

North Yorkshire County Council, City of York and North York Moors National Park Authority Minerals and Waste Joint Plan Examination

Joint Plan Authorities' Supplementary Note for the Inspector in respect of Whitewall Quarry with regard to Matter 1 Minerals MIQ 33 and matters relating to crushed rock and building stone

1.0 Introduction

- 1.1 This note refers to matters relating to the consideration of Whitewall Quarry through the EIP including regarding Crushed Rock and Building Stone and other related matters and has been produced to assist the Inspector prior to a site visit to Whitewall Quarry and the surrounding area.
- 1.2 The Authorities do not consider that the information in the note substantially alters the response by the Authorities to relevant Matters, Issues and Questions Q31, 33 and 48.

2.0 Limestone (crushed rock)

Alternative Jurassic Limestone sites in the Plan area

- 2.1 Map G on page 12 of *LPA/05* shows the current distribution of all crushed rock sites (active, mothballed and dormant) across the Plan area.
- 2.2 At a strategic level there are a number of potential alternative sources to Whitewall Quarry of Jurassic limestone in the Plan Area:
- **Settrington Quarry (North Yorkshire)** – The current planning permission for limestone extraction is due to expire on 31 December 2019. The IDO area, permitted until 21 February 2042, is the land to the north of that permission (adjacent to the C350 road) and new conditions for the IDO area were determined in 1996 (C3/117/59A/IDO); no extraction is currently occurring in that area but it is used for storage and processing. It is the Authorities understanding that although output is currently reduced, the site does not completely close in the winter months. It was operating during the most recent monitoring visit in late 2017. Under the terms of Planning permission C3/15/00583/CPO no minerals extraction shall take place below a level 2 metres above the maximum water table, and no excavation below 25m AOD and there is no limit imposed by condition on the number of vehicles that can transport mineral from the site. Prior written approval has to be obtained from the County Planning Authority for the erection of any new buildings, plant, etc. The annual output of the MJP08 site is stated on page 58 of *CD18*.
 - **Wath Quarry (North Yorkshire)** – There are no recent published figures on the reserve remaining in the site but in 1998 at the time of the most recent planning permission (C3/98/00610/CPO) the site was estimated to

contain a reserve of 5,673,000 tonnes of stone and at an annual production of 250,000 tonnes per annum was anticipated to have a working life of 20-25 years. Production from the site has reduced significantly in the past 5 years, but there have still been sales during the period. The next periodic review regarding limestone extraction at Wath is due on 1 July 2022, which is prior to the expiry on 27 October 2023 of C3/98/000610/CPO. The approved site access is from the B1257. Prior written approval has to be obtained from the County Planning Authority for the erection of any new buildings, plant, etc. There is no limit imposed by condition on the number of vehicles that can transport mineral from the site. No submission has been received in connection with the Plan regarding any proposed extension to the site. If a planning application for an extension to the area of the quarry was received then that would be examined in the context of Policies M1 and M10, included in respect of major development in the AONB.

- **Hovingham Quarry (North Yorkshire)** – The planning permission for limestone extraction is valid with restoration to by 21 February 2042. At the time of the most recent permission (the determination of new conditions) in 1997 the remaining reserves were stated to be 1.2 million tonnes and that at the output levels at the time this would continue for approximately 20-25 years. Historically, the quarry supplied to the local economy blockstone, walling stone, fill and aggregates, but has been commercially mothballed for a number of years. However, it is understood that since Cemex Ltd stopped operations, small quantities of stone have been removed intermittently by the Hovingham Estate as landowner. The permitted site access is from the B1257. Prior written approval has to be obtained from the County Planning Authority for the erection of any new buildings, plant and machinery, etc. There is no limit imposed by condition on the number of vehicles that can transport mineral from the site. No confirmation of recommencement has been received to date, but if it is received then the 12-month notification by the County Council that a Periodic Review is due will be served on the site. Such a review would take into account the material considerations relevant to the development including location in the AONB, access and proximity to Hovingham. No submission has been received in connection with the Plan regarding any proposed extension to the quarry. However, the Estate has held discussions with the County council regarding the recommencement of extraction at Hovingham Quarry. It is the intention of the Estate that, over the coming years, the stability of the quarry faces will be secured alongside the extraction of the remaining permitted reserves. Discussions are concurrently being held with a potential mineral operator. If a planning application for an extension to the area of the quarry was received then that would be examined in the context of Policies M1 and M10, included in respect of major development in the AONB.
- **Newbridge Quarry (North Yorkshire)** – The planning permission C3/07/00515/CPO for limestone extraction is due to expire on 31 December 2022, and, at the time of the last site monitoring visit took place in 2016, extraction was taking place in Phase 3 of 5. Although the rate of

extraction has reduced at the quarry, at the time of the application for C3/07/00515/CPO it was envisaged that the 2,750,000 tonnes would be extracted at an annual rate of 220,000 tonnes per annum, reflecting the rate of output from the existing quarry operation at the site. There is no limit imposed by condition on the number of vehicles that can transport mineral from the site.

- **Cropton Quarry (North Yorkshire)** – The 1.2 hectare planning permission, valid until 21 February 2042 is classified as dormant and no further extraction can take place until a new scheme of planning conditions has been submitted and been determined. Although the County Council has been contacted by various parties about the site no formal discussions have taken place during the past 10 years. As identified in respect of the discounted site submission for adjacent land at Cropton (MJP64) on page 59 of *SD18* it is likely that the potential significant adverse impacts on the amenity of the residents of Wrelton would be a major consideration regarding the re-opening of this site, together with the potential risk of contamination of a groundwater source protection zone.

- **Laysthorpe Quarry (North Yorkshire)** – The 3.6 hectare Interim Development Order consent was registered as valid in 1992, the applicant for the registration was Fenstone Quarries Ltd. The site is classified as dormant and therefore working cannot recommence until new conditions have been determined. No approaches to re-open the site have been received. If an application for determination of new conditions were received then that would be examined in the context of the policies relevant at the time included in respect of major development in the AONB.

Other sources

- 2.3 Page 12 of the Mineral safeguarding areas for North Yorkshire County Council Main report (SEB01) states that “*although chalk in England is generally fine grained, soft and porous, in regions such as Yorkshire and the Humber, it is older and harder so is a potential source of aggregate (Mankelov et al., 2008). As the material is described as being harder than chalk in most other areas of England, the chalk resource has been buffered by the same amount as other crushed rock resources for consistency*”. The chalk Knapton and Flixton Quarries are referred to on pages 56 and 57 of *LPA/05*, but are not currently expected to contribute to future crushed rock supply.

- 2.4 The Crushed rock Site Data Sheets for chalk and limestone in connection with the Revised Preferred Approach for the Joint Minerals Local Plan (for Hull and the East Riding) refer to Greenwich Quarry. Page 11 of the Humber Area Local Aggregate Assessment (LAA) 2017 (*LPA/66*) which includes the East Riding of Yorkshire refers to crushed rock in the Humber area being derived from chalk and limestone, although the quality of the chalk deposits for aggregate use is described as poor (small quantities are sold for fill and sub base roadstone). There are small areas of higher purity chalk which is used for industrial purposes. The area also contains Lincolnshire Limestone (Mid Jurassic) which outcrops in a narrow band along the south-west edge of the Yorkshire Wolds between the Humber Estuary and Newbald. The East Riding of Yorkshire’s

LAA reports that operators have expressed interest in this deposit as a potential crushed rock source in the future, which potentially indicates that there may in the future be other alternative sources of crushed rock available in the East Riding.

