

Our ref: AB/NT16884/001

Date: 18 June 2024

Your ref:

North Yorkshire Council
Mineral and Waste Planning Department
County Hall
Northallerton
DL7 8AD

Dear Sir or Madam,

Planning Application for the Discharge of Conditions 15, 21, 22 and 23 Pursuant to Planning Permission NY/2021/0165/FUL

Wardell Armstrong LLP has been instructed by Metcalfe Farms Ltd to prepare and submit a planning application for the discharge of conditions pursuant to planning permission NY/2021/0165/FUL (decision no. C1/22/00123/CM) allowing for the 'creation of a new access to the quarry area permitted for minerals extraction under planning permission C1/78/412/MR', dated 23 June 2022.

Works are due to commence in regard to the construction of the access road, the cutting, and planting scheme. Notification of this is required under Condition 2 of the relevant planning permission. The purpose of the application is to seek the 'discharge' of the relevant conditions that require details to be provided within specific timeframes after commencement or prior to particular activities taking place. The application seeks to discharge conditions 15, 21, 22 and 23 pursuant to permission NY/2021/0165/FUL.

The application is supported by plans and a document that have been submitted as part of application NY/2021/0202/A27. Application NY/2021/0202/A27, in regard to the discharge of conditions 8, 10 and 32 pursuant to permission C1/78/412/MR, relates to the adjacent mineral extraction area as well as features of the access road. The application is currently awaiting determination, although the content has been accepted in principle and is relevant to the emerging legal agreement. It has previously been noted that these plans and the associated document are sufficient to address the criteria of conditions 21, 22 and 23 of permission NY/2021/0165/FUL due to the relation of the quarry to the access road. Therefore, the same plans and document have been submitted here for the purpose of consistency.





Condition 15 (Monitoring Scheme)

Condition 15 states that:

“Prior to the commencement of mineral extraction within the proposed cutting annotated as ‘1’ on Drawing NT14232-106 REV A dated 6 July 2021, a scheme for the monitoring of ground vibration and air over pressure levels, including the maximum instantaneous charge, total charge weight, the blast location, number of holes, the hole diameter and depth, the face height, the type of detonator, the burden and hole spacing and the weather conditions, shall be submitted to and approved by the County Planning Authority. Thereafter, monitoring shall be undertaken in accordance with the approved scheme and if the results of monitoring show that the limit as stated in condition 16 to this permission is exceeded, blasting practice at the site shall be modified to ensure compliance with the limit specified in conditions 16 and 17 to this permission. The results of monitoring shall be retained at Washfold Farm for a period of 12 months and made available to the County Planning Authority on request”.

Works on the cutting are due to commence, although prior to mineral extraction taking place within the cutting, the information required under Condition 15 should be submitted and approved by North Yorkshire Council (NYC). The proposed cutting area can be seen on Drawing NT14232-106 REV A. As a result, and in accordance with the above criteria, a monitoring scheme of ground vibration and air overpressure has been prepared. The scheme includes the relevant information in order to appropriately discharge Condition 15.

Condition 21 (Landscaping Scheme)

Condition 21 states that:

“Within 1 month of the date of commencement of the construction of the access road for the purposes of condition 2a), a landscaping scheme and programme shall be submitted to the County Planning Authority for the area to be planted identified on drawing NT14232-106 REV A dated July 2021 for approval in writing. The scheme and programme shall include:

- a) Details for the planting of trees and shrubs including numbers, types and sizes of species to be planted, the spacing of planting, protection measures and methods of planting.*
- b) Details for the management of the planting including maintenance of tree and shrub planting.*

The approved scheme and programme shall be implemented in the first available planting season following the certification in writing by the County Planning Authority of the completion of the construction works and shall thereafter be maintained for a period of five



years including weed control, replacement of dead and dying trees and shrubs with species of similar size and species and maintenance of protection measures”.

The area to be planted, as shown on Drawing NT14232-106 REV A is to the immediate west of the cutting. Application NY/2021/0202/A27 relates to the adjacent mineral extraction area, as well as the surrounding planting, including that shown in NT14232-106 REV A. The relevant details to support the discharge of Condition 21 can be found in Working, Restoration and Aftercare Scheme REV 3 (February 2023).

