

Our Ref: 3113-01/AH/EIA

24 March 2022

By email: [planning.control@northyorks.gov.uk](mailto:planning.control@northyorks.gov.uk)

Development Control Planning Services  
Growth, Planning & Trading Standards  
North Yorkshire County Council

planning  
transportation  
planning  
environment  
design

Dear Sir / Madam

**REQUEST FOR THE FORMAL SCREENING OPINION OF NORTH YORKSHIRE COUNTY COUNCIL IN ACCORDANCE WITH REGULATION 6 (REQUEST FOR SCREENING OPINION OF THE RELEVANT PLANNING AUTHORITY) OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (AS AMENDED)**

**APPLICATION TO NOT COMPLY WITH CONDITIONS PREVIOUSLY ATTACHED IN ACCORDANCE WITH SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

**PROPOSED DEVELOPMENT FOR THE REMOVAL OF THE CONDITION THAT PROHIBITS THE USE OF BLASTING TECHNIQUES WITHIN THE SOUTHERN EXTENSION AREA OF JACKDAW CRAG QUARRY, NORTH YORKSHIRE**

I am writing on behalf of my client, Darrington Quarries Limited (DQL), to formally request a Screening Opinion as required under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (hereafter referred to as the 'EIA Regulations'). The request relates to a proposed application under section 73 of the Town and Country Planning Act 1990 (as amended) to not comply with Condition 7 (Blasting) of planning permission C8/2009/1066/CPO to which the southern extension area of Jackdaw Crag Quarry is subject.

The proposed change sought by the section 73 application will hereafter be referred to as "the Proposed Development". The location of the Proposed Development and the extent of the Site is illustrated on Figure 1.

The following information is submitted to inform your formal Screening Opinion, in accordance with the EIA Regulations:

- (a) a plan sufficient to identify the land;
- (b) a description of the proposed development, including:
  - i. a description of its physical characteristics; and
  - ii. a description of its location, with particular regard to the environmental sensitivity of geographical areas likely to be affected; and
- (c) a description of the aspects of the environment likely to be significantly affected by the proposed development (where relevant); [our emphasis]

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- (d) a description of any likely significant effects of the proposed development (where relevant) resulting from: [our emphasis]
  - i. the removal of known contaminated material and waste on the site; and
  - ii. the use of natural resources, in particular, soil, land, water and biodiversity; and
- (e) such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged as being necessary to avoid or prevent what might otherwise have been significant adverse effects on the environment.

### The Applicant

DQL is the current operator of Jackdaw Crag Quarry. DQL is a long-established quarrying company of both limestone (at the application site) and other quarries including Darrington Quarry (on the North Yorkshire / Wakefield border) and Barnsdale Bar Quarry (north of Doncaster), 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, forming part of the FCC Group. FCC Environment was formed in 2012 following the merger of Fosca Services (UK) and Waste Recycling Group (both part of global infrastructure, environmental services and energy group FCC Citizen Services).

### The Site

Jackdaw Crag Quarry is a magnesian limestone quarry operated by DQL. The quarry is located 1.5km to the southwest 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 southwest of the centre of Tadcaster, North Yorkshire.

Access to the site is via Junction 45 of the A1(M) and then the A64 towards York. From the A64 vehicles use the A659 exit to Tadcaster and then south onto Garnet Lane, and ultimately Moor Lane which crosses back over the A64 into the site.

### Planning Background

Jackdaw Crag Quarry first received planning permission for quarry operations back in July 1948, after which a number of permissions were granted to extend the life of site.

Most recently, in October 2009 an application was submitted to North Yorkshire County Council (NYCC) for the extension of mineral extraction at land to the south of the existing quarry (Reference C8/2009/1066/CPO). The application was accompanied by an Environmental Statement (ES) produced in accordance with the EIA Regulations that prevailed at that time. Due to the passage of time prior to determination, the ES was updated twice, firstly by an Addendum in May 2014, and then a further Addendum in May 2015. On the 22 September 2016 planning permission was eventually granted by NYCC. The permission was granted subject to the imposition of 33 conditions and provided for the working of almost two million tonnes of additional rock, to be extracted over a seven-year period. The extension to the site comprised a parcel of land that lies directly to the south of the original Jackdaw Crag Quarry.

Following a third-party legal challenge, the High Court quashed the 2016 Permission on the grounds that the Officer's Report to members failed to properly deal with the effect of mining

on the Green Belt. However, in February 2020, the Supreme Court handed down judgment overturning the previous decision to quash the permission stating that the Officer Report was an *“impressively comprehensive and detailed document”* and that it had dealt with the Green Belt issues appropriately.

The development of the southern extension commenced last year and mineral extraction is now 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 per annum.

