that detailed recording in advance of soil and overburden removal will provide better information to help the understanding of the history of the landscape on the site and its surroundings, particularly the designated mining remains. A Written Scheme of Investigation for a programme of test-pitting, field walking, earth work survey and archaeological monitoring in advance of the mineral extraction, is provided in Appendix 10.2 of the Environmental Statement.
- 3.23 An Addendum Report to accompany Appendix 10.2 was produced by Archaeological Research Services Ltd in February 2012. This report outlined the key features on the site, commented on the assessment as to their worth in a planning context and submitted mitigation measures relative to the flue. Two options were put forward that were thought acceptable and offered varying degrees of survey, targeted excavation and support for the interpretation of information once uncovered.
- 3.24 The first option, as detailed below, is proposed as the way forward:
- Level 3 survey of flue and 15 year working area (to include technical analysis by a lead industry expert);
 - Targeted excavation on two segments of the flue to record the profile, building technique, phasing and any information concerning how it was used and operated and targeted sample excavation of any other special features of interest identified by the Level 3 survey; and

- Provision of interpretation about the lead mining complex as part of the 'Heritage Trail' as already set out in the restoration proposals, including showing the original line of the flue and information on the lead legacy of the Yorkshire Dales.

Restoration

- 3.25 Wensley Quarry will be progressively restored as the extraction phases progress. Phase 2 has been partly restored. The restoration concept plan, which was submitted as part of the 1995 submission, shows that the site will be restored to 6 grazing fields divided up by hedgerows and with areas of woodland along the site boundaries (see Fig 3.3 W – Drg W4/110, attached to this report). There will also be lakes at the lowest points of both the Wensley area and Preston Scar. The extraction face will remain along the site boundaries, softened by scree slopes and woodland planting.
- 3.26 Lafarge/Tarmac has committed to restore the site to the benchmark levels set out in their site specific Biodiversity Action Plan (BAP). Priority habitats for Wensley include cliffs, scree and other rock exposures, wet and calcareous grassland, open water, wetlands and native broadleaved woodland. Priority species include bats, brown hares and farmland, woodland and upland birds.
- 3.27 The proposed land cover for the restored site will consist of the following:
- Agricultural grassland fields to the quarry floor with upland plant communities, divided by dry stone walls, with trees at regular intervals;
 - Woodland planting in areas along the quarry faces and at field intersections;
 - Exposed rock faces, with scree slopes at the base;
 - Lakes and seasonally wet grassland in the north-western and eastern corners of the extraction areas; and
 - A number of shallow scrapes will be introduced for waders.
- 3.28 Dry stone walls in the surrounding area will be dismantled during the extraction period and the stone stored on site. The stone will then be reused to build walls on the restored site. Trees will be planted at irregular intervals along these walls to create vegetation links across the site.
- 3.29 Aftercare of the site is important for the establishment of new vegetation. Annual maintenance meetings will be held to gather evidence of the site management and progress ways to modify the site specific management as required. Aftercare will provide maintenance for each phase of the site for 5 years to ensure the successful establishment of pasture and tree planting. The aftercare scheme includes the management of woodlands, tree planting, repair and maintenance of posts and fencing, maintenance and reconstruction of dry stone walls, conservation of flora and fauna and management of aquatic vegetation and algae. As the extraction life of the quarry is phased until the completion of working in 2042, so the aftercare period will benefit through the presence of the operators and their care for the whole site with the land owner beyond the 5 year period.
- 3.30 Cote Pasture Quarry will be restored to similar soil profiles as the existing (see Fig 3.3 CP Drg W4/111 Rev A, attached to this report). The soils stored separately from the northern field, which contains the former lead workings, would be placed back onto this area to re-create the unimproved acid grassland in the area. The topsoil and soil stored in the remaining bunds would be used to create semi-improved / improved grassland and arable fields similar to the existing situation.

- 3.31 The site will be restored progressively as the extraction phase's progress. It would be restored to agricultural grazing and arable fields divided by dry stone walls and fences. Areas of woodland are located along the site boundaries and in the corner of the fields. Tree cover on the restored site has generally been reduced in response to the future possible ecological role of the site, which is seen as somewhere that will allow the birds from the SPA to the north to breed, forage and roost in the future. There would be a stream with a series of pools (which would eventually feed into Leyburn Shawl) and wet grassland along the site boundaries softened by scree slopes and woodland planting.
- 3.32 The restoration scheme includes the provision for a 'Heritage Trail' that will enhance the existing public footpaths and will make use of the any extra information found from the pre extraction assessments relative to historic environment, through publicly accessible interpretation boards. Again, as the extraction life of the quarry is phased until the completion of working in 2042, so the aftercare period will benefit through the presence of the operators and their care for the whole site with the land owner beyond the 5 year period.
- 3.33 Cemex also view the previous action of withdrawing from the extraction of limestone from the southern section of Cote Pasture quarry (see para 2.6 of this report) as being of benefit to the restoration proposals of the whole site, especially in relation to the preservation of tree cover.

Transport

- 3.34 At Wensley Quarry the existing access route will remain off the C34 Scarth Nick Road, and vehicle numbers will be maintained at current trip rates, which is circa 65 vehicle movements per day in and 65 out of the site. Mineral laden vehicles will travel north-east from the quarry along Scarth Nick Road, the 'Tank' Road, through Catterick Garrison to the A1. The majority of the HGVs will travel to the Teesside area via the A1. There is restricted access for loaded vehicles through Leyburn. Condition 6 of the existing IDO permission also restricts the unladen weight of vehicles travelling along the C34 road at Scarth Nick and Sissy Bank, which is south-west from the quarry, to 1.5 tonnes. The road from Bellerby Camp to Leyburn, also carries this restriction. Both of these mitigation measures have been maintained in the proposed revised conditions to continue to protect the amenity of these areas.
- 3.35 Direct access to the non operational Cote Pasture Quarry has not been established as yet and during the initial phases of extraction access will be taken indirectly from Black Quarry, before a direct access is established off Moor Road/Whipperdale Bank during phase 1 of the operation. Extraction of aggregates in Cote Pasture Quarry could vary between 500,000 and 1 million tonnes over the next 15 years depending on the market for aggregates. For assessment purposes it has been estimated that the quarry will generate a total of 232 traffic movements per day (in and out) when operational. A new access road will be designed and be operational for Cote Pasture Quarry during phase 1 of the proposal, as the focus of the operation moves from Black Quarry to Cote Pasture Quarry. The proposal will not have two access points on the highway operating at the same time.
- 3.36 The HGVs leaving Cote Pasture Quarry will travel south easterly down Moor Road/Whipperdale Bank and then turn east along the A684 to the A1 and A19. The ramp from Moor Road/Whipperdale Bank that is required to enter the Cote Pasture

Quarry, will remain following the restoration of the site to provide access to the agricultural land.

- 3.37 The Transport Assessment, included in the Environmental Statement, has analysed existing traffic flows and highway accident records, and considered the effects of traffic flows. The findings of the study were as follows;
- The continued working of the quarries would not produce any additional HGV traffic from that which is currently in operation;
 - NYCC has confirmed that there are no reported problems with the number of HGV accidents on the local road network; and
 - The wheel washes and the fully surfaced access roads would prevent any mud tracking onto the roads and thus alleviate the risk of road accidents.
- 3.38 The access roads from the sites to the public highways will be kept clean and maintained in a good standard of repair, free of potholes for the life of the operation, to the satisfaction of the County Planning and Highway Authority. All loaded vehicles leaving the site will be sheeted, where appropriate, before entering onto a public highway.

4.0 Consultations

- 4.1 On 25 October 2012 the following statutory consultations were undertaken:
- 4.2 Coal Authority – Responded on 6 November, 2012 and have provided no comments due to the fact that no mine entries fall within the red line boundary of the ROMP area.
- 4.3 Highway Authority – responded on 9 November, 2012 and focussed on Cote Pasture Quarry. It was stated that they would have expected the Applicant to supply a layout plan of the access being proposed for the extension of Black Quarry into Cote Pasture. The present vertical alignment at the existing access is poor and is not suitable for the quarry access. Therefore, a more detailed plan is required.
- 4.4 The Highway Authority (HA) considered the description of the site to be misleading with regard to its location and needed to be reviewed.
- 4.5 In order to obtain an updated response, the HA was re re-consulted by NYCC on the abovementioned matters, in an email dated 27 April, 2015. Following discussions with the HA, a final response was received on 19 June 2015 whereby if the conditions proposed (draft conditions 37 and 38) were attached to any permission granted, the HA would withdraw their objection.
- 4.6 **NYCC Ecologist** – Replied on 12 November, 2012, and focussed on Cote Pasture Quarry. The initial interim response commented as to the complexity of the application, the size and sensitive location of the site, the timescale of development and changes in policy and legislation since permission was first granted. There was confusion with regard to the Phase 1 habitat information provided, which needed clarifying. There was also concern that possible changes to the hydrology and hydrogeology were not directly referenced within the ecology chapter of the Environmental Statement (ES) as a potential impact upon the North Pennine Moors Special Areas of Conservation (SAC) and Site of Special Scientific Interest (SSSI) habitats.

- 4.7 With regard to restoration, the proposed scheme does not take advantage of opportunities available to provide well connected areas of high quality habitat that could seek to buffer the adjacent SAC, Special Protection Areas (SPA) and SSSI and provide connectivity with the network of Sites of Importance for Nature Conservation (SINC) and other habitats within the area. Further improvements on restoration were sought through comments on the proposed woodland copses, acid grassland, semi improved grassland and intensive grassland habitats. The NYCC ecologist advisor promoted the need for the specialist input from a suitably qualified ecologist with regard to the acid grassland. There was also need for a commitment from the Applicants for the monitoring of habitats and species as an input into the Biodiversity Action Plan reporting and to assist in the further establishment and management of the habitats.
- 4.8 Looking at both sites, whilst the focus of attention with regard to the ROMP application on the next 15 years was acknowledged, it was emphasised that it was extremely important that the long term objectives of the sites and the tools by which to deliver them were set out at this stage.
- 4.9 Given the proximity of the sites to the North Pennine Moor SAC, SPA and SSSI there is a need for the authority to undertake an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 to determine whether granting consent, either alone or in combination with other plans or projects, will have an effect on the interests of these designated areas. The Assessment will have to be checked and agreed by Natural England prior to determination of the ROMP application.
- 4.10 Comments were provided on draft conditions 10, 20, 21, 22 and 24 and improvements and changes proposed before they could be considered to be acceptable.
- 4.11 Following a site meeting on 10 December, 2012, further information/explanation was provided by the Applicants relative to hydrology, ecological matters, restoration, personnel, the aftercare period and after use of the two sites on 19 December 2012. Subsequently the County Planning Authority completed the Habitat Regulations Appropriate Assessment Screening Report and this was forwarded to Natural England on 30 April, 2013.
- 4.12 An updated response from the NYCC Ecologist advisor was provided on 9 May, 2013. The response noted that the complete Phase 1 habitat mapping and target notes had now been provided and that concerns over the hydrological and hydrogeological elements of the surrounding environment had been alleviated. It was still considered that opportunities have been missed relating to restoration and the provision of large areas of high quality habitat. These could provide greater linkages with the surrounding designated sites. However, the constraints that the Applicants are working under were acknowledged with regard to the landowners wishes for the end use of the sites to be predominantly agriculture. The area of acid grassland to be created on the Cote Pasture site will require specialist ecological input. The provision of this input will be addressed through the appropriate wording of proposed condition 12.
- 4.13 Monitoring and long term management was also explored in more detail at the site meeting on 10 December, 2012 and it was clarified that whilst this ROMP was dealing with the next 15 years of working and restoration, the sites have planning permission until 2042. The Applicants are committed to managing the habitats

created on the site for the full length of the permission, which is greater than the standard 5 year aftercare period. The County Planning Authority needs to ensure that the detail of habitat creation, establishment, monitoring and management are captured through an appropriately worded condition.

- 4.14 Natural England (NE) responded to the County Planning Authority's Appropriate Assessment Screening Report on 8 July, 2013. NE was concerned as to the effects of the development on the Golden Plover through possible loss of feeding habitat. Comment was also made as to the Curlew and the need to be aware of any potential significant impact on its habitat. It was agreed that there were opportunities for the enhancement of biodiversity and the restoration proposals should address any long term impacts on the SPA species and should be informed by a better understanding of the significance of the area for Curlew. It was agreed that there were no likely effects on the SAC features.
- 4.15 A meeting was held with the Applicants' Agent on 21 August, 2013, where the effects of the development on ecology, such as the review of the bird data submitted, the objection submitted by the RSPB, the birds of prey survey report and the Assessments required under the Habitat Regulation Nos. 61 and 63 were discussed.
- 4.16 The NYCC Ecology advisor provided the following comments on 28 August 2013. With regard to objections made by the RSPB, the bird data has been reviewed, and it is believed that on the whole the data is robust. Having reviewed the Appropriate Assessment previously submitted to Natural England, the submission was endorsed. The response then addressed bird survey areas, breeding bird surveys, the raptor survey, bird behaviour, nocturnal bird survey, noise, disturbance, scope of the ROMP and hydrology. Apart from a request as to the forwarding of the existing raptor surveys (subsequently forwarded by the Agent on 30 August 2013), the response concluded that:
- the NYCC Ecology Team is satisfied that all the issues have been addressed or that mitigation measures can be put in place via planning conditions;
 - the level of ecology detail in the ROMP application (including bird data) is satisfactory for NYCC to determine the application; and
 - there are no outstanding ecological issues of concern to NYCC.
- 4.17 On 11 and 20 September 2013 the NYCC Ecology advisor challenged NE re their approach to the records of breeding and wintering Curlew flocks in the area, the former being the group aligned to the SSSI and SPA designations on adjacent areas. It was proposed in an email to the Applicant's Agent, dated 23 September 2013, that the restorations plans should be re-examined so as to limit the effect of planting on these open sites, focussing on Cote Pasture Quarry. This was followed by an email from the NYCC Ecology advisor to the Applicant's Agent, dated 22 October 2013, maintaining NYCC's current landscape position that the landscaping proposed in the south west corner of Cote Pasture Quarry has a role to play in strengthening the existing belt of woodland to demarcate the quarry from the characteristic slopes of lower Wensleydale.
- 4.18 Following further emails to the Applicant's Agent, dated 29 November 2013 and 25 January 2014, the Agent, supported by their own Ecology advisor, forwarded an amended restoration plan for the Cote Pasture Quarry (Fig 3.3 CP – Drg W4/111 Rev A) on 20 March 2014. This amended plan (which is attached to this report), with areas of planting now removed, prompted pro-active action from NYCC's Ecology advisor in the redrafting of the Appropriate Assessment submission to Natural England. The final redrafted Habitats Regulations Appropriate Assessment

stage 1, dated 21 March 2013, was forwarded to Natural England on 7 April 2014. A response to the submission was received by NYCC from Natural England on 25 April 2014 and addressed both the requirement of NYCC to review all previous permissions under Regulation 63 and 64 of the Conservation of Habitats & Species Regulations 2010 that pre date the SPA and SAC designations (as Wensley and Cote Pasture Quarries do) and carry out an Appropriate Assessment under Regulation 61 of the same regulations. The letter confirmed that the scope of the Appropriate Assessment detailed for the ROMP area was agreed and the avoidance/mitigation measures were appropriate for the site.

- 4.19 For the avoidance of doubt an email was forwarded to Natural England from NYCC on 6 May 2014, confirming that the statutory consultee had withdrawn their objection to the ROMP submission originally lodged on 30 November 2012. Natural England agreed with this stance on 12 May 2014.
- 4.20 Recent comments (27 March 2015) received from NYCC Ecology team have been in relation to consultations with the RSPB; as shown in paragraph 4.89 of this report. Contrary to the opinion of the RSPB highlighted in an email dated 28 January 2015, the NYCC Ecology team disagree with RSPB's objection to the planting of woodland within the proposed wet grassland of the restoration plan and stating that it should be agreed with the developer that this area will continue to be managed as open habitat for breeding and foraging waders. To this end, the NYCC Ecology team has stated "*that the adverse impact of trees on waders, particularly curlews in this case, is overstated*".
- 4.21 As shown in paragraph 4.93 of this report, the case officer requested (on 23 April, 2015) RSPB to provide comments on the response received from NYCC Ecology Team. None have yet been received.
- 4.22 **Ministry of Defence** – No response has been received.
- 4.23 **Highways Agency** – No response has been received.
- 4.24 **NYCC – Archaeology** – Responded 14 November, 2012 and commented that due to the location of the existing development there is evidence for lead mining within both quarries. Because of this there is high potential for early mining remains to be located within the red line boundaries of the two sites.
- 4.25 It was considered that the impact of the development and the significance of the features have not been adequately assessed within the Environmental Statement. The Applicants have not determined the level of harm, or how this may affect the significance. It was advised that the application should not be determined until a robust mitigation strategy was put in place.
- 4.26 A site meeting was held on 12 February, 2013. Further information in the form of an existing 1995 Archaeological Assessment (Archaeological Practice), a new Cultural Heritage Addendum Report February 2013 (Archaeological Research Services Ltd), a response to both and the provision of an Options Appraisal from English Heritage's advisors (Atkins) and further comments from the Conservation Officer at the National Association of Mining History Organisations were received by the NYCC Archaeology advisor. Points of note on the site visit were the flue, the previous general industrial landscape, the proposed 'Heritage Trail', the level of survey work required and possible funding of archaeological work off site at Keld Heads and Agnathas Cave addressed within a Section 106 Agreement.

