



**TARMAC TRADING LIMITED**

**Killerby Quarry  
Proposed Bagging Plant**

**Planning Support Statement**

**December 2020**

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## **1 INTRODUCTION**

### **1.1 Project introduction**

1.1.1 Wardell Armstrong LLP has been appointed by Tarmac Trading Ltd ('Tarmac') to prepare and submit a planning application for a proposed aggregate bagging plant at Killerby Quarry, North Yorkshire. Killerby Quarry was granted planning permission (NY/2010/0356/ENV) in 2018 by North Yorkshire County Council (NYCC). The bagging plant would serve to supply the local and regional construction industry with bagged aggregates. It would be decommissioned prior to Phase 5 extraction works taking place, with restoration and landscape planting taking place in accordance with Killerby Quarry's restoration scheme.

1.1.2 The application boundary, which includes the internal access road link to Low Street, is estimated to be 3.77ha in size.

1.1.3 This submission is supported by the following reports:

- Flood Risk Assessment, including drainage
- Visual Impact Assessment
- Noise Assessment
- Air Quality Assessment, including Dust Management Plan
- Soil Survey
- Heritage Statement
- Ecology Survey
- Transport Assessment

1.1.4 This planning application is also being supported by the following drawings:

- Location Plan
- Existing Site Layout
- Proposed Site Layout
- Yard – Elevations
- Bagging Building – Elevations, Roof and Floor Plan
- Bulk Bagging Plant – Elevations, Roof and Floor Plan
- Open Storage Bays – Plan and Elevations
- Closed Storage Bays – Plan and Elevations

- Transformer - Plan and Elevations
- Drainage Layout
- Proposed Ticket Office – Elevations
- Proposed Ticket Office – Floor Plan
- Proposed Welfare Building – Elevations
- Proposed Welfare Building – Floor Plan

## **1.2 Planning fee**

1.2.1 As confirmed by NYCC on the 3<sup>rd</sup> August 2020, the bagging plant is not subject to a planning fee, as the planning permission for Killerby Quarry removed permitted development rights from the site. This is in accordance with Article 6 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

## **1.3 Site location**

1.3.1 Killerby Quarry is situated on the south western flank of the gently sloping valley formed by the River Swale. It is also located approximately 1.5km south east of the town of Catterick, approximately 1.5 km north west of the village of Kirkby Fleetham and approximately 0.25 km east of the A1 road. Killerby Quarry is approximately 0.5km due south of both Ellerton and Kiplin Hall sand and gravel quarries which are located on the north bank of the River Swale - see Location Plan (17137-201).

1.3.2 Within the quarry, the bagging plant is proposed to be located on an arable agricultural field (the 'Site') immediately to the south of the approved plant site – see drawings Existing Site Layout (171307-202) and Proposed Site Layout (17137-203). The Site is partially within Phase 5A, as well as straddling smaller sections of Phases 5B and 5D.

1.3.3 The Site itself is a sloping arable field immediately to the south of the Killerby Quarry plant site. The landform currently slopes from 48m AOD on the southern boundary to 42m AOD on the northern boundary adjacent to the plant site, which has been levelled at 42m AOD. The surrounding area gently undulates between similar levels, becoming lower lying and more level to the north towards the River Swale, which is 1km to the north. The surrounding area consists of a mixture of intensive arable and grassland agricultural land, divided by hedgerows and blocks of woodland; the larger blocks of

woodland tend to be either associated with the country houses in the area such as Killerby Hall, Kiplin Hall and Kirkby Fleetham Hall, or along the river corridor.

1.3.4 There are five existing residential properties (farmhouses) to the north, south, south east and south west of the proposed development. The location and distance of these are:

- Killerby Hall – approximately 420m to the north.
- Broad Close Farm – approximately 280m to the south east.
- Broad Close Cottage – approximately 380m to the south west.
- The Springs – approximately 990m to the north west.
- Hook House Farm – approximately 500m to the south.

1.3.5 An unnamed road runs immediately to the south of the site, connecting Broad Close Farm with Low Street, the A6055 and the A1 (M) to the west. Killerby Cottages is located at the junction of the unnamed road and Low Street.

## **1.4 About the applicant**

1.4.1 Tarmac is a nationwide building materials and mineral operator, employing nearly 7,000 staff and operating 120 UK quarries, 74 stone coating plants, 100 ready-mix concrete plants, as well as three cement and lime plants. Tarmac's breadth of experience and operations enable it to serve a wide range of sectors including aviation, housing, rail utilities and defence. Tarmac is committed to strengthening its operations in North Yorkshire, serving the needs of the region's construction sector.

## **2 STAKEHOLDER ENGAGEMENT**

2.1.1 In October 2019, a Screening Request was submitted to NYCC to establish whether the proposed development needed to be accompanied by an Environmental Impact Assessment. When the Screening Request was submitted, there was also a Ready Mix Concrete (RMX) Plant being proposed alongside the bagging plant. The Ready Mix Plant element is however no longer being pursued in this planning application.

