

**TOWN AND COUNTRY PLANNING ACT 1990**

**NORTH YORKSHIRE COUNTY COUNCIL**

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

TO: Lightwater Quarries Ltd  
The Estate Office  
North Stainley  
Ripon  
North Yorkshire  
HG4 3JN

The above-named Council, being the Local Planning Authority for the purposes of your application accompanied by an Environmental Statement dated 24 May 2021 in respect of the application for the northern extension to the quarry to extract 5.3 million tonnes of limestone by 2037 and restoration of the site by 2039 at Gebdykes Quarry (and land to the north), Gebdykes Farm, Burton-on-Yore, Harrogate, North Yorkshire, HG4 4BT have considered your said application and:

- **HAVING** first taken into consideration the environmental information (including the Environmental Statement) and further information, which includes such information as is reasonably required to assess the environmental effects of the development and which the applicant could be reasonably required to compile and duly made representations about the environmental effects of the development) pursuant to Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and
- **HAVING CONSIDERED** the development to comply with the Development Plan for the area and there being no material considerations to indicate a decision other than in accordance with the Development Plan; and

have **GRANTED** planning permission for the proposed development **SUBJECT TO THE FOLLOWING CONDITIONS** imposed for the reasons thereafter given:

**Conditions:****COMMENCEMENT OF DEVELOPMENT**

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

*Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**DEFINITION OF DEVELOPMENT**

2. The development hereby permitted shall be carried out in accordance with the application details dated 24 May 2021 and the following approved documents and drawings:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
NT14356/Figure 1.1	June 2020	Location Plan
NT14356	May 2021	Environmental Statement
NT14356/Figure 2.1	July 2020	Existing Site
NT14356 Figure 3.1a	July 2020	Preliminary Phase 0
NT14356 Figure 3.2b	April 2020	Phase 1
NT14356 Figure 3.3b	April 2020	Phase 2
NT14356 Figure 3.4b	April 2020	Phase 3
NT14356 Figure 3.5b	April 2020	Phase 4
NT14356 Figure 3.6b	Sept 2020	Restoration Plan
NT14356 Figure 3.7b	Sept 2021	Cross Sections
NT14356 Figure 3.8	Sept 2021	Detailed cross sections
NT14356 Figure 3.9	Aug 2021	Indicative restoration profiles
NT14356 Figure 12.1	Nov 2020	Air Quality Receptor Locations
NT14356 Figure 13.1	Nov 2020	Noise Monitoring Location Plan
NT14356 Figure 13.7	Aug 2020	Pre-commencement works in current working void – Mineral Extraction and Processing
NT14356 Figure 13.8	Aug 2020	Phase 1 Mineral Extraction and Processing
NT14356 Figure 13.9	Aug 2020	Phase 2 Mineral Extraction and Processing
NT14356 Figure 13.10	Aug 2020	Phase 3 Mineral Extraction and Processing
NT14356 Figure 13.11	Aug 2020	Phase 4 Mineral Extraction and Processing
-	April 2021	Appendix 3.1 – Landscape, biodiversity and restoration management plan
NT14356/ES/0005	April 2021	Appendix 5.2 – Operator's Statement
NT14356/ES/Appendix 6.1	Nov 2020	Appendix 6.1 – Detailed assessment of visual effects
-	Nov 2020	Appendix 7.1 – Preliminary Ecological Appraisal
-	Nov 2020	Appendix 7.3 – Bat Surveys
-	Nov 2020	Appendix 7.4 – Breeding Bird Surveys
-	Nov 2020	Appendix 7.5 – Arboriculture Impact Assessment

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-	Jan 2021	Appendix 8.5 – Soil Management Plan
-	Nov 2020	Appendix 9.1 – Flood Risk Assessment
-	Oct 2020	Appendix 10.1 – Archaeological Evaluation Report
-	Jan 2021	Appendix 12.2 – Methodology for Operational Phase Assessment
-	May 2020	Appendix 12.5 – Dust Control Measures
-	May 2021	Appendix 14.1 – Transport Statement

*Reason:* To ensure that the development is carried out in accordance with the application details.

### DURATION OF DEVELOPMENT

3. The permission hereby granted authorises the extraction of minerals only until 31 December 2037. Thereafter the development hereby permitted shall be discontinued and all buildings, plant and machinery shall be removed from the site and the site shall be restored in accordance with the approved plans by 31 December 2039.

*Reason:* To reserve the rights of control of the County Planning Authority to ensure restoration of the land with the minimum of delay in the interests of amenity.