- 2.5 In sustainability terms, and as set out in the Authorities' statement regarding crushed rock supplies, it is considered that the Plan does make appropriate allocation for meeting the needs of that material and that this includes provision for the requirements for crushed rock that may arise within the eastern part of the Plan area.

3.0 Building Stone

- 3.1 Historically North Yorkshire County Council has had very few specific planning applications for the extraction of building/blockstone. The most recent of which was the application at Brows Quarry (Malton) in 2007 which expired before implementation. This site is proposed for allocation as MJP63. Prior to that Melsonby Quarry (near Barton) was granted permission in 2002 and is currently the subject of an application to extend the period of time for working the quarry for a further 15 years. There were two applications in the 1970s at Highmoor Quarry (near Tadcaster).
- 3.2 However, many limestone quarries in the Plan area do produce some building or blockstone as an ancillary part of their main operation of producing crushed rock, but this is not quantified in their individual mineral survey returns although the option to do so is available.
- 3.3 Building stone can be used for a range of uses including high quality dressed stone to lower quality rough walling. None of the existing permissions specify particular end uses, including whether the limestone is used as crushed rock or as building stone, partly because it is recognised that the nature of the material is such that it can vary in a range of parameters including quality, durability and colour and it would not be appropriate to unreasonably limit uses or markets.
- 3.4 In sustainability terms, and as set out in the Authorities' statement regarding building stone supplies, it is considered that the Plan does make appropriate allocation for meeting the needs of that material and that this includes provision for the requirements for crushed rock that may arise within the eastern part of the Plan area.

4.0 Other uses of limestone

- 4.1 According to the Agricultural Lime Association's website, in the Plan area, Wensley and Newbridge limestone quarries produce agricultural lime. However, there are no current collated figures available for the tonnage of agricultural lime produced by quarries within the Plan area or in respect of the quality of the product. Historically production was ancillary to aggregate production from limestone quarries and was affected by the seasonal nature of

demand and generally it served a predominantly local market. There are no known restrictions in terms of planning conditions that would prevent companies servicing new or existing lime markets in the country, including planning permission. The delegated items report in 2008 regarding the C3/07/00937/CPO application at Whitewall Quarry referred to an estimate that the quarry produced '125,000 tonnes of processed limestone and 25,000 tonnes of agricultural limestone annually' but no restriction on the tonnage of production per year was placed on either commodity by planning condition.

- 4.2 In sustainability terms, and given the absence of conditions preventing the supply of agricultural lime from quarries within the Plan area, it is considered that the Plan does make appropriate allocation for meeting the needs of that material and that this includes provision for the requirements for that material that may arise within the eastern part of the Plan area.

5.0 Traffic

Heavy Commercial Vehicle (HCV) restriction in Malton

- 5.1 The experimental 18-month HCV restriction (on vehicles over 7.5 tonnes) on the level crossing between Malton and Norton was made on 26 February 2018, but is not yet in force as signs have to be erected in both towns, on the approaches to the level crossing and also on the A64, along with directions for alternative routes. The restriction is designed to help to prevent congestion and improve air quality in the area, particularly at Butcher Corner in Malton and a copy of the (Norton-on-Derwent Level Crossing) Experimental Order 2018 and Map are attached (Appendix A). The signage has been delayed by the recent bad weather so the restriction will not be enforced until those are in place. The effectiveness of the restriction will be monitored by the County Council. Mention has been made in Hearing Statements to forthcoming changes to the frequency of trains on the railway through Malton in 2019: *3019 - F Champion Response – Crushed Rock* (page 6) and *2854 – Norton Action Group Response – Crushed Rock* (page 3 refers to the Arriva Rail North Ltd franchise starting in May 2019 and doubling movements to four per hour), and, according to the Highway Authority, the experimental order is due to expire prior to the proposed changes to the frequency of the rail services. The restriction will be reviewed during the 18-month period and made permanent if necessary at the end of the period.
- 5.2 Whitewall Quarry has requested a large number of permits (blank permit - Appendix B) to enable the quarry operator and its customers to continue to travel through the restriction. A permit would confirm that the heavy commercial vehicle registration number specified on the permit is exempted from the restrictions imposed by the 'Prohibition of Heavy Commercial Vehicles (Norton-on-Derwent Level Crossing) Experimental Order 2018. The quarry's reasoning is that if its quarry vehicles are travelling to markets north-west of Malton, the alternative route would be through Norton to the A64 Brambling Fields junction and into Malton via Old Malton and through the Air Quality Management Area at Butcher Corner to the B1257 out of Malton. This would mean the HGV Restriction would not have any effect as the lorries will still be

travelling through the AQMA. The Highway Authority is in negotiation with Whitewall Quarry regarding the number of permits that may be issued.

Whitewall Quarry

- 5.3 The current extraction planning permission C3/07/00937/CPO (Appendix C) granted in 2008 restricts quarrying or associated activities including transport of minerals from the site to 06:30 and 17:00 hours Mondays to Fridays and 07:00 and 12:00 hours on Saturdays. There is no condition limiting the number of vehicle loads per day from the quarry. The application relating to that permission envisaged that there would be 90- 150 loads per week based on a 50 week year and that 80% of the traffic uses routes south of Norton, the remaining 20% of the traffic is routed towards Scarborough to destinations including Pickering, Kirkbymoorside and Thornton-le-Dale utilising the A169. It is noted that in the Hearing Statement 1157 - *W Clifford Watts Response – Crushed Rock* information is provided on main markets in the 5th bullet of the *Summary of Quarry Facts* and the direction of travel in the 6th bullet and the Authorities have no evidence of its own to dispute these statements or with regard to the traffic movements.
- 5.4 The use of land and the erection of plant or machinery used or proposed to be used, *wholly or mainly for the purposes of recovering treating, storing, processing, sorting, transferring or depositing of waste* is prescribed under regulation as a 'County Matter'. In 2002 the use of part of Whitewall Quarry was granted for recycling operations as part of a planning permission (C3/01/00260/CPO) relating an extension to the area of extraction at the quarry (Appendix D). A planning condition was included requiring the installation of vehicle wheel washing facilities and their use. The subsequent decision regarding extraction at the quarry in 2005 (C3/05/00443/CPO - Appendix E) also referred in a condition to the storage and importation of waste but there was no condition limiting the number of vehicle loads per day. Planning permission C3/07/00937/CPO (Appendix F) made no reference to the waste use at the site.
- 5.5 In January 2003 approval was given under the terms of Condition 12 of planning permission C3/01/00260/CPO (Appendix G) for a proposed concrete batching plant. The matter was for the County Council to determine because it lay within the definition of matters defined as 'county matters' within Schedule 1 of the Town and County Planning Act 1990, being within *b) The use of land, or the erection of any building, plant or machinery on land, for the carrying out of any process for the preparation or adaptation for sale of any mineral or the manufacture of any article from a mineral where— (i) the land forms part of or adjoins a site used or proposed to be used for the winning and working of minerals*. The approval was subject to the prior commissioning of the wheel wash facility and the formation of a hard surface area at the site access and to the removal of the plant and restoration of the land when quarrying operations cease.
- 5.6 In 2009 planning permission C3/09/00077/CPO (Appendix H) was granted for a building to manufacture precast concrete construction units. Valid until 30 November 2023, the conditions included that all vehicles involved in the

transport of the finished concrete products to be securely sheeted; that wheel washing facilities should be used and that no Goods Vehicles exceeding 3.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 07.00 to 19.00 on Mondays to Fridays and 07.00 to 13.00 on Saturdays.