- 4.27 Following further discussions between the Applicants' Agent and consultees, and NYCC, the NYCC Archaeology advisor responded on 3 April 2013 stating that a detailed mitigation strategy is required to fully address the impact of the removal of the flue and its associated Scheduled Monuments.
- 4.28 Further discussions followed, especially with English Heritage, addressing different options for the mitigation strategy for the site. Option one was identified as the best route forward (see para 3.24 of this report), but with the need for further details as to the approach. To this effect, further detailed information relative to the level of archaeological assessment to be undertaken on the site and the provision of the 'Heritage Trail' was submitted by the Applicants' Agent on 5 November 2013 and 28 July 2014 respectively. Relative to the first item, the NYCC Archaeology advisor responded on 18 November, 2013 stating that it was considered that the WSI addendums (February and November 2013) to Appendix 10 of the ES together with the Appendix itself provided a suitable mitigation strategy for the proposed development. With regard to the information submitted on the 'Heritage Trail' the Archaeological advisor confirmed on 20 October 2014 that given this information and the appropriate references in planning conditions attached to any future permission, it was considered that a robust mitigation strategy was in place. The objection was, therefore, withdrawn and the ROMP submission could be determined.
- 4.29 **Yorkshire Wildlife Trust** – Responded on November 20, 2012 and commented that given the proximity of the sites to the North Pennines Moor Special Protection Area (SPA) and Special Area of Conservation (SAC) it is unfortunate that the restoration of both sites appear to be largely grassland and arable fields, which will not be particularly valuable for nature conservation.
- 4.30 The Trust supports the proposal to provide some areas with very thin soils, which will have the potential for upland plant communities, larger areas of unimproved grassland could be very valuable for nature conservation. Being located very close to areas of high quality habitat outside the SAC/SPA, including Ancient Woodland and Sites of Importance for Nature Conservation, it will be important to connect up and buffer this habitat. In paragraph 4.5.23 of the ES, 5 years is suggested as the timescale for monitoring and managing the restoration. For areas restored for nature conservation, it will be very important that a longer period, for example 25 years, is provided. A fully funded ecological management plan for at least 25 years will be necessary.
- 4.31 **Environment Agency** – Responded on 21 November 2012, stating they had no objections to the proposal providing that conditions relating to schemes for water storage on site and schemes for proposed working methods and ground water are attached to any permission. The Environment Agency (EA) also requested Informatives be included on any decision notice.
- 4.32 The EA welcomed the assessments made against the Water Framework Directive and encourage the Applicants to continue to pay regard to their obligations to protect land prevent deterioration of the water environment throughout the lifetime of the scheme.
- 4.33 The EA noted that the expiration date on abstraction license 2/27/22/555 is 31 March 2017 and would, therefore, remind the Applicants (both Tarmac and Cemex) that the license will need to be renewed within the lifetime of the requested extension of operations. If the extension of operations at either site requires volumes of water to be abstracted that are greater than those detailed in license 2/27/22/555, the

Applicant should apply for a variation to the license to cover this or seek an additional license. There is no guarantee that a renewal or a variation will be granted as this is dependant on available water resources and existing protected rights. Caution should be exercised by the Applicants to ensure that abstraction does not derogate the protected rights of other local abstractors.

- 4.34 If any waste material is to be re-used onsite, the Applicants will be required to obtain the appropriate waste exemption or permit from the EA. The EA are unable to specify what exactly would be required, if anything, due to the limited amount of information provided.
- 4.35 **Richmondshire District Council** – No response has been received.
- 4.36 **Wensley Parish Council** - No response has been received.
- 4.37 **National Planning Casework Unit (DCLG)** - No response has been received.
- 4.38 **Landscape Team** – Responded on 29 November, 2012 and stated that whilst figure 2.5 of the Environmental Statement (ES) identifies Environmental Designations, there appears to be no part of the submission where landscape significance and sensitivity of the site and context are looked at holistically. Nowhere in the ES is there an evaluation of the value of this landscape as a setting to the Yorkshire Dales National Park.
- 4.39 The submission appears to draw no distinction between the decision making framework, environmental consciousness and good practice existing at the time of the approvals of the detailed schemes and at the present time. There needs to be an acknowledgement of the environmental challenge presented now by the proposals and how their impacts could be mitigated sympathetically. The submission should include a Landscape Character Assessment of the local area. This Assessment should be sufficient in extent to enable an assessment of impacts of the proposals on landscape character and the development of an essential landscape mitigation and enhancement strategy. The Assessment should address the restoration and delivery mechanism of the two sites encompassing the previous, existing and proposed quarrying operations and the whole of the related landscape context. The submission should also provide information regarding the pre-quarrying landscape character.
- 4.40 The absence of an Assessment of the local landscape character undermines a full appreciation, understanding and value of the local landscape in the preparation of a visual impact assessment. The Assessment appears to underestimate the value of the local landscape, the visual impact of existing quarrying operations and of the proposals for further expansion. The existing ES character information is based on a national assessment carried out in the mid 1990s for the Yorkshire Dales as a whole, limiting its value as a specific framework for assessment of landscape sensitivity to the development. However, within the context of an already permitted development, the Principal Landscape Architect has to concede that consideration has been given to minimising the effects of the next 15 years of extraction (with some issues identified for future review), but a method for continuing assessment has not been identified and should be.
- 4.41 The decision to combine the Reviews of separate permissions that relate to this one extensive area is supported. However, the submission should identify and assess the cumulative and combined impacts, in both visual and landscape terms.

- 4.42 Equally, the submission confines itself to identifying and assessing the next 15 years of quarrying operations. The challenge, and the need, is to identify and assess the full life of quarrying operations on this sensitive landscape. Mitigation measures appear to be based on the continuation and extension of proposals that are short term and out of character with the existing landscape character, such as screen banks and narrow belts of screen planting. The submission should not seek to develop mitigation strategies for separate developments, but should take a strategic approach.
- 4.43 Given the scale of the landscaping mitigation measures, it is anticipated that a Section 106 Agreement may be needed to cover the required implementation of an effective mitigation and enhancement scheme.
- 4.44 A telephone conference that addressed, amongst other matters, landscape issues on the Wensley and Cote Pasture Quarries took place on 8 March 2013, involving the Agent and the Applicants.
- 4.45 The Landscape team commented further on 2 August, 2013 and requested a site visit to the quarries to assess the major concerns outlined in the previous consultation response. The Principal Landscape Architect also referenced the possible need for a mitigation strategy to be considered, which should be based on the existing landscape context and its management.
- 4.46 The Landscape team provided further comments on 16 August, 2013, addressing draft conditions 1 and 10 first of all. A request was then made of the Applicant's Agent to consider how the changes to the landscape over time could be monitored, including fixed point photography. This photography could be related to the baseline Landscape Character Assessment, which the Landscape team still feel needs to be carried out at a scale that is relevant to the Environmental Impact Assessment. This would require an update on landscape sensitivity, as the distinctive qualities of the landscape have not been well acknowledged. The quarries are at an entrance to the Yorkshire Dales National Park, which is more apparent from higher viewpoints. Some synthesis with the historic environment assessment may also help. The assistance of some longer zoomed out cross sections, which show the relationship between new and existing landform more clearly, was requested.
- 4.47 A meeting was held with the Agent on 21 August, 2013. The main landscape points raised requiring further information were:
- The need to provide a synthesis re landscape issues, the same as had been undertaken for the Special Protection Area issues in Section 18 of the ES;
 - The need to provide further details of planting along the southern ridge in Wensley Quarry;
 - The need to explore the advantages of tree planting in the south west corner of the Cote Pasture Quarry;
 - To provide the background as to why further details cannot be provided as to the proposed 'streams and water bodies' identified in the Cote Pasture Quarry; and
 - To provide details of how the rock face will be left after extraction has been completed on the north east face of Cote Pasture Quarry.
- 4.48 Further comments from the Principal Landscape Architect were provided on the 22 August, 2013. It was stated that the Landscape team are generally satisfied that, within the context of an already permitted development, consideration has been given to minimising the effects of the next 15 years of extraction (with some issues

identified for future review), but a method for continuing assessment has not been identified

- 4.49 The Landscape Team requested that a condition be attached to any future ROMP approval requiring the development of a Landscape Character Assessment (LCA) baseline to support the long term ROMP process. Wensley Quarry still has a long way to go before it is worked out, while Cote Pasture Quarry has not started, so long term impacts are still to be seen. The justification for the imposition of such a condition is because of the very high general sensitivity of the local Wensleydale landscape context (somewhat undervalued in the ES). The reasons for sensitivity, or otherwise, to the permitted quarrying, could be more precisely identified through an LCA framework, supporting and influencing future mitigation and restoration.
- 4.50 The approach would be to build on material within the ES, with reference to broader LCAs covering the Yorkshire Dales National Park and North Yorkshire County, to create a simple landscape character framework relevant to the context of the permitted development. Existing evaluations and conclusions could be linked to this framework, perhaps through tables and augmented where relevant. The final product should make sense to non-specialists. The LCA would be for the specific purpose, informed by existing knowledge of the area, not a full one starting at stage 1, and it would not require lengthy preparation. The way that future monitoring and review would be linked to this framework, is still open to discussion.
- 4.51 In a another response dated 23 August, 2013, the Principal Landscape Architect requested that areas on both sites be considered for advance planting, taking the risk that eventually the trees may be felled. The Principal Landscape Architect also raised the issue at this point of the Inheritance Tax Exempt land and discussions taking place between NYCC and Natural England. This Inheritance Tax Exempt land designation could affect land owned by the Bolton Estate, who own the land on which the Cote Pasture Quarry is located and significant areas beyond, particularly to the south of Cote Pasture Quarry. There is a view that such land is a significant designation in landscape terms relative to conserving national heritage assets, although there were no plans identifying such areas in the public domain (a link to this information has since been provided by Natural England on 20 November 2013, with the caveat that agreement to publish the data is between HMRC and the owners of the heritage- relief property).
- 4.52 A further response to matters raised on 21 August 2013 was received from the Principal Landscape Architect on 10 September 2013. The opinion was put forward that there is still a good case for additional woodland planting in the south west corner of the site for reasons of landscape improvement and visual mitigation; whilst there is the possibility of the undervaluation of the local landscape, the detailed LCA and landscape character-based synthesis should no longer be pursued; and there is a need to look to the future and consideration should be given to woodland planting outside the present ROMP site as part of a wider mitigation strategy for Wensleydale generally.
- 4.53 The Applicants' Agent responded to the landscape matters raised at the meeting in August 2013 and emails since, in notes, cross sections and drawings forwarded to the County Planning Authority on 14 November, 2013. The Agent responded to the request for more planting in the south west corner of the Cote Pasture Quarry by promoting the opinion that the additional tree planting suggested would not control visibility of the extraction void. Therefore, there could be no direct and significant indirect impact upon the character of that part of the valleys. The 'temporary' tree

planting suggested in this quarry was not supported, in that there would be no visual benefit in the additional planting and there would be a small ecological dis-benefit (see subsequent email note from Agent's ecological advisor, dated 2 December 2013). With regard to the synthesis of the landscape history of the two sites, it was felt by the Agent that this was adequately covered in Appendix 10.1 of the ES, a submission that brings together the Landscape and Cultural Heritage assessments. A copy of a letter received from the Bolton Estate was forwarded on the 13 March 2013. The letter stated that the Estate was not agreeable to the creation of additional woodlands to the far west of the site on the basis that significant mineral reserves would be sterilised as a result.

- 4.54 The Principal Landscape Architect responded to the submissions from the Applicant's Agent on 5 December 2013. The two functions that the additional woodland planting would achieve, promoted by the Principal Landscape Architect, were outlined. These were
- Landscape enhancement generally, it would soften the angular outline of existing planting on the valley side, provide a substantial buffer and screen between the Bolton Estate and the future quarry, all of which would be more apparent in views from high elevations on the other side of Wensleydale; and
 - Screening of quarry faces, with the woodland planting having an increasing function in views from a medium elevation on the other side of Wensleydale, from where the site might be seen as a strip on the skyline capable of being fully or partially hidden by planting.
- 4.55 The response concludes that the information provided by the Applicant's Agent is lacking in depth. Of the information provided, the Principal Landscape Architect is still of the opinion that the Landscape and Visual Impact Assessment has undervalued the landscape in that part of Wensleydale and there are significant views from longer distances that could be mitigated by further woodland planting.
- 4.56 In response to ecological initiatives on the Cote Pasture Quarry site, an amended restoration masterplan, Fig 3.3CP Drg W4/111 Rev A, was forwarded by the Applicant's Agent and received by NYCC on 20 March 2014. The amended masterplan reduced the amount of proposed tree cover on the site. This inferred negative response to the request for increased woodland cover in the south west corner of Cote Pasture Quarry was questioned by the Principal Landscape Architect, as the suggested woodland cover could be for a temporary period, which would still have a landscape value. This initiative would not, therefore, sterilise the mineral reserves. The ROMP procedure also allowed for the situation to be reviewed in 15 years time. A letter outlining this point, and emphasising the fact that the proposed woodland planting would, in the Principal Landscape Architect's view, provide additional screening, was forwarded to the Agent on 1 May 2014. This letter was responded to by the Applicant's Agent in a letter dated the 28 July 2014, which stated that since the phasing of the mineral extraction does not propose, over the next 15 years, any mineral extraction in the area to the north of the proposed increased woodland cover, the planting would serve no screening purpose during this period.
- 4.57 The Principal Landscape Architect responded on 21 October 2014, emphasising previous points made, particularly the screening value that would be attained from additional woodland planting, planted in advance of extraction, in the south west corner of the site. This is particularly relevant to the distant views of the quarry workings from the higher elevations to the south, with some of these view points being located in the Yorkshire Dales National Park. Support from the lead advisor on

Inheritance Tax Exemption from Natural England, on the benefits of the planting in the south west corner of Cote Pasture Quarry, initially received in December 2013, was also re-emphasised. The Principal Landscape Architect has also endeavoured to clarify the position with Natural England as to how Inheritance Tax Exemption land should be addressed relative to land use planning and local planning policy. As yet no definitive answer has been provided by Natural England.

- 4.58 A site visit was undertaken by the case officer on 2 November 2014.
- 4.59 A further response was received from the Principal Landscape Architect on 8 January, 2015. The response stated that it was disappointing that in such a sensitive area that it had not been possible to work with the Applicant to increase the potential landscape mitigation. That a condition needed to be drafted requiring the matter of advance screen planting to be reviewed every 5 years due to the quarry being potentially visible from the Yorkshire Dales National Park and that the land had been identified as being of outstanding scenic and historic interest by Natural England.
- 4.60 In conclusion, there presently exists an objection to the ROMP submission from the Principal Landscape Architect due to the lack of enhancement of the area and the limited mitigation measures relative to landscape and visual impact.
- 4.61 **Natural England** – Responded on 30 November, 2012 and reminded NYCC that it is required to undertake a review of all previous permissions under Regulations 63 and 64 of the Conservation Habitats and Species Regulations 2010, since the current permission on the Wensley Quarries complex pre-dates the Special Protection Area (SPA) and Special Area of Conservation (SAC) designations. The review should cover the whole of the Interim Development Order (IDO) site, approx. 322 hectares, of the Wensley Quarries complex and not just the areas in which development is proposed to take place over the next 15 years.
- 4.62 Against the background of the Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (As Amended), NE stated that in their view the proposal as submitted is likely to have a significant effect on the interest of features for which North Pennine Moor SAC and SPA have been classified. Under Regulation 61 of the Conservation Regulations 2010, it is advised that the County Planning Authority should undertake an Appropriate Assessment (AA), to assess the implications of this proposal on the site's conservation objectives.
- 4.63 Further, NE objects to the development on the grounds that the present application is *“likely to damage or destroy the interest features for which Lovely Seat - Stainton Moor Site SSSI has been notified”*. This objection was based on the concerns that the ES chapters *“make no assessment of the potential impacts upon the Lovely Seat Stainton Moor SSSI from the continued extraction at the Wensley – Cote Pasture site, nor is it referred to within the ecology chapter (8)”*. NE considers that the Environmental Statement (ES) *“has failed to recognise the potential adverse impacts from any hydrological change resulting from quarrying operations upon the SSSI, given the uncertainty around the network of fracture flow paths in the underlying karst limestone at Cote Pasture”*.
- 4.64 NE noted that a survey of European Protected Species had been undertaken as part of the application assessment and did not object to the proposed development in that aspect. NE advised that the proposed development would be unlikely to affect a European Protected Species. Equally, NE did not consider that the proposed

development would impact on the purposes of designation of the Yorkshire Dales National Park. It would be expected that the LPA assess other impacts such as:

- Local sites (biodiversity and geodiversity);
- Local landscape character; and
- Local or national biodiversity priority habitats and species.

- 4.65 With regard to the restoration proposals, NE refers to the comments made by the NYCC Ecology advisor on 12 November, 2012 and that the sites do offer an opportunity for great biodiversity gain. NYCC should seek greater detail on how such gains will be secured and managed in the medium to long term. Monitoring of species and habitats is mentioned in several sections of the ES, but given that the Wensley site is already being worked and one phase is being restored, NE would expect that a detailed long term site management proposal would be provided within the application.
- 4.66 Green infrastructure networks can contribute to a wide range of functions such as landscape setting, sense of place, sustainable travel, healthy lifestyles, formal and informal recreation, wildlife corridors, access to nature, flood attenuation and climate change adaptation. It would, therefore, be encouraged that green infrastructure was included within the proposed development.
- 4.67 Following the submission to NE of an Appropriate Assessment Scoping Report by NYCC on 30th April, 2013, and again on 13 June 2013, an updated response was received on 8th July, 2013. NE commented on the effects the proposed development may have on the bird population. There was specific reference to the Golden Plover, as there is concern as to the possible loss of feeding habitat. This loss may be temporary, or it may be longer term if the landscape structure changes to make restored areas less suitable for feeding.
- 4.68 Also the Curlew may breed in the area affected by future quarrying. The existing habitat is currently sub optimal, but restored habitats may be re-colonised. This part of Wensleydale is used by a winter flock of Curlew and this population uses the area proposed for quarrying. The significance of this population, its relationship with the SPA breeding population and the UK migratory population are unknown. The numbers recorded in the surveys hint at the use of these pastures by Curlew, but there appears to be no assessment of the significance of these numbers in the wider context. It is necessary to be aware of the potential significance of the area for Curlew. NE, therefore, recommend a more precautionary approach should be applied before a conclusion of 'no effect' is reached.
- 4.69 Dialogue between the NYCC Ecology advisor, the Applicants' Agent and NE took place between August and December, 2013, with NE highlighting on 19 September 2013 that there was a need to understand the relationship between the winter population and breeding population of Curlew, before it could be declared that there would be 'No Likely Significant Effects' from the proposed extraction. Whilst not totally agreeing with the stance taken by NE, the Ecology advisor to NYCC took a pro-active approach and requested that the Applicants' Agent review the restoration scheme for the Cote Pasture Quarry site, so as to increase its 'open aspect'. This action would mitigate against possible effects on both elements of concern regarding the Curlew.
- 4.70 A further independent response from NE was received on 23 December 2013 in regard to Inheritance Tax Exemption on land owned by the Bolton Castle Estate, on which the Cote Pasture site is located and surrounded. The lead advisor on

Inheritance Tax Exemption stated that clarification was still being sought as to the status of such land within the planning system, but comment was made that *“There are undoubtedly benefits in planting the SW corner of Cote Pasture quarry site in so far as landscape is concerned and I can confirm that such planting would not adversely affect the conditionally exempt land...”*. This comment was caveated by the acknowledgement that the effect of such planting on the golden plover must take precedence.