2.1.2 A Screening Opinion was issued on the 1<sup>st</sup> November 2019 (Reference: NY/2019/0175/SCR), concluding that the proposed development is not listed in Schedule 1 of the EIA regulations, and that in regard to Schedule 2, it was the opinion of NYCC that the proposed development falls within the description provided in Schedule 2 Paragraph Category 2 'Extractive Industry' and Category 5(b) 'Mineral Industry' of the regulations. Taking Schedule 3 into account therefore, the

characteristics of the proposed development, the environmental sensitivity of the location, the type and characteristics of the potential impact have been assessed and based on scale, nature and location of the development, it was considered that the proposed development would not have significant impacts upon the environment. As the quantum of development has been reduced following the removal of the RMX plant, it is considered that the Screening Opinion's conclusion remains valid.

### **3 PROPOSED DEVELOPMENT**

- 3.1.1 The bagging plant would consist of several components, including a yard with aggregate storage bays on two sides (closed and open), the main bagging plant building, a smaller building for bulk bagging and a bagged aggregates stocking area. Aggregates would be transported by dump trucks to the yard and stored in the aggregate storage bays with assistance from front loading shovels. As required by market demand, aggregate of a particular size would be transported with a front-loading shovel to the feed hoppers located outside the bagging plants, where it would feed into the respective bagging process. The bagged aggregate and the bulk bags would then be transported on pallets by forklifts.
- 3.1.2 The bagged aggregates stocking area would consist of a concrete hard surface to accommodate pallets carrying 56 or 49 x 25 kilo bags of product together with individual bulk bags. Forklifts would be used to load HGVs with the bagged aggregate for distribution within North Yorkshire and beyond.
- 3.1.3 The individual products would be stacked over the whole of the stocking area. The maximum height that palletised products would be stacked to is 3m above yard level and bulk bag stock would be stacked no more than two high at less than 2m.
- 3.1.4 The stocking area would be arranged to allow for stationary vehicles to be loaded – this includes trailers that would then be picked up by articulated tractor units. The stocking area would be served by up to eight forklift trucks. The estimated annual production of bagged aggregate is expected to be 140,000 tonnes. A gate house would be in place within the bagging plant site and would be used for incoming and outgoing vehicle/product checks.
- 3.1.5 Materials imported for use on site would comprise loose aggregates for bagging and consumables such as packaging (plastic bags & bulk bags) and pallets. Approximately 55% of the aggregates to be handled at the site would originate from Killerby Quarry – these would be delivered directly to the storage by areas by dump trucks. The dump

truck would be loaded in the main quarry stock area with a particular size fraction of aggregate and transport it internally to the storage bay area where it would tip the material into, or close to the required storage bay. The on-site loading shovel would ensure that all the material was correctly positioned in the appropriate bay.

3.1.6 The remaining 45% of aggregates would be imported to the site and would arrive in road-going vehicles which would proceed directly to the storage bay area to tip their loads. As the operations of the bagging plant and the main quarry would be integrated as far as possible, empty vehicles would then be loaded with aggregate from Killerby Quarry for distribution within the surrounding market area.

3.1.7 Further details of the above components are described below:

- Main bagging building: 24.0m (l) x 19.0m (d) x 8.7m (h) – steel-framed construction, clad with plastisol metal sheeting, Vandyke Brown BS 4800/5252 or similar, and skylights.
- Bulk bagging plant building: 16.5m (l) x 5.39m (d) x 5.95m (h) – steel-framed construction clad with plastisol metal sheeting, Vandyke Brown BS 4800/5252 or similar, and skylights.
- Open bays (x7): approximately 63.15m (l) x 6.00m (d) x 3.00 (h) in total, made of prefabricated concrete for the storage of loose aggregate. Height would not be higher than 3.6m.
- Closed bays (x7): approximately 42.15m x 6.08m x 3.00 in total, built of prefabricated concrete for the storage of loose aggregate. Height would not be higher than 3.6m.
- Number of jobs created or maintained: 9 direct and 12 indirect jobs.

#### ***Stocking area***

- The stocking area would consist of hardstanding covering an area of approximately 10,000m<sup>2</sup>. Drainage details are included in Appendix 1 'Flood Risk Assessment'.

#### ***Ancillary buildings***

- Welfare building – 12.2 (l), 3.4m (d), 2.6m (h), light grey RAL 7035 or similar.
- Ticket office – 6.1m (l) x 3.4m (d) x 3.4m (h), light grey RAL 7035 or similar.

### ***Energy input***

- HV transformer, approximately 3m (l) x 3m (d) x 2m (h), recessive green in colour, and protected with palisade fencing.

### ***Lighting***

- Lighting would be limited to low level LED lighting, cowled away from the southern and western boundaries to avoid light spill above 1lux.

3.1.8 It is envisaged that there would be a small degree of micro-sitting but that otherwise the development would take place in general accordance with the Proposed Site Layout plan.

## **3.2 Site levelling works**

3.2.1 Due to the sloping topography of the Site, ground preparation works would need to take place to create a level platform. Furthermore, the Site would need to tie in with the plant site to the north, resulting in a lowering of the ground level down to 43mAOD from a current peak of approximately 48mAOD. The plant site to the north lies at 42mAOD. Lowering the ground level would also help minimise the visual impact of the bagging plant, as assessed in Appendix 2 - Visual Impact Assessment.

3.2.2 Prior to site levelling works taking place, the soil resource would be removed and safeguarded in accordance with the Soil Management Plant (SMP) (Appendix 5).

## **3.3 Access, traffic and routeing**

3.3.1 The access to and from the public highway would be via the existing quarry access onto Long Lane. Access for road-going vehicles to the bagged aggregates stocking area would be via Killerby Quarry's internal hard surfaced road network, circumventing the Quarry's site office and parking area.

