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Your Ref:

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Planning and Development Consultant

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Mrs V Perkin
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Dear Mrs Perkin

**EXTRACTION OF SAND AND GRAVEL AND RESTORATION TO AGRICULTURE AND A WATERBODY.
LAND AT GREAT GIVENDALE, RIPON HG4 5AJ
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017
REGULATION 6 REQUEST FOR THE SCREENING OPINION OF THE PLANNING AUTHORITY**

Introduction

I act on behalf of Newby Gravels Ltd. Further to the submission of our pre-application enquiry on 20th July 2021, this letter and accompanying plans forms a request made in accordance with Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs) for the screening opinion of the planning authority in respect of the winning and working of minerals and restoration to a leisure afteruse on land at Great Givendale, Ripon, HG4 5AJ.

In accordance with the requirements of the EIA Regs, this letter includes and is accompanied by:

- A plan sufficient to identify the land
- A description of the proposed development
- A description of the aspects of the environment likely to be significantly affected by the development.

Site Location and Description

The application site lies within the administrative areas of North Yorkshire County Council and Harrogate Borough Council and within the Parishes of Littlethorpe and Givendale.

The site lies approximately 2.5km to the southeast of the centre of Ripon, 1km to the east of Littlethorpe and 850m to the south of Bridge Hewick. Newby Hall and Gardens is located some 1500m to the southeast. An approximate grid reference for the site is 433457; 469232

The site shown on the attached drawings extends to an area of some 11ha including access to the public highway. The total area of proposed extraction is circa 9 hectares.

The site currently forms part of the Newby Hall Estate and is farmed as arable and pasture land. The western boundary of the site is formed by a small flood bank, approximately 1m in height, beyond which lies the River Ure. The site is generally flat, lying at approximately 17m AOD across the whole site. To the east the land rises steeply to around 25m AOD.

Great Givendale Farm occupies a relatively elevated position on the adjacent river bluff and is some 50m from the eastern edge of the extraction area at its closest point, although access to the site would run through the yard to the rear of the farmhouse.

Cont'd...

Consultation with the online MAGIC resource identifies that the site is not located in an area designated at the national or international level for its ecological or landscape importance, nor are there any such sites located within a 2km radius. The site does lie in the identified Risk Zones for several Sites of Special Scientific Interest which establishes a need for consultation with Natural England for proposals which involve mineral extraction.

There is a non-designated site of possible archaeological interest on land immediately to the east of the site, shown as a moat on OS plans. There are 12 Grade II Listed Buildings within 2km of the site, the closest of which is Hewick Bridge over the River Ure, some 700m to the north.

The boundary of the Grade II* Newby Hall Registered Park and Gardens is some 1km from the southern boundary of the proposed development site.

Access to the site is gained via farm and estate roads from Skelton Lane. There are no public rights of way within or adjacent to the site or which would be affected by the development. It is understood that a permissive right of access is granted to members of an angling club to enable access to the river for the purposes of fishing. That permissive access does not cross the proposed area of extraction, rather it is situated between the small flood embankment and the River.

Appended to this letter is a Flood Map for Planning generated on the 16th of February 2022 which shows that the application site is located in flood zone 3, an area with a high probability of flooding. Due to the site location and size of the site, any planning application, regardless of the need for EIA, would be accompanied by a flood risk assessment

Soils and Geology

The overall site area, including site access extends to some 11ha. The proposed area of extraction would account for approximately 9 ha of that total area.

Consultation with the online MAGIC resource indicates that the site has an Agricultural Land Classification of 2 or 3, the available information does not determine between 3a or 3b land and therefore the extent of the site which could comprise Best and Most Versatile Land is not currently known.

Consultation with the online BGS GeoIndex website shows that there are no publicly available borehole records from within the site. Publicly available 1:50,000 scale geological mapping indicates that the site comprises superficial deposits of alluvium (unconsolidated clay, silt, sand and gravel) underlain by Sherwood Sandstone bedrock.

Information contained within Mineral Assessment Report 78; SE36 Boroughbridge, North Yorkshire (Institute of Geological Sciences; 1981) indicates that “Alluvial Sand and gravel in the Ure valley and beside Holbeck (Block A1) west of Newby Hall has a low fines content and a higher percentage of gravel than sand. The sand is predominantly medium and coarse with fine and consist mainly of quartz with some fragments of Carboniferous and Permian limestones. The gravel fraction consists of Carboniferous sandstone and limestone and Permian limestone pebbles, of both fine and coarse grade, with some mudstone, chert and traces of quartzite.”

Detailed site investigation was undertaken in the early and mid-1990s to inform the possible allocation of the site for mineral working in the development plan. This investigation confirmed that the deposit was relatively uniform across the site and allowed the calculation of an average thickness of the strata encountered in boreholes and test pits as:

- Soils: 0.35-0.4m
- Overburden: 1.62m-1.67m
- Sand & Gravel: 1.80m

The totality of information available, including publicly available data and the results of earlier site investigation, prove the existence of a viable mineral reserve at the site. Based upon the site area

and average thickness of mineral identified through site investigation, it is estimated that the extraction of mineral would yield between 250,000 - 300,000 tonnes of sand and gravel.

