

JACKDAW CRAG QUARRY

PLANNING APPLICATION (PART RETROSPECTIVE) FOR A SUB-STATION, AND ASSOCIATED ELECTRICAL INFRASTRUCTURE AT JACKDAW CRAG QUARRY, MOOR LANE, NEAR STUTTON, TADCASTER

PLANNING STATEMENT

Rev A

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1.0 INTRODUCTION AND BACKGROUND

1.1 Introduction

1.1.1 This Planning Statement has been prepared by AXIS, on behalf of Darrington Quarries Limited (hereafter 'DQL'), for a substation and associated electrical infrastructure ('the Proposed Development') in connection with ongoing mineral extraction operations at Jackdaw Crag Quarry, Tadcaster.

1.1.2 The location and extent of the application site is illustrated on the Drawing 3088-01-01 Rev B.

1.1.3 Following on from this introduction, this section sets out the background to the planning application, provides a summary of the scheme, describes the applicant before setting out the structure of this Planning Statement.

1.2 Background

1.2.1 Planning permission was granted in 2016 (hereafter the '2016 Permission') to extend the area of limestone extraction by including a parcel of land which lies directly to the south of the original Jackdaw Crag Quarry. Following a legal challenge, the 2016 Permission was quashed by the High Court. However, in February 2020, the Supreme Court handed down judgment overturning the previous decision to quash the permission. The development has been commenced and mineral extraction in the southern extension area is ongoing. The extension area will provide approximately 1.25 million cubic metres of additional limestone reserves which, at an approximate extraction rate of 300,000 tonnes, will be worked over a 6–7-year period.

1.3 The Site

1.3.1 The Jackdaw Crag Quarry is a magnesian limestone quarry operated by DQL.

1.3.2 The quarry is located 1.5km to the south west of Tadcaster, between the A1(M) Motorway and York. The site is located due south of Toulston, immediately to the west of Stutton and approximately 3 kilometres to the south west of the centre of Tadcaster, North Yorkshire. The site is accessed from Junction 45 of the A1(M) via the A64 towards York. The A64 runs along the northern boundary of the Quarry but the site is accessed by taking the A659

exit to Tadcaster from the A64, then turning south onto Garnet Lane and then Moor Lane which crosses back over the A64 to the site.

1.4 Scheme Overview

- 1.4.1 A detailed description of the sub-station and associated infrastructure is provided in Section 3.0 of this Planning Statement. The Proposed Development comprises a sub-station, switch gear container and underground cable.
- 1.4.2 The sub-station and switchgear have already been installed (see Figure 2), the sub-station has been installed on a concrete base in the quarry floor, close to the current materials processing area.
- 1.4.3 The sub-station comprises a glass reinforced plastic ('GRP') enclosure, within which electrical infrastructure will be installed. The switch gear is located within the steel container. The underground cable will connect the sub-station to the District Network Operator's apparatus at the quarry boundary.

1.5 Permitted Development

- 1.5.1 Part 17 of The Town and Country Planning (General Permitted Development) (England) Order 2015 ('GPDO') provides permitted development rights in relation to mining and mineral exploration. Class A 'extensions, alterations etc ancillary to mining operations', provides for:

"A. The carrying out of operations for the erection, ... , installation, ... of any—

(a) plant or machinery,

(b) buildings, ...

(d) ... cables or other similar apparatus,

on land used as a mine."

- 1.5.2 Therefore, subject to satisfying the criteria within Paragraph A, Part 17 of the GPDO would permit the Proposed Development.
- 1.5.3 However, Condition 20 on planning permission C8/2016/0186/CPO essentially removes permitted development rights in relation to buildings, plant and machinery as set out within the GPDO. Condition 20 states:

“Notwithstanding the provisions of any Development Order in force for the time being, no building, plant or machinery or erection of the nature of plant or machinery (other than such buildings, plant or machinery as are expressly authorised in writing by the County Planning Authority) shall be placed or erected within the area for which planning permission is hereby granted or on any adjacent land.”

1.5.4 Accordingly, the Applicant believes that permitted development rights exist for the underground cable. Unless written authorisation is issued by the County Planning Authority, Condition 20 removes permitted development rights for the sub-station and switchgear container.

1.5.5 For completeness, and the avoidance of doubt, DQL has elected to apply for planning permission for all aspects of the development, irrespective of the fact that permitted development rights could exist for some, if not all, of the Proposed Development.

1.6 The Applicant

1.6.1 The Applicant is DQL, who are the current operator of the Jackdaw Crag Quarry. DQL is a long-established quarrying company of both limestone (at the application site) and Darrington Quarry, and sand from their site at Hensall. DQL is wholly owned by FCC Environment Limited, one of the UK’s leading waste and resource management companies. FCC Environment was formed in 2012 following the merger of Focsa Services (UK) and Waste Recycling Group (both part of global infrastructure, environmental services and energy group FCC Citizen Services).