3.3.2 It is anticipated that 60,000tpa of aggregates would be imported by HGVs, of which 75% of trips would not be new trips as these are vehicles that currently return to Killerby Quarry unladen to be loaded. This backhauling operation would help make efficient use of the vehicle fleet. An additional 5,000tpa of pre-bagged aggregates is also expected to be imported into the site. In total, it is anticipated that 140,000tpa of bagged aggregate would be exported from the site in HGVs.

3.3.3 Overall, this development proposal would result in a small increase in additional HGV movements, equating to 23 laden vehicles per day (46 two-way), or 1.8 laden vehicles per hour (3.6 two-way).

3.3.4 Regarding routing around the local highway network, HGVs would use Low Street and the A6055, which are the main highway routes to the A1(M) in the north and south.

### **3.4 Hours of operation**

3.4.1 Both plants would only operate within the relevant timings stipulated within the quarry permission, which for these plants would be:

- Monday to Friday: 07:00 to 19:00
- Saturdays: 07:00 to 13:00
- Closed on Sundays and Public Holidays

### **3.5 Surface drainage**

3.5.1 Surface drainage would be dealt with using a perimeter drain leading to Killerby Quarry's storage lagoon, thereby attenuating surface run-off and discharging it to the Fiddale Beck channel. For further information, see Appendix 1 'Flood Risk Assessment'.

### **3.6 Foul drainage**

3.6.1 Foul drainage at the site would be dealt with by installing a treatment plant compliant with the EN-12566 standard, such as the P6 IPS Klargester or similar, in the vicinity of the welfare building. This system employs an aerobic biological trickling filter process for the treatment of sewage. Treated discharge would be less than five cubic metres per day and would not cause pollution. The system would be designed to discharge into the site's drainage system.

### **3.7 Public Rights of Way**

3.7.1 No Public Rights of Way would need to be diverted or stopped to accommodate this development proposal.

### **3.8 Existing infrastructure**

3.8.1 There are three overhead HV cables traversing the Site, but these are due to be removed as part of the scope of site preparations prior to extraction works commencing at Killerby Quarry.

### **3.9 Employment**

3.9.1 The bagging plant would help sustain the employment of nine staff, including site control staff, forklift truck drivers and loading shovel drivers. It would also help support indirect employment offsite (approximately 12), among hauliers and administrators. At times of peak sale periods, there would also be an increase in temporary labour.

### **3.10 Trees and hedges**

3.10.1 The site is a single arable field with a fence line on the northern boundary (the field trees along it have now been removed as previously approved), a hawthorn dominated hedgerow to 1.5m on the eastern boundary, a gappy hedgerow with oak and ash field trees on the southern boundary, and a fence line with an avenue of trees beyond on the western boundary. The hedgerows and trees would be retained due to their ecological and landscape value until such a time that they need to be removed in order to progress Phase 5 extraction works. In the interim, an easement gap is proposed along the western (3m), south (6m) and eastern (3m) boundaries, within which earthworks would not take place. These buffers are considered proportionate given that the remaining three sides of the tree or hedges would not be disturbed. Although no trees are being proposed to be removed as part of this application, the trees that are consented for removal are shown in drawing K034-00222-46A 'Trees to be Removed' in Appendix 9.1, as approved under the discharge of conditions application NY/2020/0134/A27. For completeness, Appendix 9.2 also includes the Tree Survey submitted for the main quarry permission, ref: NY/2010/0356/ENV.

### **3.11 Site restoration**

3.11.1 The proposed development would be removed at the start of phase 5 of the quarry and once quarrying operations have ceased the site would be restored as per of the quarry restoration scheme.

## **4 NEED FOR THE DEVELOPMENT**

4.1.1 This bagging operation is required to replace the existing plant currently at Scorton Quarry. As operations at Scorton Quarry come to an end, the bagging plant at Killerby Quarry would enable aggregates won at Killerby Quarry to be bagged at source, as well as the aggregates from Ellerton Quarry which will be processed at Killerby Quarry.

4.1.2 Bagging aggregate at source, or in close proximity to sources of won aggregate, would assist with reducing transport distances, as well as maximising the number of vehicles that are able to back haul by importing aggregate and exporting bagged aggregates. Reducing transport distances and maximising back hauling operations are beneficial for minimising operating costs, as well as reducing greenhouse gas emissions.

## **5 PLANNING HISTORY**

5.1.1 A planning application accompanied by an Environmental Impact Assessment (EIA) was submitted in 2010 to North Yorkshire County Council for the extraction and processing of sand and gravel including the construction of a site access, conveyors, bridges, associated plant and machinery with restoration to agriculture, nature conservation and wetland. Following the provision of further environmental information, the application was approved on the 4<sup>th</sup> April 2018. It is expected that the quarry will produce approximately 11.37m tonnes of sand and gravel over 17.5 years prior to final restoration taking place. Following the discharge of pre-commencement conditions, site preparation works have begun on site.