- 5.7 A financial contribution was made under the terms of the S106 Agreement associated with planning permission (C3/09/00077/CPO) and was sought to mitigate the traffic impact of the pre-cast concrete products development. Notwithstanding the Highway Authority's position regarding the low significance of the precast concrete facility traffic, the purpose of the S106 was to secure a contribution to the provision of off-site highway improvements aimed at 'removing congestion and improving air quality within the centre of Malton'.
- 5.8 Norton Action Group and Mrs Campion raise the increase in traffic arising from this, and other, developments at Whitewall in their Hearing Statements. In determining the precast concrete facility application the County Council took account of the proposal details, views in representations and that, in the opinion of the Highway Authority the predicted increase in traffic was not considered to be significant in highway terms and that furthermore the Highway Authority considered that the surrounding roads could accept the levels of traffic, including HGVs, without compromising residential amenity or the safety of pedestrian routes.
- 5.9 A planning application for an asphalt production plant (C3/13/00086/CPO) at Whitewall Quarry was submitted in 2012 and was the subject of an appeal (APP/P2745/A/15/3002825) against non-determination that was dismissed in 2015. The Inspector commented in paragraphs 31-37 of the appeal decision (Appendix I) on a number of traffic aspects including in paragraph 37 stating that *'... even if the lorry routing arrangements were to operate successfully, much of the additional HGV traffic would be routed via Welham Road and Commercial Street, the latter being the centre of Norton. Although the evidence demonstrates that such traffic could be physically accommodated, it would add to the traffic already traversing these streets and increase the incidence of HGVs there, so further denuding the quality of Norton's commercial centre. This would not contribute to the vitality, viability and attractiveness of Norton, or enhance public areas or reflect the aim of instigating traffic management measures to improve the pedestrian experience in the town. On the contrary, this would exacerbate the presence of HGVs, so undermining an aim of the Plan to create an inviting appearance in Commercial Street to attract and retain custom and to counteract those signs that the place risks falling into decline. As such, the routing arrangements proposed would undermine the aims of policy SP7.'*
- 5.10 The conclusions in the Jacobs Traffic Assessment (SD21) regarding MJP12 and other site submissions (including MJP08 and MJP13), were reached in 2015 and factored in that quarry developments are generally time limited developments so once a quarry ceases operation for example at the expiry of a permission that traffic no longer forms part of the baseline, but if a site is operational as in the case of extraction at Whitewall Quarry then the existing

quarry extraction traffic is considered to be part of the baseline. Thus the MJP12 submission was for 50 two-way daily HGV movements, which was the same as the existing levels at the time of the assessment, and hence the traffic assessment concluded that there was no net change in daily HGV trip generations and it stated (page 51 of *SD21*) that 'future HGV restrictions in Malton were likely to require HGVs to travel through the centre of Norton, passing a number of sensitive receptors although the additional traffic relating to the MJP12 submission site is unlikely to be perceptible'. Information in the individual submissions regarding the proposed access and annual output were considered. The assessment did not examine local supply of mineral to specific localities. The assessment was an appropriately strategic level assessment and not at the level of detail that may be necessary to regarding a planning application which would generally have a more locally focussed assessment.

- 5.11 Both Whitewall and Settrington quarries and the horse racing industry contribute to the local economy of the Malton / Norton area. Where routes used by HGVs (including, but not exclusively, quarry traffic) intersect with access routes used by the racing industry to move horses to gallops such as along or across Langton Road and the B1258 Beverley Road to access the Highfield and Langton gallops as raised by Mrs Champion's Hearing Statement there is potential for issues and impacts e.g. arising from traffic speed, volume, and the proximity of vehicles to the horses potentially creating safety issues for horse and rider.
- 5.12 Whilst the traffic assessment concluded that the additional traffic relating to the MJP12 submission site was unlikely to be perceptible, when considering the balance on the consideration of whether to allocate the MJP12 site, the planning judgement had to take into account that the existing quarry was time limited and therefore that the existing traffic movements were scheduled to cease in 2023. Therefore, the consideration of the proposed volume of traffic through Norton and the potential for a significant adverse impact on local communities in the long term was relevant, and, in the absence of a more specific justification that would override this concern, that allocation was not justified.

6.0 Amenity issues

- 6.1 The Hearing Statement 3019 F Champion Response – Crushed Rock refers to a number of issues which are addressed in paragraphs 6.2 to 6.5 below.
- 6.2 Flooding: the impact that excavation at Whitewall Quarry may have on the speed of flow of the river Derwent is queried. The Environment Agency has not raised at any point in the process of the assessment of the Whitewall submissions any concerns regarding the potential impact of the existing quarry or future extraction there on flooding. Therefore, this matter is not considered to be strategic matter in connection with the consideration of the site submission, although in the event of any planning application as set out below water issues would be part of the consideration of the impacts of the development and, where appropriate, would be subject to planning conditions.

- 6.3 Noise: planning conditions regarding operations at the quarry not exceeding the background noise level by more than 10dB at any noise sensitive locations are contained in the following decisions referred to above: Appendices C, D and E. This is a key sensitivity identified in the site assessment process (page 57 of SD18) and in the event of any planning application as set out below noise-related issues would be part of the consideration of the impacts of the development and, where appropriate, would be subject to planning conditions and both assessment and conditions would follow the Planning Practice guidance in Paragraph: 019 Reference ID: 27-019-20140306.
- 6.4 Blasting: planning conditions regarding blasting operations to be such that resultant ground vibration levels shall not exceed a peak particle velocity of 8mm/second at any inhabited building are contained in the following decisions referred to above: Appendices C, D and E. Although not specifically identified as a key sensitivity on page 57 of SD18 it would be part of the consideration of the impacts of the development and, where appropriate, would be subject to planning conditions.
- 6.5 It is acknowledged that Whitewall Quarry has been the subject of a number of complaints since the company proposed the asphalt plant in 2012. The matters raised (noise, dust, hours of operation, un-sheeted HGVs, blasting noise and vibrations, tipping on land to the south of the quarry, recycling area boundaries and import of asphalt plantings) have been investigated by the County Council and none have resulted in formal enforcement action. Other issues such as HGVs using weight-restricted roads and speeding have been deemed to be non-planning matters. As at December 2017 the complaints in relation to noise were still under investigation (Appendix I – Whitewall Quarry Site Monitoring Report December 2017).
- 6.6 There is a range of potential amenity issues that could arise in connection with the continued extraction of stone from Whitewall Quarry and from the continuation beyond 2023 of the associated concrete batching plant, precast concrete products facility and recycling of inert waste facility. It is considered that the following matters can be appropriately addressed at the planning application stage:
- Noise: hours of operation; use of appropriate machinery (fitted with effective noise attenuating equipment) and its maintenance; maximum noise levels; noise monitoring
 - Blasting / vibration: hours when can occur, peak particle velocity blasting limit; blasting monitoring,
 - Dust: scheme steps/measures to ensure minimisation of emissions (including dealing with high winds, spraying of roadways/stockpiles and discontinuance or soil movements if applicable); dealing with deposition of material on the road – see traffic issue below); dust monitoring (if applicable)
 - Traffic issues: sheeting of lorries; appropriate use of, surfacing and maintenance of the access; use of vehicle cleaning facilities and cleaning of the access to ensure material is not deposited on the highway; export and

importation of materials including scale of HGV movements; proximity of extraction to highway