### PHASING

4. The phasing and direction of working and restoration for this permission shall be progressed in accordance with plan refs. NT14356 Figure 3.1a (Preliminary Phase 0) dated July 2020; NT14356 Figure 3.2b (Phase 1) dated April 2020; NT14356 Figure 3.3b (Phase 2) dated April 2020; NT14356 Figure 3.4b (Phase 3) dated April 2020; NT14356 Figure 3.5b (Phase 4) dated April 2020; NT14356 Figure 3.6b (Restoration Plan) dated September 2020; NT14356 Figure 3.7b (Cross Sections) dated September 2021; and NT14356 Figure 3.8 (Detailed Cross Sections) dated September 2021. No extraction operations shall take place in any phase until materials within the immediately preceding phase have been worked out.

*Reason:* To secure an orderly progression of working.

### ECOLOGY

5. Prior to the commencement of development, pre-commencement checks for badgers, breeding birds and reptiles (as referred to in Chapter 7 (Ecology) of the Environmental Impact Assessment) shall be completed to ensure that any presence can be taken into consideration in line with the relevant legislation. These surveys must be undertaken at the appropriate time of year by a suitably qualified ecologist. If species are identified in these checks a report detailing changes in the status of these species and any additional mitigation measures that may be required shall be submitted to the County Planning Authority for written approval.

*Reason:* This is a pre-commencement condition and one which is considered warranted in the interests of protecting the ecological value of the site.

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6. Within three months of the date of this permission a Construction Environmental Management Plan shall be submitted to include a programme of protected species surveys for the duration of the development. This shall be prepared and submitted to the County Planning Authority for written approval in consultation with the Ecology Team.

*Reason: In the interests of ecology.*

#### ARCHAEOLOGY

7. No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. Community involvement and/or outreach proposals
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

*Reason: This is a pre-commencement condition and one which is considered warranted in order to ensure the archaeological resources at the site are adequately investigated, understood, and where necessary safeguarded.*

8. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 7.

*Reason: In the interests of archaeology.*

9. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

*Reason: In the interests of archaeology.*

#### HOURS OF OPERATION

10. No mineral operations shall take place except within the following times:

Monday to Friday:

- Soil and overburden stripping/handling 0700-1900
- Blast hole drilling 0700-1900
- Loading of mineral at the working face, mineral processing and transport 0700-1900.

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- Lighting associated with minerals operations 0700-1900

The above shall be limited to the hours of 0700 to 1300 on Saturdays and there shall be no operations shall take place on Sundays, Bank or Public Holidays.

*Reason: In the interests of amenity.*

11. Except in emergencies, no servicing, maintenance, or testing of plant and equipment shall be carried out between the hours of 2200 – 0700 on any day.

*Reason: In the interests of amenity.*

12. Operations for the removal of any materials from soil and/or overburden storage mounds shall not be carried out except between the following times:  
0800 – 1800hrs on Monday to Friday; and  
0800 – 1300hrs on Saturdays

*Reason: In the interests of amenity.*

### SOILS

13. Topsoil and subsoils shall only be stripped and handled when they are in a dry and friable condition, movements of soils shall only occur:
  - a) during the months April to September inclusive, or
  - b) when all soil is in a suitable dry and friable condition that it is not subject to smearing, and
  - c) when topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

Should soils be stripped outside of the months of April to September inclusive, the condition of the soils shall first be checked by a suitably qualified person to ensure that the soil is in a suitable dry and friable condition and written confirmation be submitted to the County Planning Authority prior to stripping.

*Reason: To ensure soil resources are correctly handled and safeguarded.*

14. During soil stripping, movement and handling operations, machinery shall be routed to avoid compaction of soils.

*Reason: To ensure soil resources are correctly handled and safeguarded.*

15. Prior to the commencement of each phase, a soil storage plan shall be submitted to the County Planning Authority for approval in writing, showing the location, contours and volumes of the bund(s), and identifying the soil types and units contained therein. All topsoil and subsoil shall be stored in separate mounds which do not overlap.

*Reason: This is a pre-commencement condition and one which is considered warranted in order to ensure that the soil resources are correctly handled and safeguarded.*

16. No topsoil or subsoil shall be removed from site. Such materials shall be retained for restoration of the site.

*Reason: To ensure soil resources are correctly handled and safeguarded.*

**NOISE**

17. Noise from the development authorised by this permission, shall not exceed the following at any noise sensitive property:-

*(0700-1900) during the day time the noise limits should not exceed the background noise level (LA90, 1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq 1h (free field).*

The noise sensitive properties include:

- Gebdykes Farm;
- High Burton Bungalow;
- Watlass Moor Cottages;
- Watlass Moor Farm;
- Snape Lodge Farm and Cottages;
- Dales View; and
- East Gebdykes Farm

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

18. In the event that any noise levels specified in Condition 17 are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps be taken to attenuate the noise level to be in compliance with Condition 17.