## **6 PLANNING POLICY CONTEXT**

### **6.1 Legislative framework**

6.1.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that in making any determination, regard is to be had to the Development Plan, and that determination shall be made in accordance with the Plan unless material considerations indicate otherwise. In this case, the statutory development plans pertinent to the proposed plants at Killerby Quarry are:

- North Yorkshire Minerals Local Plan (1997) – Saved Policies
- North Yorkshire Minerals and Waste Local Plan – 2017 Addendum Draft
- Hambleton Core Strategy (2007)
- Hambleton Development Policies (2008)
- Hambleton Local Plan Publication - 2019 Draft

6.1.2 The proposed plant is very closely linked to the operation of the sand and gravel site at Killerby Quarry and, as such, mineral policies have also been included within this policy compliance assessment.

## 6.2 National Planning Policy Framework

6.2.1 The new National Planning Policy Framework (NPPF) was adopted February 2019 (revised June 2019), setting out the Government's planning policies for England and how these are expected to be applied. Local Planning Authorities (LPAs) are required to take this guidance into account when formulating planning policy and when determining planning applications.

6.2.2 Sustainable development forms the foundation of government policy in relation to planning and the use of land. The overarching message from the NPPF is the presumption in favour of sustainable development. The NPPF defines the following three dimensions of sustainable development in paragraph eight:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.2.3 Paragraph 11 confirms that there is a presumption in favour of sustainable development and that in determining planning applications this means approving proposals that accord with the development plan without delay and, where the development plan is silent or out of date, approving the proposals unless the development conflicts with the NPPF.

6.2.4 The NPPF also identifies that minerals are essential to support sustainable economic growth and that it is important that there is a sufficient supply of materials to provide the infrastructure, buildings, energy and goods that the country needs (Paragraph

203). Paragraph 83 of the NPPF also seeks to support, amongst other things, the sustainable growth and expansion of all types of businesses in rural areas.

### **6.3 North Yorkshire County Council Minerals Planning Policy**

6.3.1 The North Yorkshire Minerals Local Plan was adopted in December 1997, setting out the policies and proposals for the development and use of land, as required by The Planning and Compensation Act 1991. The policies were due to expire on the 27<sup>th</sup> September 2007 but were subsequently ‘saved’ and remain applicable until the emerging minerals plan is adopted.

### **6.4 Minerals and Waste Joint Plan (2017) Addendum to Publication Draft**

6.4.1 A Joint Minerals and Waste Local Plan is currently being prepared by North Yorkshire County Council, City of York Council and the North York Moors National Park Authority. The Minerals and Waste Joint Plan, once adopted, will set out the planning policies against which all minerals and waste development proposals will be assessed against. As the plan is at an advanced stage of preparation, the policies contained within have been used as part of this policy assessment.

### **6.5 Hambleton Adopted Local Policies**

6.5.1 Hambleton’s planning policy documents are principally conformed by the Core Strategy (2007) and the Development Policies document (2008). The Core Strategy was produced as part of a Local Development Framework which sought to be an effective response to local issues and priorities, including contributing to the Council’s corporate vision of “*Making Life Better*”. Likewise, the Development Policies (2008) document was produced to provide interpretation, explanation and further detail the practical means by which to implement the policies found in the Core Strategy.

### **6.6 Hambleton Emerging Local Plan**

6.6.1 The Publication Draft of Hambleton’s Local Plan was issued in July 2019 and was submitted for examination in 2020. Once adopted, the emerging Local Plan will replace the currently extant Core Strategy and the Development Policies. The emerging Local Plan includes the long-term vision, objectives and strategic policies that reflect the Council’s corporate ambitions. The document’s first policy ‘S1 Sustainable Development Principles’ seeks to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change.

## **7 POLICY ANALYSIS**

### **7.1 Air quality and dust**

#### ***NPPF***

7.1.1 Paragraph 181 of the NPPF states, amongst other things, that development proposals should seek opportunities to improve air quality or mitigate impacts.

#### ***North Yorkshire extant minerals plan***

7.1.2 Policy 4/16 seeks to ensure that mineral workings and ancillary mineral operations would not result in unacceptable impacts on the local environment or residential amenity.

#### ***Hambleton District Council DPD***

7.1.3 Policy DP1 'Protecting amenity' states that "*all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight*" – this includes air pollution and dust.

#### ***Emerging Hambleton Policy***

7.1.4 Emerging policy RM 4 – Air Quality, seeks to protect and improve air quality within the district. Policy E2 'Amenity' seeks to, amongst other things, prevent air pollution and dust nuisance.

#### ***Commentary***

7.1.5 An Air Quality Assessment (see Appendix 4) has been undertaken to consider the potential air quality and dust impacts associated with the operation of a proposed bagging plant at Killerby Quarry. The Air Quality Assessment has followed the methodology outlined in the IAQM Minerals Guidance, which is the most appropriate air quality guidance document available for a proposal of this nature.

7.1.6 The Air Quality Assessment concludes that the proposed development would not lead to an unacceptable risk from air pollution, nor would it lead to any breach of national objectives as required by national policy. There are no material reasons in relation to air quality why the proposed scheme should not proceed.

7.1.7 A qualitative identification of the dust sources has identified low risk dust sources which would be fully mitigated by continuous dust mitigation and management

techniques. Accordingly, Killerby Quarry's Dust Mitigation Scheme has been updated to include bagging plant operations.

- 7.1.8 There are no sensitive receptors located within 250m of the proposed development, therefore a detailed air quality assessment has been screened out.