Description of the Proposed Development

Whilst a detailed design of the proposed development has yet to be undertaken, a broad description of the likely elements of working and restoration are set out below.

Mineral Working

Mineral working would progress in a generally north-south direction across some 9 proposed phases each covering an area of approximately 1 ha and expected to yield around 30,000-35000 tonnes of mineral.

Working would be undertaken using a tracked long reach excavator and dump truck and there would be no dewatering of the site.

Prior to the excavation of material in each phase, soils and overburden would be stripped and placed into temporary storage. Mineral working would then commence, with sand and gravel extracted prior to processing. It is proposed to utilise a small, mobile washing and screening plant which would be brought to the site on a campaign basis when the volume of material in storage or market needs demonstrated that it was necessary.

Unprocessed material would be placed in temporary storage prior to processing and export from the site.

It is anticipated that mineral working and restoration would take place over a period of around 10 years, on that basis, mineral working would yield approximately 25-30000 tonnes of mineral per year.

Mineral would be removed from the site by 4-axle rigid vehicles with a capacity of approximately 20 tonnes. Based upon a rate of extraction of 30,000 tonnes per year and a five-day working week, this would generate a total of 12 trips per day (6 in, 6 out). Vehicles leaving the site would do so via the access to Great Givendale, travelling along Givendale Lane prior to joining the public highway at Skelton Lane. Vehicles would then travel to the junction of Skelton Lane and Boroughbridge Road at Bridge Hewick. Predominantly vehicles would then turn right towards Boroughbridge, with occasional deliveries to Ripon turning left and across Hewick Bridge. Access within the site would be provided via an upgraded site access track. Given the distance from the working area to the public highway, it is unlikely that a dedicated wheel wash facility would be required.

Assessment undertaken on behalf of the site owner indicates that there will be a need for the installation of passing places on Givendale Lane with further improvements possibly required along Skelton Lane and at the junction with Boroughbridge Road at Bridge Hewick.

In addition to the mobile wash plant a small site office would be required with self-contained welfare facilities, along with a site weighbridge.

The proposed operating hours would be:

Monday-Friday 07:30-18.00

Saturday - no working

Sundays and Bank Holidays - no working.

The transport of mineral from the site would also be suspended during major events taking place at Newby Hall

For the duration of the proposed operations, a minimum of four people would be employed at the site including operating the weighbridge, plant operators and wash plant operator.

Site Restoration

Detailed site restoration has yet to be undertaken. Previous correspondence with the County Council envisaged the restoration of the site to agricultural land and a pond. The applicant is currently exploring the feasibility of the establishing leisure activities at the site in the form of short term rental holiday lodges. Such a leisure activity would compliment the existing activities of the Hall and wider Ripon area including the Nidderdale Area of Outstanding Natural Beauty and Yorkshire Dales National Park.

It is not proposed to import any materials for restoration purposes. Restoration would therefore be to a combination of wetland areas with surrounding amenity woodland and grasslands with up to 20 short term let lodges for holiday use. Each lodge would measure some 12.25m x 7.25m and would benefit from a decked veranda and include parking for 1no. vehicle. Final design of the layout of the proposed lodges would be subject to discussion with the relevant consultees, particularly in respect of potential flooding and heritage impacts and taking into account the requirements of the Caravan Sites and Control of Development Act 1960 and the Model Standards arising from that.

Relevant Legislation and Guidance

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs) transpose changes made to EU Directive 2011/92/EU1 by EU Directive 2014/52/EU2. They relate to certain development given planning permission through the town and country planning system. The provisions of the EIA regs remain applicable following the UK exit from the European Union.

Regulation 3 of the EIA Regs prohibits the grant of planning permission for EIA development unless an Environmental Impact Assessment (EIA) has been carried out. EIA development is defined in the Regulations as either:

- (a) Schedule 1 development; or
- (b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location;

For development falling within Schedule 1 of the EIA Regs, EIA is mandatory. For Schedule 2 development, the need for EIA would depend upon the nature scale and location of the proposed development and the likelihood of significant environmental effects arising as a result of the development. All development falling within or partially within a sensitive area is considered to be at least Schedule 2 development. Sensitive Areas are defined by the EIA Regs as:

- (a) *land notified under section 28(1) (sites of special scientific interest) of the Wildlife and Countryside Act 1981;*
- (b) *a National Park within the meaning of the National Parks and Access to the Countryside Act 1949;*
- (c) *the Broads;*
- (d) *a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage;*
- (e) *a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979;*
- (f) *an area of outstanding natural beauty designated as such by an order made by Natural England under section 82(1) (areas of outstanding natural beauty) of the Countryside and Rights of Way Act 2000 as confirmed by the Secretary of State;*
- (g) *a European site;*

Regulation 6 of the EIA Regs allows for those minded to carry out development to request the screening opinion of the relevant planning authority on the need for EIA. Regulation 6 also requires that a request for a Screening Opinion must provide the following:

- (a) *a plan sufficient to identify the land;*
- (b) *a description of the development, including in particular—*
 - (i) *a description of the physical characteristics of the development and, where relevant, of demolition works;*
 - (ii) *a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;*
- (c) *a description of the aspects of the environment likely to be significantly affected by the development;*
- (d) *to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from—*
 - (i) *the expected residues and emissions and the production of waste, where relevant; 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 to avoid or prevent what might otherwise have been significant adverse effects on the environment.*

Schedule 1 of the EIA Regs provides descriptions of development for the purposes of the definition of Schedule 1 development.