- Water and pollution control: surface water drainage; discharge of foul or contaminated water; oil, fuel and chemical storage; depth of extraction
- Visual Impact: requirement for an on-site landscaping scheme (including any planting or screening or fencing and maintenance thereof); requirement for a suitable appropriate restoration and aftercare scheme (including contours, method, timing, appropriate movement, retention, storage and re-spreading of soils and subsequent aftercare)
- Duration of the development.

6.7 If the MJP23 Whitewall site were to be allocated then this could potentially release additional crushed rock and building stone reserves, but it would extend the period of time during which potential amenity effects from the quarry would occur. In sustainability terms, and as set out in the Authorities statements regarding crushed rock and building stone it is considered that the Plan does make appropriate allocation for meeting the needs of that material and that this includes provision for the requirements that may arise within the eastern part of the Plan area.

NORTH YORKSHIRE COUNTY COUNCIL

(PROHIBITION OF HEAVY COMMERCIAL VEHICLES)
(NORTON-ON-DERWENT LEVEL CROSSING)
EXPERIMENTAL ORDER 2018

North Yorkshire County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 9 and 10 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:-

PART 1 - GENERAL

1. This Order shall come into operation on 26 February 2018 and may be cited as "North Yorkshire County Council (Prohibition of Heavy Commercial Vehicles) (Norton-on-Derwent Level Crossing) Experimental Order 2018".
2. In this Order the following expressions have the meanings hereby respectively assigned:-

"Assistant Chief Executive (Legal and Democratic Services)" means the Assistant Chief Executive (Legal and Democratic Services) or Acting Assistant Chief Executive (Legal and Democratic Services) of the Council at the time of sealing of this Order and any successor post should the post title be changed during the operation of this Order;

"Corporate Director - Business and Environmental Services" means the Corporate Director - Business and Environmental Services or Acting Corporate Director - Business and Environmental Services of the Council at the time of sealing of this Order and any successor post should the post title be changed during the operation of this Order;

"heavy commercial vehicle" means any goods vehicle which has an operating weight exceeding 7.5 tonnes, as defined in Section 138 of the 1984 Act;

"permit" means a valid permit issued by the Council in accordance with their rules.
3. The Council are satisfied that for preserving or improving the amenities of an area by prohibiting or restricting the use on a road or roads in that area of heavy commercial vehicles, it is requisite that Section 3(1)(b) of the 1984 Act should not apply in relation to this Order.

PART 2 - RESTRICTIONS ON HEAVY COMMERCIAL VEHICLES

4. Save as provided in article 5 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform cause or permit any heavy commercial vehicle to proceed in either direction along the length of road specified in the Schedule to this Order for an experimental period of 18 months.
5. (1) Nothing in article 4 of this Order shall render it unlawful for any heavy commercial vehicle to proceed in either direction along the length of road specified in article 4 during the experimental period of 18 months if the vehicle is being used:-
 - (a) in connection with the carrying out of any of the following operations, namely:-
 - (i) the removal of obstructions to traffic,
 - (ii) the maintenance, improvement or reconstruction of the length of road,
 - (iii) the laying, erection, alteration or repair in or in land adjacent to the length of road of any sewer or any main, pipe, cable or apparatus for the supply of water, gas or electricity or of any electronic communications apparatus as defined in Schedule 2 to the Telecommunications Act 1984,
 - (b) for fire brigade, police or ambulance purposes,

APPENDIX A

- (c) in the service of a Local Authority or Water Authority in pursuance of statutory powers or duties of that Authority,
 - (2) Nothing in article 4 of this Order shall render it unlawful for any heavy commercial vehicle to proceed in either direction along the length of road specified in article 4 during the experimental period of 18 months if the vehicle is displaying a permit.
 - (3) In this article any reference to land is a reference to land, in whole or in part, to which access for heavy commercial vehicles can be obtained by means only of the length of road specified or referred to in article 4 of this Order and any reference to the carrying out of any operations is a reference to the carrying out of such operations on any land or road specified in article 5 of this Order.
6. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any Order or regulations made or having effect as if made under the Act or by or under any other enactment.
7. Pursuant to and in accordance with Section 10(2) of the 1984 Act, the Assistant Chief Executive (Legal and Democratic Services) jointly with the Corporate Director - Business and Environmental Services may modify or suspend this Order or any provision contained in it if it appears to him essential:-
- (a) in the interests of the expeditious, convenient and safe movement of traffic, or
 - (b) for preserving or improving the amenities of the area through which any road affected by the Order runs.