## **7.2 Cultural heritage impact**

### ***NPPF***

- 7.2.1 Paragraph 184 of the NPPF states that heritage assets should be conserved in a manner appropriate to their significance to the benefit of existing and future generations. Paragraph 189 states that applicants should describe the significance of any heritage assets affected, including any contribution to their setting. Paragraph 193 states that great weight should be given to the asset's conservation, in accordance with its importance.

### ***Emerging minerals plan***

- 7.2.2 Policy D08 'Historic Environment' seeks to ensure development proposals are permitted where it can be "*demonstrated that they will conserve and, where practicable, enhance those elements which contribute to the significance of the area's heritage assets including their setting*".

### ***Hambleton Core Strategy***

- 7.2.3 Policy CP1 'Sustainable Development' of the 2007 Hambleton Core Strategy seeks to, amongst other things, protect and enhance the historic and cultural features of acknowledged importance.

### ***Hambleton emerging plan***

- 7.2.4 Emerging Policy E5 'Development Affecting Heritage Assets' seeks to protect heritage assets and their setting.

### ***Commentary***

- 7.2.5 The Stable Block to Killerby Hall is located approximately 500m to the north of the proposed plant location and is part of a wider complex of structures including Killerby Hall and outbuildings, Hall Cottages, and a pair of large agricultural buildings. The Killerby Hall complex lies within a gently undulating topographic setting at a rise of c.46mAOD. The Stable Block is a Grade II Listed Building which confirms that it is of

‘special interest’ as defined by Historic England, although Grade II Listed is the lowest grade of national designation.

7.2.6 A setting assessment of the Grade II listed Stable Block at Killerby Hall has been carried out to inform this planning application (see Appendix 6 ‘Heritage Statement’). The methodology for this assessment is based on Historic England’s *Historic Environment Good Practice in Planning, Note 3: The Setting of Heritage Assets (Second Edition)*, which recommends a 5-stage approach to the assessment of impacts to settings of heritage assets. These steps are as follows:

- Step 1: identify which heritage assets and their settings are affected;
- Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
- Step 3: assess the effects of the proposed development, whether beneficial or harmful on that significance;
- Step 4: explore the way to maximise enhancement and avoid or minimise harm; and
- Step 5: make and document the decision and monitor outcomes.

7.2.7 Having considered each of the above points in turn (with the exception for Step 5, which is for the Mineral Planning Authority to consider), the assessment concludes that it has identified a low potential for visual impacts to the setting of the Stable Block at Killerby Hall.

7.2.8 It is therefore considered that there would not be an unacceptable impact on local heritage assets arising from this development proposal.

### **7.3 Ecology, trees and vegetation**

#### ***NPPF***

7.3.1 Paragraph 175 stipulates that the determination of planning applications should aim to conserve and enhance biodiversity, through the application of specific principles contained within that paragraph.

#### ***Extant minerals plan***

7.3.2 Policy 4/16 seeks for “*operations ancillary or secondary to mineral extraction to be sited, designed and maintained so as to minimise the impact on the environment and local amenity*”.

### ***Emerging minerals plan***

- 7.3.3 Policy D07 of the Emerging Local Plan states, amongst other things, that “*proposals will be permitted where it can be demonstrated that there will be no unacceptable impacts on biodiversity or geodiversity*”.

### ***Hambleton Core Strategy***

- 7.3.4 Policy CP1 of the 2007 Core Strategy seeks to protect, amongst other things, the natural environment and its biodiversity.

### ***Hambleton DPD policies***

- 7.3.5 Policy DP31 ‘Protecting natural resources: biodiversity/nature conservation’, also seeks to protect local biodiversity, not least through preventing harm to sites with nature conservation value.

### ***Hambleton emerging plan***

- 7.3.6 Policy E3 ‘The Natural Environment’ seeks to protect local biodiversity from unacceptable negative impacts.

### ***Commentary***

- 7.3.7 There is a good level of background ecology data for the area. This is due to the detailed specialist surveys were undertaken for Killerby Quarry, including for protected species licencing and to meet pre-commencement conditions.
- 7.3.8 Notwithstanding this, a Phase 1 habitat survey was undertaken in September 2019 and updated checks in January 2020. This included additional remote monitoring for bats in August/September and camera monitoring for potential badger activity in December and January 2019/2020. An additional site survey took place in October 2020 to confirm that the development site did not contain any badger setts. The findings of these surveys can be found in Appendix 7 ‘Ecological Appraisal’.
- 7.3.9 The Ecological Appraisal assesses the Bagging Plant specifically, however this also includes a 50m buffer around the Site. The bagging plant is to be located within an arable field, minimising habitat losses in line with the mitigation hierarchy.
- 7.3.10 The Ecological Appraisal lists the following effects and mitigation measures.

### ***Effects***

- a. Loss of an area of arable land and associated farmland birds of local conservation value.

- b. Lighting and disturbance to the site's southern and western boundaries used by foraging and commuting bats and other wildlife including potential barn owl.
- c. Adverse impacts from run-off are not anticipated with normal good working methods.
- d. Minor diversion of a trail used by badger.

***Mitigation/compensation strategy***

- a. Existing field trees would be retained and enhanced through the provision of six bat and six bird boxes to include crevice and cavity bat boxes, and bird boxes suitable for blue tit, tree sparrow and starling.
- b. A barn owl box would be provided in a suitable location in the wider site away from busy roads.
- c. Boundary hedges would be gapped up with species-rich native tree and shrub planting with at least 10 species per 30m length and no more than 40% hawthorn.
- d. Areas of re-profiled land around the boundaries of the bagging plant would be of low fertility subsoils and seeded with a native wildflower mix such as Emorsgate EM4.
- e. Operating hours would exclude night-time working in the summer to avoid disturbance to foraging bats.