Paragraph 19 of Schedule 1 describes:

Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares.

The operation of a holiday park or broadly similar development is not listed in Schedule 1. The operation of the proposed sand and gravel quarry would not exceed 25 hectares and the site does not fall within Schedule 1 of the EIA Regs.

The table in Schedule 2 of the EIA Regs provides descriptions of development for the purposes of the definition of Schedule 2 development along with applicable thresholds and criteria.

Part 2 of Schedule 2 relates to the extractive industry and Column 1 bullet point (a) describes:

Quarries, open cast mining and peat extraction (unless included in Schedule 1)

Column 2 of the table provides a description of the applicable thresholds and criteria, above which development comprises Schedule 2 development and defines all development except the construction of buildings or other ancillary structures where the new floorspace does not exceed 1,000 square metres as Schedule 2 development.

Part 12 of Schedule 2 relates specifically to Tourism and Leisure with bullet point c of Column 1 describing:

Holiday villages and hotel complexes outside urban areas and associated developments.

The applicable threshold described in Column 2 in respect of this form of development is an area of development exceeding 0.5 hectare.

Due to the size of the proposed application site, the proposed development comprises Schedule 2 development.

Schedule 3 of the EIA Regs set out selection criteria against which Schedule 2 development must be assessed to determine the need for EIA. These focus on the Characteristics of the Development, the location of the development and the types and characteristics of potential impact. These matters are addressed specifically in Section 5 below.

Additional Guidance is provided on the procedure for deciding whether a Schedule 2 project is likely to have significant effects within the online Planning Practice Guidance on Environmental Impact Assessment. The online Guidance identifies that *“Only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment.”*

To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a set of indicative thresholds and criteria have been prepared as an annex to the online guidance. These indicative thresholds and criteria are presented in the form of a table and, in relation to the proposed development, state the following:

Development Type	Schedule 2 Criteria & Thresholds	Indicative Criteria and Threshold	Key Issues to Consider
2(a) Quarries, open cast mining and peat extraction (unless included in Schedule 1)	All development except the construction of buildings or other ancillary structures where the new floorspace does not exceed 1,000 square metres.	All new open cast mines and underground mines. Clay, sand and gravel workings, quarries covering more than 15 hectares or involve the extraction of more than 30,000 tonnes of mineral per year	The likelihood of significant effects will tend to depend on the scale and duration of the works, and the likely consequent impact of noise, dust, discharges to water and visual intrusion
12(c) Holiday villages and hotel complexes outside urban areas and associated developments;	The area of the development exceeds 0.5 hectare.	New theme parks which are expected to generate more than 250,000 visitors per year. Major new tourism and leisure developments which require a site of more than 10 hectares. Holiday villages or hotel complexes with more than 300 bed spaces, or for permanent camp sites or caravan sites with more than 200 pitches.	Visual impacts, impacts on ecosystems and traffic generation

The online guidance goes on to state that *“it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.”*

Assessing the Need for EIA

Based upon the nature of the development and scale of the site, it is clear that the proposed development does not exceed the thresholds and criteria set out in Schedule 1 of the EIA Regs. The proposed development is not Schedule 1 development.

However, the proposed development does exceed the applicable thresholds and criteria set out in Column 2 of Schedule 2 and therefore comprises Schedule 2 development. Falling within Schedule 2 does not automatically trigger a need for EIA and Schedule 2 development must be screened for EIA prior to the determination of any planning application. A decision on the need for EIA must be made based upon the nature, scale and location of the proposed development and the likelihood of significant environmental effects occurring.

The site does not lie wholly or partially within, or in close proximity to, any sites defined as being sensitive in the EIA Regs.

The proposed development also falls well below the thresholds and criteria set out in the online planning practice guidance which indicate that likelihood of significant effects occurring. It is therefore unlikely that the proposed development would give rise to significant environmental effects with any effects likely to be localised, temporary in nature and easily reversible.

Based upon the scale and nature of the proposed development and the likely nature of any potential effects, it is our contention that, although falling within the definition of development set out at Schedule 2 of the EIA Regs, the proposed development is not likely to give rise to significant effects and EIA is therefore not required.

I hope that the foregoing and attached documents provide the Council with sufficient information and I look forward to receiving the Screening Opinion of the Planning Authority within the statutory three weeks of the date of submission of this letter.

Yours sincerely

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Enclosures

Flood Map for Planning

MAGIC Site Check Results

Drawing 2021.8.92/1a - Site Location