1.7 This Document

1.7.1 This document constitutes the Planning Statement, which has been prepared to accompany the planning application. Following on from this introduction, Section 2.0 describes the development. Section 3.0 considers the relevant environmental matters, whilst Section 4.0 sets out the planning policy context and provides an associated appraisal. Finally, Section 5.0 draws a concise conclusion regarding its acceptability, in planning terms.

2.0 THE PROPOSED DEVELOPMENT

2.1 Introduction

- 2.1.1 This section describes the need for the Proposed Development, along with details of its construction and operation. This section should be read in combination with the general arrangement plan (3088-01-02 Rev A) and the proposed floor plan, elevation and section drawings (3088-01-03 Rev B, 04 Rev B and 05 Rev A).

2.2 Need for the Proposed Development

- 2.2.1 The Proposed Development is required to supply power to the Jackdaw Crag Quarry. Power is currently provided by diesel generators.
- 2.2.2 In June 2019, the UK passed laws guaranteeing an end to its contribution to global warming by 2050, compared with the previous target of at least an 80% reduction from 1990 levels. The Government also launched in 2019 an ambitious strategy to clean up the air and save lives. Diesel used by the construction and infrastructure building sectors was estimated to have caused 7% of nitrogen oxide emissions and 8% of PM¹⁰ emissions in London in 2018. At Budget 2020, the Government announced it would remove the entitlement to use red diesel and rebated biodiesel from most sectors from April 2022 to help meet its climate change and air quality targets. The Government's intention was that removing red diesel entitlements will help to ensure that the tax system incentivises users to invest in cleaner alternatives or use less fuel. This change to the taxation system along with DQL's company commitments towards sustainability, means that DQL wish to replace the use of diesel with mains electricity. The Proposed Development will provide the electrical connection to the DNO network, along with the necessary sub-station and switch gear infrastructure.

2.3 Sub-Station

- 2.3.1 The sub-station has been constructed on a reinforced concrete slab. The sub-station extends to circa 4.05 metres in length, be 2.9 metres wide and 2.8 metres high. The sub-station would be housed in a GRP enclosure with removable GRP roof. Lockable doors will be provided on the front elevation.
- 2.3.2 The sub-station includes the following pieces of infrastructure:

- Transformer
- Earth transformer
- High-level disconnecter
- PASS Unit

2.4 Switchgear Container

2.4.1 The ancillary electrical switchgear is housed in a steel container located immediately adjacent to the sub-station.

2.4.2 The switch gear container is approximately 3 metres by 2.5 metres and be 2.5 metres high.

2.5 Grid Connection / Underground Cable

2.5.1 The substation would be connected to the national grid by an underground 11kv cable. The electrical cable, which will connect to an overhead line at the site boundary, will be buried below ground, and housed in ducting.

2.5.2 A 4-metre-wide corridor is provided along the route of the cable. This will provide adequate space for construction works to take place. The material from the excavation will be reused.

2.5.3 Drawing 3088-01-02 Rev A illustrates the location (route) of the underground cable, and the point of connection to the DNO infrastructure to the east of the Quarry.

2.6 Construction and Operation

2.6.1 The construction sequence will be straightforward and will include:

- Stripping of topsoil, creation of development platforms (work already undertaken);
- Installation of the energy related components which would arrive at the site prefabricated (work already undertaken);
- Excavation of trench and installing electrical cable; and
- Completion of all electrical engineering connections.

2.6.2 It is anticipated that the remaining works could be completed within 3 months.

3.0 PLANNING POLICY APPRAISAL

3.1 Introduction

3.1.1 This Section appraises the proposal in the context of the statutory Development Plan and other material policy considerations.

3.2 The Statutory Development Plan

3.2.1 In this instance, the relevant statutory Development Plan comprises the policies of the following documents:

- North Yorkshire Minerals Local Plan Saved Policies (2009);
- North Yorkshire Waste Local Plan Saved Policies (2009);
- Selby District Core Strategy (2013); and
- Selby District Local Plan (2005)

3.2.2 The sections below identify the policies contained within the Development Plan documents which are most relevant to the determination of the application and considers how the proposal complies with the policies. Given the nature and scale of the Proposed Development, there are limited policies of direct relevance. This policy appraisal is therefore commensurate with the small-scale nature of the development. The policies of the Waste Local Plan have been reviewed and are not considered relevant to the Proposed Development, and have therefore not been considered further.

Selby District Core Strategy and Local Plan

3.2.3 The Core Strategy and 'Saved' Selby District Local Plan (SDLP) policies make up the Local Plan for the District.

3.2.4 The adopted Policies Map confirms the Site is located within the Green Belt, an appraisal against Green Belt Policy is provided below within section 3.4.

