

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNCIL

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

TO: Tarmac Trading Limited
Portland House
Bickenhill Lane
Solihull
West Midlands
BD37 7BQ

C/o: Wardell Armstrong LLP
City Quadrant
11 Waterloo Square
Newcastle upon Tyne
NE1 4DP

The above-named Council, being the Local Planning Authority for the purposes of your application accompanied by an Environmental Statement dated 21 January 2022 (and the further environmental information contained within the Environmental Statement Addendum dated 5th May 2023) in respect of the application for the 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 west of Nosterfield Quarry, Nosterfield, North Yorkshire, DL8 2PD have considered your said application.

- **HAVING** first taken into consideration the environmental information (including the Environmental Statement, as well as further information submitted by the applicant, which includes such information as is reasonably required to assess the environmental effects of the development and which the applicant could be reasonably required to compile and duly made representations about the environmental effects of the development) pursuant to Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and
- **HAVING CONSIDERED** the development to comply with the Development Plan for the area and there being no material considerations to indicate a decision other than in accordance with the Development Plan; and
- **HAVING SECURED** a Section 106 Legal Agreement providing for the following matters:
 - The submission of a Detailed Landscape and Biodiversity Maintenance and Management plan (DLBMMP).
 - Lorry Routing Agreement.
 - Bird Management Plan.
 - An appropriate conservation body being required to the complete the long term management and aftercare works as a sub-contractor.

Dated: 13 June 2024

have **GRANTED** planning permission for the proposed development.

- **SUBJECT TO THE FOLLOWING CONDITIONS** imposed for the reasons thereafter given:

Time Limit

1. The development to which this permission relates shall be implemented no later than the expiration of three years from the date of this Decision Notice. The date of which shall be notified in writing to the Local Planning Authority within 7 days of commencement.

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 Mineral Planning Authority within seven (7) days of the commencement of each phase of the development shown on plans Figure 3.1 – Extraction Phasing Scheme, Ref. NO51_00240_8, dated 2 November 2021:
 - a) Soil stripping operations and construction of soil storage/screening mounds (where applicable) of each phase of the proposed development.
 - b) Extraction of mineral.
 - c) Cessation of mineral extraction.

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

Minerals Extraction Time Limit

3. The permission hereby granted in respect of mineral extraction and processing is valid only for seven years following the commencement of soil stripping operations to be notified to the Local Planning Authority for the purposes of condition two (2). Thereafter the development hereby permitted shall be discontinued and all buildings, plant and machinery shall be removed from the site and the site shall be restored in accordance with Conditions 36 within a further period of one year.

Reason: To reserve the rights of control by the County Planning Authority to ensure restoration of the land with the minimum of delay in the interest's amenity.

Approved Documents

4. The development hereby permitted shall be carried out in accordance with the application form dated 21 January 2022 and the following documents and drawings:
 - Figure 2.2 Application Boundary, Ref N051-00240-2, dated 2 November 2021.
 - Figure 3.1 Extraction Phasing Scheme, Ref. NO51_00240_8, dated 2 November 2021
 - Figure 3.2 Phase 12 Extraction, Ref. NO51_00240_9 Rev A, dated 30 June 2023
 - Figure 3.3 Phase 13 Extraction, Ref. NO51_00240_10, DATED 29 October 2021
 - Figure 3.4 Indicative Landscape Framework, NO51_00240_11 Rev D, dated 30 June 2023.
 - Figure 3.5 Cross Sections, Ref. N051-00240-12, Dated 30 June 2023
 - Figure 3.7 Shoreline Cross-sections, Ref. N051-00240-14, dated 29 March 2023.
 - Environmental Statement, Appendices, Figures & Non-Technical Summary (revised 5 May 2023)