### *The Proposed Development*

Even though blasting had previously been undertaken at the quarry to aid the extraction and splitting of mineral, when the planning application for the southern extension area was prepared there was no intention to undertake blasting to remove rock during the extraction process. Consequently, no assessment was prepared at that time to determine the acceptability or potential adverse impacts that could occur consequentially from blasting the mineral. As a result, Condition 7 was imposed on the planning permission that states:

*“No blasting shall be undertaken on site....Reason: In order to protect the amenities of residents.”*

Since the application was originally determined in 2016 two factors have arisen that fundamentally change whether blasting may now be deemed acceptable and appropriate.

Firstly, blasting originally ceased at the site due to concerns that vibrations could cause impact on a gas pipeline that crossed the southern extension. National Grid has now removed the pipeline from the quarry extension area and capped it off. The pipeline is no longer in use. Consequently, the potential constraint to blasting has now been removed.

Secondly, the reason for Condition 7 was to protect the amenities of residents on the basis that there existed no evidence to confirm the contrary. Earlier this year, DQL commissioned Vibrock Limited, one of the UK’s leading environmental consultancy firms specialising in the measurement and assessment of vibration and noise, to undertake an assessment of the environmental impact of blasting with the southern extension area. This assessment culminated in the production of a report dated 18 January 2022.

Whilst it remains the case that a substantial proportion of the permitted reserve could be extracted without the need for blasting, it is now understood that some blasting may be necessary to work the permitted lower benches where hard, consolidated rock is encountered. As a result, it is now proposed to apply for planning permission under section 73 to carry out development without complying with Condition 7 of planning permission C8/2009/1066/CPO, namely, to permit blasting within the southern extension area.

It is proposed that blasting would only be undertaken when necessary and would be restricted both in terms of the number of daily blasts and the time of day in which it would occur.

### EIA Considerations

In accordance with the EIA Regulations, the determining planning authority is required to come to a view as to whether the project is of a type listed in Schedule 1 or Schedule 2. If the proposal falls under Schedule 1, an EIA is mandatory. If the proposal falls into Schedule 2, then it is for the Council to consider whether the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

The development of the southern quarry extension did not exceed the size threshold such that it represented a Schedule 1 project. Irrespective of whether or not the development was likely to give rise to significant environmental effects, the applicant elected to volunteer an ES in support of the application, and consequently the project was determined as EIA development.

Despite the original development not having been screened under Schedule 2, it did comprise Schedule 2 development under Paragraph 2(a), namely:

*“Extractive industry (s) Quarries, open cast mining and peat extraction (unless included in Schedule 1.)”*

The Proposed Development is considered to represent a Schedule 2 development to be screened under Paragraph 13(b), namely:

*“Changes and extensions (b) Any change or extension of development of a description listed in paragraph 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.”*

The Proposed Development would exceed the applicable threshold if the development as changed or extended may have significant adverse effects on the environment.

Importantly, the ES produced in 2009, and the ES Addenda produced in 2014 and 2015 in support of the application for the southern extension, all concluded that the development would not give rise to significant environmental effects. There have been no material changes in the prevailing baseline environment since the original ES was produced, and consequently the conclusion of the ES would now apply equally, with the sole exception of the potential impacts arising from the process of blasting that is now proposed and was specifically excluded from the development previously.

The Vibrock Report applies accepted industry statistical methodology to predict peak particle velocity and determine the vibration effects of blasting over distance. It also considers the impacts of airborne vibration on the basis of different air conditions and pressures. There is no definition of what comprises a 'significant' environmental effect in terms of vibration from blasting, rather (in accordance with Regulation 26 of the EIA Regulations) it is for the decision maker to be satisfied that reasoned conclusion on the significant effects of development on the environment has been reached.

Vibrock has concluded that an acceptable vibration level would be one that is not only perfectly safe for the integrity of structures, but also takes into account the human perception effects on adjacent neighbours. By applying this level, it is reasonable to conclude that blasting operations would not give rise to significant environmental effects.

The report concludes that all blasts at Jackdaw Crag Quarry can be designed to apply with that vibration criterion at residential property as measured in any of identified planes of measurement. Applying the recommendations within the report, NYCC can be satisfied that the use of blasting would not give rise to significant environmental effects.

Given the above, along with the conclusions arrived at within the 2009 ES and 2014 and 2015 ES Addenda, the Proposed Development would not represent EIA development. Accordingly, the application should not need to be accompanied by an ES

Considering the above, we would be grateful for the Council's formal Screening Opinion on the Proposed Development.

Should you require any additional information, please do not hesitate to contact me. Otherwise, we look forward to receiving your Screening Opinion within the statutory 3-week period, as specified in the EIA Regulations, or any such longer period that may be requested in writing.

Yours faithfully

Alistair Hoyle

**Associate Director**

Encl.

Assessment of Environmental Impact of Blasting within the Southern Extension Area at Jackdaw Crag Quarry

Figure 1      Location Plan