3.2.5 Core Strategy Policy SP1 sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2012). It confirms that planning applications that accord with the policies in the Development Plan will be approved without delay, unless material considerations indicate otherwise. This Planning

Statement and associated technical appendix in relation to ecology demonstrate that the Proposed Development accords with the broad objectives of the relevant policies of the Development Plan and that there are no material considerations that would outweigh the benefits associated with the development and as such should be approved without delay.

- 3.2.6 Policy SP15 relates to sustainable development and climate change, the policy seeks to ensure that developments contribute to reducing carbon emissions and are resilient to the effects of climate change. The development will provide a reduction in carbon emissions through the switch from diesel generators to mains power. The development therefore accords with this policy.
- 3.2.7 'Saved' Local Plan Policy ENV1 relates to the Control of Development. This over-arching policy states that proposals for development will be permitted provided a good quality of development would be achieved. It then sets out a number of thresholds that developments must meet in order to grant planning permission. This includes maximising opportunities for energy conservation, as stated above, the proposal will reduce carbon emissions through ceasing the use of diesel generators. The proposal therefore complies with Policy ENV1.

North Yorkshire Minerals Local Plan Saved Policies

- 3.2.8 The Site falls within the Tadcaster/Knottingly 'Area of Search' and as set out within Chapter 1, permission exists for the continue of operations at the Site for a further 6 years.
- 3.2.9 Policy 4/1 relates to the determination of planning applications for mining operations, this proposal is necessary for the continuation of operations at the Site. Policy 4/1 sets out the range of matters which the Council will consider in determining planning applications. It lists a number of criteria which are considered, given the small-scale nature of the proposed development, there is no conflict with this policy.

3.3 Material Considerations

- 3.3.1 There is no strict definition of what constitutes a 'material consideration' in planning legislation, although case law indicates that any consideration, which relates to the use or development of land is capable of being a material consideration in the determination of a planning application.

- 3.3.2 Such considerations can include (amongst other things) the National Planning Policy Framework (NPPF), relevant government strategy, emerging planning policies, Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD).

National Planning Policy Framework

- 3.3.3 The National Planning Policy Framework (NPPF) was published in July 2021. The key principle underlying the NPPF is that development that is ‘sustainable’ should go ahead, without delay. Paragraph 8 identifies that there are three objectives to sustainable development, an economic role, a social role and an environmental role. The guidance advises that these roles should not be taken in isolation as they are mutually dependant, e.g. economic growth can secure higher social and environmental standards.
- 3.3.4 As set out above, the Proposed Development would reduce the Site’s carbon emissions brought about by a switch from the existing diesel generators to mains power, this is wholly in accordance with the aspirations of the NPPF.
- 3.3.5 At the heart of the NPPF is “a presumption in favour of sustainable development” (paragraph 11). In relation to decision-making this is taken to mean that:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

- 3.3.6 As such, if a proposed development accords with an up-to-date development plan then it should be granted without delay. If a development plan is not up-

to-date then planning permission should also be granted without delay unless the impacts outweigh the harm or the NPPF specifically indicates it should be refused. In this case, the Proposed Development accords with the policies of the development plan. Accordingly, the Proposed Development is demonstrably sustainable development and should be granted without delay.

3.4 Green Belt

3.4.1 Paragraph 137 of the NPPF explains that: *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics are their openness and their permanence.”*

3.4.2 Paragraph 147 of the NPPF explains that: *“Inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances.”*

3.4.3 Certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land in it (Paragraph 150 of the NPPF). Excluded development may include mineral extraction development and engineering operations.

3.4.4 The Proposed Development is temporary and will not conflict with the purposes of including land within the Green Belt.

3.4.5 Although ‘openness’ is not formally defined, the PPG summarises the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt. This explains that: *“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*

- *the degree of activity likely to be generated, such as traffic generation.”*

- 3.4.6 How a development impacts on the openness of the Green Belt is open to interpretation and should be considered on a case-by-case basis. Case law [Sales LJ in Turner [2016] EWCA Civ 466] confirmed that; “...*the matters relevant to openness in any particular case are a matter of planning judgement, not law*”.
- 3.4.7 The operations associated with the installation of the underground cable are short term, with the land being restored and returned to its original state. There will be no impact on openness associated with the installation of the cable.
- 3.4.8 The sub-station and switch room are small scale developments, no more than approximately 2.8 metres high. The development is not visible from beyond the Quarry boundary and must be viewed in the context of ongoing mineral operations at the site and the backdrop of the much larger processing plant and equipment. Following completion of mineral extraction at Jackdaw Crag Quarry, when the sub-station and switch gear will no longer be required, the development will be removed and the land restored in accordance with the approved restoration scheme for the site. There will be no noticeable increase in traffic or activity associated with the construction / installation of the sub-station and switch gear and following installation, movements would be limited to infrequent maintenance visits.
- 3.4.9 The Proposed Development would preserve the openness and would not conflict with the purposes of including land in the Green Belt. As such, the Proposed Development is not inappropriate in the Green Belt.