- 4.71 A draft of an amended Appropriate Assessment was forwarded to NE by the NYCC Ecology advisor on 3 January, 2014, assuming changes to the restoration scheme for Cote Pasture Quarry. NE responded to the draft document on 20 January 2014, stating that they *“agreed with the recommendations you’ve highlighted for changes to the restoration plan”*. Following requests forwarded by NYCC dated 25 and 27 January 2014, the Applicant’s Agent forwarded an amended Restoration Masterplan – Fig 3.3 CP, Drg W4/111, dated August 2011, on 20 March, 2014. This document then allowed the NYCC ecology advisor to formally submit the amended Habitats Regulations Appropriate Assessment stage 1 screening report for the ROMP review of Wensley and Cote Pasture to NE on 21 March, 2014.
- 4.72 In a letter dated 25 April 2014, NE outlined their latest stance. This stance was clarified in a NYCC email dated 6 May 2014, whereby the NE objections to both the effects the ROMP development would have on the SSSI and the Natura 2000 had been withdrawn.
- 4.73 In a response from the NE dated 24 November 2014, under the Environmental Information Regulations 2004, NE confirmed that the land at the Bolton Estate designated under the Exemption from Inheritance Tax regime *“is significant for its outstanding scenicinterest...”*. The response goes on to state that *“Whilst the result of the planning process might have ramifications for the conditionally exempt status of a property, there is no advice which HMRC would wish to give on how an application should be viewed”*.
- 4.74 **Yorkshire Water Services** – Responded on 3 December, 2012 and stated that whilst they had interests on both sites, given the location of the infrastructure on the boundaries of the site, the proposed development was highly unlikely to impact upon it.
- 4.75 **Environmental Health (Richmondshire)** – Response received on 6 December, 2012 and stated that, whilst no complaints had been received relative to the operation of the site, the Environmental Health Officer (EHO) could not see any justification for not adhering to noise standards set out within the NPPF Technical Guidance March, 2012 (now superseded by the Planning Practice Guidance, March 2014 and the Planning Practice Guidance for Minerals, October 2014). The Technical Guidance at that time stated that Mineral Planning Authorities should aim to establish a long term noise limit at the noise sensitive property that does not exceed the background level by more than 10dB(A). Noise monitoring undertaken on behalf of the Applicants, detailed in the Noise Emissions Assessment (table 11.8 of the Noise Emissions Assessment in the ES), demonstrates that the recommended long term noise limit at noise-sensitive property, of no more than 10dB(a) above background during the day (0700-1900hrs), is achievable.
- 4.76 Table 11.3 in the same section of the ES details the noise limits for operations set under condition 14 of planning permission reference no C1/83/47A/IDO (ii) at Wensley Quarry for 4 properties. There are no noise limits set in the Cote Pasture

planning permission and it is proposed at paragraph 11.3.10 of the Assessment to use noise limits that have been set at Black Quarry of 55dB(A)LAeq. However, the Noise Management Plan Table 2, identifies a noise limit of 45dB(A)LAeq, which is acceptable with the exception of operations before 07.00, as detailed below.

- 4.77 The Applicant, in stating a noise limit of 45dB(A)LAeq for the Cote Pasture planning permission, would appear to consider it a reasonable restriction for a limit of no more than 10dB(A) above background during the day (0700-1900hrs) to be used. Therefore, there would seem to be no justification for not applying this same limit for other noise sensitive receptors, notwithstanding that other limits have previously been used.
- 4.78 The proposed hours of operation stated in the Noise Emissions Assessment are 0600 to 1800 Monday to Friday and 0600 to 1300 on Saturdays. It is proposed that the coating plant is in operation from 05.30am at Cote Pasture everyday except Sunday. The previous NPPF Technical Guidance March, 2012 stipulates a noise limit of 42dB(A) LAeq at noise-sensitive dwellings for the hours from 22.00 to 07.00. However, the limit proposed from 05.30/06.00 to 07.00hrs varies from 45dB(A) to 48dB(A) LAeq depending upon the receptor i.e. No account has been taken that a noise limit of 42dB(A)LAeq ought to be used for operations undertaken before 07.00hrs.
- 4.79 The EHO for Richmondshire concludes by recommending that the application be approved subject to the incorporation of the following conditions:
- In keeping with the NPPF guidance establish a noise limit of background (LA90,T dB(A)) + 10dB(A) during the hours of 0700-1900hrs for all noise sensitive receptors, not just at The Cottages/Moor Farm receptors in relation to the Cote Pasture permission.
 - In keeping with the NPPF guidance establish a noise limit of 42dB(A) LAeq at noise-sensitive dwellings for operations undertaken between the hours of 22.00 to 07.00hrs.
- 4.80 The Applicant's Agent responded to this approach on 28 July 2014 re-stating their case that for the 06.00 to 07.00 hour period, the 45 db limit should be allowed, otherwise anything below this would put an unreasonable burden upon the business.
- 4.81 The EHO for Richmondshire responded on 13 November 2014 and made reference to the Planning Practice Guidance on Assessing environmental impacts from mineral extraction with respect to noise emissions (March 2014). The statement from the Applicant's Agent dated 28 July 2014, relative to the 'unreasonable burden upon the business' is acknowledged. However, the EHO concludes that the Applicant has produced no specific evidence as to circumstances which exist at this site to justify a small variation in the levels in the Planning Practice Guidance. The EHO, therefore, re-emphasises the previous recommendation referred to in paragraph 4.75 of this Report, that is, by inference, the ROMP submission is objected to.
- 4.82 In an email dated 16 January 2015, from the Applicant's agent, it was confirmed that the Applicant would accept the EHO's proposed condition. Consequently, by inference, the objection of the EHO to the ROMP submission was withdrawn and this was confirmed in an email from the case officer to the EHO on 23 February 2015.
- 4.83 **Royal Society for the Protection of Birds** – Responded on 6 December, 2012 and objected to the ROMP application "*due to the potential for adverse impacts on*

protected birds and habitats from the adjacent Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) and a lack of information". The Royal Society for the Protection of Birds (RSPB) explained that the proposed site at Wensley Quarry is immediately adjacent to the North Pennine Moors SPA, Special Area of Conservation (SAC) and the SSSI. The site at Cote Pasture is approximately 350 metres from the same SPA and SSSI. The SPA is designated under the Directive 2009/147/EC on the conservation of wild birds (the Birds Directive) for its internationally important populations of breeding birds. The SSSI is designated under Section 28 of the Wildlife and Countryside Act, 1981, as amended, for its internationally important assemblage of moorland breeding birds.

- 4.84 The RSPB are of the opinion that due to the proximity of the proposed developments to the SPA, and the type of land use between the SPA and proposed development site, it is of a concern that birds from the SPA and the SSSI may be adversely affected by the proposed development. Equally, the RSPB feels that insufficient information has been provided to allow the Council as a 'Competent Authority' to determine that the scheme would have no adverse impact on the integrity of the adjacent SPA, as required under Regulation 61 of the Conservation of Habitats and Species Regulation 2010, 'the Habitat Regulations'.
- 4.85 An Appendix is attached to the letter of objection which outlines the details and reasons for the RSPB objection. These matters relate to
- Lack of information;
 - The need for an Appropriate Assessment under 'the Habitat Regulations', 2010;
 - Insufficient information in the Bird Surveys relative to;
 - Bird survey areas;
 - Breeding bird surveys;
 - Bird behaviour;
 - Nocturnal surveys;
 - Potential disturbance and displacement of birds;
 - Noise assessment; and
 - Visual disturbance.
 - Scope of Impact Assessment and Surveys;
 - Lack of information for potential hydrological impacts on protected sites;
 - Cumulative impacts and in combination effects;
 - Potential impacts on priority BAP species and other species of conservation concern, and loss of priority BAP habitats; and
 - Site restoration plan.
- 4.86 In reference to the lack of information the existing information relative to the ROMP and the accompanying Environmental Statement was forwarded to the RSPB on 28 March 2013 to ensure that the RSPB had all the information as submitted by the Agent. A meeting was held with the RSPB on 1 May, 2013 and again it was explained by the Applicants' Agent where to find the information for the ROMP application. Despite this, the County Planning Authority has been made aware of an email forwarded to the Applicant (K. Hannaford Hill of Cemex) from the RSPB dated 1 July 2013, stating that the organisation still required further information as outlined in their consultation response dated 6 December 2012.
- 4.87 A meeting was held between the Applicants' Agent and officers of, and advisors to, the County Planning Authority on 21 August, 2013. The NYCC Ecology advisors considered that on the whole the bird data submitted was robust, although requests were made by the advisors for data missing from the submissions, such as the bird

of prey reports. This opinion was forwarded to the planning case officer on 28 August, 2013, including an endorsement of the Appropriate Assessment submitted to Natural England on 30 April, 2013. To break an apparent deadlock, a redrafted and subsequent amended Appropriate Assessment was forwarded to Natural England in the spring of 2014, with Natural England responding on 25 April 2014. It was concluded in correspondence dated 6 May 2014, whereby the Natural England objections to both the effects the ROMP development would have on the SSSI and the Natura 2000 had been withdrawn.

- 4.88 No response had been received from the RSPB since 1 May 2013 and the objection to the ROMP still stood. Further contact was made by the case officer on 23 December 2014, with a copy of the Appropriate Assessment and amended restoration masterplan, drawing number NT10847/11 Rev A Figure 3.3CP, forwarded on 16 and 28 January 2015 respectively.
- 4.89 In an email received on 28 January 2015, the RSPB stated that there was still considerable concern as to the evidence to support some of the assumptions made in the preparation of the restoration masterplan for Cote Pasture Quarry in regard to the potential use of the site by large flocks of post breeding waders. However, comfort is taken from the conclusions in the Appropriate Assessment prepared by NYCC whereby, with the application of the pre-cautionary principle, *“the measures to avoid and mitigate potential impacts goes some way to addressing these”*.
- 4.90 However, whilst the proposed restoration masterplan for Cote Pasture addresses the aims of the Appropriate Assessment there is concern that *“the proposed woodland planting in the north eastern area of Cote Pasture, as shown on the proposed site restoration plan, would potentially render areas of wet grassland and unimproved grassland in this part of the site unsuitable for waders, due to increased edge effects and the potential for increased predator cover”*. A request is made by the RSPB for the proposed planting identified in the email be removed from the masterplan.
- 4.91 The RSPB conclude that they will *“be able to withdraw our objection to the above application on the following basis:*
- *All mitigation measures, monitoring and site restoration and habitat enhancement work identified in the AA are agreed by the applicant and secured through the appropriate planning conditions to ensure that they are undertaken to a sufficiently high standard”*.
 - *All areas of tree and woodland planting within the proposed wet grassland are removed from the restoration plan and it is agreed with the developer that this area will continue to be managed as open habitat for breeding and foraging waders”*.
- 4.92 Following on from paragraph 4.20 of this report, the case officer has received comments from the NYCC Ecology team that suggest that although they agree with the first bullet point (above) being resolved through planning arrangements and conditions, NYCC Ecology disagree with RSPB’s concerns in the second bullet point (above). Making reference to RSPB’s concerns with regards to the planting of woodland within the proposed wet grassland and the effects this will have on open habitats, NYCC have stated that in the *“adverse impact of trees on waders, particularly curlews in this case is over stated”*.
- 4.93 Following on from this, an email dated 23 April 2015 with the comments from NYCC Ecology team attached was forwarded to the RSPB, so as to resolve the outstanding

issues. No response has been received from the RSPB and it is assumed that their objection still stands.

- 4.94 **English Heritage** – Responded on 13 December, 2012, making reference to the scheduled sites of Keld Heads lead mine and smelt mill and Cobscar Mill, and the fact that these sites are linked by a flue, which is critical to the understanding of how the lead smelting process worked. The flue and associated condenser site at Keld Heads is known to be technologically important and a rare survivor of the era. The extension at Wensley Quarry will destroy part of the flue and a robust heritage assessment and mitigation strategy is required to justify and account for this loss. English Heritage (EH), therefore, recommended that the application be refused or deferred until an adequate assessment of the heritage assets was undertaken and a robust mitigation strategy put forward to offset the loss of a non-designated asset of archaeological interest, that is demonstrably of equivalent significance to a Scheduled Monument.
- 4.95 EH state that these sites illustrate both the extent and development of lead mining in Wensleydale over several hundred years and retain considerable evidence of how this industry developed. Both Cobscar and Keld Heads are designated as Scheduled Monuments under the terms of the 1979 Ancient Monuments and Archaeological Areas Act. Critical to the understanding of how the two sites worked is the location of a flue connecting them together. Part of this flue lies within the Wensley Quarry application site and will be lost through mineral extraction.
- 4.96 EH considers the flue to have considerable significance in terms of its potential to reveal further evidence about its construction and use as an illustration of its advanced technology at the time of construction. It is directly and physically associated with the Scheduled Monuments of Keld Heads and Cobscar and should, therefore, be treated as a non-designated heritage asset of archaeological interest, that is demonstrably of equivalent significance to a Scheduled Monument. As set out in paragraph 130 of the NPPF, it should be subject to the same policies for designated heritage assets.
- 4.97 Following a site meeting in February, 2012 and the provision of further information on 8 March 2013, EH responded on 19 March, 2013. Concern was expressed that the additional information still underplayed the significance of the flue. It being one of the very few large flues in the Yorkshire Dales that extend over 500 metres in length and which was known to be more technologically advanced than other examples found. It was accepted that the section of the flue within the application boundary at Wensley Quarry is of relatively lesser significance than other sections outside of the site. EH welcomed the consideration of support for conservation works outlined in Option 2 of the Applicant's Addendum report, on what they considered to be the most important section of the flue within the Keld Heads monument and that could provide an appropriate mitigation strategy along with recording some elements of the flue as it is demolished. The outline costs for repairs to Keld Heads, referred to in the Addendum, provided a basis for the migration strategy of conservation work away from the extraction site. EH noted the additional information provided for Cote Pasture Quarry and the approach to mitigation. EH recommended that the Environmental Statement should be revised to properly assess the significance of the industrial features identified.
- 4.98 Following further discussions, some addressing the level of support to be attained for the conservation works, EH responded on the 10 September, 2013. The response outlined concerns as to the assessment of the heritage assets on the site and

explained how EH had not been able to secure further funding for the proposed mitigation works at Keld Heads. Therefore, being unable to undertake a full package of repairs to the flue at Keld Heads, that section of the flue which is to be lost should be subject to a full and comprehensive archaeological survey prior to demolition. The proposed 'Heritage Trail' should include features accessible by public footpath at Keld Heads.

- 4.99 The County Planning Authority confirmed the withdrawal of the objection of EH to the ROMP application on 19 September, 2013.
- 4.100 **Preston Under Scar Parish Council** - No response has been received.
- 4.101 **Cllr Harrison Topham** – Was notified of the proposals.
- 4.102 **County Public Rights of Way Team** – Responded on 13 May, 2014 and made reference to the Informative requiring footpaths to be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. It was also re-iterated that the Applicants should discuss with the Highway Authority any proposals for altering the route of any Public Right of Way.
- 4.103 Following the submission of the information from the Applicant's Agent re the Heritage Trail on 28 July 2014, the County Public Rights of Way Team has yet to formally respond. In an email forwarded on the 18th December 2014 it was assumed by the case officer that if no response was received by 26th January 2015 then the County Public Rights of Way Team were content with the proposals. No official response has been received.

5.0 Advertisement and Representation

- 5.1 The proposal has been advertised by means of a Site Notice posted on 12 February 2013 at both site entrances (existing and proposed) and where the Public Rights of Way entered the sites on Scarth Nick (Wensley Quarry) and Wensley Village (Cote Pasture Quarry) (responses to which expired on 5th March 2013).
- 5.2 A Press Notice also appeared in the Darlington and Stockton Times on 19 October 2012 (responses to which expired on 2 November 2012).
- 5.3 With respect to Neighbour Notification, in accordance with the County Council's adopted Statement of Community Involvement, it has been considered that the posting of a Site Notice, rather than wider neighbour notification has been an effective means of drawing the attention of local residents to the existence of the planning application.
- 5.4 There have been no responses received by the County Council to these notifications.

6.0 Planning Guidance and Policy

- 6.1 The guidance relevant to the determination of this particular planning application is provided at the national level and is contained within:
- National Planning Policy Framework (2012);
- 6.2 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate

otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning applications, which local planning authorities should take into account from the day of its publication. The NPPF states that for the purposes of decision-taking, the policies in the Development Plan should not be considered out of date because they were adopted prior to the publication of the NPPF.

- 6.3 If, following the 12 month transitional period given to the local planning authorities to ensure compliance of their Development Plans with the NPPF, a new or amended plan has not been adopted, due weight should be given to the relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan are to the policies in the NPPF the greater the weight that may be given.
- 6.4 Therefore, relevant guidance within the NPPF has been set out below, and within the next section policies within the Development Plan are outlined and the level of consistency with the NPPF is identified.
- 6.5 The Planning Practice Guidance was published in March 2014 and provides advice on a range of planning topics in a more accessible manner. This guidance should be seen as being supplementary to the above Policy document. The specific Planning Practice Guidance for Minerals was published in October 2014. This document provides more supplementary planning advice relative to mineral development.

National Planning Policy

- 6.6 Guidance within the NPPF states that there is a presumption in favour of sustainable development and that, in decision making, applications that accord with the development plan should be approved without delay.
- 6.7 Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The document goes on in paragraph 17 to set out the core planning principles, which includes the act of contributing and enhancing the natural environment and reducing pollution. The planning system should also aim to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life.
- 6.8 Paragraph 28 of the NPPF states how planning should support a prosperous rural economy including the sustainable growth and expansion of all types of business in rural areas, as well as advising that there should be respect for the character of the countryside.
- 6.9 Plans and decisions should ensure developments that generate significant traffic movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However, this needs to take account of policies set out elsewhere in the NPPF, particularly in rural areas.
- 6.10 Paragraph 75 of the NPPF states that the planning policies should protect and enhance Public Rights of Way and Local Authorities should seek opportunities to provide better facilities for users.

