

**TOWN AND COUNTRY PLANNING ACT 1990**  
**NORTH YORKSHIRE COUNTY COUNCIL**

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**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR  
PERMISSION TO CARRY OUT DEVELOPMENT**

TO:

David Metcalfe  
Washfold Farm  
Moor Rd  
Leyburn  
DL8 5JZ

Mr W Mulvany  
36  
Park Row  
Leeds  
LS1 5JL

The above-named Council being the Planning Authority for the purposes of your application dated 5 July 2021 in respect of proposed development for the purposes of creation of a new access to the quarry area permitted for minerals extraction under planning permission C1/78/412/MR at Washfold Farm, Metcalfe Farms, Moor Road, Leyburn, DL8 5JZ have considered your said application and have granted permission for the proposed development subject to the following conditions:-

(please see attached sheets for conditions)

Date: 23 June 2022

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Corporate Director, Business and Environmental Services

**NOTE:-**

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

### RIGHTS OF APPEAL

- (1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

#### Conditions:

#### **Time limits**

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

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

2. Written notification of the commencement of each of the following stages of the development shall be provided in writing to the County Planning Authority within seven (7) days of the commencement of each stage:

- a) Commencement of the construction of the access road;
- b) Commencement of works associated with the construction of the cutting;
- c) Commencement of the planting scheme.

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

**Approved Documents and Plans**

3. The development hereby permitted shall be carried out in accordance with the application details dated 3 September 2021, supporting letters dated 9 June and 3 September 2021 and the following approved documents and drawings:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
NT14232 -104 REV A	January 2021	Planning permission and ownership boundaries
NY14232 - 105 REV A	January 2021	Proposed new access
NT14232 - 106 REV A	6 July 2021	Proposed phasing plan enabling works
NT14232 - 107 REV A	15 March 2021	Proposed new access sections
NT14232 - 108 REV A	26 March 2021	Proposed phasing plan phase 1
NT14232 - 109 REV A	26 March 2021	Proposed phasing plan phase 2
NT14232 - 110 REV A	26 March 2021	Proposed phasing plan phase 3
NT14232 - 111 REV A	26 March 2021	Proposed phasing plan max void
NT14232 - 112 REV A	26 March 2021	Proposed restoration plan
-	July 2021	Preliminary ecological appraisal & bird reconnaissance survey
-	September 2021	Noise assessment report
-	July 2021	Shadow stage 1 habitat regulations assessment
-	August 2021	Assessment of environmental impact of blasting associated with proposed quarry excavation

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

4. A copy of the planning permission, together with all the approved documents, and any agreed variations together with all the approved plans shall be kept available at the site office or on the site at all times and made known and available to managing and supervising staff during the construction phase of the access and until the completion and restoration of the extraction of minerals from the adjoining permitted mineral site (planning permission C1/78/412/MR) the access is designed to serve.

***Reason:** To ensure all employees are aware of the conditions of the planning Permission.*

**Hours of working**

5. No work relating to the development hereby approved, including the delivery and removal of plant and machinery, works of construction or site preparation prior to works of construction, or excavation and/or processing of minerals to create the cutting shall

take place except between the following hours:

06:00 hours and 18:00 hours Mondays to Fridays

06:00 hours to 13:00 hours on Saturdays

No work relating to the development hereby approved, including the delivery and removal of plant and machinery, works of construction or site preparation prior to works of construction or excavation and/or processing of minerals to create the cutting shall take place at any time on Sundays, Bank, or National Holidays. This condition shall not apply to emergency works within the site.

*Reason: To protect the amenities of the area.*

### Highways

6. The access the subject of this permission shall be the sole access to and from the permitted mineral operations (planning permission C1/78/412/MR) and its junction with the C34 Redmire to Catterick Road. The surface and boundaries of the access shall be maintained at all times in a safe manner throughout the operational life of the mineral extraction operations to planning permission C1/78/412/MR to ensure a level surface free of potholing and ponding to prevent encroachment and erosion of adjoining land and boundaries.

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

7. All heavy goods vehicles (as defined by this permission) using the access to the adjoining permitted mineral extraction area (planning permission C1/78/412/MR) to export minerals from the site, shall be securely sheeted or otherwise enclosed in such a manner as to prevent dust blowing from materials and to prevent material being spilled onto the public highway.

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

8. No vehicle, plant or machinery using the access road shall travel in excess of 10mph on the access road at any time. Appropriate signage advising of and controlling the speed limit shall be erected at either end of the access prior to the access being brought into use.