THE SCHEDULE

ROAD IN THE TOWN OF NORTON-ON-DERWENT

EXPERIMENTAL PROHIBITION OF HEAVY COMMERCIAL VEHICLES

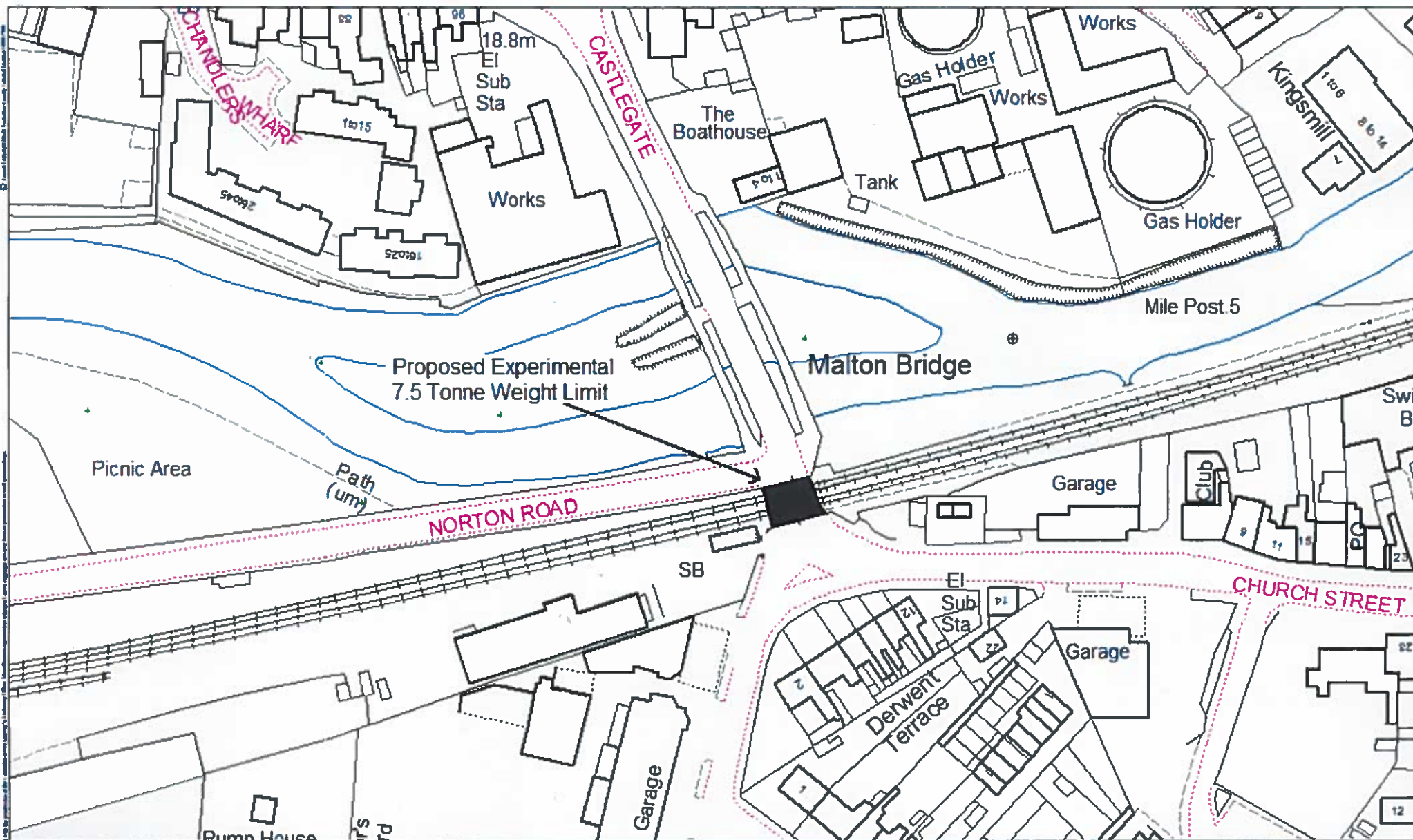
<u>Column 1 Item</u>	<u>Column 2 Road</u>	<u>Column 3 Length</u>
1.	B1248, Castlegate	So much of the road as passes over Norton-on-Derwent Level Crossing (between Malton and Norton)

THE COMMON SEAL of NORTH)
YORKSHIRE COUNTY COUNCIL was)
hereunto affixed on the 9th day of)
February 2018 in the presence of:-)



W. Cooley

**AUTHORISED
SIGNATORY**



 <p>Traffic Management Area 4 Pickering</p>	<p>Area Office 4 Tets Road Pickering North Yorkshire YO17 6BG</p> <p>Tel: 01452 727374 Fax: 01653 669574</p>	<p>Malton/Norton Level Crossing</p>	<p>P.S.</p>	
	<p>Proposed Experimental 7.5 Tonne Weight Limit</p>	<p>05/01/17</p>	<p>1 : 1250</p>	



Your ref:

Tel: 01609 780780

Our ref: 4/36UF078

Fax: 01609 669578

Contact: Philip Sharp

Email: area4.kirbymisperton@northyorks.gov.uk

Date: 21 February 2018

Web: www.northyorks.gov.uk

To whom it may concern

PERMIT, PROHIBITION OF HEAVY COMMERCIAL VEHICLES (NORTON-ON-DERWENT LEVEL CROSSING) EXPERIMENTAL ORDER 2018

This document confirms that the heavy commercial vehicle whose details are set out below has been issued with a permit exempting it from the restrictions imposed by the above named Experimental Order.

Registration number:

Manufacturer:

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

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

TO:

C/o

W Clifford Watts Limited
118 Scarborough Road
Bridlington
East Yorkshire
YO16 7NU

Terry Horton
16 Byass Avenue
Queensgate
Bridlington
East Yorkshire
YO16 7JG

The above-named Council being the Planning Authority for the purposes of your application dated 22 September 2007 in respect of proposed development for the purposes of the extension of the existing quarry at Whitewall Quarry, Welham Road, Norton have considered your said application and have granted permission for the proposed development subject to the following conditions:-

Reason for Decision:

It is the opinion of the County Planning Authority that the development would have a minimal impact upon local amenity and environmental quality and is compliant with 'saved' policies 3/4, 4/1, 4/10, 4/13, 4/14, 4/18 and 4/20 of the North Yorkshire Minerals Local Plan (adopted 1997) and all other relevant material considerations.

(please see attached sheets for conditions)

Date: 16 December 2008

.....
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.

FOR RIGHTS OF APPEAL SEE OVERLEAF

Dated: 16 December 2008

RIGHTS OF APPEAL

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he/she may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the 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.

Note:- If an aggrieved applicant wishes to exercise his/her right of appeal as above mentioned, he/she should do so on the appropriate form obtainable from:-

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 372 6372

APPENDIX C

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No.C3/07/00937/CPO

Dated: 16 December 2008

Conditions:

1. The development to which this development relates must be implemented no later than the expiration of five years from the date of this Decision Notice.
2. The permission hereby granted authorises the extraction of limestone only until 30 November 2023. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the scheme approved under Condition Number 4 before that date or within such longer period as may be specifically approved in writing by the County Planning Authority.
3. The development hereby permitted shall be carried out in accordance with the application details dated 22 September 2007 and the following conditions which at all times shall take precedence.
4. Within twelve months of the date of this permission a detailed scheme for the restoration and landscaping of the site shall be submitted to the County Planning Authority for written approval. Such scheme shall include, amongst other matters, details of the following:- a) the sequence and phasing of restoration showing clearly their relationship to the working scheme and surrounding landscape; b) timing, phasing and method of replacement of top and subsoils; c) the stripping of any compacted layers of final cover to ensure adequate drainage and aeration; such stripping should normally take place before placing of the topsoil; d) the machinery to be used in soil respreading operations; e) the final levels of the restored land; f) drainage of the restored land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage; g) the reinstatement of the plant site by clearing plant, buildings, machinery and concrete or brickwork, deep cultivation in both directions to remove rocks and other obstructions, replacing of subsoil and then topsoil previously stripped from the sites; h) seeding of restored areas with a suitable herbage mixture; [i) the boundaries or the lake(s) to be left on conclusion of workings, including any islands or promontories to be left or formed with overburden or surplus material, and the battering down of the restored banks of the lake(s)] and j) a timetable for implementation. Thereafter restoration and landscaping of the site shall be carried out in accordance with the approved scheme or in accordance with such other schemes as may be subsequently approved in writing by the County Planning Authority.
5. Within twelve months of the date of this permission details of a scheme of landscaping shall be submitted to the County Planning Authority for written approval. Such details shall include:- a) details of off-site and advance planting, maintenance specifications and site development works; b) specification of off-site planting and on-site planting and their maintenance and details of all vegetation to be removed; c) details of any screen mounding, fencing; d) specification for planting, seeding and surface finishes; e) details of pumping, ground water recharge and ground water monitoring proposals; f) details of maintenance and aftercare; and g) details of management post aftercare. Such a Scheme shall have regard to the recommendation of Natural England i.e. that any tree planting should consist of native trees species of local provenance to replicate the species mix which already exists in the woodlands in the area. Thereafter landscaping of the site shall be carried out in

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Dated: 16 December 2008

accordance with the approved scheme or in accordance with such other scheme as may be subsequently approved in writing by the County Planning Authority.