- 6.11 Paragraph 109 of the NPPF addresses conservation and the enhancement of the natural environment. The text outlines that the planning system should contribute to, and enhance, the natural and local environment by protecting and enhancing valued landscapes, geological conservation interest and soils, minimising impacts on biodiversity, preventing development from contributing to or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. The document emphasises the need to distinguish between the hierarchy of international, national and locally designated sites, so that protection provided reflects the status of the site and gives weight to their importance and the contribution that they make to the overall ecological network.
- 6.12 The need to protect and conserve biodiversity is emphasised in paragraph 118, whereby if significant harm resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused. With regard to SSSIs, if proposed development on land within or outside such an area is likely to have an effect on the site then planning permission should not normally be permitted.
- 6.13 Paragraph 119 introduces a caveat to the previous presumption in favour of sustainable development (referenced in paragraph 14 of the NPPF), whereby the presumption does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, as is the case at the Wensley and Cote Pasture Quarries.
- 6.14 Paragraph 120 of the NPPF states that to prevent unacceptable risks from pollution, decisions should ensure that the development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area should be taken into account.
- 6.15 When considering the conservation and enhancement of the natural environment the guidance makes four references to the noise environment in paragraph 123. The two most relevant to this application are that planning decisions should aim to recognise that development will often create some noise and existing businesses wanting to continue should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. Equally, areas of tranquillity should be identified and protected, remaining relatively undisturbed and considered for their recreational and amenity value.
- 6.16 When considering the historic environment the NPPF, in Paragraph 126, outlines both the wider social, cultural, economic and environmental benefits that the conservation of the historic environment brings. Reference is also made in paragraph 128 to where a development site has the potential to include heritage assets, developers should submit an appropriate desk based assessment and, where necessary, a field evaluation. In determining applications, local planning authorities should require an Applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 6.17 Paragraph 139 makes reference to non designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, such as those found in the surrounds of the two quarries, and that they should similarly be considered against the relevant policies of designated heritage assets. The NPPF outlines in paragraph 133 the policy whereby if "*a proposed development will lead to substantial harm to or total loss of significance of a designated heritage*

asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use”.*

6.18 Specifically related to minerals, paragraph 142 of the NPPF states that minerals are essential to support economic growth and our quality of life. It is, therefore, important that there is a sufficient supply of material to provide the buildings that the country needs. However, since minerals are a finite resource, and can only be worked where they are found, it is important to make best use of them to secure their long term conservation.

6.19 Paragraph 144 of the NPPF states “*when determining planning applications, local planning authorities should:*

- *Give weight to the benefits of mineral extraction, including to the economy;*
- *As far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside of National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, Scheduled Monuments and Conservations Areas;*
- *Ensure, in granting planning permission for mineral development, 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;*
- *Ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;*
- *Not granting planning permission for peat extraction from new or extended sites;*
- *Provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;*
- *Not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;*
- *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*
- *Recognise the small scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites”.*

6.20 The new **Planning Practice Guidance** was published in March 2014, replacing the previous NPPF Technical Guidance. The guidance enforces the view that “*minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited*” – Page 314. Equally, the document states on the same page that “*Since some mineral permissions last for many years, there may be a need to carry out*

periodic reviews of the planning conditions attached to that permission to help ensure that the sites operate to continuously high working and environmental standards”.

- 6.21 Noise emissions are referenced on Page 319 and the guidance states that *“Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10Db(a) during normal working hours (07.00-1900)”*. The document then goes on to state that *“For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property”*.
- 6.22 Obviously the key phrase in the above references is ‘In any event...’. The guidance then qualifies this stance later by making reference to the situation where *“Care should be taken, however, to avoid any of these suggested values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed”*.
- 6.23 The ROMP regime and existing planning permissions are addressed firstly on Page 349 of the document and then on Page 350 the document reinforces the restrictions on planning conditions that may be imposed as part of the review for any new planning permission issued by the Mineral Planning Authority as follows:
- *“all conditions must meet the policy tests, be necessary and should not affect the economic viability of the operation (e.g. conditions which restrict the total quantity of mineral for extraction);*
 - *all final applications must include a condition that the winning and working of minerals or depositing of mineral waste must cease not later than 21 February 2042, except where the original permission is already time-limited..... ; and*
 - *conditions may be used to withdraw any outstanding permitted development rights only if there are exceptional and sound planning reasons for doing so.”*
- 6.24 Cumulative impact is referenced on Page 318 of the guidance and is acknowledged as being a possible material consideration in the determination of planning applications. However, it is recognised that even in areas that have been subjected to successive mineral development over a number of years, mitigation measures can be put in place so as for the development to be acceptable.
- 6.25 The new specific **Planning Practice Guidance for Minerals** was published in October 2014, with reference on Page 1 to ROMPs. Text on Page 5 outlines what environmental issues of mineral working should be addressed by mineral planning authorities and the list includes noise associated with the operation; visual impact on the local and wider area; landscape character; archaeological and heritage features; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks); and site restoration and aftercare.
- 6.26 ROMPs are further addressed in the text on Page 53. On Page 55 the guidance re-emphasises the three main restrictions on planning conditions that may be imposed as part of the ROMP process referenced in the Planning Practice Guidance.
- 6.27 On page 8 of the guidance there is reference to noisy short term activities involved with mineral extraction, such as soil stripping. To facilitate such activities increased

temporary daytime noise limits could be considered for short periods of up to 8 weeks in a year at specified noise sensitive properties in the locality.

Local Planning Policy

- 6.28 Notwithstanding that the NPPF is a material consideration, 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. The Development Plan for the Richmondshire District comprises the following:
- The extant policies of the North Yorkshire Minerals Local Plan (adopted 1997);
 - The remaining 'saved' policies of the Richmondshire Local Plan (adopted December 2002); and
 - The extant policies of the Richmondshire Local Plan 2012-2028, Core Strategy (adopted December 2014).

North Yorkshire Minerals Local Plan adopted 1997 and policies 'saved' from 2007

- 6.29 The North Yorkshire Minerals Local Plan (NYMLP) was adopted in 1997 and contains 'saved' policies from 2007 in respect of mineral workings within the county. The overall strategy of the plan is "*to achieve a balance between satisfying the need for minerals and the need to protect the environment, which maximises the sustainability of both*".
- 6.30 'Saved' Policy 4/1 'Determination of Planning Applications', states that 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 proposal;*
 - f) *The proposals and programme for restoration are acceptable and would allow a high standard of restoration 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*".
- 6.31 The NPPF does not mention the matters raised in points a), b), c), d). Criterion e) of the policy is emphasised in paragraphs 109 and 118 of the NPPF, which address the need to conserve and enhance the natural environment. This is sometimes implemented through the introduction of mitigation measures. This part of the policy is, therefore, compliant with the NPPF.
- 6.32 With regard to points f) and g), paragraph 144 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, through the application of appropriate conditions, where necessary.

- 6.33 'Saved' Policy 4/1 h) does not conflict with the provisions of the NPPF, however, there are differences in the objectives. 'Saved' Policy 4/1 h) states that transport links should be acceptable, whereas the NPPF states that improvements to the transport network should be considered, therefore, the NPPF guidance should be given more weight in this instance.
- 6.34 With regard to 'saved' Policy 4/1 i), the NPPF in paragraph 144 states that local planning authorities should, when granting planning permission, take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. This policy is, therefore, compliant with the NPPF.
- 6.35 '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 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 compliant with paragraph 109 of the NPPF, which states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.
- 6.36 Policy 4/10 Water Protection, states that 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 143 of the NPPF states that when preparing local plans, Local Planning Authorities should set out in environmental criteria, in line with policies in the NPPF, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the flow and quantity of surface and groundwater. The policy is, therefore, in accordance with the NPPF.
- 6.37 'Saved' Policy 4/13 'Traffic Impact', states that where rail, waterway or other environmentally preferable modes of transport are not feasible, mining operations other than for coal, oil and gas will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network and would not cause undue disturbance to local communities. The policy does not conflict with the provisions of the NPPF. However, there are differences in the objectives, in that the NPPF states that improvements to the transport network should be considered, therefore, the NPPF guidance should be given more weight in this instance.
- 6.38 'Saved' Policy 4/14 'Local Environment and Amenity', states that 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. This policy is compliant with paragraph 144 of the NPPF. Paragraph 144 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 should take into account cumulative impacts of a development in a locality.
- 6.39 'Saved' Policy 4/15 of the NYMLP states that any proposals that will affect Public Rights of Way will only be permitted where satisfactory provision has been made in the application for protecting the existing right of way or providing an alternative, both during and after working. This policy is in accordance with Paragraph 75 of the

NPPF, which states planning policies should protect and enhance Public Rights of Way and access.

- 6.40 'Saved' Policy 4/18 'Restoration to Agriculture', states that where agriculture is the intended primary after use, 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. This policy is compliant with paragraph 144 of the NPPF. Paragraph 144 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, through the application of appropriate conditions, where necessary.
- 6.41 'Saved' Policy 4/20 'Aftercare', states that 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) after uses are proposed, the Mineral Planning Authority may seek to secure longer term management agreements.
- 6.42 This policy is compliant with paragraph 144 of the NPPF. Paragraph 144 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, through the application of appropriate conditions, where necessary.

Joint Minerals and Waste Local Plan (North Yorkshire County Council, the City of York Council and North York Moors National Park Authority).

- 6.43 This document is currently at a relatively early stage of preparation: an Issues and Options document was published for consultation in 14 February 2014, with consultation open until 11 April, 2014. This identified potential options for addressing minerals and waste provisions for the next 15 years, although no policies are set out at this early stage. Some sites are identified, however the consultation document notes that "*At this stage they have not been subjected to any assessment as to their sustainability, and their inclusion in this consultation does not indicate any commitment to them by the authorities, nor does it indicate that planning permission will be granted*". The document can, therefore, only be given limited weight in the decision making process.
- 6.44 The emerging evidence base provides relevant information regarding aggregate supply in the plan area. The Wensley and Cote Pasture Quarries are not referred to specifically in the document.
- 6.45 Following the Issues and Options consultation exercise the preferred Options are being drafted and these will be consulted upon in an exercise commencing in June 2015.

Richmondshire Local Plan 2002

- 6.46 All the strategic elements and most of the 'saved' policies of the Richmondshire Local Plan have been replaced in the Core Strategy, 2014. This is certainly the case with regard policies relevant to this ROMP application.

Richmondshire Local Plan 2012-2028, Core Strategy

- 6.47 The Richmondshire Core Strategy (adopted December 2014) is the relevant Local Development Plan for this area, although it does not directly address minerals planning, which is a 'county' matter. The document replaces the strategic elements and most of the 'saved' policies of the Richmondshire Local Plan 2002, and reflects the common theme and the presumption in favour of sustainable development set out in the NPPF. Since this document was adopted following the publication of the NPPF, it is understood to be compliant with the National Guidance.
- 6.48 The Policy Framework for the district begins with the Spatial Principles which give geographical structure to the overall strategy for the plan area. The Lower Wensleydale Spatial Strategy element of the document encompasses the two ROMP sites in Wensleydale. Spatial Principle 3, 'Rural Sustainability', outlines the need of the Council to strike a balance between growth and protecting the countryside when promoting local distinctive rural communities.
- 6.49 Core Policy CP3, 'Achieving Sustainable Development', seeks to bring together primary considerations. Proposals should seek, amongst other aims, to promote a positive planning framework for sustainable economic growth; the conservation of scarce resources and reduction of their use; the character and quality of local landscapes and the wider countryside; and the historic, environmental and cultural features of acknowledged importance. The previous references to the 'Area of Great Landscape Value' in this valley, protected by 'saved' Policy 7 of the 2002 Local Plan, have been deleted.
- 6.50 Core Policy CP12, 'Conserving and Enhancing Environmental and Historic Assets', stresses the major concern as to these elements of the plan. Development will not be supported where it has a detrimental impact upon the significance of a natural asset. The landscape character of the area will be maintained, enhanced and, where appropriate, restored to ensure a sustainable future for the natural and historic environment. Heritage assets should be conserved in a manner appropriate to their significance and where appropriate enhanced. Consideration of proposals will also need to take account of the objective of securing the long term existence of the heritage asset.
- 6.51 The integrity of the Natura 2000 sites shall be maintained and protected. The document goes on to stress that "*Development or other initiatives that have the potential to adversely affect the integrity of these sites, either in isolation or in a combination with other development, plans or strategies, will not be supported unless it can be demonstrated that the legislative provisions to protect such sites can be fully met*".
- 6.52 Whilst the new document makes reference to Natural England's Joint Character Areas: 'the North Yorkshire and York Landscape Characterisation Project', there is no reference to the HMRC's Inheritance Tax Exempt land in a landscape context.

7.0 Planning Considerations

- 7.1 The Review of Old Mineral Permission (ROMP) submission that is the subject of this Report is a very major and complex scheme that has been in the planning regime for sixty plus years, a fact which gives rise to a wide range of issues. 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 case the matters for consideration include the Principle of the Development, Landscape, Hydrology and Hydrogeology, Ecology, Cultural Heritage, Public Rights of Way, Noise and Traffic. The overall planning balance is assessed in the following Section (8) dealing with conclusions.

Principle of the Development

- 7.2 The Environment Act 1995 requires that existing mineral planning permissions granted before 22 February 1982, are subject to periodic review every 15 years either from the date of the previous review or from the date of the latest mineral permission.
- 7.3 This ROMP application has been prepared by the Agent on behalf of the operators Lafarge/Tarmac and Cemex. This single ROMP submission addresses two quarries, Wensley and Cote Pasture, which form part of the Wensley Quarries complex located on the northern valley side of the River Ure in Wensleydale. The complex was originally granted planning permission under an Interim Development Order (IDO) in 1947, covering an area of approx 322 ha. The original IDO was not the subject of a time limit for extraction, or any planning conditions. Section 22 and Schedule 2 of the Planning and Compensation Act 1991 gave the County Planning Authority the power to impose planning conditions upon the operation of the complex. Three separate decision notices were issued by the County Planning Authority on 26 June 1995, with three separate sets of conditions.
- 7.4 As the IDO conditions were approved in 1995, a periodic review was due in 2010, however, no notice in accordance with Section 96 and Schedule 14 of the Environment Act 1995 was served. Consequently, both Lafarge/Tarmac and Cemex applied to the County Planning Authority to extend the deadline for the submission of proposed conditions and supporting environmental information. The request was granted and the ROMP was submitted on 11 October, 2012.
- 7.5 For the current ROMP, the two Applicants have taken legal advice as to their approach to the process, which indicates that the issuing of separate decision notices and consequently planning conditions is legally flawed under the 1995 Environment Act. This situation was addressed in the Scoping Opinion issued by the County Planning Authority in November 2011, which re-emphasised the joint approach to the ROMP, with the production of one planning submission and an overarching Environmental Statement that covers both sites.
- 7.6 Consequently the current review relates to 48.6ha of planning permission C1/83/47A/IDO(i), which covers part of the Cote Pasture Quarry site, and 16.6ha of planning permission C1/83/47A/IDO(ii), which covers part of the Wensley Quarry site as one submission, with one set of draft conditions. The ROMP submission and accompanying Environmental Statement explains that the documents focus in detail on the phases in both quarries to be worked over the next 15 years (65.2ha), but at the same time consider the long term strategic issues of the Wensley Quarries

complex (322 ha). This approach was agreed by the County Planning Authority in the Scoping Opinion issued in November 2011.

- 7.7 As stated in MPG 14, it is for the land and minerals owners to demonstrate a commitment to raising standards by operating as good environmental neighbours in an environmentally sustainable manner and submitting sensitive schemes of conditions. Equally, Mineral Planning Authorities (MPAs) should note the Government's expectations that, in relation to active sites, generally, conditions should not be imposed which would prejudice adversely to an unreasonable degree, either the economic viability of operating the site or the asset value of the site.
- 7.8 Against this background, the ROMP submission has been submitted by the Applicant's Agent and then assessed by the County Planning Authority (the MPA), so as to achieve the highest standards of operation and restoration without unreasonably prejudicing the future operation of the two sites for the two owners.
- 7.9 However, there are a number of material considerations which have to be assessed and these are set out in the following paragraphs.

Landscape

- 7.10 At the time of the application the two sites were located within the former Pennine Fringe Area of Great Landscape Value, as designated by the Richmondshire District Council Local Plan (2002), which covered a large area outside of the Yorkshire Dales National Park. This put the landscape value of the area surrounding the Wensley Quarries complex as high. The present landscape value is not 'identified' at the local level in the Core Plan and refers to the Natural England document at a strategic level. There are two published landscape studies that provide a strategic assessment of the area, these are the "Character of England Project" (1999), and now under the custody of Natural England, and "The Yorkshire Dales National Park Landscape Character Assessment" (2001). Both of these studies have been referred to in the ROMP submission and are relevant, but are considered by the case officer as to be dated and of a strategic value only.
- 7.11 During the assessment of the ROMP submission it was also ascertained that a large part of the landscape in and around the Wensley and Cote Pasture Quarries was designated as Inheritance Tax Exempt land in an effort to conserve national heritage assets, their settings and surroundings. This is a landscape designation recognised as being significant by Natural England, but presently has no land use planning status and is not identified on the new Development Plan proposals map.
- 7.12 A Landscape and Visual Impact Assessment of the two sites has been undertaken as part of the Environmental Statement (ES) on behalf of the Applicants, which aims to identify and assess the significance of the likely landscape and visual impact of the next 15 years of extraction upon the sites and surrounding area. The Assessment also gives consideration to the long term effects of the restoration of the site. The Assessment concluded that the continuation of limestone extraction at Wensley Quarry, and the commencement of extraction at Cote Pasture Quarry as a continuation of extraction at Black Quarry, would alter the character of the landscape. This alteration is tempered by the fact that the act of quarrying, and the restoration of the sites, that follows where mineral extraction has taken place, is already taking place extensively in the area in a tolerable manner. The principle of the controlled development in this location with mitigation measures has, therefore,

been accepted, such that the change in the landscape is not considered to give rise to significant adverse effects.

