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Contact: Rachel Pillar

Our ref: NY/2019/0047/SCR
28 March 2019

Dear Sir/Madam

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017: REGULATION 8

Screening Opinion in connection with request for a formal Screening Opinion for a 4 hectare extension at Settrington Quarry, Back Lane, Settrington, North Yorkshire, YO17 8NX on behalf of Fenstone Minerals Limited

With reference to your above request dated 8th February 2019 and in accord with the above regulations, North Yorkshire County Council is required to adopt a *Screening Opinion* to establish whether the above development should be accompanied by an Environmental Statement.

The development has been considered on its own merits and on the basis of what is being proposed by Fenstone Minerals Limited. The proposed development is not listed in Schedule 1 of the above Regulations. With regard to Schedule 2 of the above Regulations, the County Council is of the opinion that the proposed development falls within the description provided within Schedule 2 paragraph 1 table column one category 2(a) of the above Regulations. Having taken into account the criteria in Schedule 3 of the above Regulations, the characteristics of the proposed development, the environmental sensitivity of the location; and the types and characteristics of the potential impact have been assessed and based on the scale, nature and location of the development it is considered that the proposed development as referred to in the request **WOULD NOT** have significant impacts upon the environment. Further details are provided in the attached '*Screening Opinion Checklist*'.

This letter therefore confirms that the County Council is of the opinion that the proposed development is **NOT** EIA development and need not be accompanied by an Environmental Statement.

Should you amend any aspect of the proposed scheme, then a new screening opinion will be required. If you have any queries arising from the above, please do not hesitate to contact me.