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- Appendix 3.3 – Outline landscape and biodiversity maintenance and management plan, Ref. NT14714 Rev V1.0, dated May 2023
- Appendix 7.1 – Preliminary Ecological Appraisal, Ref NY14714 001 Rev V2.0, dated May 2023
- Appendix 7.2 Badger Survey Report, Ref NY14714 006, dated March 2021
- Appendix 7.3 – Bat survey, Ref NY14714 003 Rev V2.0, dated May 2023
- Appendix 7.4 – Great crested new survey Ref NY14714 Rev V2.0, dated May 2023
- Appendix 7.5 Reptile Survey Report Ref NY14714 Rev V1.0, dated March 2021
- Appendix 7.6 – Otter and vole survey Ref. NY14714 005 Rev V1.0, dated May 2023
- Appendix 7.7 Breeding Bird Survey Report Ref NY14714 Rev V1.0, dated March 2021
- Appendix 7.8 Arboriculture Impact Assessment, Ref NY14714 008 Rev V1.1, dated November 2021
- Appendix 7.10 – BNG technical note scenario A, Ref. NT14714, dated 22 March 2023
- Appendix 7.11 – BNG technical note scenario B, Ref. NT14714, dated 22 March 2023
- Appendix 8.1 Soil Profile Descriptions and ALC Calculations
- Appendix 9.1 – Flood risk assessment, Ref 2916/FRA Rev F4, dated February 2023.
- Appendix 9.2 – Comment on flood management and maintenance of flows – new
- Appendix 10.4 Scheme of Archaeological Investigation And Publication, Ref. V1.1, dated October 2021.

Reason: To reserve the rights of control by the Local Planning Authority and to ensure that the development is carried out in accordance with the application details.

Minerals Extraction Phasing

5. The mineral extraction, hereby permitted, shall take place only in accordance with the phasing arrangements indicated on the plans Figure 3.2 – Phase 12 Extraction, Ref. N051_00240_9 Rev A, dated 30 June 2023 and Figure 3.3 – Phase 13 Extraction, Ref. N051_00240_10, DATED 29 October 2021. No extraction operations shall take place in any phase until mineral within the immediately preceding phase have been substantially worked out.

Reason: To secure an orderly and progressive pattern of working and a high standard in restoration.

Hours of Operation

6. Except for the maintenance of plant and machinery, no quarrying or associated operations including transport of mineral from the site shall take place except between the following times:

0700-1800 hours Mondays to Fridays; and,
0700-1200 hours on Saturdays.

No quarrying or associated operations including transport of mineral/waste from the site shall take place on Sundays or Bank and Public Holidays.

No transport of mineral shall take place except between the following times:

0630-1800 hours Mondays to Fridays; and,
0630-1200 hours on Saturdays.

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No quarrying or associated operations including transport of mineral/waste from the site shall take place on Sundays or Bank and Public Holidays.

Reason: To reserve the rights of control by the Local Planning Authority and in the interests of the amenity of the area.

On Site Materials

7. No material shall be brought onto the site for processing, stockpiling, merchenting or any other purpose.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the area.

Wheel Wash Facilities

8. Throughout the operation of the development, the existing wheel wash facilities must remain in working order on site and all HGVs exiting the site shall do so in a clean condition, such that no dirt and/or mud are deposited on the public highway by vehicles travelling from the site.

Reason: In the interests of highway safety and safeguarding the local.

Highways Access

9. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at the B6267. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during operation of the site.

Reason: In the interests of both vehicle and pedestrian safety and the visual amenity of the area.

Vehicle Numbers

10. The total number of heavy goods vehicles (as defined by this permission) accessing and leaving the application site shall not exceed 120 per day (60 going into the site and 60 going out).

Reason: In the interests of highway safety and the local amenity of the area.

11. A written record of all heavy goods vehicle (as defined by this permission) movements into and out of the site shall be maintained and retained for a period of six months. The records shall contain the vehicles' weight, registration number and the time and date of movement. The record shall be made available for inspection to the Local Planning Authority at the site office during permitted working hours or within two working days of any written request made by the Local Planning Authority.

Reason: To enable the verification of vehicle movements limited under condition no.9.

Vehicle Sheeting

12. All heavy goods vehicles (as defined by this permission) exporting mineral from Nosterfield Quarry 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.

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Reason: In the interests of highway safety to prevent material being spilled onto the public highway and protect the amenities of the area.

Dust Mitigation

13. Dust control measures shall be employed to minimise the emission of dust from the site. A visual assessment shall be made at the commencement of daily operations and at intervals during the day. A daily log of assessments and necessary remedial measures shall be kept at the weighbridge office for one (1) year and made available to the Local Planning Authority upon written request. Remedial measures shall include the spraying of roadways, hard surfaces and stockpiles and discontinuance of soil movements during periods of high winds. Action taken to mitigate and monitor dust emissions from the site shall include that specified in the Environmental Statement Air Quality Chapter at point 11.7 in regard to Mitigation.