- 7.13 The NYCC Principal Landscape Architect was of the view that, against the background of either existing dated landscape assessments or assessments undertaken at a strategic level, the absence of a local Landscape Character Assessment undermines a full appreciation, understanding and value of the local landscape in the preparation of a visual assessment for the two sites. Following further consultation with the Applicant's Agent and against the background of the ROMP procedure, the Principal Landscape Architect did, however, concede that within the context of an already permitted development, consideration has been given to minimising the effects of the next 15 years of extraction, but added that a method for continuing assessment should be identified.
- 7.14 Visual impact would be significant for the limited number of receptors in locations very close to the site, mostly from the network of Public Rights of Way in the area. Given their valley side locations and the contour height at which the quarries are worked there would be long distance views from the other side of the valley. There would also be a cumulative effect given the location of other quarries in the same area and the fact that each quarry had or has an extensive working period. However, once screening bunds are formed and advance planting matures, these impacts would reduce to a degree. The Principal Landscape Architect requested that areas on both sites should be considered for advance planting, taking the risk that eventually the trees may be felled. The level of advanced planting requested by the Principal Landscape Architect has not been agreed by the Applicant's landscape advisors, especially that requested at Cote Pasture, in order to avoid the sterilisation of mineral reserves, to safeguard the local ecology and because of the lack of effective screening the additional woodland planting would provide.
- 7.15 The extraction phases in each of the quarries would be progressively restored, helping to reduce the impact of the development on the landscape character and visual amenity of the area. The proposed restoration schemes include agricultural grassland and arable fields divided by dry stone walls. Changes have been made to the original and the proposed restoration scheme for Cote Pasture Quarry as submitted in October 2012. The amended scheme (Fig. 3.3CP – Drg. W4/111 Rev A), submitted on 20 March 2014, promotes a more open aspect to the agricultural grassland by the omission of certain tree planting, especially on the field boundaries, thereby making the area more compatible with the designated ecological areas located to the north of the site. However, it was still considered that further measures to increase the ecological value of both sites had been missed, but the restrictions of previously agreed schemes and land ownership were acknowledged.
- 7.16 The Principal Landscape Architect requested that a condition be attached to any future ROMP approval requiring the development of a Landscape Character Assessment (LCA) baseline to support the long term ROMP process. The case officer does not consider that this request is reasonable, a point conceded by the Principal Landscape Architect in the consultation response dated 5th December 2013.
- 7.17 At the beginning of the assessment of this ROMP submission, given the scale of the landscaping mitigation measures, it was anticipated that a Section 106 Agreement may be needed to cover the required implementation of an effective mitigation and enhancement scheme. This was subsequently found not to be the case later in the process.

- 7.18 As part of the above considerations, there presently exists an objection to the ROMP submission from the Principal Landscape Architect due to the lack of enhancement of the landscape in the area and the limited mitigation measures relative to landscape and visual impact.
- 7.19 For these reasons it is, therefore, considered that with regard to 'saved' Policy 4/1 criterion f) of the North Yorkshire Minerals Local Plan, that the ROMP submission is neutral in its compliance.
- 7.20 However, it is considered overall that the proposals are consistent with the guidance provided in the NPPF and the PPG, and are compliant with 'saved' Policies 4/1 criterion c), d), g) and i), 4/18 and 4/20 of the North Yorkshire Minerals Local Plan and Policies CP3 and CP12 of the Richmondshire Local Plan Core Strategy, 2014.

Hydrology, Hydrogeology

- 7.21 The River Ure runs from west to east in the bottom of Wensleydale. Many streams issue off the higher ground on both sides of the valley and flow north and south to the River Ure. Two such streams issue from within or close to the site boundaries and then flow through the sites.
- 7.22 The two elevated quarry sites located on the northern slopes of the valley, are relatively dry whereby the majority of the surface water permeates into the underlying soil and once the water levels reach field capacity, percolates into the underlying limestone through preferential fracture flow paths. An underground fracture flow was discovered at Walshford Farm to the east of Cote Pasture Quarry and has two registered abstraction boreholes, relied upon for agricultural purposes. Underlying the southern part of Cote Pasture quarry is a minor aquifer of high vulnerability, which is classed as a highly sensitive receptor.
- 7.23 The sensitivity of the groundwater varies across the two sites. The base of excavations on both sites are above the water table. A ditch runs from the western face of Wensley Quarry northwards to take ground water issuing from the face to the point where it collects in the north west corner of the proposed future working area. This water will be retained here by increasing the levels on the eastern edge of the lake and it will filter into the ground water. There is also an existing stream that runs through the proposed working area, the western end of this has been diverted. As extraction progresses more of this stream will have to be diverted and in such a way as to ensure that the water is retained within the new channel.
- 7.24 During the excavation of the northern section of Black Quarry in 2002, close to the boundary with Cote Pasture Quarry, an underground fracture flow was encountered, creating a spring. As a consequence a precautionary approach to drainage has been developed for the Cote Pasture Quarry.
- 7.25 Therefore, there is the potential to create an environmental impact outside the normal effects associated with an extraction site through:
- changes in the water patterns of the sites. Interception of fractured flow paths may alter the groundwater flow regime and restoration may inhibit this without appropriate water management; and
 - deterioration of water quality and quantity within local private water abstraction boreholes, such as Walshford Farm, due to upstream fracture flow interception.

- 7.26 Consultation responses from the Environment Agency (EA), The Royal Society for the Protection of Birds (RSPB), the NYCC Ecology advisor and Natural England (NE) early in the determination of the ROMP submission programme all expressed concern as to the effect the proposed development would have on the hydrology of the area and as a consequence the designated areas located to the north of both quarries. This concern was addressed by the Applicant's Agent through re-emphasising the information contained in the ES and the simple fact that the Wensley and Cote Pasture Quarries were located 'down stream' at a lower level to the designated sites of concern and, therefore, would have no significant effect upon them. There would be no surface water run off and associated sediment or pollution impacts. Underground streams may be intercepted, but these streams flow by gravity and the extraction of rock will not increase the rate of flow downstream and, therefore, not cause the dewatering of designated sites located upstream of the quarries.
- 7.27 The two sites have been assessed for the potential impact on the water resources throughout the lifetime of the extraction operations. The assessments show that there are a number of sensitive receptors within the vicinity of the sites, although intervening distance and location reduces the magnitude of the effect.
- 7.28 Building on the existing water monitoring and data gathering regimes at one or other of the quarries, there is a requirement for ground water monitoring and a Water Management Plan, with a built in contingency plan, to be put in place. Should this be done and acted upon, the likelihood of an adverse impact upon the groundwater is reduced and, therefore, the impact post mitigation is also reduced.
- 7.29 The restoration concept masterplans established the general restoration principles for both quarry sites (see Fig 3.3W - Drg W4/110 and Fig 3.3CP - Drg W4/111 Rev A, amended 20 March 2014 attached to this report). Restoration of Wensley Quarry will involve the creation of lakes and seasonal wet grassland in the north western and eastern corners of the extraction areas. The water levels of the lakes will vary seasonally. At Cote Pasture Quarry streams that may be exposed during extraction have been identified indicatively as forming a series of pools, surrounded by wet grassland, for surface water attenuation along the north eastern edge of the quarry. The water levels of the stream and pools will, again, vary with the seasons. The streams in Cote Pasture Quarry could flow into Black Quarry with the water eventually discharging to the south of that quarry, via the existing discharge point, towards Leyburn Shawl. The detailed restoration of both sites will be informed by the preparation of the Water Management Plan, developed following further monitoring of the sites.
- 7.30 An approved Water Monitoring Scheme already exists at Wensley Quarry. In planning permission C1/83/47A/IDO (ii), which covers the majority of the Wensley Quarry site, existing condition 19 required the submission of a surface water and ground water monitoring scheme, including details of any necessary mitigation measures to protect water resources. Existing condition 20 required information on the extent of any dewatering to be submitted for approval. Existing condition 21 required details of foul and surface water drainage and existing condition 23 requested details as to how fuel storage facilities were to be secured from spillage via screen bunds also to be submitted. Schemes have been submitted previously to discharge existing conditions 19, 21 and 23, however, as no dewatering has been required, no information has been submitted in accordance with existing condition 20. No groundwater monitoring boreholes are located at Wensley Quarry.

- 7.31 There are similar conditions as outlined above, that relate to Cote Pasture Quarry contained within planning permission C1/83/47A/IDO (i), but these have not been discharged. However, there are six boreholes located in the vicinity of Cote Pasture Quarry, which are presently monitoring operations relative to Black Quarry.
- 7.32 Planning conditions have been drafted in section 9 of this report as part of this ROMP procedure, that provide mitigation measures that address the concerns and reflect the needs of consultees, such as the EA, on both sites. The attachment of these conditions to any future planning permission on these quarry sites would allow the original reservations to the proposals to be withdrawn.
- 7.33 Therefore, it is considered that due to the method of working proposed, the safeguards that will be put in place especially with regard to cumulative impact, the proposed development would not have an unacceptable impact on surface or ground water resources, the local environment or nature conservation habitats. The proposal is, therefore, consistent with guidance contained within the NPPF and PPG, and is compliant with 'saved' Policies 4/1 criterion c), e) and i), 4/6A, 4/10 and 4/14 of the North Yorkshire Minerals Local Plan and Policy CP3 of the Richmondshire Local Plan Core Strategy 2014.

Ecology

- 7.34 The proposed area of working over the next 15 years in the Cote Pasture Quarry consists mostly of improved grass leys and arable grassland bounded by fences and dry stone walls. There is one acid grassland field established to the north of the proposed working site, in an area of old lead mining. Ecological sensitivities over much of the site are, therefore, low. There are no statutory designated conservation sites located within the site boundary.
- 7.35 The Wensley Quarry site is an existing operational site with areas of restored quarry land located at the western edge of the future extraction area. The proposed area to be worked over the next 15 years in Wensley Quarry consists of largely poor semi-improved grassland, which is of low nature conservation interest. There are no statutory designated conservation sites located within the boundary.
- 7.36 Both sites have existing planning permissions with an end date of 2042.
- 7.37 Following the completion of the Scoping exercise and meetings with officers of NYCC, ecological surveys of the area undertaken as part of the Environmental Statement that accompanied the submission of the ROMP application, not only focussed on the 15 year working areas, but extended beyond this to gain an understanding of the context within the whole IDO site and its environs. It was noted that the area known as Preston Scar Quarry encompassed within the full boundary of the Wensley Quarry site was not to be worked in the future, the same as 'The Scars' escarpment in the south of Cote Pasture Quarry (see Fig 1.2 – Drg W4/102). Having undertaken those surveys, the subsequent impact assessment focused on assessing the significance of the loss of habitats in the 15 year working areas and not the whole of the IDO site, since large areas of this would remain undisturbed.
- 7.38 The internationally important North Pennine Moors Special Area for Conservation (SAC) and Special Protection Area (SPA) are located north of both quarries, although the extended proximity, as to their influence on the sensitive areas, of Cote Pasture Quarry has been recognised by officers at NYCC. These areas are important for upland bird assemblages. They coincide with nationally important

designations of the Lovely Seat - Stainton Moor Site of Special Scientific Interest (SSSI) and there are also a number of Sites of Interest for Nature Conservation (SINCs) in the form of Ancient Woodland in the area, such as the Preston Under Scar Complex (including Gillfield Wood), Warren Wood (Leyburn) and parts of Black Quarry.

- 7.39 Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010, the County Planning Authority has to undertake an Appropriate Assessment (AA) to consider the implications of the proposal at the Wensley Quarries complex on the North Pennine Moors SAC and SPA. The conservation objectives for these European sites are to maintain and restore the following, subject to natural change;
- the extent and distribution of qualifying species;
 - the structure and function of qualifying natural habitats;
 - the supporting nature of qualifying habitats; and
 - the populations of qualifying species.
- 7.40 Also NYCC is required to undertake an ecological review of all previous permissions under Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2010, since the current permission on the Wensley Quarries complex pre-dates the SPA and SAC designations. The review should cover the whole of the IDO site, approximately 322ha, within the Wensley Quarries complex, which would put the whole site in context and not just the areas in which development is proposed to take place over the next 15 years.
- 7.41 Natural England emphasised that if the advice provided in their consultation response relating to the SSSI is not taken on board, according to Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended), the duty will be placed upon the authority to;
- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) the authority has taken account of Natural England's advice; and
 - Shall not grant a permission which would allow the operations to start before the end of 21 days, beginning with the period of that notice.
- 7.42 The RSPB formally responded on 6 December 2012 and objected to the ROMP submission, because of the sensitive nature of the area and the fact that, in their opinion, insufficient information had been provided to allow the Council, as the 'Competent Authority', to determine whether the scheme would have no adverse impact on the integrity of the area.
- 7.43 An Appropriate Assessment Screening Stage 1 (Wensley and Cote Pasture Quarry, Review of Old Mineral Permissions) was submitted to Natural England on 30 April 2013 by the County Planning Authority. The conclusion at the end of the Screening Stage 1 submission, as drafted by the NYCC Ecological advisor, was that it was evident from existing information provided in the ROMP submission that there will be no significant impact to the North Pennine Moors SAC or SPA arising from quarry operations proposed at the Wensley and Cote Pasture Quarries. It was considered that there was no requirement to continue the Appropriate Assessment into Stage 2 and beyond. It was considered by the NYCC Ecological advisor that, due to the dormant nature of quarry activity in large areas of the Wensley and Cote Pasture Quarries and the different ecological backgrounds to these areas, that the submission of the Regulation 61 Appropriate Assessment Screening Stage 1 to Natural England and its conclusion would also satisfy the same process for the Regulation 63 requirements.

- 7.44 Following extensive communication and dialogue with Natural England and amendment to the proposed scheme at Cote Pasture Quarry by the Applicant (Cemex), the NYCC Ecological advisor submitted an amended Appropriate Assessment on 21 March 2014. This Appropriate Assessment came to the same conclusion as the original submission. Natural England responded on 25 April 2014, agreed with the scope of the Appropriate Assessment as detailed for the ROMP area and considered the avoidance/mitigation proposals appropriate for the site. It was confirmed by the case officer on 6 May 2014, that Natural England had withdrawn its objection to the ROMP submission as to the impact it may have on both the SSSI and the Natura 2000 in relation to Section 61 of the Conservation of Habitats and Species Regulations 2010.
- 7.45 It should be noted that the outstanding objection as submitted by the RSPB in 2012, based on the same information, has not been withdrawn due to their continued concern as to the proposed amended restoration plan.
- 7.46 With regard to the sites themselves, it was felt by the NYCC Ecological advisor that they are currently of low ecological value, but the proposed scheme of restoration for either site does not take advantage of opportunities available to provide well connected areas of high quality habitat. However, the constraints that the Applicant's are working under are acknowledged, especially with regard to the landowners wishes for the end use of the sites to be agriculture. It was also clarified that whilst the ROMP submission was addressing the next 15 years of extraction and restoration to 2029. Both sites have planning permission for extraction until 2042 and the Applicants are committed to managing the habitats created on the site for the full length of the permission.
- 7.47 It is, therefore, considered that the proposed development, because of the method of working and restoration, the safeguards put in place, the protection of nature conservation and habitats and the aftercare proposed, is consistent with guidance contained within the NPPF and PPG, and is compliant with 'saved' Policies 4/1 criterion c), e), f) and g) and 4/6A of the North Yorkshire County Council's Minerals Local Plan and Policy CP3 of the Richmondshire Local Plan Core Strategy 2014.

Cultural Heritage

- 7.48 Both sites have planning permission for extraction. The principle of mineral development in these two quarries has been established. However, the sites have in the immediate surroundings, and within them, key archaeological features. These include Scheduled Monuments, such as the Keld Heads Smelt Mill and Mine Complex to the south-west of Cote Pasture Quarry, the Cobscar Mill complex to the north-west of Wensley Quarry, Castle Bolton is located 2km west of Wensley Quarry and the churches and halls of the surrounding villages. There is further evidence of lead mining contained within the two quarries. Linking the two Scheduled Monuments and continuing into the Wensley Quarry site is the flue (horizontal chimney) of the Mill, which is Scheduled for the first 250 metres (which lie outside of the site boundary). The remaining part of the flue is of equivalent significance to designated heritage assets. This is because there is a high potential for early mining remains to be located within the red line boundaries of the site. Wensley Quarry also contains significant evidence of Mesolithic activity. The area was inhabited throughout the Bronze Age, with records of Roman, Anglo Saxon and Medieval finds. All these features are identified on Figure 10.2 in the Environmental Statement.

- 7.49 Because of these features there is reason to believe that heritage assets will be affected by extraction in the new phases outlined and, despite the sites already having planning permission for extraction, there is a need for a full assessment of their historic interest. The assessment undertaken so far by the Applicant's advisors has involved the collection of existing information to assist in considering the assessment of the likely or potential impact of the development on the historic environment. The Environmental Statement (ES) has outlined what recording may be undertaken to advance understanding the significance of the historic environment prior to development commencing. Appendix 10.2 of the ES provides a brief for a Written Scheme of Investigation that will be undertaken before and during extraction.
- 7.50 NYCC's Archaeology advisors did not feel that the impact of the development and the significance of the features had been adequately assessed in the ES. Due to this it was requested that the application would not be determined until the effect of mineral extraction had been clearly defined and a robust mitigation strategy put in place. This stance was supported by English Heritage, who at the time requested that the application be refused or deferred until an adequate assessment of the heritage assets was undertaken and a robust mitigation strategy put forward to offset the loss of a non-designated asset of archaeological interest that is demonstrably of equivalent significance to a scheduled monument. English Heritage also explored the opportunity of linking the loss of onsite heritage assets with the better interpretation of those outside the site, with mitigation funding being attained via a Section 106 Legal Agreement.
- 7.51 Information supplied in the form of an existing 1995 Archaeological Assessment (Archaeological Practice), a new Cultural Heritage Addendum Report dated February 2013 (Archaeological Research Services Ltd), a response to both these documents and the provision of an Options Appraisal dated February 2013 from English Heritage's advisors (Atkins) and further comments from the Conservation Officer at the National Association of Mining History Organisations were received by NYCC's Archaeology advisor. Following further discussions between the Applicant's Agent, consultees and NYCC, NYCC's Archaeology advisor responded on 3 April 2013 stating that a detailed strategy is required to fully mitigate the impact of the removal of the flue itself and the effect this would have on the associated Scheduled Monuments.
- 7.52 The Addendum Report (Feb 2013), referred to above, provided 2 Options as to how the two sites were to be assessed with regard to cultural heritage and the mitigation measures that could be implemented. These two options and others were discussed by the various parties and eventually the first option, as detailed below, was accepted as the way forward;
- Level 3 survey of flue and 15 year working area (to include technical analysis by a lead industry expert);
 - Targeted excavation on two segments of the flue to record the profile, building technique, phasing and any information concerning how it was used and operated and targeted sample excavation of any other special features of interest identified by the Level 3 survey; and
 - Provision of interpretation about the lead mining complex as part of the 'Heritage Trail' as already set out in the restoration proposals, including showing the original line of the flue and information on the lead legacy of the Yorkshire Dales.