Yours sincerely



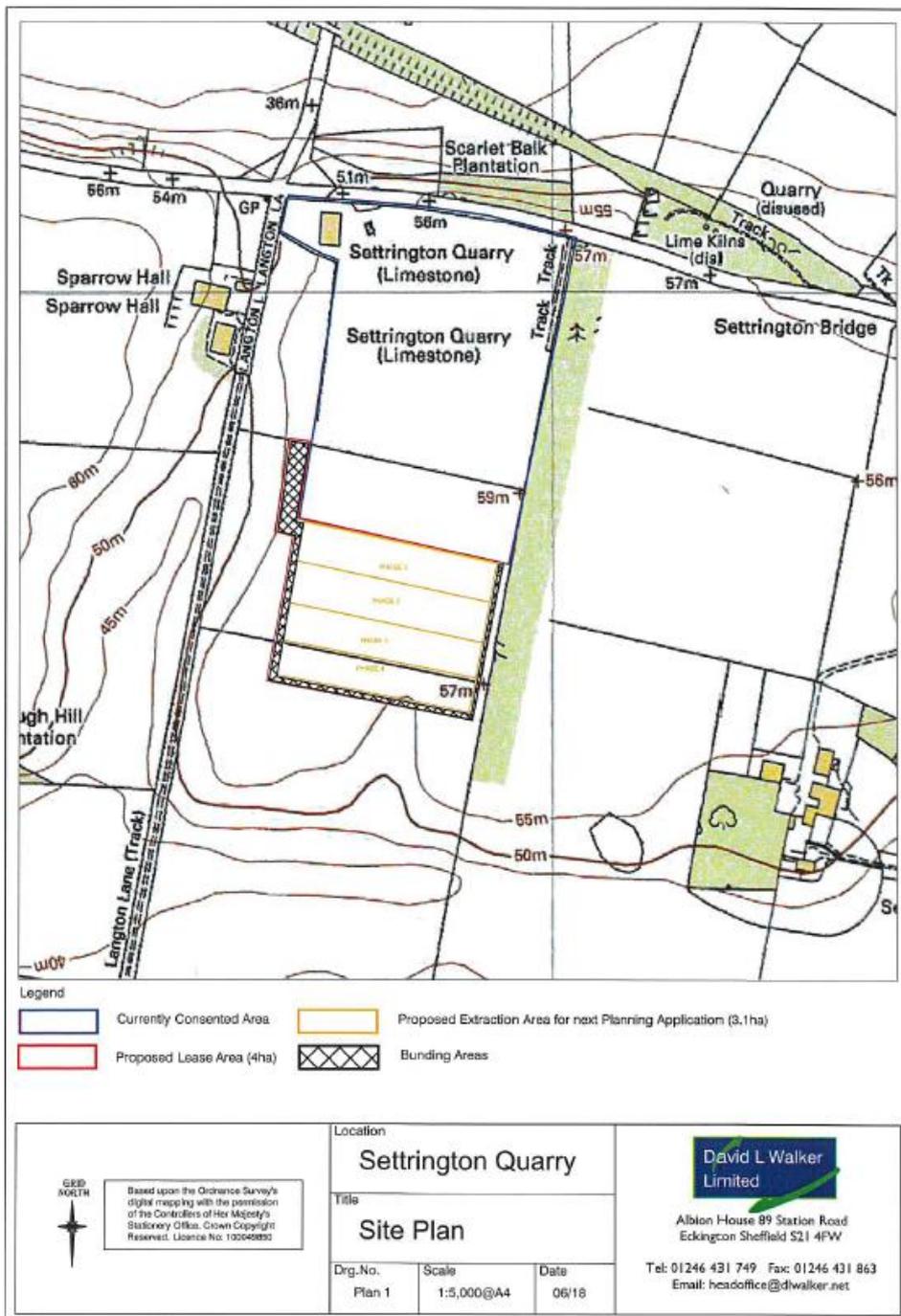
Rachel Pillar
Senior Planner

Screening Opinion Checklist

PART 1: Details of proposed development

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| NY Ref: NY/2019/0047/SCR | Case Officer: Rachel Pillar | Date: 15 March 2019 |
| Site Location: Settrington Quarry, Back Lane, Settrington, North Yorkshire, YO17 8NX | | Description of proposed development: Request for a formal Screening Opinion for a 4 hectare extension |
| Site Area/Floor Space: 4 hectares | | |

Application Site Plan



PART 2: Is a Screening Opinion required?

[\(Click here to view NPPG Screening Flowchart\)](#)

| | | Town and Country Planning (EIA) Regulations 2017 | Yes | No |
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| 1 | Detail of development (See: Development covered by the regulations) | Do you have sufficient information to define the size and type of development (a plan, description of type/nature/purpose and possible environmental effects)?* • YES (proceed to step 2) • NO - either take the precautionary principle and assume the worst case or, request more information confirming 30 day deadline will not commence until received; *Note - development as changed or extended may also need an EIA (Schedule 2, category 13) | X | |
| 2 | Is it Schedule 1 development? | • NO -If the development is not listed in Schedule 1 it may be listed in Schedule 2 (proceed to step 3) | | X |
| 3 | Is it Schedule 2 development? (Schedule 2, Column 1) (See: Interpretation of project categories) | • YES - The development falls/could fall within category 2 a (proceed to step 4) • NO – If the development is not listed in Schedule 2 it is outside the scope of the Regulations and a screening opinion is not required and EIA not required. | X | |
| 4 | 4(a) Does the development exceed the applicable threshold/criteria? (Schedule 2, Column 2) | The threshold is 'All development except the construction of buildings or other ancillary structures where the new floorspace does not exceed 1,000 square metres'. • YES - in this case the proposal does exceed the applicable threshold by virtue of being a quarry (all development). | X | |
| | 4(b) Is the development located in, or partly in, a ' sensitive area ' as defined by Reg 2(1) of EIA Regs 2017? (e.g. SSSI, Nat Park, AONB, SAC, RAMSAR, Scheduled Monument) | • NO | | X |
| 5 | Conclusion | • If you have answered ' YES ' to (2) it is Sch 1 development and an Environment Statement is required in every case therefore screening not required and there is no need to complete Part 3 (items 1-5) (Schedule 3- not applicable)– proceed to Part 3 (item 6) • If you have answered ' YES ' to the threshold/criteria (4a) a screening opinion is required – proceed to Part 3 • If you have answered ' NO ' to the threshold/criteria (4a) and the development is located in, or partly in, a sensitive area (4b) a screening opinion is required – proceed to Part 3 • If you have answered ' NO ' to the threshold/criteria (4a) and the development is not located in or partly in, a sensitive area (4b) it is not 'Schedule 2 development' - screening opinion not required. Screening opinion required? Yes/No | X | |

PART 3: Is EIA required?