Reason: To control the impact of dust generated by the development in the interests of local amenity.

Lighting (Discharge Required Prior to Commencement of Development)

14. Prior to the commencement of development a scheme and programme for the external lighting of the site shall be submitted to the Local Planning Authority for approval in writing. The Scheme and Programme shall include the phasing of the implementation of the approved scheme relative to the phases of the development to ensure the minimum lighting necessary is employed throughout the respective phases.

Lighting shall only be erected and operated in accordance with the approved Scheme and Programme throughout the operational life of the site. All lighting shall be removed from the site following completion of the development.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to control the impact of light and light pollution generated by the development in the interests of local amenity.

Noise Limits

15. The equivalent continuous noise level due to operations at the quarry’s operational hours 07:00-18:00 shall not exceed the noise levels stated at the nearest façade or boundary of the following residential properties or locations (from the locations as shown on figure 12.1 Existing Noise Sensitive Receptors) in the table below:

Location	dB L _{Aeq,T}
ESR 1: Ladybridge Farm	47
ESR 2: Southwood House	45
ESR 3: Langwith House	45
ESR 4: Oaklands	45
ESR 5: Eastern edge of Well	46

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.

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Reason: To control the impact of noise generated by the development in the interests of local amenity.

Noise Limitation Exceptions

16. Notwithstanding the noise limits imposed within Condition 15, a temporary daytime noise limit of up to 70 dB(A) LAeq,1hour (free-field) at the nearest façade or boundary to the following residential properties and locations (from the locations as shown on figure 12.1 Existing Noise Sensitive Receptors) of Ladybridge Farm, Southwood House, Langwith House, Oaklands and Eastern edge of Well 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 and removal of baffle mounds, soil storage mounds, construction of new permanent landforms and site road maintenance. In the event that the 70dB(A) limit is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in compliance with the 70dB(A) limit.

Reason: To control the impact of noise generated by the development while soil stripping in the interests of local amenity.

Exceeded Noise Levels

17. In the event that any noise levels specified in the scheme submitted and approved under Condition No 15 and/or 16 are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps be taken to attenuate the noise level to be in compliance with Conditions 15 and/or 16.

Reason: To control the impact of noise generated by the development in the interests of local amenity.

Noise Monitoring

18. Within seven days of receiving written notice from the Local Planning Authority, such noise monitoring as may be required by the Local Planning Authority to assess compliance with the limits specified in condition no.s 15 & 16 above shall be undertaken. In the event that the noise levels specified in condition no.s 15 & 16 are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in compliance with the requirements of condition no.s 15 & 16.

Reason: To ensure that noise impacts associated with the proposed development would be minimised in the interests of local amenity.

Plant and Vehicle Noise Attenuation

19. All plant, machinery and vehicles used on any part of the site shall be fitted with effective with non-audible reverse warning alarm systems which shall be regularly maintained and employed at all times during permitted operational hours.

Reason: To ensure that noise impacts associated with the plant, machinery and vehicles at the site would be minimised in the interests of local amenity

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Written Scheme of Investigation

20. No development shall take place other than in accordance with the 'Oaklands Extension Nosterfield Quarry Scheme of Archaeological Investigation and Publication' (MGA Associates, October 2021 v. 1.1).

Reason: This is to protect the archaeological importance of the site.

21. Condition 20 shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Scheme of Archaeological Investigation approved under condition 19 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This is to protect the archaeological importance of the site.

Ings Goit

22. The flow of the Ings Goit will be into the proposed lake at the western boundary of the site, with water flowing out of the lake (Oaklands Lake) via a channel south of Fox Covert at the eastern side. The level of the lake will be maintained between 38.5-39.5 Above Ordnance Datum by means of a control structure at the outflow point for the duration of the development.

Reason: For the protection of the water environment and to ensure the hydrogeological and hydrological impact is mitigated as identified in the impact assessment.