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

19. Notwithstanding the noise limits imposed within Condition 17, a temporary daytime noise limit of up to 70 dB(A) LAeq,1hour (free-field) at the nearest noise-sensitive properties is permitted for up to 8 weeks in a calendar year to allow for soil stripping and drilling operations

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

20. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment which shall be regularly maintained. Where mobile plant is operating in proximity to residential property, non-audible reverse warning alarm systems shall be deployed so as not to cause disturbance.

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

BLASTING

21. No blasting shall be carried out on any part of the site except between the hours of 0900 and 1600 hours Monday to Friday and no blasting shall take place on weekends or Bank or Public Holidays.

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

22. Blasting operations shall be designed and executed such that the resultant ground vibration levels shall not exceed a peak particle velocity of 8mm per second in 95% of all blasts measured over any period of six months at any residential property and no individual blast shall exceed a peak particle velocity of 12mm per second within a distance of 100 metres from any residential property. All blasts shall be monitored and controlled in order to minimize annoyance to neighbours and all blast results shall be made available within 10 working days of a written request to do so by the County Planning Authority.

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

23. In the event that the limits stated in Condition 22 above are exceeded blasting practice at the site shall be modified to ensure compliance with the limits specified in Condition 22 above.

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

24. No more than two blasts must be carried out during authorised hours in any week.

*Reason: To protect residential amenity.*

DUST

25. Within 3 months of the date of this planning permission a scheme of dust control measures and monitoring (Dust Management Plan) for the quarry and quarry plant within the application site shall be submitted to the County Planning Authority for written approval. Thereafter the approved control and monitoring measures shall be implemented and maintained in accordance with the approved scheme.

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

26. Steps shall be taken to ensure that the site is operated at all times, and in particular during period of high winds, to minimize dust emissions.

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

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27. In the event that an assessment of dust emissions and/or the results of formal monitoring indicate that additional control measures are required to minimise emissions, proposals for such measures shall be submitted in writing to the County Planning Authority. The measures subsequently approved in writing by the County Planning Authority shall be implemented within such period as may be required by the County Planning Authority.

*Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.*

### POLLUTION

28. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of the interconnected tanks plus 10%. All filling points, vents and gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

*Reason: In the interests of pollution control.*

29. There shall be no quarrying or other excavation within a vertical distance of 2 metres of the maximum recorded groundwater levels across the site.

*Reason: In the interests of pollution control.*

### HIGHWAYS

30. There shall be no access or egress between the highway and the site by any vehicles other than via the existing access off the B6268. There shall be no access or egress to the site north of Limekiln Lane other than via the proposed crossing point. The access shall be maintained in a safe manner.

*Reason: In the interests of highway safety, amenity and convenience of highway users.*

31. There shall be no access or egress by any vehicles between the highway and the application site at Limekiln Lane until splays are provided giving clear visibility of 120m metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

*Reason: In the interests of highway safety, amenity and convenience of highway users.*

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32. The crossing point on Limekiln Lane shall be used for no other purpose than the site operations.

*Reason: In the interests of highway safety, amenity and convenience of highway users.*

33. All HGVs exiting the site shall do so in a clean condition, such that no dirt and/or mud are deposited on the public highway by vehicles travelling from the site.

*Reason: In the interests of highway safety, amenity and convenience of highway users.*

#### SHEETING

34. All vehicles involved in the transport of mineral from the site shall be securely sheeted in such a manner as no material may be spilled on the public highway.

*Reason: In the interests of highway safety, amenity and convenience of highway users.*

#### LANDSCAPING, RESTORATION AND AFTERCARE

35. Within 12 months of the date of this permission a detailed Restoration and Aftercare Management scheme shall be submitted for the written approval of the County Planning Authority. The scheme shall include the following details:

- i. Proposed final contours extending into adjoining areas (including long cross sections) of the restored landform and treatment of quarry faces to show how the restored extension area integrates with an approved restoration scheme for the existing quarry (to be submitted and approved by the CPA);
- ii. Programme for implementation and phasing showing clearly the relationship to the working scheme;
- iii. Details of appropriate species mixes to be used for the habitats envisaged;
- iv. Planting densities;
- v. Specification;
- vi. Planting and protection;
- vii. Ongoing maintenance;
- viii. Long term management prescriptions; and
- ix. Details of the long term management of Long Lane

The scheme shall include the aims and objectives of the plan, restoration design and implementation, the aftercare management regime and monitoring and reporting. Thereafter restoration and aftercare shall be implemented in accordance with the approved details.