7.3.11 Although not specified in the Appraisal itself, despite the very little bat activity in the area, lighting would be cowled away from the southern and western boundaries to avoid light spill above 1lux. This would also be to the benefit of local barn owls.

7.3.12 The Appraisal concludes that no significant ecological impacts are anticipated, and with appropriate detailed design and implementation there is potential for minor net gain from the conversion of areas of arable land to wildflower grassland, the gapping up of field boundaries, and the provision of additional nesting and roosting opportunities for bats and birds.

7.3.13 As commented on previously, trees and hedges around the perimeter of the Site would be retained until such a time that they need to be removed to allow for Phase 5 extraction works to take place. Their interim retention would allow the trees and hedges to continue to provide biodiversity habitat and ecological value.

## 7.4 Flood risk and drainage

### **NPPF**

- 7.4.1 Paragraph 163 of the NPPF seeks to, amongst other things, ensure flood risk is not increased elsewhere as a result of a new development and that, where appropriate, applications should be supported by a site-specific flood-risk assessment. Paragraph 170 of the NPPF seeks to prevent *“new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”*.

### **Extant minerals plan**

- 7.4.2 Policy 4/10 states that *“proposals for mining operations and the associated depositing of mineral waste will only be permitted where they would not have an unacceptable impact on surface or groundwater resources”*.

### **Emerging minerals plan**

- 7.4.3 Policy D11 ‘Sustainable design, construction and operation of development’ states, amongst other things, that proposals for mineral development should seek to incorporate measures *“to minimise flood risk associated with the development including use of Sustainable Drainage Systems”*.

### **Hambleton existing DPD plan**

- 7.4.4 Policy DP43 ‘Flooding and floodplains’ states, amongst other things, that *“development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere”*.

### **Hambleton emerging plan**

- 7.4.5 Policy RM2 ‘Flood Risk’ and RM3 ‘Surface Water and Drainage Management’ seek to ensure flood risk is considered as part of development proposals, as well ensure adequate drainage measures are adequate and help protect water quality.

### **Commentary**

- 7.4.6 A Flood Risk Assessment (see Appendix 1) has been prepared in support of this planning application. It concludes that the flood risk to the application site from all sources is assessed as being ‘low’ to ‘negligible’. However, risk would be managed by collecting run-off in drainage channels and conveying it to a sump in the north east corner of the application site. Water would then be pumped to silt lagoons.

- 7.4.7 Given the absence of flood risk to the site and the proposed measures to manage the potential increase in flood risk to external areas due to increased surface run-off from the development; it is concluded the development satisfies the flood risk requirements of the NPPF and associated technical guidance.
- 7.4.8 Furthermore, in compliance with the guidelines set out in the NYCC LFRS (2014), the development will occur on land within Flood Zone 1, avoiding the functional floodplain (Zone 3b) as stipulated by the Hambleton District Council's Level 1 SFRA (2017) Recommendation 1.
- 7.4.9 The use of attenuation storage to manage surface run-off is compatible with SuDS and the objectives and policies contained within NYCC LFRS (2014), the HDC Level 1 SFRA (2017) and the Humber River Basin District Management Plan (2015).
- 7.4.10 Tarmac has a Fuel, Oil and Chemical Management policy document that details procedures for the storage and handling of fuels and chemicals at Killerby Quarry. This system also includes the detailed procedures that would be adopted in the unlikely event of a spillage with specific reference to Killerby. This document was submitted and approved in accordance with Condition 11 of permission NY/2010/0356/ENV, but is herein being included for completeness (Appendix 10).

## 7.5 Landscape and visual impact

### ***NPPF***

- 7.5.1 Paragraph 170 of the NPPF states, amongst other things, that "*planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes*" and by "*recognising the intrinsic character and beauty of the countryside*".

### ***Extant minerals plan***

- 7.5.2 In order to limit the impact of ancillary plant and operations, Policy 4/1 (e) of the North Yorkshire Minerals Local Plan (1997) saved policies states that the Local Mineral Authority will have to be satisfied that "*other environmental and amenity safeguards would effectively mitigate the impact of the proposal*", as well as:
- Policy 4/1 (b) "*the siting and scale of the proposal is acceptable*".
  - Policy 4/1 (f) "*the proposals and programme for restoration are acceptable and would allow a high standard of restoration to be achieved*"

- Policy 4/1 (g) “g) a high standard of aftercare and management of the land could be achieved”
- Policy 4/1 (i) any cumulative impact on the local area resulting from the proposal is acceptable.

#### **Emerging Minerals Plan**

7.5.3 Policy D06 of the Emerging Local Plan states, amongst other things, that “all landscapes will be protected from the harmful effects of development. Proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures”.

#### **Hambleton emerging plan**

7.5.4 Policy E7 ‘Hambleton’s Landscapes’ seeks to, amongst other things, protect and enhance the distinctive landscapes of the district.