Ecological Mitigation Measures

23. The development hereby permitted, shall, at all times, be undertaken in accordance with the ecological mitigation measures stated within the Preliminary Ecological Appraisal Report Update (Ref. NT14714_001 Rev v2.0, dated May 2023) and the Environmental Statement Ecology Chapter (ref. 007, dated March 2023) which are:
- Habitat related mitigation, compensation and enhancement measures are principally set out within the indicative landscape proposals within the site Indicative Landscape Framework Plan (Figure 3.4)
 - A buffer of 15m will be retained around the periphery of Fox Covert wood.
 - The felled stems of five further mature standards will be retained on site around Fox Covert wood as monoliths and erected vertically. The branch wood from the mature trees will also be retained and placed as habitat piles near the erected monoliths.
 - All peripheral mature hedgerows with mature trees around the site will be retained (with measures implemented to ensure no damage)
 - Hedgerows running northwards from Flask Lake will be strengthened and enhanced providing habitat link between the lakes and the pastoral habitats to the west of the site
 - Provision of at least 20 'woodcrete' and self-cleaning bat boxes of a range of designs
 - Wet grassland will be created between Flask Lake Oaklands Water and Langwith Water
 - Inclusion of wych elm within the hedgerow and woodland planting lists to provide suitable habitat for priority species

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- Provision of a pole mounted Barn owl box located to the south of the site (away from the road) to provide suitable nesting opportunities for barn owl in the area.

Reason: In the interests of protecting biodiversity and ecological sensitive areas.

Badger Protection Measures (Discharge Required)

24. Within one month of the commencement of habitat and vegetation clearance works an updated badger survey shall be undertaken and submitted to the Local Planning Authority for approval in writing. If the monitoring identifies the mineral extraction would have an adverse impact on badgers and/or setts, a further mitigation plan shall be submitted to the Local Planning Authority for approval in writing and subject to consent by license in accordance with the above thereafter the approved mitigation plan shall be implemented in full.

Reason: To ensure the proposal does not have an adverse impact on badgers.

Construction and Environmental Management Plan (CEMP) (Discharge Required Prior to Commencement of Development)

25. Prior to the commencement of development (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The CEMP shall include the following:
- a) The identification of stages of works and working hours;
 - b) Details of community engagement arrangements;
 - c) Details of all plant and machinery to be used during demolition and construction stage;
 - d) A temporary drainage strategy and performance specification to control surface water runoff and Pollution Prevention Plan
 - e) Details of external lighting;
 - f) Details of noise and air quality monitoring and compliance arrangements for impacts on SPA/Ramsar/SSSI;
 - g) Details of the roles and responsibilities in regard to biodiversity e.g., details of an ecological clerk, details of times when specialist ecologists are required on site, risk assessments, practical measures including use of fences exclusion barriers and warning signs
 - h) Details of measures to remove/prevent re-colonisation of non-native species; and
 - i) Identification of "biodiversity protection zones".
 - j) The location and timing of sensitive works to avoid harm to biodiversity features e.g., bird breeding season.
 - k) Habitat protection measures including objectives, extent and location of protective measures, timetable for implementation.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed in the interests of protecting the amenity of the area and nature conservation.

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Pollution Control

26. Any oil, fuel, lubricant, paint or solvent within the site must be stored so as to prevent such materials contaminating topsoil or subsoil or reaching any watercourse. Any fixed oil or fuel tanks must:
- (a) be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tank so as to fully contain their contents in the event of spillage;
 - (b) if there is multiple tankages, the enclosure must have a capacity not less than 110% of the largest tank;
 - (c) all filling points, vents and sight glasses must be within the sealed impermeable enclosure;
 - (d) there must be no drain through the impermeable enclosure.

Reason: To deal with contaminated drainage to protect the quality of and prevent pollution of the ground and water environment.

Soil Storage

27. All top-soil, sub-soil and overburden materials shall be stripped separately and either placed directly to final restoration or stored separately in temporary storage mounds in accordance with the submitted application details. All screening mounds and all top-soil and sub-soil storage mounds shall be graded to an even slope, shall be seeded with grass and shall be kept free of weeds until after their removal for use in site restoration. No topsoil or subsoil shall be removed from the site.

Reason: To protect soil resources in the interests of achieving a good standard of agricultural restoration.