| Environmental Impact Assessment Regulations 2017 - Schedule 3 | | | |
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| EIA usually required for (i) major developments of more than local importance; (ii) development in particularly environmentally sensitive or vulnerable locations; (iii) developments with unusually complex and potentially hazardous environmental effects. This checklist should be used to determine whether significant effects are likely to arise from the development. REMEMBER – the Regs also apply to changes to EIA development and reserved matters / subsequent approvals | | | |
| 1 | Indicative thresholds/criteria | Does the development fall within the indicative thresholds/criteria? (see Annex: Indicative thresholds, NPPG) | Yes Key issues to consider (as per PPG): quarries covering more than 15 hectares (ha) or involve the extraction of more than 30,000 tonnes of mineral per year. |
| 2 | Characteristic of the development: | Size & design of the whole development: | 4 Hectares proposed for use in the development of which 3.35ha to be extracted. Existing site is approximately 8.5ha so below the 15ha threshold, but proposed rate of extraction (100,000 tonnes per annum) is above the 30,000 tonnes threshold. |
| | | Cumulation with other existing and/or approved developments | The proposal is adjacent to the existing quarry operation within which there are remaining mineral reserves that potentially if extracted simultaneously with the proposed extension could have a cumulative impact, for example, in terms of landscape, ecological, amenity and traffic impact and time period of impact. However, the agent has confirmed that the existing area which contains less than 40,000 tonnes remaining would be worked prior to entry into the proposed extension. |
| | | Use of natural resources (particularly land, soil, water & biodiversity) | The proposed extension is on to land which has not previously had planning permission for extraction. The area is expected to yield 1.35 million tonnes of limestone which would be a use of the natural resource and, there is already a proposal allocation (MJP08) of 1.7 million tonnes proposed in the Minerals & Waste Joint Plan for a similar, but not exactly the same area of land at Settrington Quarry. The extension is currently in agricultural use, and, on the assumption that soil stripped from the proposed extension would be safely stored for use in the restoration of the site, it is not considered, based on currently available information, that this would have a significant effect. |
| | | Production of waste | It is considered that the development, being one of minerals extraction would result in a limited production of waste and any quarry material that is not suitable for sale would not be harmful to the environment, and therefore the proposed extension is not EIA development on this basis. |
| | | Pollution and nuisances | There have been no known recorded incidents of pollution occurring at the site or any reported to the County Planning Authority by any other regulatory body. |

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| | | Risk of major accidents and/or disasters relevant to development concerned including those caused by climate change | There have been no known accidents at the site during the past operations at the site. As such, there is no reason to consider that the proposed development would result in an increase in either the risk or occurrence of accidents at the site. |
| | | Risks to human health (e.g. due to water contamination or air pollution) | The proposed extraction area lies outside the zones of the groundwater protection zone which lies to the west of the quarry and whilst the current quarry operation involves the importation of subsoil and topsoil to assist in the restoration of the site, the level of contamination risk is considered to be low. With regard to air pollution where is potential for noise, dust and effects of blasting on neighbouring properties and users of Langton Lane (other route of public access) and the leisure trails (Yorkshire Wolds Way and Centenary Way) but at this point in time it is considered that these would with appropriate site design not amount to significant effects on the amenity of local residents. |
| 3 | Location of the development (the environmental sensitivity of area likely to be affected): | Existing and approved land use (<i>include past, present and future (allocated land)</i>) | The existing use of the proposed extension is agriculture. The land to the north is the operational quarry and part of the site (approximately 3.6 hectares) lies within the proposed MJP08 site allocation in the Minerals and Waste Joint Plan but the remaining part lies outside and to the south the allocation. |
| | | Relative abundance, availability, quality, regenerative capacity of natural resources (including soil, land, water & biodiversity) in the areas and its underground | The extraction of limestone involves a natural resource and minerals are a finite resource, the supply of which, cannot be replaced once exhausted. The estimated resource is smaller than that proposed in the site allocation and is not considered to be significant as sufficient quantities of this natural resource still remain for future generations. For this reason the impact of the proposed development on the use of this natural resource does not make this an EIA development. |
| | | Absorption capacity of natural environment (particularly wetlands, riparian areas, river mouths; coastal zones and the marine environment; mountains and forest areas; nature reserves/parks; European sites & areas classified or protected under national legislation; areas where there has been failure to meet environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such failure; densely populated areas; landscapes of historical, cultural or archaeological significance). | <p>The application site itself is not located within, or immediately adjacent to a wetland, coastal zone, mountain and forest area, nature reserve and park, a designated area (such SSSI, SPA/SAC, RAMSAR, AONB), a densely populated area or a landscape of historical or cultural significance. The location does not make the proposal EIA development.</p> <p>However, it should be noted that through the consideration of the proposed MJP08 site allocation in the Minerals and Waste Joint Plan that there have been a number of matters identified through the Joint Plan consultation process as being requirements to address within the application statement. For example, regarding any ecological issues such as potential hydrological impacts on the River Derwent SAC (if applicable), impact on heritage assets, flood risk assessment (see the details regarding MJP08 in Appendix 1 of the Publication document of the Minerals and Waste Joint Plan and the draft main modifications on the Minerals and waste joint plan examination webpage.</p> |

