



The countryside charity
North and East Yorkshire

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Branch Chair
Mrs Jan Arger

Authority: North Yorkshire County Council

Type of consultation: Planning Application

Full details of application/consultation: NY/2022/0022/ENV - a lateral extension to allow the extraction of an additional 1 million tonnes of sand and gravel, together with the rephasing of 471,000 tonnes of permitted reserves, together with final restoration

At land at: West of Nosterfield Quarry, Nosterfield, North Yorkshire, DL8 2PD

Type of response: Comment

Date of Submission: 15th March 2022

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

Please note that CPRE North Yorkshire has recently merged with CPRE East Yorkshire to be known as CPRE North and East Yorkshire. Please note our email address has subsequently changed to reflect this detail as above. All CPRE North and East Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy
Katie Atkinson, BA (Hons), Dip TP, MA
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Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to comment on the planning application and accompanying EIA documents submitted by Wardell Armstrong LLP on behalf of Tarmac Trading Limited ('the applicant') to North Yorkshire County Council ('MPA'/ 'the Council').

Having had the opportunity to consider the documents submitted on behalf of the applicant in support of the planning application, it is noted that the applicant has produced an Environmental Statement which is dated January 2022, however, within the planning policy section (section 4) the detail relating to national planning policy is out of date. The agent has referred to a previous version of the document which has been significantly updated since that version was first published, meaning that references to specific parts of the document (both the paragraph numbers and text) are incorrect. CPRENEY, therefore, would ask the Council to require this to be updated and the proposals assessed against the most up to date version to ensure the proposed development, mitigation and restoration is appropriate in light of the most up to date guidance. Furthermore, the information contained within this document should not be conditioned in any award of planning permission until such time that it has been appropriately assessed.

The applicant seeks permission to extend mineral extraction to the west of the current workings a Nosterfield Quarry, the extension is referred to as 'the Oaklands extension' in the supporting environmental and planning documents. The current permission (awarded in 2016) allows the existing area to be worked until 2023, however, if the Council were to approve this proposal the proposed then the extended area would be worked between 2023 and 2027 and the remaining 470,00 tonnes of minerals (approved by the 2016 permission) would be worked at a slower rate between 2027 and 2030 followed by a final restoration of the site to be completed by 2031, extending the current permission end date by seven years. It is hoped that the extension will provide a further 1 million tonnes of sand and gravel, although annual output is estimated to remain at current levels of circa 250,000 tonnes per annum.

The application site covers 39.70Ha but only 15.88Ha is currently open countryside in arable use with the rest comprising parts of Flasks Lake, the access road, or the plant site (previously approved).

The applicant does not seek permission to vary the number of vehicular movements associated with the site, methods of working, employee numbers or operational hours from those previously consented.

CPRENEY does not object to the proposed principle of the extension which has been established in the Development Plan but does consider further information should be submitted to support the proposals prior to determination to ensure that appropriate forms of mitigation are in place to protect the adjacent Nosterfield Nature Reserve and the wider area.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

In July 2021, the Government published a revised National Planning Policy Framework ('NPPF') setting out the Government's planning policies for England and how these should be applied, this replaced the 2012, 2018 and 2019 documents and is, therefore, a relevant material consideration to the determination of this application. The planning system should contribute to achieving sustainable development. The NPPF aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay;'*

The Development Plan that this application should be determined against consists of the following documents:

- The Minerals and Waste Joint Plan (adopted Feb 22); and
- The Hambleton Local Plan (adopted Feb 22)

Both plans have very recently been through the examination process and been found sound by an independent Inspector and subsequently adopted. The plans are therefore, considered to be fully consistent with the NPPF and as such afforded full weight in the planning balance when determining this application.

Paragraph 209 of the NPPF sets out that it is *'essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs'* and that since they are a *'finite natural resource can only be worked where they are found.'* It goes on at Paragraph 211 to state that *'great weight should be given to the benefits of mineral extraction'* prior to listing a set of criteria which MPAs should take into account when considering the proposals including impacts on the natural and historic environment, and human health and aviation safety including the cumulative effects of multiple impacts from one or more sites.

The proposed site is identified in the Minerals and Waste Joint Plan (MWJP) as a location for sand and gravel workings with the allocation number MJP07. The proposed site area is smaller than that allocated in the MWJP but is still contained within that area. Policy M07 sets out that the *'requirements for concreting sand and gravel will be met through existing permissions and the grant of planning permission on sites and areas identified in the Joint Plan for working.'* Paragraph 5.38 of the supporting text refers specifically to the Oaklands site setting out that there are identifiable constraints which mean that *'it is not expected that the whole of this area would be acceptable for development and more detailed assessment would be needed, through a detailed planning application, in order to identify a suitable boundary for working.'* As such the application accords with the development plan in principle, subject to detail.

An Ecological Assessment has been undertaken on behalf of the applicant to assess the impacts of the proposed development on the natural environment and is set out in Chapter 7 of the Environmental Statement. The site is not internationally or nationally designated in terms of biodiversity, however, Nosterfield Nature Reserve, associated with the previous works, is located 580m south of the site, furthermore, there are a number of Sites of Importance for Nature Conservation (SINC) located near to the site, with the nearest being identified as Nosterfield Lime Kilns 330m southwest of the site. The applicant has stated that it is not anticipated that the extension will give rise to any direct or indirect impacts on such designations. The site is also located within a large-scale, county-wide green infrastructure corridor, which aims to protect existing green infrastructure, secure improvement to its safety and accessibility and secure net gains to green infrastructure provision..

It appears on reading chapter 7 that there are inconsistencies with the main document and appendices (in particular, wintering bird surveys). The Reserve is well known as being one of the most important inland wintering sites for Curlew in North Yorkshire. The Environmental Statement states that the area is not 'used extensively' by waterfowl or waders and is described as having only 'local value', however, the 2020 wintering bird report states the site as being of 'county value and possible of regional value'. Clarity should be sought on this matter as it seems unlikely given the timescales for this to have altered to such a degree.

Furthermore, CPRENEY are also concerned that the Ecological Assessment has not fully considered the impacts on the SINC. The Nosterfield Nature Reserve is designated (amongst other things) for its substantial interest for bird life and is indeed well known for this with ornithologists travelling to the area specifically to visit the site. The Flasks and Kiln Lakes SINC and the Nosterfield Quarry SINC are located immediately adjacent to the red line boundary for the proposed application site therefore must be functionally linked. As such the Assessment should be revised to address this.

The site has a long history of planning permissions and associated legal obligations, this application would provide an opportunity to formalise all of the consents to ensure all obligations and conditions are met and that the overall site management and restoration plans are coordinated and managed appropriately so that the cumulative impacts of the multiple permissions and extensions are managed.

Furthermore, in terms of visual impact, CPRENEY suggest that the Council ensure that the lighting plan submitted by the applicant is appropriate and that no light spill will occur so as to cause nuisance to the nearest residential properties, particularly during winter months and night-time periods where sleep may be impacted.

In a similar way, it is requested that noise is 'reduced to a minimum', in line with the requirements in the NPPF, especially as the proposed extension will bring development and activity so much closer to existing residential receptors.

In conclusion, for the reasons set out above, CPRENEY believe that prior to the determination of the proposal, further information should be submitted to the MPA to ensure that any detrimental harm caused by the development, particularly on biodiversity, is reduced and mitigated to an appropriate degree. Without sufficient up to date information, the Council cannot determine that the proposal will not harm the natural environment. Similarly, the Planning Statement should be updated to reflect the up-to-date guidance and assessed appropriately.

CPRENEY would wish to be kept informed should any additional information be submitted in support of the proposals.