#### **Discussion**

- 7.5.5 A Visual Impact Assessment has been carried out (Appendix 2), concluding that the effects of the development on the landscape character of the study area would be confined to the site itself and a very localised area within approximately 0.5km of the site, which is within the quarry boundary. Effects would not exceed slight adverse as there would be very limited perception of the development from the surrounding area due to the surrounding vegetation and undulating land form, as the development would be adjacent and associated with similar development at the quarry plant site and as the existing trees and hedgerows on the site boundary would be retained and gapped up with species-rich native tree and shrub planting and areas of re-profiled land around the boundaries of the site would be seeded with a native wildflower mix.
- 7.5.6 Visual impacts would also be confined to a localised area within approximately 1km of the site. The most prominent effects would be experienced by users of the diverted footpath as they pass the site along its western boundary. Residents of the surrounding properties would not experience effects greater than slight to moderate adverse, due to intervening vegetation and quarry screening bunds limiting views of the development.
- 7.5.7 Landscape and visual effects would be long term but temporary as the development would be removed at the start of phase 5 of the quarry and once quarrying operations

have ceased the site would be restored as per of the quarry restoration scheme. It is therefore considered that there are no unacceptable visual impacts on the local character area or from local visual receptors.

## **7.6 Lighting**

### ***NPPF***

7.6.1 Paragraph 180 seeks for development proposals to mitigate against pollution on health and the natural environment, including noise and light, as well as protecting the recreational and amenity value of an area.

### ***Extant minerals plan***

7.6.2 Policy 4/16 'Ancillary and Secondary Operations' states that "*the Mineral Planning Authority will expect proposals for operations ancillary or secondary to mineral extraction to be sited, designed and maintained so as to minimise the impact on the environment and local amenity. The use of plant, machinery and buildings will be restricted to processes primarily using minerals produced from the site. Permission will normally be limited to the permitted life of the site for mineral extraction*".

### ***Emerging minerals plan***

7.6.3 Policy D02 'Local amenity and cumulative impacts' seeks, amongst other things, to ensure ancillary mineral development protects local amenity, including from light pollution.

### ***Hambleton existing plan***

7.6.4 Policy DP1 of Hambleton's Development Policies (2008) states, amongst other things, that all development proposals must adequately protect amenity, including from noise pollution.

### ***Hambleton emerging plan***

7.6.5 Policy E2 'Amenity' seeks to, amongst other things, protect local amenity including from light pollution.

### ***Discussion***

7.6.6 As mentioned previously, despite the very little bat activity in the area, low-level lighting which is cowled away from the southern and western boundaries would be used to avoid light spill above 1lux. As well as the above measures, operational hours

would also be limited to mirror the Quarry's operating times (no later than 21:00), thereby helping to avoid disturbance to any foraging bats.

- 7.6.7 Likewise, given the site's location within a wider mineral site, its distance to the A1(M) and to residential receptors, it is not considered that lighting would adversely impact on local amenity.

## **7.7 Noise**

### ***NPPF***

- 7.7.1 Paragraph 180 seeks for development proposals to mitigate against pollution on health and the natural environment (including noise), as well as protecting the recreational and amenity value of an area.

### ***Extant minerals plan***

- 7.7.2 Policies 4/14 and 4/16 seek to ensure that there would not be an unacceptable from mineral workings and ancillary mineral operations respectively, from impacting on the local environment or residential amenity.

### ***Emerging minerals plan***

- 7.7.3 Policy D02 seeks for mineral development to be designed and operated so that local amenity, local businesses and public right of way users are protected.

### ***Hambleton existing plan***

- 7.7.4 Policy DP1 of Hambleton's Development Policies (2008) states, amongst other things, that all development proposals must adequately protect amenity, including from noise pollution.

### ***Hambleton emerging plan***

- 7.7.5 Policy E2 'Amenity' seeks to, amongst other things, protect local amenity including from the adverse impacts of noise.

### ***Commentary***

- 7.7.6 A BS4142 Noise Assessment (see Appendix 3) has been undertaken to assess the potential noise impact from the proposed Bagging Plant on ESRs. The assessment indicates that the noise associated with the development has the potential to cause a low to adverse impact depending on context.

7.7.7 In accordance with BS4142, the context in which the sound resides must be considered as part of the assessment. Taking the context into consideration, the proposed Bagging Plant is located within the quarry and would not contribute to an increase of noise above the already conditioned quarry noise of 55dB(A). As such, the potential noise impact would be low and therefore would not have an unacceptable impact on local amenity.

## **7.8 Operational traffic and access**

### ***NPPF***

7.8.1 Paragraph 102 of the NPPF states, amongst other things, that transport issues should be considered from the earliest stages of development proposals so that *“the potential impacts of development on transport networks can be addressed”*. It also seeks to promote walking, cycling and the use of public transport.

### ***Saved Minerals Plan***

7.8.2 Policy 4/1 (h) of the North Yorkshire Minerals Local Plan Saved Policies (1997) states, amongst other things, that *“in considering an application for mining operations, the Mineral Planning Authority will need to be satisfied that, where appropriate ... the proposed transport links to move the mineral to market are acceptable”*. Policy 4/13 states that *“where rail, waterway or other environmentally preferable modes of transport are not feasible, mining operations other than for coal, oil and gas will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network and would not cause undue disturbance to local communities”*.

### ***Emerging Minerals Plan***

7.8.3 Policy D03 states, amongst other things, that *“where road transport is necessary, proposals will be permitted where there is capacity within the existing network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not have an unacceptable impact on local communities, businesses or other users of the highways network, or any such impacts can be appropriately mitigated”*.