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| 4 | Types and characteristics of the potential impact (with regard to the impact on the factors specified in Reg 4(2)) | The magnitude & spatial extent of the impact (geographical area and size of affected population) | <p>Localised impacts in the context of the existing established mineral site including landscape and visual impact, such as the removal of an established hedgerow/line of trees on the southern edge of the MJP08 site allocation boundary for which mitigation will need to be proposed.</p> <p>No increase in noise, dust or blasting effects is currently expected from that previously assessed and considered to be acceptable.</p> <p>The highways impact is anticipated to be localised and existing limitations on access and sheeting have previously been considered satisfactory to manage the impact but mitigation of the traffic will need to be addressed including the routing of vehicles.</p> |
| | | The nature of the impact | The proposal would expand the site by approximately one third, but there are a limited number of nearby residential properties and the magnitude and complexity of any potential impacts from the proposed development are considered at present to be limited, although consideration will need to be given to the impact on users of Langton Lane (other route of public access) and the leisure trails (Yorkshire Wolds Way and Centenary Way). |
| | | Transboundary nature of the impact (i.e. does it cross country borders or boundaries) | There would be no transboundary impact from the development. |
| | | The intensity and complexity of the impact | On the basis of the information supplied in the screening request and the current operation of the quarry, and the limited number of nearby residential properties, the magnitude and complexity of any potential impacts from the proposed development are considered to be limited. |
| | | The probability of the impact | <p>This proposal relates to an established quarry but with an increased production rate relative to that which has occurred in recent years. This is a matter that will need to be addressed as part of the application.</p> <p>The extension will involve the removal of an established hedgerow/belt of trees so will have a greater potential impact than that which was envisaged in during the consideration of the proposed allocation in the Minerals and Waste Joint Plan.</p> |
| | | The expected onset, duration, frequency and reversibility of the impact | Due to the nature of minerals extraction, many of the impacts (such as upon landscape) are irreversible, although these are potentially mitigatable through appropriate landscaping and restoration. The removal of the established hedgerow/belt of trees will have an, as yet unspecified, impact on ecology which will need to be addressed as part of the application. |

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| | | The cumulation of the impact with the impact of other existing and/or approved development | The proposal is for an extension to the site, but if the application is submitted separately from the proposal to seek an extension of time for the completion of extraction in the existing quarry there may be an, as yet, unquantified cumulative impact but it is not at this point considered that this will be a significant effect. | |
| | | The possibility of effectively reducing the impact | It is considered that the site design should be possible to reduce the impact of the development in terms of the impact on the sensitivities already identified through the site allocation process such as ecological issues, impact on best & most versatile land, heritage assets (designated and undesignated), landscape and visual intrusion matters, water issues, access and traffic issues and amenity issues. | |
| 5 | Can the significant effects be addressed by proposed mitigation measures? | Consider mitigation measures. Reg 5(5)(b) states “if it is determined that proposed development is not EIA development, state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment” | Yes. Whilst it is considered that in light of the location, scale and duration of the works it is unlikely that any significant effects are likely to result from the proposed development, additional mitigation is proposed to further reduce the risk. Such mitigation might potentially, depending on the details of the application, take the form of controls and restrictions (conditions) as previously applied to the permissions for the site in respect of - noise, dust, lighting, discharges to water and visual intrusion - vehicle numbers, access, sheeting and wheel wash - hours of operations; and - restoration of the site. | |
| 6 | Conclusion | Environmental Statement required? Yes- Any application for planning permission must be accompanied by an Environmental Statement. No- Development is not likely to have significant effects on the environment and the significant effects can be addressed by proposed mitigation measures. | | Yes No X |
| Signed and dated | | Case Officer:  Date: 28 March 2019 | DC Team Leader: Date: 28 March 2019 | |
| | | Head of Planning Services:  Date: 29 th March 2019 | | |

The determination and full reasons must be made available to the public via the County Council's Online Planning Register and District Council's Planning Register.