6. Every 12 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 landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from the schemes approved under Conditions 4 and 5 and a revised scheme 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 landscaping, 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.
7. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
8. No excavation shall take place within 10 metres of the public highway to the west of the site and any resulting embankment into the Quarry shall be at a maximum gradient of 30 degrees to the horizontal.
9. 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.
10. Except for the maintenance of plant and machinery and except with the prior written approval of the County Planning Authority, no quarrying or associated operations including transport of minerals from the site shall take place except between the following times [06:30 and 17:00 hours] Mondays to Fridays [07:00 and 12:00 hours on Saturdays]. No quarrying or associated operations shall take place on Sundays or Bank and Public Holidays.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking or re-enacting that Order), no plant or buildings shall be erected on the site, without the prior written approval of the County Planning Authority.
12. Dust control measures shall be employed to minimise the emission of dust from the site. Such measures shall include the spraying of roadways, hard surfaces and stockpiles and discontinuance of soil movements during periods of high winds.
13. 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.
14. During the working hours specified in Condition Number 10 noise from operations on site including use of both fixed plant and mobile machinery shall not exceed the background noise level by more than 10 dB at any noise sensitive locations. Measurements shall be hourly LAeq measurements and shall be corrected for the effects of any extraneous noise. If at any time national standards indicate or require more stringent control of noise levels the criteria of the national standards shall apply.

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Dated: 16 December 2008

15. In the event that the noise levels specified in Condition number 14 are exceeded, those operations at the site causing excessive noise shall cease immediately and steps be taken to attenuate the noise levels to be in compliance with the requirements of Condition number 14 before the recommencement of work.
16. Except with the prior written approval of the County Planning Authority no blasting shall be carried out on any part of the site except between the hours of 0900 and 1600 hours Monday to Friday inclusive and no blasting shall be carried out at any time on Saturdays, Sundays, Bank and Public Holidays.
17. Blasting operations shall be designed and executed such that resultant ground vibration levels shall not exceed a peak particle velocity of 8mm/second at any inhabited building.
18. There shall be no quarrying or other excavation below a level of 43 metres above ordnance datum.
19. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.
20. 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 compounds 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 inter-connected tanks plus 10%. All filling points, vents and gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, 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.
21. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard-standings shall be drained in accordance with a Scheme (developed in accordance with Environment Agency Best Practice advice on Sustainable Drainage Systems (SUDS)) to be submitted and approved in writing by the County Planning Authority.
22. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.
23. Within 3 months of the formation of storage bunds the operator shall submit a plan to be approved in writing by or on behalf of the County Planning Authority showing the location, contours and volumes of the bunds, and identifying the soil types and units contained therein. Any amendments to the Scheme of Soil Movement shall be included.

APPENDIX C

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Dated: 16 December 2008

24. Except with the prior written approval of the County Planning Authority no stripping, movement, replacement or cultivation of topsoil or subsoil shall be carried out during the months of November, December, January, February, March or April.
25. During soil movement and handling operations, machinery shall be routed to avoid the compaction of soils.
26. Except with the prior written approval of the County Planning Authority, no topsoil or subsoil shall be removed from the site.
27. Any vegetation clearance and top soil stripping required as part of the implementation of this development hereby permitted shall be undertaken outside the bird breeding season (March to July inclusive) in order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended). If an area of top soil must be stripped during the bird breeding season a nesting bird survey shall be undertaken by a qualified ecologist and submitted to and approved by the County Planning Authority prior to the works being carried out.
28. All grass tracks and areas of plantation surrounding the existing arable field shall be retained to provide adequate foraging for badgers during the operation in accordance with the recommendations contained in the Protected Fauna Survey (dated 4 August 2007) contained within the Supporting Statement.
29. No development shall take place within the application area until the Applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the Applicant and approved by the Planning Authority.
30. An after-care scheme to provide for such steps as may be necessary to return the land to the required standard for use for agriculture and an assessment of the soil condition shall be submitted to and approved in writing by the County Planning Authority within the twelve months of the completion of site operations or in any event, no later than (five years from the date of this permission).
31. In the event of the 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 within 14 months of ceassation. The approved scheme shall be implemented in accordance with a programme to be included in that scheme.

Reasons:

1. 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.
2. To reserve the right of control by the County Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity and in accordance with Saved Policies 3/4 and 4/18 of the North Yorkshire Minerals Local Plan (Adopted December 1997)

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TOWN AND COUNTRY PLANNING ACT 1990

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3. To ensure that the development is carried out in accordance with the application details and in accordance with Saved Policy 3/4 of the North Yorkshire Minerals Local Plan (Adopted December 1997)
4. To ensure an orderly and progressive pattern of landscaping and restoration of the site and in accordance with Saved Policies 4/1 and 4/18 of the North Yorkshire Minerals Local Plan (Adopted 1997).
5. To ensure an orderly and progressive pattern of landscaping and restoration of the site and in accordance with Saved Policies 4/1 and 4/18 of the North Yorkshire Minerals Local Plan (Adopted 1997).
6. To ensure an orderly and progressive pattern of working of the site.
7. In accordance with Saved Policy 4/13 of the North Yorkshire Minerals Local Plan (Adopted 1997) and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.
8. To protect the stability of the public highway and in accordance with Saved Policies 4/1 and 4/13 of the North Yorkshire Minerals Local Plan (Adopted 1997).
9. To reserve the rights of control by the County Planning Authority in the amenity and in accordance with Saved Policy 4/1 of the North Yorkshire Minerals Local Plan (Adopted 1997).
10. To ensure the rights of control of the County Planning Authority in the interests of amenity and in accordance with Saved Policy 4/1 of the adopted North Yorkshire Minerals Local Plan (Adopted 1997).
11. To reserve the rights of control by the County Planning Authority in the amenity and in accordance with Saved Policy 4/1 of the North Yorkshire Minerals Local Plan (Adopted 1997).
12. In the interests of amenity and in accordance with Saved Policies 4/1 and 4/14 of the North Yorkshire Minerals Local Plan (Adopted 1997).
13. To minimise the adverse impact of noise generated by the operations on the local community and in accordance with Saved Policies 4/1 and 4/14 of the North Yorkshire Minerals Local Plan (Adopted 1997).
14. In the interests of amenity and in accordance with Saved Policies 4/1 and 4/14 of the North Yorkshire Minerals Local Plan (Adopted 1997).
15. In the interests of amenity and in accordance with Saved Policies 4/1 and 4/14 of the North Yorkshire Minerals Local Plan (Adopted 1997).
16. In the interests of amenity and in accordance with Saved Policies 4/1 and 4/14 of the North Yorkshire Minerals Local Plan (Adopted 1997).
17. In the interests of amenity and in accordance with Saved Policies 4/1 and 4/14 of the North Yorkshire Minerals Local Plan (Adopted 1997).