Timetable for Soil Stripping

28. No soils shall be stripped, moved, placed or removed during the months of November to March inclusive, unless the soils are in a dry and friable condition. During soil stripping, placement and removal, machinery shall be routed to avoid compaction of such soils.

Reason: To protect soil resources in the interests of achieving a good standard of agricultural restoration.

Stockpile Heights

29. Stockpiles shall not exceed 6 metres from ground level.

Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community.

Extraction of Plant Site

30. The removal of existing quarry plant, buildings, associated structures and stockpiles of minerals and the extraction of sand and gravel from beneath the existing plant shall take place in accordance with details specified in part 5 of the planning application ref. no. C2/92/500/53 (dated 29th May 1991).

Reason: To ensure early restoration of the existing plant.

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Detailed Hard and Soft Landscaping Scheme (Discharge Required)

31. Within 12 months of the date of this permission details of hard and soft landscape works shall be submitted to the Local Planning Authority for approval in writing. These details shall include Hard landscape works:
- (a) existing site features proposed to be retained or restored including trees, hedgerows, walls, fences, artefacts, and structures,
 - (b) proposed finished levels and/or contours,
 - (c) proposed grading and mounding of land showing relationship of surrounding land
 - (d) proposed use of high quality peaty/organic soils for the restoration of the site.
 - (e) other vehicle and pedestrian access and circulation areas,
 - (f) details of pumping, ground water recharge and ground water monitoring.
 - (g) details of means of enclosure, fencing and gates
 - (h) Details of viewing points (surface, boundary treatment, seating / viewing area, interpretation). With an agreed timetable for implementation.

Soft landscape works:

- (i) planting plans
- (j) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (k) schedules of plants noting species, planting sizes and proposed numbers/densities, means of support and protection.

Thereafter the hard and soft landscape works shall be undertaken in accordance with the approved details and shall thereafter be managed and maintained in accordance with the approved maintenance and management scheme.

Reason: To protect the amenity of the area and to ensure the provision and establishment of acceptable landscaping.

Advanced Landscape Works / Screen Bunding

32. Advance Planting and screen bunding, as shown on drawing Figure 3.2 – Phase 12 Extraction, Ref. NO51_00240_9 Rev A, dated 30 June 2023 including the gapping up on the hedgerow on the western boundary of phase 12 must be implemented/planted in the next available planting season. Thereafter operations at the site shall be carried out in accordance with the approved scheme and programme.

Reason: To protect the amenity of the area and to ensure the provision and establishment of acceptable landscaping.

Tree protection measures, tree protection Plan (Discharge Prior to Commencement Required)

33. Prior to the commencement of development a Tree Protection Measures Plan must be submitted to the County Planning Authority for written approval.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to adequately control the development and to safeguard the character of the site in the interests of visual amenity.

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Drainage Scheme (Discharge Required)

34. Within 12 months of the commencement of the development hereby permitted a detailed scheme and programme for drainage shall be submitted to the Local Planning Authority for approval in writing. The scheme and programme shall provide details for drainage as may be necessary to bring the restored land to the required standard including ditches, pipes, channels, weirs and control measures. Thereafter all drainage works shall be carried out in accordance with the approved scheme and programme.

Reason: To ensure that those parts of the site that have been restored are subject to a programme of aftercare that has been approved by the Local Planning Authority in the interests of agricultural use.

Protection of the Sewer

35. No building or other obstruction including landscape features shall be located over or within three metres either side of the centre line of the public sewer i.e. a protected strip width of six metres, which crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

Restoration Scheme (Discharge Required)

36. Within 12 months of the date of this permission a detailed scheme and programme for the phased restoration of the site shall be submitted to the Local Planning Authority for approval in writing in compliance with Figure 3.4 - Indicative Landscape Framework, Ref. NO51_00240_11 Rev D, dated 30 June 2023. The scheme and programme shall include details of the following: -
- a) the sequence and phasing of restoration clearly showing their relationship to the working scheme and surrounding landscape;
 - b) timing, phasing and method of replacement of top and subsoils;
 - 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;
 - h) seeding of restored areas with a suitable herbage mixture;
 - i) the boundaries of the lakes to be left on conclusion of workings, including any islands or promontories to be left or formed with overburden or surplus material, and the battering down of the restored banks of the lakes and
 - j) a timetable for implementation.