- 7.53 Following the receipt of this information and agreeing the approach with the Applicants, the County Planning Authority confirmed the withdrawal of the objection of English Heritage to the ROMP application on 19 September, 2013.
- 7.54 Further information provided by the Applicant's Agent relative to the level of archaeological assessment to be undertaken on the site and the provision of the 'Heritage Trail' was submitted on 5 November 2013 and 28 July 2014 respectively. The NYCC Archaeology advisor responded on 18 November, 2013 stating that it was considered that the two WSI addendums to Appendix 10 of the ES (dated February and November 2013), together with the Appendix itself, provided a suitable mitigation strategy for the proposed development.
- 7.55 Given this information re the amenity safeguards and the appropriate references in planning conditions attached to any future permission, it was considered that a robust mitigation strategy was in place and through aspects, such as the 'Heritage Trail', the interpretation of the features identified had been improved. A Section 106 Agreement, addressing a financial contribution to this work and other off site cultural heritage opportunities was not considered necessary, as matters were no longer relevant or could be addressed through planning conditions. The guidance in the NPPF concerning features of equivalent significance to designated heritage assets had been adequately addressed. Consequently, the objection of the NYCC Archaeological advisor was withdrawn on the 20 October 2014 and the ROMP submission could be determined.
- 7.56 It is, therefore, considered that the proposals are consistent with guidance provided within the NPPF and PPG, and are compliant with 'saved' Policies 4/1e) and 4/14 of the North Yorkshire Minerals Local Plan and Policy CP3 of the Richmondshire Local Plan Core Strategy.

Public Right of Way

- 7.57 The Wensleydale Valley is an important recreational walking and cycling area and both quarry sites have Public Rights of Way surrounding them that interconnect with the local villages and amenities. Footpath No 20.54/2/1 passes through the area to be extracted in the next 15 years in Wensley Quarry, linking Preston under Scar with Broomer Rigg. Footpaths Nos 20.40/24/1 and 20.70/4/5 run through the area to be extracted over the next 15 years in Cote Pasture Quarry, linking Tullis Cote with Bellerby Camp. All three footpaths will need to be diverted before extraction commences. The diversions are to be permanent due to the level differences when the extraction areas are restored following operations. There are also footpaths (Nos 20.56/15/1 and 20.54/4/1) and extensive open access land to the north of Wensley Quarry.
- 7.58 The Environmental Statement has addressed noise, air quality and visual elements of the proposed development and identified that there would be significantly adverse visual impacts on the users of the diverted Public Rights of Way that currently run through the proposed working areas and those located to the north of Wensley Quarry. It is proposed to mitigate these open views by advance planting and the provision of screening mounds where appropriate. However, this mitigation will have limited effect, with the distance from the quarry floor/working faces and the difference in levels with the quarry floor being of greatest benefit to mitigate the effect of quarrying. The footpaths in the area are to be enhanced with the provision of 'Heritage Trail' interpretation boards linked to the local industrial archaeological

features of note, with work commencing on the enhancement during the extraction period.

- 7.59 No objection was received from the County Public Rights of Way Team. 'Saved' Policy 4/15 of the North Yorkshire Minerals Local Plan states that any proposals that will affect the Public Rights of Way will only be permitted where satisfactory provision has been made in the application for protecting the existing Rights of Way or providing an alternative, both during and after working. Whilst the proposals will have an impact on the users of the Public Rights of Way identified and their recreational amenity, they are not considered to be unacceptable to render the proposals in conflict with policy. Plus the 'Heritage Trail' improvements will be a bonus to the directly and indirectly affected Public Rights of Way.
- 7.60 It is, therefore, considered that the proposals are consistent with guidance within the NPPF and PPG and comply with 'saved' Policy 4/15 of the North Yorkshire Minerals Local Plan.

Transport

- 7.61 Access to the operational Wensley Quarry site is already established, with HGVs and site workers entering the site from the C34, known as Scarth Nick Road. It is proposed to extract 450,000 tonnes of limestone from this quarry over the next 15 years and this will generate 130 traffic movements (in and out) per day. Direct access to the non operational Cote Pasture Quarry has not been established as yet and during the initial phases of extraction access will be taken indirectly from Black Quarry, before a direct access is established off Moor Road/Whipperdale Bank during phase 1 of the operation. Extraction of aggregates in Cote Pasture Quarry could vary between 500,000 and 1 million tonnes over the next 15 years and so for assessment purposes it has been estimated that the quarry will generate 232 traffic movements per day (in and out) when operational. The limestone aggregate produced by both quarries has similar markets in the north east of England and west Yorkshire, but will get there via differing routes on the majority of occasions. The HGVs leaving Wensley Quarry will travel along Scarth Nick Road and the 'Tank' Road, through Catterick Garrison, to the A1. The HGVs leaving Cote Pasture Quarry will travel south easterly down Moor Road/Whipperdale Bank and then turn east, avoiding Leyburn, along the A684 to the A1 and A19.
- 7.62 The Transport Assessment included in the Environmental Statement has analysed existing traffic flows and highway accident records, and considered the effects on the area. The findings of the study were as follows;
- The continued working of the quarries would not produce any additional HGV traffic from that which is currently in operation;
 - NYCC has confirmed that there are no reported problems with HGV accidents on the local road network; and
 - The wheel washes and the fully surfaced access roads would prevent any mud tracking onto the roads and thus alleviate the risk of road accidents.
- 7.63 There is restricted access for loaded vehicles through the town of Leyburn, which is located to the east of the Wensley Quarries complex. The existing planning permission for Wensley Quarry has two planning conditions attached which endeavour to restrict the movement of HGVs along unsuitable minor roads in the immediate area. Vehicles travelling along the C34 road at Scarth Nick and Sissy Bank, which is south-west from the Wensley Quarry site access, are restricted to an unladen weight of 1.5 tonnes. The road from Bellerby Camp to Leyburn, also carries

this restriction. The weight restrictions on the HGVs and the routes that they may travel, are supplemented by the requirement for road signs to be displayed at the quarry exit indicating clearly the routes to be avoided. Both of these restrictions have been maintained in the proposed revised conditions.

- 7.64 It is considered that the proposals will have no material impact on the adjacent highways network. Mitigation can be delivered through the proposed planning conditions. 'Saved' Policy 4/1h) of the North Yorkshire Minerals Local Plan requires the transport links to move the minerals to market are acceptable, which is the case for both of these facilities, with Wensley Quarry being operational and Cote Pasture being a continuation of the Black Quarry operation for Cemex. 'Saved' Policy 4/13 will also be complied with as the traffic movements can be accommodated on the local highway network and would not cause undue disturbance to local communities. It is, therefore, considered that the proposals are consistent with guidance within the NPPF and PPG, and comply with 'saved' Policies 4/1h) and 4/13 of the North Yorkshire Minerals Local Plan.

Noise

- 7.65 The Wensley and Cote Pasture Quarries are located in quiet rural locations on the edge of the Yorkshire Dales National Park. Well established quarrying activities on these two, and other similar sites in the area generate a noise climate against a quiet rural background. The main source of noise is the fixed plant processing the limestone extracted from the quarries, although there are secondary cumulative sources in the mobile plant and the HGVs taking the mineral away from the sites and then returning. The present planning permission for Wensley Quarry (reference no C1/83/47A/IDO (ii)) has conditions, numbers 14 and 15 attached, which allow for noise emissions, excluding soil and overburden movements, that cannot be exceeded at certain levels, at 4 specific locations. There are presently no planning conditions covering noise contained within planning permission reference no C1/83/47A/IDO (i). No noise complaints had been received relative to the quarrying operations on either site.
- 7.66 The Applicant has submitted a ROMP application which is accompanied by an Environmental Statement (ES), which includes in section 11 a Noise Emissions Assessment. The Assessment considers the potential impact of the continued development of the Wensley Quarry and the commencement of extraction in the Cote Pasture Quarry on the current noise climate. The Assessment demonstrates that the recommended long term noise limit at noise-sensitive property, of no more than 10dB(a) above background during the day (0700-1900hrs), is achievable for both sites.
- 7.67 However, it is proposed that the coating plant at Cote Pasture Quarry is in operation from 05.30 everyday, except Sunday. The noise limit proposed in the ES for the Cote Pasture Quarry from 05.30/06.00 to 07.00 hours varies from 45dB(A) to 48dB(A) LAeq, depending upon which 1 of the 4 the receptors is identified.
- 7.68 Guidance contained in NPPF Technical Guidance March, 2012, the guidance in place at the time of the ROMP submission, stipulated a noise limit of 70db over a period of 8 weeks is acceptable as part of the nature of the activities on site, stating that *"Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term*

environmental benefits to the site or its environs". In addition, the NPPF Technical Guidance also suggests that 42dB(A) LAeq at noise-sensitive dwellings for the hours from 22.00 to 07.00. The latest guidance, the Planning Practice Guidance for Minerals, dated October 2014, stipulates that *"For any operations during the period 22.00-07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property"*.

- 7.69 The Applicant is of the view that the exceedance of the guidance is acceptable given the working precedent set by the presently operational Black Quarry, located to the south of Cote Pasture Quarry. Black Quarry currently operates between the hours of 06.00 to 18.00 Monday to Friday and 06.00 to 13.00 on Saturdays under planning permission, reference number C1/78/412/MR, dated 5 April 2000. There is no working on Sundays or Bank/Public holidays. There are exemptions for certain operations, which includes the roadstone coating plants, to these hours of operation. There are no known complaints relative to noise or hours of working from the operations at Black Quarry.
- 7.70 The EHO for Richmondshire responded on 13 November 2014 and made reference firstly, to the Planning Practice Guidance on Assessing environmental impacts from mineral extraction with respect to noise emissions (March 2014). The statement received from the Applicant's Agent dated 28 July 2014, relative to the 'unreasonable burden upon the business' was also acknowledged. The EHO concludes that the Applicant has produced no specific evidence as to circumstances which exist at this site to justify a small variation in the levels in the Planning Practice Guidance. The EHO, therefore, re-emphasises the previous recommendation received from the EHO in Richmondshire referred to in paragraph 3.74 of this Report and that by inference the ROMP submission is objected to, unless the proposed conditions are attached to any permission.
- 7.71 In the circumstances it is considered that conditions can be drafted that address the noise climate at both quarries, and especially at Cote Pasture Quarry, that are necessary and, with the present information provided by the Applicant, do not impose an unreasonable burden on the business.
- 7.72 It is, therefore, considered that the proposals can be consistent with the guidance within the NPPF and PPG and comply with 'saved' Policy 4/1 criterion d) and e) and 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan.

8.0 Conclusion

- 8.1 Planning permission currently exists for the extraction of limestone aggregate at Wensley and Cote Pasture Quarries in Wensleydale until 2042. Extraction has commenced at Wensley Quarry. The Review of Mineral Permissions (ROMP) procedure requires that the operators of long term mineral extraction sites should submit to the Mineral Planning Authority their existing permissions for development with updated methods of working, restoration and aftercare every 15 years. The submissions need to be accompanied by an Environmental Statement because of the significance of the development and invariably by a set of updated planning conditions, which put forward extensive mitigation measures that allow the operation to be implemented in an environmentally acceptable manner. The submissions should demonstrate a commitment by the operators to the raising of development

standards allowing them to work as good environmental neighbours in an environmentally sustainable manner.

- 8.2 The County Planning Authority, as the Mineral Planning Authority, whilst having the opportunity to assess the proposed development submission through the ROMP application, have to do so in a way that does not prejudice adversely the economic viability of the operation of the site or its asset value. The County Planning Authority received the Review of Mineral Permissions with an accompanying Environmental Statement in October 2012. This has been added to by the provision of additional information as outlined at the end of this report, in the Approved Documents list.
- 8.3 The two sites, Wensley and Cote Pasture Quarries are located in very sensitive areas, particularly from a landscape, ecological, hydrological, hydro-geological and cultural heritage point of view. The original submission made in October 2012 received objections and negative responses from the NYCC Principal Landscape Architect, the NYCC Ecological advisor, English Heritage, the NYCC Archaeology advisor, Natural England, the Highway Authority, the Richmondshire District Council Environmental Health Officer and the Royal Society for the Protection of Birds (RSPB).
- 8.4 No objections to the ROMP submission have been received from the neighbouring residential properties or from the general public. The operations at Wensley Quarry or Black Quarry have not been the subject of complaints to the County Planning Authority from neighbours or the general public over the last twelve months.
- 8.5 Over the past 24 months the objections from the statutory and non-statutory consultees referred to above have all been addressed to the point where the majority have been withdrawn. There is still an outstanding objection from the RSPB made initially on 6th December 2012 and specifically on 28 January 2015. There is one outstanding matter relative to the comments of the NYCC Principal Landscape Architect.
- 8.6 The general objection made by the RSPB was clarified in their letter dated 28 January 2015, whereby it was considered that the proposed amended restoration plan for the Cote Pasture Quarry still included features, areas of tree and woodland planting, that needed to be removed. The removal of the features was not requested by Natural England, nor supported by the NYCC Ecologist advisor. The inclusion of the features within the Cote Pasture Quarry was supported by the NYCC Principal Landscape Architect. Due to this isolated approach by the RSPB to the proposed restoration of the Cote Pasture Quarry site, it was considered by the case officer that this ground for objection was out-weighted by the benefits of the overall scheme proposed.
- 8.7 With regard to the landscape and visual impact of the proposed development over the next 15 years, the Principal Landscape Architect is concerned as to the lack of landscape enhancement at both Quarry sites and the lack of screening of mineral extraction activities at Cote Pasture Quarry. The ROMP guidance contained in MPG14 encourages operators to raise standards and to be good environmental neighbours focused on the extraction of minerals. In this instance it is not considered that the lack of provision of the additional woodland planting requested by the Principal Landscape Architect, so as to enhance the landscape, is of a significance relative to the environmental impact of the mineral extraction that would warrant either the refusal of the ROMP submission or the attainment of the woodland planting through a planning condition.

- 8.8 The screening of the mineral activities at Cote Pasture Quarry is a complex matter given the local topography and landscape features, and the phasing and timescales of extraction in the quarry. Again it is considered that the screening effect through the provision of additional woodland planting would not be of such significance to warrant either the refusal of the ROMP submission or the attainment of the woodland planting through a planning condition if it was not to be provided by the Applicant. The stance taken by the Principal Landscape Architect, an internal consultee to the Authority, is not considered to be an objection that would lead to the refusal of the application.
- 8.9 In conclusion, any potential impacts on the environment can be controlled and addressed through appropriate planning conditions. Therefore, there are not thought to be any material considerations in the form of significant harm as to why this ROMP submission should not be approved, in accordance with the NPPF.

9.0 Recommendation

- 9.1 Upon considering that the Environmental Statement, including further information submitted by the Applicants, including such information as is reasonably required to assess the environmental effects of the development and which the Applicants could be reasonably required to compile; and
- 9.2 Having taken into account the environmental information relating to this ROMP submission, namely the Environmental Statement, including further and other information submitted by the Applicants, and duly made representations about the environmental effects of the development; and
- 9.3 Having had due regard to the Human Rights Act, the relevant issues arising have been assessed as the potential effects upon those living within the vicinity of the application site, namely those affecting the right to peaceful enjoyment of one's property and the right to respect for private and family life and homes, and considering that the limited interference with those rights is in accordance with the law, necessary and in the public's interest.
- 9.4 As the proposed development is consistent with national guidance found within the NPPF and Planning Practice Guidance and compliant with 'saved' Policies 4/1 criterion c), d), e), f), g), h) and i), 4/6A, 4/10, 4/13, 4/14, 4/15 and 4/18 of the North Yorkshire Minerals Local Plan and Policies CP3 and CP12 of the Richmondshire Local Plan Core Strategy, it is recommended that **PLANNING PERMISSION BE GRANTED** for the purposes of the Review of Old Mineral Permissions on land at Wensley and Cote Pasture, Richmondshire subject to the conditions below:

Proposed Planning Conditions for Reviewed Permissions C1/83/47A/IDO (i) and C1/83/47A/IDO (ii)

A single set of conditions has been prepared, the majority of which apply to both quarry sites. Where the conditions apply to just the one site this has been identified at the end of the list.

The development

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

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

- 2 The development hereby permitted shall not be carried out except in accordance with the details contained within the ROMP submission dated 11 October 2012, the accompanying Environmental Statement (dated October 2012), Addendum to the Updated Archaeological Written Statement of Investigation (received 5 November 2013), Amended Appropriate Assessment Screening Stage 1 (Wensley and Cote Pasture Quarry, Review of Old Mineral Permissions), dated 21.03.14, as forwarded to Natural England on 07.04.14, the following plans:

- 15 Year Working Area – Cote Pasture Quarry – Figure 3.1CP, Drg W4/109;
- 15 Year Working Area – Wensley Quarry – Figure 3.1W, Drg W4/108;
- Phase 1 Cote Pasture Quarry – Figure 3.2 CP, Drg W4/143;
- Phase 3 Wensley Quarry – Figure 3.3 W, Drg W4/142;
- Amended Cote Pasture Quarry Restoration Masterplan – Figure 3.3 CP – Drg W4/111 Rev A, Received 20.03.14;
- Wensley Quarry Restoration Masterplan - Figure 3.3 W – Drg W4/110.
- Heritage Trail - Figure 20 - Drg 10847/11, received 25.09.14; and
- Cross Sections – Visibility Proof 1, 2 and 3 received 14.11.14

and the approved documents list, saved for any amendments made pursuant to the conditions below.

Reason: To ensure that development is carried out in strict accordance with the ROMP submission;

- 3 No sign or notice board shall be erected at the quarry accesses except in accordance with details which have received the prior written approval of the County Planning Authority.

Reason: To ensure a satisfactory form of development;

- 4 No rock or aggregate shall be imported into any part of the quarry for stockpiling, processing or any other purpose except with the prior approval of the County Planning Authority.

Reason: To ensure a satisfactory form of development;

- 5 Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any other order revoking and re-enacting that Order), no plant or buildings shall be erected on the site or on adjoining land in connection with the development except with the prior grant of planning permission.

Reason: To ensure that development is carried out in strict accordance with the ROMP submission;

Time Limits

- 6 The permissions (C1/83/47A/IDO (i) and C1/83/47A/IDO (ii)) authorise the extraction of limestone only until 21 February 2042. All plant, machinery and buildings shall be removed from the site and the site restored in accordance with the approved scheme within 2 years of the completion of mineral extraction or 21 February 2044, whichever is the sooner.

Reason: To ensure a satisfactory form of development;

Access and Highways

- 7 The access road from the site to the public highway shall be kept clean and maintained in a good standard of repair, free of potholes until the completion of mineral working, restoration and aftercare of the operation, to the satisfaction of the County Planning and/or the Highway Authority.

Reason: In the interests of highway safety and safeguarding the local environment;

- 8 All loaded vehicles leaving the site shall be sheeted before entering onto a public highway.