4.0 CONSIDERATION OF ENVIRONMENTAL EFFECTS

4.1 Introduction

- 4.1.1 Impacts associated with the Proposed Development will be minimal.
- 4.1.2 The works associated with the installation of the underground cable will be short term, with the ground reinstated once the works are completed. An ecological survey of the cable route has been undertaken. The findings of the survey and the background data search are provided at Appendix A. The cable route is remote from sensitive receptors and the temporary operations associated with the installation of the cable will have no unacceptable effects.
- 4.1.3 The sub-station and switch room are small scale and are not visible from beyond the Quarry boundary.
- 4.1.4 The Proposed Development would not give rise to any material detrimental impacts in respect of trees, noise, visual impact, flood risk, traffic, heritage, air quality or local residential amenity. A consideration of ecological matters is provided below.

4.2 Ecology

- 4.2.1 An Extended Phase 1 Habitat Survey was undertaken at the Site in September 2021.
- 4.2.2 The Site does not lie within the boundary of any statutory or non-statutory designated sites for nature conservation. The Site lies within Site of Special Scientific Interest (SSSI) Impact Risk Zones (IRZ); however, substations/cable routes are not listed on the qualifying criteria whereby the Local Planning Authority (LPA) would be required to consult with Natural England.
- 4.2.3 Due to the nature of the development, separation distances and location of the Site, it is considered highly unlikely any direct or indirect impacts will occur to any statutory designated sites or the habitats and species they support as a result of the proposed development.
- 4.2.4 The cable route runs around the perimeter of Crag Wood SINC (largely along a bare stone trackway exiting the quarry floor) and then crosses a narrow section of the wood (approximately 30m length). The route has been designed to avoid

the main part of the wood, and follows a previous trackway/access route which has since become overgrown.

- 4.2.5 Construction through the woodland will be of short duration and once complete, the ground will be reinstated and allowed to naturally re-vegetate. Brash and logs will be carefully placed alongside the cable route to provide deadwood valuable to invertebrates, habitat piles and refuge for wildlife.
- 4.2.6 Effects on the woodland are therefore anticipated to be highly localised within the narrow working corridor, short-term and temporary.
- 4.2.7 The cable route largely runs through open grassland which may be used by ground nesting birds. If construction is undertaken during the bird breeding season, some degree of disturbance or displacement could potentially occur and it is therefore recommended that clearance along the working corridor is undertaken outside this period. No effects would arise once the cable has been installed and the ground reinstated. Nesting and foraging habitat availability is maintained across the surrounding land.
- 4.2.8 Construction of the substation and cable route does not require the removal of any mature trees or trees with moderate of high bat roost potential.
- 4.2.9 The location of the substation within the quarry provides very limited foraging interest for bats and the small footprint would have no discernible impact on local bat populations, with higher value foraging and commuting habitat in the wider local area (including woodlands) retained and unaffected.
- 4.2.10 It is not anticipated that the operational substation will be lit, apart from limited lighting for occasional maintenance visits.
- 4.2.11 Overall, the development will retain current habitat features for roosting and foraging bats.
- 4.2.12 No evidence of badger presence was observed during survey. Construction of the cable route will not result in disturbance or destruction of any badger sett or obstruct access to setts. Once constructed, the proposed development would not sever potential commuting routes used by badgers, and no adverse effect on habitat connectivity in the wider environment.

- 4.2.13 The proposed development would maintain suitable habitat for amphibian and reptile dispersal, foraging and refuge.
- 4.2.14 Table 5.1 within the Report summarises the ecological constraints and opportunities associated with the Proposed Development. It confirms that subject standard mitigation measures there are no ecological constraints to the Proposed Development.

5.0 SUMMARY AND CONCLUSION

5.1 Summary

5.1.1 This Planning Statement has been prepared in support of a planning application made by DQL for a sub-station and electrical equipment associated with ongoing mineral extraction operations at Jackdaw Crag Quarry, Tadcaster. The Proposed Development comprises a sub-station, a switch room and an 11kv underground cable.

5.1.2 The Proposed Development will supply power to the Quarry, allowing the current use of unsustainable diesel generators to cease.

5.2 Conclusion

5.2.1 In conclusion, and based on the findings of this Planning Statement, it is evidently the case that the Proposed Development should be supported and planning permission granted.