*Reason: In the interests of amenity and in the interests of achieving a high standard of landscaping and restoration.*

36. All tree works and tree protection works shall be undertaken to BS5837 and in accordance with the recommendations set out in the revised Arboricultural Impact Assessment dated October 2019.

*Reason: To ensure that trees within the area of the proposed development are not damaged.*

Dated: 4 March 2022

37. Every twelve months from the date of this permission or at such other times as may be agreed in writing with the County Planning Authority, a review of the previous year's landscape works, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority and other technical advisors as appropriate. The review shall take account of any departure from the scheme approved under Condition 35 and revised schemes shall be submitted to the County Planning Authority for approval providing for the taking of such steps as may be necessary to continue the satisfactory landscape works, working, restoration and aftercare of the site including the replacement of any tree or shrub which may have died, been removed or become seriously damaged or diseased. Thereafter all such works shall be carried out in accordance with the approved schemes.

*Reason: In the interests of amenity, monitoring site operations and in the interests of achieving a high standard of landscaping and restoration.*

38. No less than six months prior to the commencement of mineral extraction in phases 2, 3 and 4, a detailed report shall be submitted to the County Planning Authority for approval in writing, which details the progress of restoration in the previous phase. No mineral extraction shall commence in the subsequent phase, without approval being provided by the County Planning Authority.

*Reason: In the interests of amenity, monitoring site operations and in the interests of achieving a high standard of landscaping and restoration in a timely manner.*

39. Within 3 months of completion of restoration of the first phase, a Landscape and Biodiversity, Restoration and Management Plan shall be submitted to and approved in writing by the County Planning Authority. The Plan shall include details of the following:
- a. Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and number of Biodiversity Units to be created;
  - b. Description and evaluation of features to be managed and enhanced;
  - c. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
  - d. Ecological trends and constraints on site that might influence management;
  - e. Aims and Objectives of management;
  - f. Appropriate management Actions for achieving Aims and Objectives;
  - g. An annual work programme (to cover an initial 5 year period);
  - h. Details of the specialist ecological management body or organisation responsible for implementation of the Plan;
  - i. For each of the first 5 years of the Plan, a progress report sent to the County Planning Authority reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period;
  - j. The Plan will be reviewed and updated as per condition 40 below and shall implemented for a period of 30 Years from completion of restoration.

The Plan shall also set out (where the results from the monitoring show that the aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.

Dated: 4 March 2022

*Reason: In the interests of amenity, monitoring site operations and in the interests of achieving a high standard of landscaping and restoration in a timely manner.*

40. In years 10, 15, 20 and 25 of the Management Period the Applicant shall submit detailed management plans to the County Council for their approval and which shall:
- a) review the principles of the Landscape and Biodiversity, Restoration and Management Plan to consider if they are still applicable or whether any variation is required;
  - b) review any results of land management in the preceding period; and
  - c) set out any specific land management for the following period.

*Reason: In the interests of amenity, monitoring site operations and in the interests of achieving a high standard of landscaping and restoration in a timely manner.*

#### CESSATION

41. In the event of mineral extraction ceasing on the site for a period in excess of 12 months before the completion of the development hereby permitted, a revised scheme of restoration and landscaping shall be submitted to the County Planning Authority for written approval forthwith. The approved scheme shall then be implemented in accordance with a programme to be included in that scheme.

*Reason: To ensure restoration is undertaken as soon as practicable in the interests of amenity.*

#### LIMITATIONS

42. No materials shall be burned on the site.

*Reason: In the interests of amenity.*

43. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any other order revoking or re-enacting that order), no fixed plant or buildings shall be erected on the site (except as provided for in the development hereby permitted) without the prior written approval of the County Planning Authority.

*Reason: To reserve the rights of control of the County Planning Authority.*

#### RECORD OF PLANNING PERMISSION

44. A copy of the planning permission and any agreed variations, together with all the approved plans shall be kept available at the site office at all times.

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

Dated: 4 March 2022

**Informatives:**

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

Date: 04 March 2022

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Corporate Director, Business and Environmental Services

**NOTE :-**

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

**Statement of Compliance with Article 35(2) of the Town and Country Planning  
(Development Management Procedure) (England) Order 2015**

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

### RIGHTS OF APPEAL

- (1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at

<https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.