

JACKDAW CRAG QUARRY

PLANNING APPLICATION TO REMOVE THE BLASTING RESTRICTION CONDITION AT JACKDAW CRAG QUARRY, MOOR LANE, NEAR STUTTON, TADCASTER

PLANNING STATEMENT

September 2022



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FIGURE

Figure 1 Location Plan

APPENDICES

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

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 planning application at Jackdaw Crag Quarry, Tadcaster. The planning application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to remove a planning condition attached to planning permission reference: C8/2009/1066/CPO. The planning condition precludes the use of blasting within the southern extension area of Jackdaw Crag Quarry (hereafter 'the Site' or 'the Quarry').

1.1.2 Following on from this introduction, this section sets out the background to the planning application and describes the Applicant before setting out the structure of this Planning Statement.

1.2 Background

1.2.1 Planning permission C8/2009/1066/CPO 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.

1.3 The Site

1.3.1 The Site is a magnesian limestone quarry operated by DQL, 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. The location of the Site is illustrated on Figure 1.

1.4 Scheme Overview

1.5 The Applicant

1.5.1 The Applicant is Darrington Quarries Ltd (DQL), who are the current operator of the Quarry. DQL is a long-established regional quarrying company of both limestone (at the application site, Darrington Quarry, near Cridling Stubbs, and Barnsdale Bar), 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).

1.6 This Document

1.6.1 This document is 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.

2.0 THE PROPOSED DEVELOPMENT

2.1 Introduction

2.1.1 Blasting has previously been undertaken at the Quarry to aid the extraction and splitting of the mineral. However, the planning application for the southern extension area did not propose blasting as a method of extraction.

2.1.2 The use of blasting in the southern extension area is therefore precluded by Condition 7 on planning permission reference: C8/2009/1066/CPO, which stipulates: *“No blasting shall be undertaken on site.”*

2.1.3 This planning application seeks to delete Condition 7.

2.2 Method of Extraction

2.2.1 It is anticipated that a substantial proportion of the available reserve can be extracted without the need for blasting. Where possible the tracked excavator with toothed bucket will continue to be used to extract mineral.

2.2.2 However, it is now anticipated that some blasting may be required to work the permitted lower working benches in the southern extension area if particularly hard or consolidated rock is encountered.

2.2.3 Blasting will only be undertaken when necessary and will be infrequent. Blasting will only be used between the hours of 0800 to 1800 hours Monday to Friday. There will be no blasting on Saturdays.

2.2.4 Aside from the occasional use of blasting to extract rock from the lower benches, there will be no change whatsoever to how the Quarry is operated.

3.0 CONSIDERATION OF ENVIRONMENTAL EFFECTS

3.1 EIA Screening

3.1.1 An Environmental Impact Assessment (EIA) Screening Direction was issued by the Secretary of State on 23 June 2022. This confirmed that the Proposed Development is not EIA Development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The EIA Screening Direction is provided at Appendix A. The conclusions from the Direction are presented below:

“The Secretary of State considers that blasting is unlikely to give rise to a significant risk of accidents or building damage which could impact on the safety of neighbouring properties, due to established industry standards and Health and Safety measures.”

“The Secretary of State has noted the Council’s confirmation that should permission be given, current conditions would be reviewed, and new conditions imposed to mitigate and control the potential impacts on human health in terms of noise, vibration and air quality.”

“Overall, having taken into account all information provided by the applicant and the Council, the Secretary of State is not persuaded that the potential impacts are of such significance that an ES is required. He therefore concludes that an ES is not required in this case.”

3.2 Relevant Environmental Considerations

3.2.1 The ES produced in 2009, and the ES Addenda produced in 2014 and 2015 in support of the planning 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 only potential changes to environmental effects because of the introduction of blasting are noise, vibration and air quality (dust). These matters are considered further below:

Noise and Vibration

- 3.2.2 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, to undertake an assessment of the environmental impact of blasting within the southern extension area. This assessment culminated in the production of a report dated 18 January 2022. The report is provided as Appendix B to this Planning Statement.
- 3.2.3 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.
- 3.2.4 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.
- 3.2.5 The report concludes that all blasts at Jackdaw Crag Quarry can be designed to comply with that vibration criterion at residential properties.
- 3.2.6 Environmental effects of noise associated with blasting may arise from the blast itself however this would generally only be noticed infrequently and close to the Quarry.

Air Quality

- 3.2.7 The current operations have been ongoing for a period more than sixty years and the Applicant complies with an Environmental Management System (EMS) that includes the suppression and management of dust from the operations. This EMS includes control measures which seek to prevent airborne dust particles being transported outside the Site and the prevention of mud and wet limestone fines being deposited on the public highway which could be transformed into dust.
- 3.2.8 Such measures include the use of a water bowser for sprinkling water onto internal haul roads, the minimising of drop heights of mineral both at the point of excavation and into processing plant/storage areas, the use of dust

suppression sprays on processing equipment, a permanently installed wheelwash and the use of a road-sweeper for the cleaning of the site access and public highway.

- 3.2.9 The Applicant will continue to use these measures throughout the life of the extraction operations.
- 3.2.10 Although basting may increase the risk of airborne dust, any blasting would be undertaken at levels well below the nearest sensitive receptor to the south. Due to the nature of blasting and the way the blasts are designed, dust effects are generally limited to the area immediately surrounding the blast within the Quarry. The risk of fugitive dust beyond the Site boundary is very low.