Reason: In the interests of highway safety and safeguarding the local environment;

- 9 Precautions, including if necessary the provision of wheel washing facilities, shall be taken and maintained to ensure that all vehicles leaving the site are in a clean condition, such that no dirt and/or mud are deposited on the public highway by vehicles travelling from the site. Any wheel washing facility so required by the County Planning Authority shall be regularly cleaned out and maintained in full working order. All vehicles involved in the transport of materials from the site shall be thoroughly cleaned before leaving the site so that no material is deposited on the public highway.

Reason: In the interests of highway safety and safeguarding the local environment;

Working programme

- 10 Prior to the removal of any overburden and the extraction of minerals from any part of the site, all available topsoil and subsoil shall be stripped from that part and when direct placing is not possible, shall be stored separately from each other for future spreading, in accordance with the phasing plans.

Reason: To safeguard the soil resources at the site and in the interests of amenity;

- 11 All soil stripping, handling, storage and placement operations shall be undertaken in accordance with the detailed scheme set out in Sections 3 and 8 of the Environmental Statement dated October 2012.

Reason: To safeguard the soil resources at the site and in the interests of amenity;

- 12 The site shall be restored in accordance with detailed schemes of restoration and landscaping which shall be submitted to and approved in writing by the Mineral Planning Authority. Such schemes shall be submitted for approval 12 months before the cessation of quarrying in the working area of either Wensley or Cote Pasture, identified as part of this Review. These schemes may be required to be submitted at different times according to the date of cessation of quarrying in each of these parts of the permission area.

The scheme shall include, amongst other matters, details of the following:

- a) The sequence and phasing of restoration showing clearly their relationship to the working scheme and surrounding landscape;
- b) Timing, phasing and method of replacement of top and sub soils;

- c) The ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;
- d) The machinery to be used in soil re-spreading operations;
- e) The final levels of the restored land;
- f) Drainage of the restored land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage;
- g) The reinstatement of the plant site by clearing plant buildings, machinery and concrete or brickwork, deep cultivation in both directions to remove rocks and other obstructions, replacing of subsoils and then topsoil previously stripped from the sites;
- h) seeding of restored areas with a suitable herbage mixture and the management and maintenance thereof; including separate details for the different habitat types e.g. acid grassland, calcareous grassland etc and engagement of specialist assistance;
- i) The details of walling, tree and shrub planting and management and maintenance thereof;
- j) The boundaries of the lakes to be left on conclusion of workings and the battering down of the restored banks of the lakes;
- k) A timetable for implementation;
- l) Details of the streams and associated wetland habitats to be left on conclusion of working and the management and maintenance thereof; and
- m) A programme of monitoring of the habitats created and associated species including details of the specialists required.

Thereafter the site shall be restored in accordance with such approved schemes or in accordance with such other schemes as may be subsequently approved in writing by the Mineral Planning Authority.

Reason: To ensure a satisfactory form of restoration and in the interests of general amenity;

- 13 No topsoil, subsoil, or overburden overlying the limestone shall be removed from the site.

Reason: To safeguard the soil resources at the site and in the interests of achieving a high standard of restoration;

- 14 Soils must be handled in accordance with the recommendations of DEFRA in the document 'Good Practice Guide For Handling Soils' (MAFF 2000), details of which can be found in section 8.4.4 of the Environmental Statement.

Reason: To safeguard the soil resources at the site and in the interests of achieving a high standard of restoration;

Environmental Protection

Noise

- 15 In keeping with the Planning Policy Guidance (2014), establish a noise limit of background (LA90,T dB(A) + 10Db(A) during the hours of 07.00 – 19.00 for all noise sensitive receptors (not just at the Cottages/Moor Farm receptors in relation to the Cote Pasture permission).

Reason: To protect residential and general amenity;

- 16 In keeping with the Planning Policy Guidance a noise limit of 42dB(A) LAeq at noise sensitive dwellings for operations undertaken between the hours of 22.00 to 07.00.

Reason: To protect residential and general amenity;

- 17 Except with the prior written approval of the County Planning Authority, the noise levels arising from the stripping, movement, placement or removal of soils and/or overburden material shall not exceed 70 Db (A) LA eq (1 hour) free field at noise sensitive properties and shall be limited to a maximum of eight weeks in any twelve months.

Reason: To protect residential and general amenity.

- 18 All other noise environmental aspects of the scheme on the sites shall be operated in accordance with the Noise Management Plan (Appendix 11.2 in the ES).

Reason: To protect residential and general amenity;

Blasting

- 19 No blasting shall be carried out on the site except between the hours of 0900 and 1600 on Mondays to Fridays; no blasting or drilling operation shall be carried out on Saturdays, Sundays or Bank and Public Holidays.

Reason: To protect residential and general amenity;

Water Management

- 20 Within 6 months of the date of this permission, details of foul and surface water drainage and interceptors shall be submitted for the written approval of the County Planning Authority. Thereafter, the drainage measures shall be installed in accordance with the approved details.

Reason: To prevent pollution of the water environment;

Contamination

- 21 No contaminated materials shall be brought onto and deposited on the site.

Reason: To protect the environment and in the interests of amenity;

- 22 Any facilities for the storage of oil, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be 110% of the capacity of all stored materials. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards into the bund. Arrangements shall be agreed in writing with the County Planning Authority prior to the disposal of any contaminated water from within the bund.

Reason: To protect the environment and in the interests of amenity;

Air Quality

- 23 Dust control measures for the quarry and quarry plant shall be implemented and maintained in accordance with the Dust Management Plan submitted with the application (Appendix 13.1 in the ES).

Reason: In the interests of dust control and to protect residential and general amenity;

Archaeology

- 24 The developer shall secure the implementation of a programme of archaeological works in accordance with the Written Scheme of Investigation submitted in the application (Appendix 10.2) and Addendums submitted in February and November 2013.

Reason: To provide for archaeological investigation and preservation.

Ecology

- 25 Checking surveys shall be carried out prior to the commencement of soil stripping and prior to each phase of working to ensure no badger setts have been established on site. If setts have been established or badgers are found to be foraging over the site a suitable mitigation strategy, should be devised and adhered to in full. All works to clear land will be completed in accordance with a strict herpetological and badger method statement. Full details of each methods statement are provided in Appendix 7.1 of the Environmental Statement. Monitoring wader surveys shall be carried out in each year prior to and after soil stripping in Wensley Quarry to investigate any effect upon waders. The results of these monitoring surveys shall be provided to the County Planning Authority along with any resulting changes to the wader mitigation and/or enhancement measures.

Reason: To mitigate against the possible minor adverse impacts on badgers and waders resulting from the development.

- 26 Felling of trees or clearance of scrub or soil stripping will not take place during the bird breeding season, unless a qualified ecologist has inspected the site immediately prior to the removal/stripping works taking place and confirmed there are no nests.

Reason: To prevent and mitigate against any disturbance to birds resulting from the development.

- 27 Checking surveys for bats of all quarry faces to be disturbed shall be carried out prior to their disturbance and the results to be given in writing to the County Planning Authority within 2 working days of inspection. Careful working practices should be employed to avoid harm to protected species (bats and birds) and set out in a method statement to be submitted in writing and agreed by the County Planning Authority prior to the commencement of the development.

Reason: To mitigate against the possible minor adverse impacts on bats resulting from the development.

Boundary and Site Management

- 28 Throughout the period of the operation, until such time as the restoration and aftercare of the site has been completed, all existing hedges, fences and walls, including gates around the perimeter of the site, shall be made stockproof and maintained. Where an operational boundary does not coincide with an existing stockproof fence, a fence of a suitable standard shall be provided.

Reason: In the interests of general amenity;

- 29 Measures shall be taken to control the growth of noxious agricultural weeds and necessary steps shall be taken to destroy such weeds at early stages of growth to prevent seeding.

Reason: In the interest of general amenity;

Aftercare

- 30 All trees and shrubs planted under the landscaping and restoration scheme approved under condition 12 shall be maintained for a period of five years following implementation of the scheme and such maintenance shall include the replacement of any tree which may die or become diseased.

Reason: To ensure satisfactory restoration and afteruse of the site;

- 31 Prior to the commencement of the restoration of each approved phase a detailed 5 year scheme of aftercare and agricultural drainage (if required) shall be submitted to the County Planning Authority for written approval. Aftercare and drainage of the site shall be carried out in accordance with the approved scheme which shall provide for such steps as may be necessary to bring the restored land to the required standard for use for agriculture or any other use as may be approved in writing by the County Planning Authority.

Reason: To ensure satisfactory restoration and afteruse of the site;

Annual meeting

- 32 An annual meeting shall be held between the County Planning Authority and the site operator at each operational area to review, working, restoration, landscape and aftercare issues. These shall include technical advisers as required and Statutory Consultees shall be invited to attend.

Reason: To ensure that development is carried out in strict accordance with the ROMP submission;

- 33 A copy of the ROMP permission and any agreed variations, together with all the approved plans, shall be kept at the site office at all times.

Reason: To ensure that development is carried out in strict accordance with the ROMP submission;

CONDITIONS FOR COTE PASTURE C1/83/47A/IDO(i) only, as identified in Figure 1.2 of the ES

The Development

- 34 The County Planning Authority shall be informed in writing 7 days prior to the commencement of operations associated with this planning permission.

Reason: To ensure a satisfactory form of development;

Blasting

- 35 Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 8mms-1 in 95% of all blasts measures over a 6 month period and no individual blasts shall exceed 12mms-1 as measured at the nearest vibration sensitive building. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface at the Cottages/Moor Farm.

Reason: In the interest of residential and general amenity;

Water Management

- 36 Within 24 months of the date of this permission, a Water Management Plan, including a scheme of monitoring for ground and surface waters and mitigation measures for the protection of maintenance of these water resources, shall be submitted (with, where necessary, detailed calculations) for the written approval of the County Planning Authority. Thereafter, operations shall be carried out at all times in accordance with the approved scheme. This will include the details of a contingency method of working should underground drainage be encountered.

Reason: To prevent pollution of the water environment;

Access and Highways

- 37 Details of the proposed access from the Highway shall be submitted for the written approval of the County Planning Authority 6 months before construction.

Reason: In the interests of highway safety and safeguarding the local environment;

- 38 The new access (and associated works) shall be constructed in accordance with the following requirements;

- a) Provision shall be made for the parking, turning, loading and unloading of all vehicles visiting the site. Such arrangements shall include provision for sheeting of loaded vehicles, satisfactory accommodation for the vehicles of staff and visitors and shall be completed before the new access is finally brought into use;
- b) Access gates shall be erected a minimum distance 20 metres back from the carriageway of the highway and shall open into the site;
- c) That part of the access extending 20 metres from the highway shall be at a gradient not exceeding 1 in 30;
- d) That part of the access extending from the vehicle wheel washing facilities to the highway shall be made up and surfaced, prior to the export of minerals from the site and thereafter maintained in good working order throughout the life of the site;

- e) Provision shall be made to prevent surface water from the site discharging on to the highway; and
- f) Visibility splays as may be agreed with the County Planning Authority shall be provided at the point of access before the access is finally brought into use. Thereafter the land enclosed by the visibility splays shall be kept clear of obstruction.

Reason: In the interests of highway safety and safeguarding the local environment;

Working Programme

- 39 Advance tree planting along the roadside boundaries shall be undertaken in accordance with Figure 3.4 CP of the ES. The planting to take place during the first full planting season immediately following the date of determination of the conditions contained therein or such other time as may be agreed in writing with the County Planning Authority. All trees and shrubs planted shall be maintained in accordance with good forestry practice, to include the replacement of any tree which may die or become diseased within 5 years of planting.

Reason: To improve the appearance of the site in the interests of visual amenity;

- 40 Prior to the removal of any overburden and the extraction of minerals from any part of the site, all available topsoil and subsoil shall be stripped from that part and when direct placing is not possible, shall be stored separately from each other for future spreading, in accordance with the phasing plans.

Reason: To safeguard the soil resources at the site and in the interests of amenity;

- 41 No quarrying or associated operations (except the coating plant and essential maintenance) and no transport of any materials from or to the site shall take place except between the following hours:

06.00 to 18.00 hours	Mondays to Fridays
06.00 to 13.00 hours	Saturdays

No quarrying, associated operations or transport of material shall take place on Sundays or Bank, Public Holidays (except for essential maintenance).

Reason: In the interests of residential and general amenity;

- 42 Whilst ensuring compliance with conditions 15, 16, 17 and 18 of this permission any coating plant on the site shall be operated only between the following hours:

05.30 to 18.00 hours	Mondays to Fridays
05.30 to 13.00 hours	Saturdays

No coating plant shall be operated on Sundays or Bank and Public Holidays (except for essential maintenance).

Reason: In the interests of residential and general amenity;

- 43 The stripping and/or replacement of soils or overburden and the formation and/or removal of soil or overburden bunds shall not take place outside the following hours:

08.00 to 18.00 hours Mondays to Fridays
08.00 to 13.00 hours Saturdays

No operations shall take place on Sundays or Bank and Public Holidays (except for essential maintenance).

Reason: In the interests of residential and general amenity;

CONDITIONS FOR WENSLEY C1/83/47A/IDO(ii) only, as identified in Figure 1.2 of the ES

Blasting

- 44 Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6mms-1 in 95% of all blasts measures over a 6 month period and no individual blasts shall exceed 12mms-1 as measured at the nearest vibration sensitive building. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface at the Rock Cottage, Lang Scar Cottage, Preston Spring House and Scarth Nick House.

Reason: In the interest of residential and general amenity;

The Plant

- 45 The exterior of the crushing and screening plant on Wensley Quarry shall be constructed and maintained in a dark brown colour, namely BS4800 – 08B29.

Reason: In the interest of visual and general amenity;

Access and Highways

- 46 The operator shall seek to ensure that no vehicles having an unladen weight exceeding 1.5 tonnes leaving the site shall travel along that part of the C34 at Scarth Nick and Sissy Bank lying west of the Wensley Quarry access. Prominent signs shall be erected within Wensley Quarry and retained throughout the life of the quarrying operations to indicate clearly to all drivers that this route shall not be used.

Reason: In the interests of highway safety and safeguarding the local environment;

- 47 The operator shall seek to ensure that no vehicles, except for local deliveries, no vehicles having an unladen weight exceeding 1.5 tonnes leaving the site shall travel from the quarry and turn south down the C Class road from Bellerby Camp to Leyburn. Prominent signs shall be erected within Wensley Quarry and retained throughout the life of the quarrying operations to indicate clearly to all drivers that this route shall not be used.

Reason: In the interests of highway safety and safeguarding the local environment;

Working Programme

- 48 No quarrying or associated operations and no transport of any materials from or to the site shall take place except between the following hours:

06.00 to 18.00 hours Mondays to Fridays
06.00 to 13.00 hours Saturdays

No quarrying, associated operations or transport of material shall take place on Sundays or Bank, Public Holidays (except for essential maintenance).

Reason: In the interests of residential and general amenity;

- 49 The stripping and/or replacement of soils or overburden and the formation and/or removal of soil or overburden bunds shall not take place outside the following hours:

07.00 to 18.00 hours Mondays to Fridays
07.00 to 13.00 hours Saturdays

No operations shall take place on Sundays or Bank and Public Holidays (except for essential maintenance).

Reason: In the interests of residential and general amenity;

Informatives

HI-12a INFORMATIVE – Public Rights of Way - The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

Additional Comments – The developer must provide a suitable surface on the diverted routes. NYCC's Diversions Officer would require a meeting with developers on site to discuss the proposed diversions. The developers can contact the present Diversion Officer at Andrew.Hunter@northyorks.gov.uk

Water Framework Directive (2000/60/EC) – The Environment Agency welcome the assessments made against the Water Framework Directive and encourage the applicant to continue to pay regard to their obligations to protect and prevent deterioration of the water environment throughout the lifetime of the scheme.

Abstraction License – The Environment Agency noted that the expiration date on abstraction license 2/27/22/555 is 31 March 2017 and would therefore remind the Applicant that they will need to apply to renew this license within the lifetime of the requested extension of operations. If the extension of operations at either site requires volumes of water to be abstracted that are greater than those detailed in license 2/27/22/555, the Applicant should apply for a variation to the license to cover this or seek an additional license. There is no guarantee that a renewal or a variation will be granted as this is dependant on available water resources and existing protected rights. Caution should be exercised by the Applicant to ensure that abstraction does not derogate the protected rights of other local abstractors.