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18. In order to prevent pollution of the water environment and to accord with Saved Policies 4/1 and 4/10 of the North Yorkshire Minerals Local Plan (Adopted 1997).
19. To protect the groundwater quality in the area and to accord with Saved Policies 4/1 and 4/10 of the North Yorkshire Minerals Local Plan (Adopted 1997).
20. In order to prevent pollution of the water environment and to accord with Saved Policies 4/1 and 4/10 of the North Yorkshire Minerals Local Plan (Adopted 1997).
21. In order to prevent pollution of the water environment and to accord with Saved Policies 4/1 and 4/10 of the North Yorkshire Minerals Local Plan (Adopted 1997).
22. To ensure satisfactory agricultural restoration and in accordance with Saved Policies 4/1 and 4/18 of the North Yorkshire Minerals Local Plan (Adopted 1997).
23. To ensure satisfactory agricultural restoration and in accordance with Saved Policies 4/1 and 4/18 of the North Yorkshire Minerals Local Plan (Adopted 1997).
24. To ensure satisfactory agricultural restoration and in accordance with Saved Policies 4/1 and 4/18 of the North Yorkshire Minerals Local Plan (Adopted 1997).
25. To ensure satisfactory agricultural restoration and in accordance with Saved Policies 4/1 and 4/18 of the North Yorkshire Minerals Local Plan (Adopted 1997).
26. To ensure satisfactory agricultural restoration and in accordance with Saved Policies 4/1 and 4/18 of the North Yorkshire Minerals Local Plan (Adopted 1997).
27. In the interests of the protection of nesting birds.
28. In the interests of the protection of badger foraging territory.
29. The site is of archaeological importance and in accordance with the guidance contained in Planning Policy Guidance Note 16- Archaeology and Planning).
30. To ensure satisfactory restoration of the site and in accordance with Saved Policies 4/18 and 4/20 of the North Yorkshire Minerals Local Plan (Adopted 1997).
31. To ensure restoration is undertaken as soon as practicable in the interests of amenity and in accordance with Saved Policies 4/1 and 4/20 of the North Yorkshire Minerals Local Plan (Adopted 1997).

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Continuation of Decision No.C3/07/00937/CPO

Dated: 16 December 2008

Approved Documents:

Plan No.	Date	Plan Title
CW WW 2719 1 A	May 2007	'SITE/ LOCATION PLAN AS PROPOSED'
CW WW 2719 3	Aug 2007	'LOCATION PLAN'
CW WW 2719 4	Aug 2007	'SITE PLAN SHOWING METHOD OF WORKING'
CW WW 2719 5	Aug 2007	'SITE PLAN AS PROPOSED AND SECTIONS SHOWNG REINSTATEMENT'
CW WW 2719 6	Aug 2007	'DETAILS OF PROPOSED EXTENSION TO LANDSCAPED BUND'

Decision No C3/01/00260/CPO

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

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

TO: The Whitewall Quarry Co Ltd
C/o T Horton MBIAT
16 Byass Avenue
Queensgate
BRIDLINGTON
East Yorkshire YO16 5JG

The above-named Council being the Planning Authority for the purposes of your application dated 12 February 2001, in respect of proposed development for the purposes of the extension of the existing quarry for the extraction of limestone and use of part of the site for recycling operations at Whitewall Quarry, Whitewall Corner Hill, Norton have considered your said application and have granted permission for the proposed development subject to the following conditions:-

(See attached sheets)

Date: 27 March 2002

.....
Director of 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

FOR RIGHTS OF APPEAL SEE OVERLEAF

APPENDIX D

RIGHTS OF APPEAL

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for proposed development, or to grant permission or approval subject to conditions, he/she may appeal to the Secretary of State for the Environment in accordance with section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the 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 the Environment, 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 provision of Part VI of the Town and Country Planning Act 1990.

Note:- If an aggrieved applicant wishes to exercise his/her right of appeal as above mentioned, he/she should do so on the appropriate form obtainable from:-

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 3726372

APPENDIX D

TOWN & COUNTRY PLANNING ACT 1990

Continuation of Decision No C3/01/00260/CPO

Dated 27 March 2002

COMMENCEMENT OF DEVELOPMENT

1. The development hereby permitted shall be begun on or before 26 March 2007.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

DURATION OF DEVELOPMENT

2. The permission hereby granted authorises the extraction of limestone from the site only until 31 December 2007 and the land shall be reinstated including all landscaping, tree and shrub planting in accordance with Conditions 4, 5 and 29 before 31 December 2008.

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.

DEFINITION OF DEVELOPMENT

3. The development hereby permitted shall be carried out in accordance with the application details dated 12 February 2001 or in accordance with such other details as may be subsequently approved in writing by the County Planning Authority.

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

LANDSCAPING AND RESTORATION

4. Landscaping of the site and phased restoration shall be carried out in accordance with the schedule contained in the Statement of Intent dated 12 February 2001 except as provided for in Condition 5. The restoration of soils shall comprise a minimum depth of 250mm of subsoil overlain by 250mm of topsoil.

Reason: To ensure an orderly and progressive pattern of restoration of the site.

ANNUAL MEETING

5. Every twelve months from the date of this permission or at such other times as may be agreed in writing by the County Planning Authority a review of the previous year's landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from schemes approved under Condition 4 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 landscaping, 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 work shall be carried out in accordance with the approved schemes.

APPENDIX D

TOWN & COUNTRY PLANNING ACT 1990

Continuation of Decision No C3/01/00260/CPO

Dated 27 March 2002

Reason: To ensure an orderly and progressive pattern of working of the site.

ACCESS

6. Access to the site shall be via the existing access onto the County Road and no other access shall be used.

Reason: In the interests of highway safety and safeguarding the local environment.

7. No excavation shall take place within 10m of the boundary of the public highway to the west of the site and any resulting embankment into the Quarry shall be at a maximum gradient of 30° to the horizontal.

Reason: To protect the stability of the public highway.

8. No mineral extraction within the extension area or recycling operations as authorised by this permission shall take place until the access road within the site has been extended all as indicated on drawing number CW.WWW.2036.3A all to the satisfaction of the County Planning Authority. Once extended the total length of the access road shall be maintained as a level/even running surface at all times.

Reason: In the interests of highway safety and safeguarding the local environment.

VEHICLE CLEANING FACILITIES

9. No mineral extraction within the extension area or recycling operations as authorised by this permission shall take place until vehicle wheel washing facilities as shown on drawing CW.WWW.2036.3A have been installed in accordance with details to be submitted to and approved by the County Planning Authority. These facilities shall be kept in full working order at all times. All vehicles involved in the transport of waster materials or finished products to or from the site shall be thoroughly cleaned before leaving the site so that no mud or waste materials are deposited on the public highway.

Reason: In the interests of highway safety and safeguarding the local environment.

SHEETING

10. Except with the prior written approval of the County Planning Authority all vehicles transporting mineral from the site shall be securely sheeted.

Reason: In the interests of amenity.

TOWN & COUNTRY PLANNING ACT 1990

Continuation of Decision No C3/01/00260/CPO

Dated 27 March 2002

HOURS OF OPERATION

11. Except with the prior written approval of the County Planning Authority, no quarrying or associated operations including transport of minerals from the site shall take place except between the following times:-

0700 – 1700 hours - Monday to Friday

1700 – 1200 hours - Saturday

Except with the prior written approval of the County Planning Authority no quarrying or associated operations shall take place on Sundays or Bank Holidays.

Reason: In the interests of amenity.