4.0 PLANNING POLICY APPRAISAL

4.1 Introduction

4.1.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission are required to be determined against the policies of the development plan unless material considerations indicate otherwise.

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

4.2 The Development Plan

4.2.1 The most relevant part of the Development Plan is the Minerals and Waste Joint Plan, adopted by North Yorkshire County Council in February 2022.

4.2.2 The section below identifies the policies contained within the Development Plan which are most relevant to the determination of the application and considers how the proposal complies with the policies. Given the nature of the proposal, there are only limited policies of direct relevance.

Minerals and Waste Joint Plan

4.2.3 Policy M09 identifies that the requirement for crushed rock over the Plan period will be met through existing permissions. Land at Jackdaw Crag is identified as an allocation to meet the requirements. It is therefore implicit within this policy that the reserves at Jackdaw Crag Quarry are essential to meeting North Yorkshire's needs for crushed rock. The proposal to use blasting as a means of extracting rock from the Site will ensure that all available reserves can be worked efficiently and effectively thus ensuring the continuity of supplies in accordance with Policy M09.

4.2.4 Policy D01 mirrors the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development. Planning applications that accord with the policies in the Minerals and Waste Joint Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

4.2.5 Policy D02 'Local amenity and cumulative impacts' seeks to manage and control development to ensure that unacceptable impacts on amenity do not

arise. The policy states that proposals for minerals development will be permitted where it can be demonstrated that there will be no unacceptable impacts on the amenity of local communities and residents, local businesses and users of public rights of way and open space as a result of (inter alia): noise, dust and vibration. Proposals will be expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable.

4.2.6 The reason for Condition 7 is stated as being: *“In order to protect the amenities of residents”*. This planning application is accompanied by an assessment of environmental impacts of blasting within the southern extension area which comprehensively demonstrates that vibration impacts (both ground and air overpressure) of the proposal can be effectively mitigated to safeguard residential amenity. Noise will continue to be controlled in accordance with the limits set by planning conditions 9 and 10 of planning permission C8/2009/1066/CPO. The separation distance from sensitive receptors, difference in ground levels (blasting of lower benches only) and infrequency of events will ensure there are no unacceptable impacts from dust emissions. The proposed use of blasting will not result in any other additional or altered environmental impacts to those currently experienced at the Site.

4.2.7 Policy D02 encourages applicants to conduct early and meaningful engagement with local communities. Before submitting the application, the Applicant discussed the proposal with the occupiers of Warren Cottage.

4.3 Material Considerations

4.3.1 As set out above, planning applications are required to be determined against the policies of the development plan unless material considerations indicate otherwise. Material considerations include planning considerations which affect, or are affected by, the proposed development. Accordingly, the proposal needs to be considered in the context of other planning policy considerations which could be material to the decision.

National Planning Policy Framework (NPPF)

4.3.2 Paragraph 211 of the NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction. It explains that in considering proposals for mineral extraction, minerals

planning authorities should (of relevance to the proposal): ensure that there are no unacceptable adverse impacts on the natural environment and human health; and ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties.

Planning Practice Guidance (PPG) to the National Planning Policy Framework

- 4.3.3 The PPG states that blast vibration is a principal environmental issue that mineral planning authorities must address but does not provide an assessment framework or guidance which is instead provided in the relevant British Standards explained below.

BS7385-2:1993 – Evaluation and Measurement for Vibration in Buildings: Guide to Damage Levels from Groundborne Vibration

- 4.3.4 British Standard 7385 gives guide values to prevent cosmetic damage to property. Further consideration of this Standard is provided in the Vibrock ‘Assessment of Environmental Impact of Blasting within the Southern Extension Area’ Report (Appendix B).

BS5228-2: 2009 + A1: 2014, Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration

Damage threshold criteria for transient vibration within this British Standard are guided by the above 1993 Standard.

BS6472-2:2008 – Guide to evaluation of human exposure to vibration in buildings: Part 2: Blast-induced vibration

- 4.3.5 This document discusses how and where to measure blast-induced vibration and gives maximum satisfactory magnitudes of vibration with respect to human response. Further consideration of this Standard is provided in the Vibrock ‘Assessment of Environmental Impact of Blasting within the Southern Extension Area’ Report (Appendix B).

5.0 CONCLUSION

5.1 Introduction

5.1.1 This Planning Statement has been prepared in support of a planning application made by DQL to permit the use of blasting within the southern extension area of Jackdaw Crag Quarry.

5.2 Policy Determination

5.2.1 The Planning and Compulsory Purchase Act 2004 requires that planning applications be determined against the policies of the Development Plan unless material considerations indicate otherwise.

5.2.2 The appraisal at Section 4 demonstrates that the Proposal is compliant with the relevant policies of the Development Plan. Further, there are no material considerations which indicate that the proposal should not be considered in accordance with the Development Plan.

5.2.3 The proposal to use blasting as a method of extracting rock from the Site will ensure that all available reserves can be worked efficiently and effectively thus ensuring the continuity of supplies of limestone in accordance with local and national policies.

5.2.4 The only potential changes to environmental effects because of the introduction of blasting relate to noise and vibration and air quality (dust). The planning application is supported by a comprehensive assessment of potential vibration effects (Appendix B). Noise and dust effects will be localised, infrequent and controlled by standard industry best practice and mitigation measures.