*Reason: To ensure no dust from the surface of the access road is generated to unacceptable levels and in the interest of the amenities of the area and the nearest residential properties of Sycamore House and Yarker Bank Farm House.*

9. The equivalent continuous noise level due to operations during the construction of the access track and excavation of the cutting annotated as '1' on Drawing NT14232-106 REV A dated 6 July 2021 at the quarry during daytime hours (06:00-18:00 Monday – Friday, 0600 – 1300 Saturday) shall not exceed the background noise level (LA90) by more than 10dB(A) as measured at the nearest façade to Sycamore House or Yarker Bank Farm. Measurements shall be hourly LAeq measurements and be corrected for the effects of extraneous noise. In the event that the noise levels are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps taken to attenuate the noise level to ensure compliance with the specified levels.

Reason: *To protect the amenities of the area.*

10. Notwithstanding the noise limits imposed within Condition 9, a temporary daytime noise limit of up to 70 dB(A) LAeq,1hour (free-field) as measured at the nearest façade to Sycamore House or Yarker Bank Farm, is permitted for up to 8 weeks in a calendar year to facilitate essential site preparation and restoration work such as soil-stripping, the construction of soil storage mounds and maintenance of the access road.

Reason: *To protect the amenities of the area.*

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

Reason: *To protect the amenities of the area.*

#### **Dust**

12. Measures shall be employed to suppress dust during the construction of the access road, the excavation of stone from the cutting annotated as '1' on Drawing NT14232-106 REV A dated 6 July 2021 and the use of subsequent use of the access road during the operational life of the extraction of minerals on the adjoining land the access is designed to serve. The measures shall include the employment of water sprays where appropriate or necessary to prevent or minimise the emission and migration of dust onto adjoining land from:

- soil stripping operations;
- the construction of soil bunds;
- the ripping and removal of surface rock;
- blast hole drilling;
- rock blasting;
- the transport of minerals.

Reason: *To ensure that dust generated from the construction and subsequent use of the access does not have an adverse impact on the amenities of the area.*

#### **Blasting**

13. No drilling of blast holes to create the proposed cutting annotated as '1' on Drawing NT14232-106 REV A dated 6 July 2021, shall be carried out except between the following hours:

0900 and 1700 hours Monday to Friday.

No drilling of blast holes shall take place on weekends, Bank, or Public Holidays

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

14. No blasting to create the proposed cutting annotated as '1' on Drawing NT14232-106

Dated: 23 June 2022

REV A dated 6 July 2021, shall be carried out on any part of the site except between the following hours:

0900 and 1600 hours Monday to Friday.

No blasting shall take place on weekends, Bank, or Public Holidays.

This condition shall not apply in emergency situations outside these hours and in such situations the operator shall inform the County Planning Authority in writing of the emergency situation within 7 days of the event. A warning siren or other appropriate warning shall be sounded 10 minutes prior to the commencement of any blasting operations.

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

15. 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.

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

16. Blasting operations to create the proposed cutting annotated as '1' on Drawing no. NT14232-106 REV A dated 6 July 2021 shall be designed and executed such that ground vibrations from 95% of all blasts in a calendar year shall not exceed a peak particle velocity of 6mm/second peak particle velocity as measured at the nearest façades of Sycamore House and Yarker Bank Farm. In the event that the limits are exceeded, blasting practice at the site shall be modified to ensure compliance with the limits specified.

*Reason: To protect the amenities of the area.*

17. Notwithstanding condition 8, the vibrations from any blast to create the proposed cutting annotated as '1' on Drawing NT14232-106 REV A dated 6 July 2021 shall not exceed 9mm/sec peak particle velocity at any time when measured at the nearest facades of Sycamore House and Yarker Bank Farm House.

*Reason: To protect the amenities of the area.*

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

Dated: 23 June 2022

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

19. All topsoil and subsoil removed from the construction of the access shall be stored in mounds shown on Drawing NT4232-106 REV A dated July 2021. The mounds shall be graded and seeded within one month of their construction and thereafter retained in a grassed, weed free condition throughout the duration of the development pending their use in the restoration of the site.

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

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

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

21. 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.

Reason: *To ensure a good standard of planting in the interests of the amenities of the area.*

22. Within 2 month 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.

Reason: *In the interests of the visual amenities of the area.*

Dated: 23 June 2022

23. 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.

*Reason: To ensure a good standard of restoration and planting/seeding in the interests of the amenities of the area.*

### **Definitions**

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

### **Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.