Condition 22 (Screening Details)

Condition 22 states that:

“Within 2 months of the date of commencement of the construction of the access road for the purposes of condition 2a), details of screening to be employed around any temporary compound to be used by plant and machinery, including processing equipment associated with the excavation of stone within the planning application boundary as shown on Drawing NY14232 – 105 REV A dated 6 July 2021 shall be submitted to the County Planning Authority for approval in writing. The screening shall be designed to prevent views of the plant and machinery, including processing equipment associated with the excavation of stone within the planning application boundary as shown on Drawing NY14232 – 105 REV A dated 6 July 2021 when seen from Whipperdale Bank until such time as the maximum height of plant and machinery, including processing equipment associated with the excavation of stone, is sited below existing ground level”.

Drawing NT14232-106 REV E shows proposed enabling works for the quarry and access road, including the tree planting and screening bunds for the area which have previously been considered acceptable by the planning officer and landscape consultee as part of application NY/2021/0202/A27. The off-site and on-site planting measures are the subject of an emerging legal agreement to ensure their delivery. The purpose of the screening measures is to minimise views of the working operations from Whipperdale Bank.

Condition 23 (Restoration)

Condition 23 states that:

“Notwithstanding the details shown on Drawing NT14232 – 112 REV A dated 26 March 2021 – Proposed restoration plan, within 6 month of the date of commencement of the construction of the access road for the purposes of condition 2a), details for the restoration, seeding and planting for the section of the access track falling within the cutting as shown on Drawing NY14232 – 105 dated January 2021 - Proposed new access, NT14232 – 106 dated 6 July 2021



- Proposed phasing plan enabling works and NT14232 – 107 dated 15 March 2021 - Proposed new access sections, shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include:

- a) Details for the seeding of species rich grassland, planting of trees and shrubs including numbers, types and sizes of species to be planted, the spacing of planting, protection measures and methods of planting.*
- b) Details for the management of the species rich grassland, planting including maintenance of tree and shrub planting.*

The approved scheme and programme shall be implemented in the first available planting season following the certification in writing by the County Planning Authority of the completion of the construction works and shall thereafter be maintained for a period of five years including weed control, replacement of dead and dying trees and shrubs with species of similar size and species and maintenance of protection measures”.

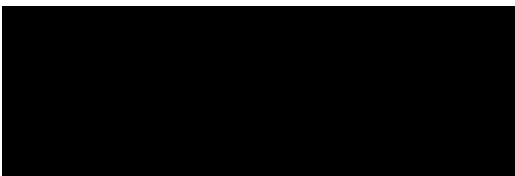
As part of the Working, Restoration and Aftercare Scheme REV 3 (February 2023), details of the seeding and planting for the access track, as well as the quarry area. The relevant condition details are considered to be covered in this document. This is supported by Drawing NT14232-112 REV F, an updated version of the plan mentioned in the condition, that details the planting and seeding of the access track area. Drawing NT14232-115 REV C also shows the cross sections of the cutting area post-restoration.

We trust that the above and enclosed details are sufficient for NYC to discharge the relevant conditions and determine the application in a timely manner.

If you have any questions regarding the application, please do not hesitate to get in touch.

Yours faithfully

for Wardell Armstrong LLP



ADAM BURN

Principal Planner

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Encl. NY/2021/0165/FUL Decision Notice

NT14232-105 REV A 'Proposed New Access'

NT14232-106 REV A 'Proposed Phasing Plan and Enabling Works'



NT14232-106 REV E 'Proposed Phasing Plan and Enabling Works'

NT14232-107 REV A 'Proposed New Access Sections'

NT14232-112 REV A 'Proposed Restoration Plan'

NT14232-112 REV F 'Proposed Restoration Plan'

NT14232-115 REV C 'Restoration Cross Sections'

Blast Monitoring Scheme (June 2024)

Working, Restoration and Aftercare Scheme REV 3 (February 2023)