Thereafter restoration of the site shall be carried out in accordance with the approved scheme and programme.

Reason: To protect the amenity of the area and to ensure the provision and establishment of acceptable landscaping.

Dated: 13 June 2024

Aftercare Scheme (Discharge Required)

37. Prior to the completion of mineral extraction within each phase of extraction, a detailed scheme and programme for the aftercare of the site for a period of 5 years to promote the afteruse of the site shall be submitted to the Local Planning Authority for approval in writing. The scheme and programme shall contain details of the following:
- a) Maintenance and management of the restored site to promote its intended use and the establishment of the restored site.
 - b) Weed control where necessary.
 - c) Measures to relieve compaction or improve drainage, which would include temporary and long term water control measures.
 - d) Maintenance and replacement of trees, shrubs and vegetation, weed control and re-staking and re-planting any failures.
 - e) An annual inspection in accordance with condition 39 to be undertaken in conjunction with representatives of the Local Planning Authority to assess the aftercare works that are required the following year.

Thereafter the aftercare of the site shall be carried out in accordance with the approved scheme and programme. including weed control, replacement of dead and dying trees shrubs or plants with species of similar size and species and maintenance of protection measures.

Reason: To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 and to ensure restoration of the land to the standard required for agriculture and amenity purposes.

Annual Review

38. In March of each year during the extraction and restoration period the site operator shall supply the Local Planning Authority with an annual report of the site summarising the implementation and progress of activities at the site including landscaping, working and restoration.

Reason: To secure an orderly and progressive pattern of working and restoration of the site.

Annual Meeting

39. An annual meeting shall be held between the operator and the Local Planning Authority to review schemes of working, restoration, landscaping and aftercare issues, to be held 6 months from the commencement of development and every 12 months thereafter for the operational and restoration phases of the site. During the aftercare period the council may request further meetings as and when required. This meeting shall include all interested parties and technical advisers (including relevant heritage bodies, Landowners, council officers and conservation bodies)

Reason: To reserve the right of control by the Local Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Dated: 13 June 2024

Cessation of Working

40. In the event of extraction of mineral ceasing on the site for a period in excess of two years before the completion of the development hereby permitted, a revised scheme of restoration and landscaping including a revised timeline for completion, shall be submitted within 3 months of such cessation to the Local Planning Authority for approval in writing. The approved scheme of restoration and landscaping shall thereafter be implemented in full and in accordance with the requirements of conditions 36 and 37 to this permission relating to landscaping, restoration and aftercare.

Reason: To secure a good standard of progressive restoration and safeguard the character of the site in the interests of visual amenity.

Removal of Permitted Development Rights

41. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Part 17 Mining and Mineral Exploration (or any other Order revoking or re-enacting that Order), no plant, buildings, fencing or drilling of boreholes shall be constructed on the site.

Reason: To reserve the rights of control of the Local Planning Authority and protect the amenities of the area.

Record of Planning Decision Notice

42. A copy of the planning permission and any agreed variations and approved details and schemes and programmes for the purposes of the conditions, together with all the approved plans shall be kept available at the site office at all times throughout the operational life of the site and restoration and made known and available to managing and supervising staff on the site.

Reason: To ensure that site personnel are aware of the terms of the planning permission.

Biodiversity Net Gain Plan (Discharge Prior to Commencement Required)

43. Prior to the commencement of development a biodiversity gain plan, showing a 10% net gain shall be submitted to the Local Planning Authority for approval in writing. Thereafter the biodiversity net gain works shall be undertaken in accordance with the approved details and shall be managed and maintained in accordance with the approved plan.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to adequately control the development and to safeguard the biodiversity of the site.

Definitions:

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

Informative

- Badgers License - Badgers are protected under the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981. A license from Natural England will be required if a sett is identified within the permitted extraction area.
- The EA also requested that an impoundment license for Ings Goit and stated that amendments to the Environmental Permit would be required.

Dated: 13 June 2024

Date: 22 March 2024

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Trevor Watson - Assistant Director, Planning

NOTE :-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations; 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.

Dated: 13 June 2024

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 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.

Dated:22 March 2024

**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 Planning Authority has worked with the applicant adopting a positive and proactive manner. The Planning Authority offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not 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 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.