7.8.4 Policy D11 seeks, amongst other things, to minimise greenhouse gas emissions arising from mineral development by *“incorporating energy-efficient siting, design and operational practices including those relating to bulk transport of materials”*.

### **Core Strategy**

- 7.8.5 Policy CP2 states, amongst other things, that *“development and the provision of services should be located so as to minimise the need to travel”*.

### **Development Policies**

- 7.8.6 Policy DP3 states, amongst other things, that *“all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development. Measures commensurate with the development proposed must be incorporated as an integral part of the design of all development proposals”*.

### **Emerging local plan**

- 7.8.7 Policy CI2 seeks to, amongst other things, ensure that development proposals are supported by a transport study where necessary, as well as ensuring development is located where the highway network can satisfactorily accommodate it, with no adverse concerns on highway safety and where sustainable transport options are possible.

### **Commentary**

- 7.8.8 A Transport Statement has been prepared to assess the potential highway and transportation impacts of erecting a Bagging Plant at Killerby Quarry (see Appendix 8). It is anticipated that 60,000tpa of aggregates would be imported by HGVs, of which 75% of trips would not be new trips as these are vehicles that currently return to Killerby Quarry unladen to be loaded. This backhauling operation would help make efficient use of the vehicle fleet. An additional 5,000tpa of pre-bagged aggregates is also expected to be imported into the site. In total, it is anticipated that 140,000tpa of bagged aggregate would be exported from the site in HGVs.
- 7.8.9 Overall, this development proposal would result in a small increase in additional HGV movements, equating to 23 laden vehicles per day (46 two-way), or 1.8 laden vehicles per hour (3.6 two-way).
- 7.8.10 The existing access on Low Street would be the sole access for quarrying operations and operations associated with the Bagging Plant. All haulage vehicles would travel west on Low Street to reach the A6055, via the Leeming Lane/ Low Street priority junction. The distribution of haulage vehicles at this junction would vary depending upon market demand. Furthermore, the access onto Low Street has recently been upgraded to a 7.3m access road on its approach to the A6055.

7.8.11 A Junction Impact Assessment was carried out for the A6055 / Low Street junction, having carried out JTC surveys on the 3rd October 2019 between 07:00 – 19:00 to obtain the baseline traffic flows, including HGV movements at the A6055 / Low Street junction. The Assessment concludes that under all scenarios, the junction would operate well within capacity in both AM and PM peak hours, even with the addition of development traffic. Furthermore, it concludes that once Killerby Quarry is fully operational, traffic movements would make up a small proportion of existing traffic flows that are well within capacity of the local highway network. Additional traffic associated with the proposed development has an insignificant impact on the surrounding highway network. Overall, no further mitigation measures would be required on the local highway network.

## **8 SOILS**

### ***NPPF***

8.1.1 Paragraph 170 of the NPPF seeks to, amongst other things, protect biodiversity and soils, as well as preventing soil, air, water and noise pollution. It also seeks to give weight to the economic and other benefits of the best and most versatile agricultural land.

### ***Extant Minerals Plan***

8.1.2 Policy 4/18 states that the *“where agriculture is the intended primary afteruse, the proposed restoration scheme should provide for the best practicable standard of restoration. Such restoration schemes should, where possible, include landscape, conservation or amenity proposals provided that these do not result in the irreversible loss of best and most versatile land”*.

### ***Emerging minerals plan***

8.1.3 Policies D07 and D10 seeks amongst other things, for the protection and reinstatement of best and most versatile soils for agricultural purposes. Likewise, Policy D12 states, amongst other things, that *“best and Most Versatile agricultural land will be protected from unnecessary and irreversible loss”*.

### ***Commentary***

8.1.4 A SMP (Soil Management Plan) is being submitted with this application (see Appendix 5) to ensure appropriate controls are in place to protect the soil resource during site preparation and restoration works. The stripped topsoil and subsoils resources during

the Bagging Plant construction activities would be stockpiled as displayed in Tarmac Drawing No. K034-00331-1 'Bagging Plant Soil Movements'. The placement of the soil resources in these bunds would avoid the need for any double handling.

- 8.1.5 The SMP concludes that as a result of appropriate soil management, the soil resources would be safeguarded and the restored agricultural land would achieve the same agricultural quality as prior to operations (Subgrade 3a, BMV). This would ensure the delivery of policy D12 of the emerging Minerals and Waste Joint Plan, which states, amongst other things, that *"Best and Most Versatile agricultural land will be protected from unnecessary and irreversible loss"*.

## **9 CONCLUSION**

- 9.1.1 The Bagging Plant is a coherent addition to the mineral operation at Killerby Quarry. The plant would continue to ensure there is an adequate supply and competition of bagged aggregates to serve the construction market in North Yorkshire and beyond.
- 9.1.2 Mitigation and compensation measures such as installing bird, bat and owl boxes, enhancing boundary hedges, the use of native wildflower seed mix and adequate operating hours, would serve to protect and enhance local biodiversity. There would also not be any unacceptable impacts on local amenity or the setting of listed buildings.
- 9.1.3 The proposed development conforms with both local and national planning policy, as well as being designed to adequately address all the relevant material considerations. It is therefore concluded that the proposed plant constitutes sustainable development.

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