Waste – If any waste is to be used on site, the Applicant will be required to obtain the appropriate waste exemption or permit from the Environment Agency. The

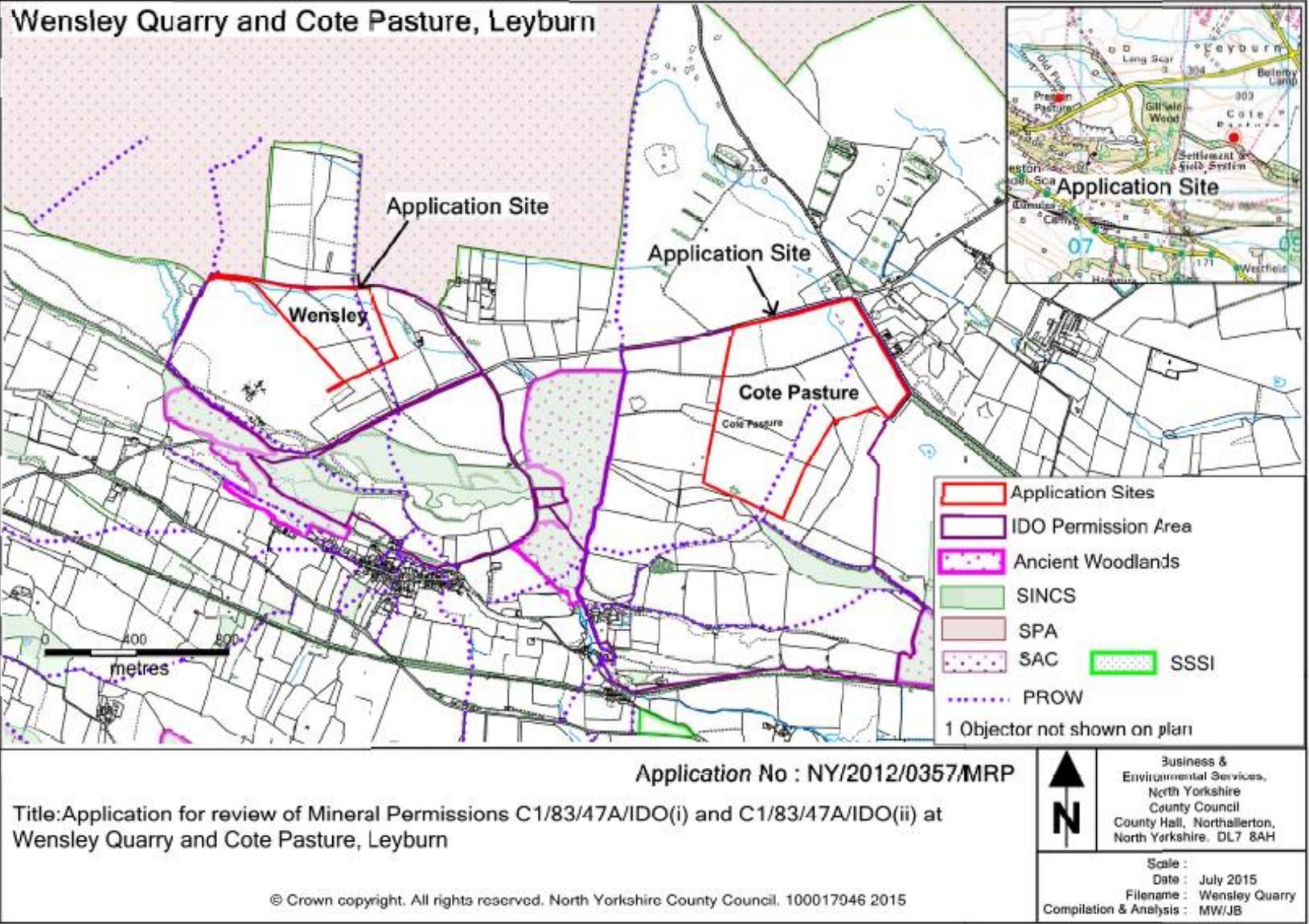
Environment Agency are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

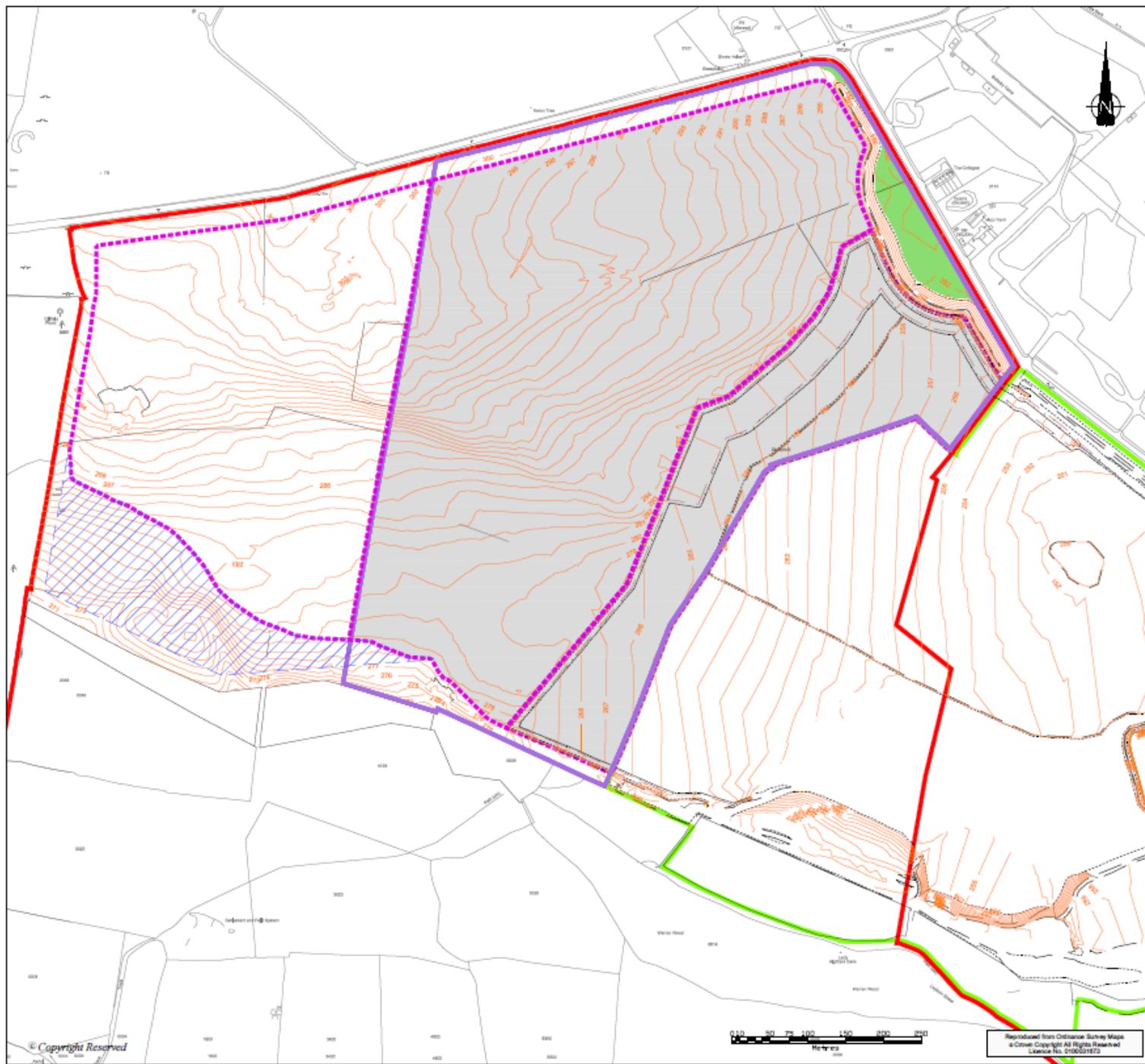
Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

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 and are referred to in the reason for approval. 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.

Approved Documents

- ROMP Application, dated October 2012;
- Environmental Statement, dated October 2012;
- ROMP Application, Sites Boundaries Plan – Fig 1.2 – Drg W4/102;
- Wardell Armstrong’s letter dated 19.12.12;
- Raptor Surveys, forwarded 30.08.13
- Statement from Argus Ecology dated 02.12.13;
- 1995 Archaeological Assessment (Archaeological Practice) received 02.13;
- Cultural Heritage Addendum Report February 2013 (Archaeological Research Services Ltd) received 02.13;
- Addendum to the Updated Archaeological Written Statement of Investigation, submitted 05.11.13;
- Wardell Armstrong e mail 14.11.13, Additional Landscape Information with cross sections – Visibility Proof 1, 2 and 3;
- E mail from Natural England re Inheritance Tax Exemption land, dated 23.12.14
- Letter from the Bolton Estate received 13.03.14;
- Amended Cote Pasture Quarry Restoration Masterplan – Fig 3.3 CP – Drg W4/111 Rev A, Received 20.03.14;
- Amended Appropriate Assessment Screening Stage 1 (Wensley and Cote Pasture Quarry, Review of Old Mineral Permissions), dated 21.03.14, as forwarded to Natural England on 07.04.14,
- Wardell Armstrong letter dated 28.07.14 re Heritage Trail and Drg No NT 10847/11/Figure 20 received 25.09.14;
- Wardell Armstrong’s letter received 28.07.14.





- KEY**
- IDO Permission Boundary
 - Cote Pasture 15 year working area
 - Black Quarry Permission Boundary
 - Phase boundaries
 - Advanced woodland planting
 - Design of extraction void to be reconsidered at next periodic review

Model taken from CEMEX LSS Model: DEV300312E

DATE	SCALE	DATE	DATE	DATE

CLIENT

PROJECT
 Wensley Quarry and Cote Pasture
 ROMP Review
 Environmental Statement

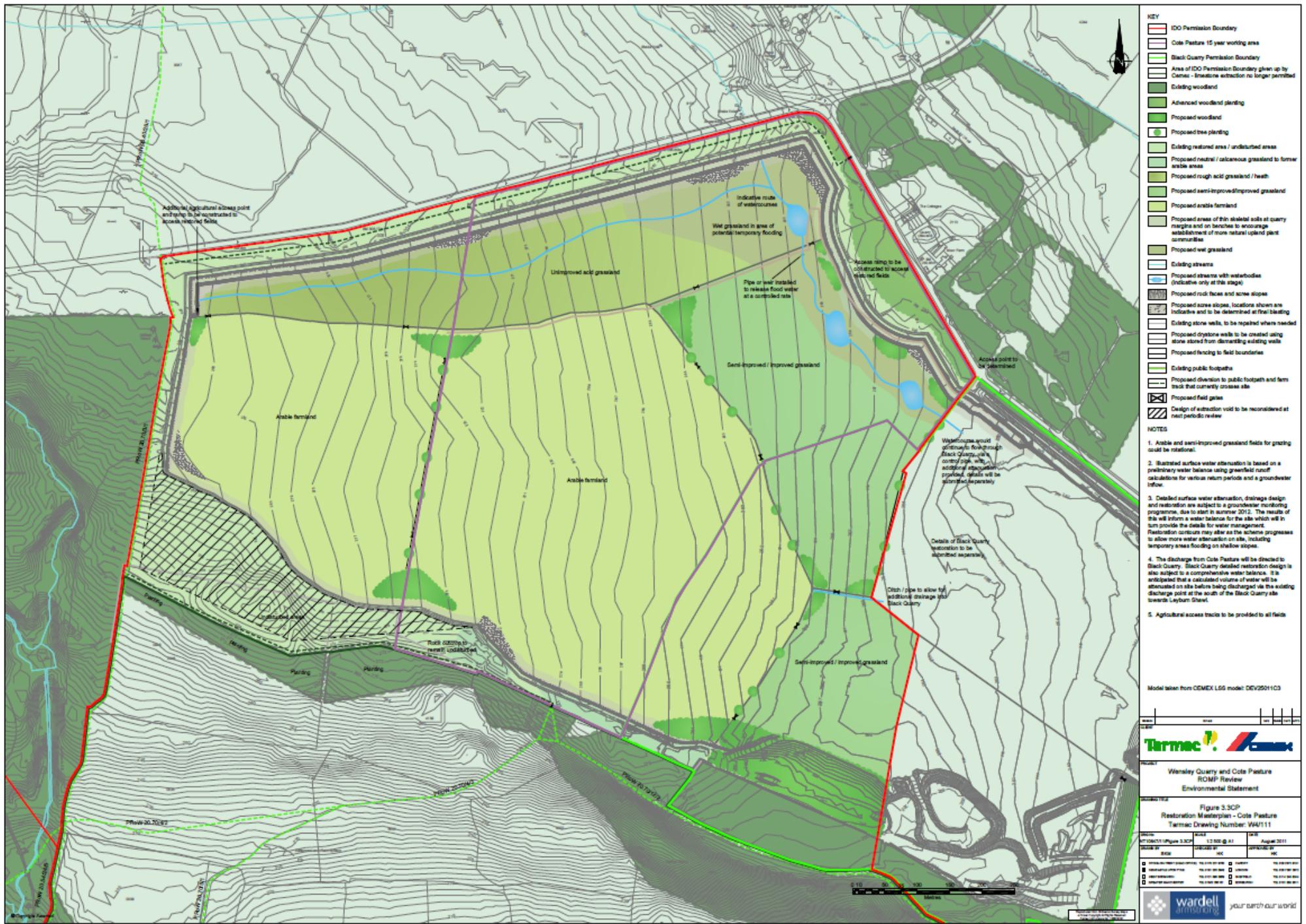
DRAWING TITLE
 Figure 3.2CP
 Phase 1
 Tarmac Drawing Number: W4/143

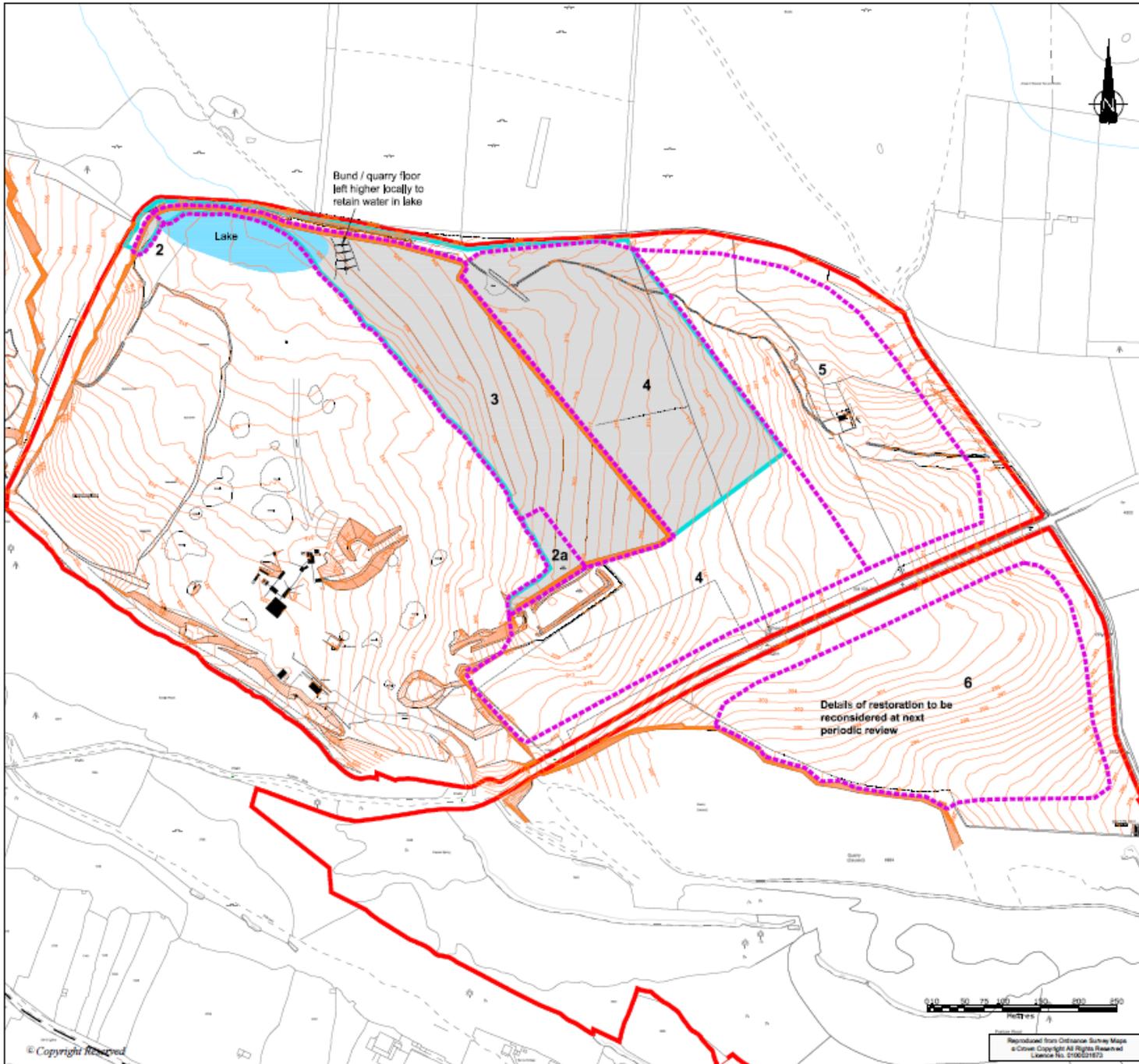
DRG No NT 10847/11/Figure 3.2CP	SCALE 1:5000 @ A3	DATE May 2012
DRAWN BY RJW	CHECKED BY LG	APPROVED BY HK

- STOKE-ON-TRENT (HEAD OFFICE) TEL 0178 257 6700
- CARDIFF TEL 029 2072 9191
- NEWCASTLE UPON TYNE TEL 0191 232 0840
- LONDON TEL 0207 287 2872
- WEST BROMWICH TEL 0121 560 0609
- SHEFFIELD TEL 0114 245 6244
- GREATER MANCHESTER TEL 0161 228 0101
- EDINBURGH TEL 0131 555 3011



Reproduced from Ordnance Survey Maps
 © Crown Copyright All Rights Reserved
 Licence No. 0100221673





KEY

- IDO Permission Boundary
- Wensley Quarry 15 year working area
- Phase boundaries

Model taken from Tarmac LSS model: W004 - #2 - FACE POSITION AFTER PHASE 3

REVISION	DATE	BY	CHKD	APP'D

CLIENT

PROJECT
**Wensley Quarry and Cote Pasture
 ROMP Review
 Environmental Statement**

DRAWING TITLE
**Figure 3.2W
 Wensley Quarry Phase 3
 Tarmac Drawing Number: W4/142**

DRG No NT10847/11/Figure 3.2W	SCALE 1:5000 @ A3	DATE May 2012
DRAWN BY RJW	CHECKED BY LG	APPROVED BY HK

<input type="checkbox"/> STOKES-ON-TRENT (HEAD OFFICE)	TEL 0178 227 6700	<input type="checkbox"/> CARDIFF	TEL 030 2073 9191
<input type="checkbox"/> NEWCASTLE UPON TYNE	TEL 0191 232 0940	<input type="checkbox"/> LONDON	TEL 0207 287 2873
<input type="checkbox"/> WEST BROMWICH	TEL 0121 560 0609	<input type="checkbox"/> SHEFFIELD	TEL 0114 345 0244
<input type="checkbox"/> GREATER MANCHESTER	TEL 0161 228 0101	<input type="checkbox"/> EDINBURGH	TEL 0131 655 3311



- KEY**
- 100m Permit Boundary
 - Wensley Quarry 15 year working area
 - Area where limestone extraction is no longer permitted
 - Existing woodland
 - Proposed woodland
 - Proposed tree planting
 - Existing restored areas / undisturbed areas
 - Proposed agricultural grassland to quarry floor with areas of thin skeletal soils at margins to encourage establishment of more natural upland plant communities
 - Proposed seasonally wet grassland
 - Proposed lakes
 - Existing streams / ditches
 - Proposed diversion to stream that currently crosses site
 - Proposed rock faces and scree slopes
 - Proposed scree slopes, locations shown are indicative and to be determined at final blasting
 - Existing stone walls, to be repaired where needed
 - Proposed drystone walls to be created using stone stored from dismantling existing walls
 - Proposed field gates
 - Existing public footpaths
 - Proposed diversion to public footpath that currently crosses site
 - Proposed areas of thin skeletal soils at quarry margins and on benches to encourage establishment of more natural upland plant communities

Model taken from Tarmac LSS model: W004 Wensley Final Quarry 12-2006



Wensley Quarry and Cote Pasture
RCCMP Review
Environmental Statement

Figure 3.59N
Restoration Masterplan - Wensley Quarry
Tarmac Drawing Number: WA1110

NO	DATE	BY	CHK	APP
1	12/08/11	WJ	WJ	WJ
2	12/08/11	WJ	WJ	WJ
3	12/08/11	WJ	WJ	WJ
4	12/08/11	WJ	WJ	WJ