BUILDING AND STRUCTURES

12. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any other order revoking or re-enacting that order) no plant or building shall be erected on the site without the prior written approval of the County Planning Authority.

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

LIMITATIONS TO DEVELOPMENT

13. No other minerals, refuse or other waste material other than materials for recycling operations or soils for restoration purposes as specified in the Statement of Intent dated 12 February 2001 shall be stored within or imported to the site without prior written approval of the County Planning Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity.

DUST

14. Dust control measures shall be employed to minimise emission of dust from the site. Such measures shall include the spraying of roadways, hard surfaces and stockpiles and discontinuance of soil movements during periods of high winds.

Reason: In the interests of amenity.

TOWN & COUNTRY PLANNING ACT 1990

Continuation of Decision No C3/01/00260/CPO

Dated 27 March 2002

NOISE

15. All vehicles, plant and machinery employed within the site shall be fully maintained in sound working order at all times, and shall be fitted with and use effective silencers as provided by the manufacturers.

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

16. The Equivalent Continuous Noise levels due to operations at the quarry shall not exceed the background noise level by more than 10dB at any noise sensitive locations. Measurements shall be hourly L_{Aeq} measurements and shall be corrected for the effects of any extraneous noise. If at any time national standards indicate or require more stringent control of noise levels the criteria of the national standards shall apply.

Reason: In the interests of amenity.

17. The Company shall monitor noise levels due to operations in the quarry and background noise levels as requested in writing by the County Planning Authority and shall forward the details of the monitoring to the County Planning Authority within seven days of carrying out the monitoring.

Reason: In the interests of amenity.

BLASTING

18. Except with the prior written approval of the County Planning Authority no blasting shall be carried out on any part of the site except between the hours of 0900 and 1600 hours Monday to Friday inclusive and no blasting shall be carried out at any time on Bank Holidays.

Reason: In the interests of amenity.

19. Blasting operations shall be designed and executed such that resultant ground vibration levels shall not exceed a peak particle velocity of 8mm/second at any inhabited building. The Company shall monitor ground vibration levels as requested in writing by the County Planning Authority and ensure compliance with the specified limit.

Reason: In the interests of amenity.

POLLUTION

20. There shall be no quarrying or other excavation below a level of 43 metres above ordnance datum.

Reason: To avoid pollution.

21. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

Reason: To protect the groundwater quality in the area.

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

Reason: To prevent pollution of the water environment.

23. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the LPA.

Reason: To prevent pollution of the water environment.

SOIL TREATMENT

24. Except with the prior written approval of the County Planning Authority, no soils shall be moved during the months November to April. Soils shall only be stripped, handled or replaced during dry conditions and soils shall not be moved while wet or plastic.

Reason: To ensure satisfactory agricultural restoration.

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

Reason: To ensure satisfactory agricultural restoration.

APPENDIX D

TOWN & COUNTRY PLANNING ACT 1990

Continuation of Decision No C3/01/00260/CPO

Dated 27 March 2002

26. No topsoil, subsoil or overburdens shall be removed from the site and all such material shall be utilised in the restoration of the site in accordance with Statement of Intent dated March 1995.

Reason: To ensure satisfactory agricultural restoration.

ARCHAEOLOGY

27. The developer shall

- (a) give not less than 10 working days notice in writing of the commencement of works to a professional archaeologist to be nominated by the developer and agreed with the County Planning Authority and no works shall commence on the site until the 10 working day notice period has expired; and
- (b) afford safe access within the site to the nominated archaeologist at all reasonable times and allow the archaeologist to observe any excavations and record finds and features of archaeological interest.

Reason: The site is of archaeological interest.

AFTERCARE

28. Prior to the completion of each phase of restoration a scheme of aftercare shall be submitted for approval to the County Planning Authority. Upon completion of restoration within each phase the programme of aftercare shall be implemented in accordance with the approved scheme and with such other details as may subsequently be agreed in writing with the County Planning Authority. The period of aftercare shall be five years.

Reason: To ensure satisfactory restoration.

RESTORATION

29. Within twelve months of the completion of mineral extraction hereby permitted the whole of the site shall be restored in accordance with submitted details. By this date all buildings, plant, machinery, other installations, stockpiles, tracks and roadways shall be removed and the site made secure to the satisfaction of the County Planning Authority.

Reason: To ensure satisfactory restoration.

TOWN & COUNTRY PLANNING ACT 1990

Continuation of Decision No C3/01/00260/CPO

Dated 27 March 2002

ABANDONMENT

30. In the event of the 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 within 14 months of the cessation. The approved scheme shall 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.

Amended Decision No. C3/05/00443/CPO

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

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

TO: The Whitewall Quarry Co Ltd
C/o T Horton MBIAT
16 Byass Avenue
Queensgate
BRIDLINGTON
East Yorkshire YO16 5JG

The above-named Council being the Planning Authority for the purposes of your application dated 04 April 2005, in respect of proposed development for the purposes of the extension of time limit for the extraction of limestone at Whitewall Quarry, Whitewall Corner Hill, Norton have considered your said application and have granted permission for the proposed development for the following reason:-

The proposed development is in accordance with:-

- Policy 3/4 - Other Areas
- Policy 4/1 - Determination of Planning Applications
- Policy 4/2 - Best and Most Versatile Land
- Policy 4/7 - Archaeological Assessments
- Policy 4/10 - Water Protection
- Policy 4/13 - Traffic Impact
- Policy 4/14 - Local Environment and Amenity
- Policy 4/19 - Progressive Restoration, and
- Policy 4/20 - Aftercare

of the North Yorkshire Minerals Local Plan (Adopted 1997)

and subject to the following conditions:-

(See Attached Sheets)

Date: 27 July 2005

.....
Corporate Director, 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.

FOR RIGHTS OF APPEAL SEE OVERLEAF

APPENDIX E

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. C3/05/00443/CPO

Dated: 27 July 2005

DURATION OF DEVELOPMENT

1. The permission hereby granted authorises the extraction of limestone from the site only until 31 December 2013 and the land shall be reinstated including all landscaping, tree and shrub planting in accordance with Conditions 3, 4 and 26 before 31 December 2014.

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 and in accordance with Policies 3/4 and 4/19 of the North Yorkshire Minerals Local Plan (Adopted 1997).

DEFINITION OF DEVELOPMENT

2. The development hereby permitted shall be carried out in accordance with the application details dated 04 April 2005 or in accordance with such other details as may be subsequently approved in writing by the County Planning Authority.

Reason: To ensure that the development is carried out in accordance with the application details and in accordance with Policy 3/4 of the North Yorkshire Minerals Local Plan (Adopted 1997).

LANDSCAPING AND RESTORATION

3. Landscaping of the site and phased restoration shall be carried out in accordance with the schedule contained in the Statement of Intent dated 12 February 2001 except as provided for in Condition 4. The restoration of soils shall comprise a minimum depth of 250mm of subsoil overlain by 250mm of topsoil.

Reason: To ensure an orderly and progressive pattern of restoration of the site and in accordance with Policies 4/1, 4/2 and 4/19 of the North Yorkshire Minerals Local Plan (Adopted 1997).

ANNUAL MEETING

4. Every twelve months from the date of this permission or at such other times as may be agreed in writing by the County Planning Authority a review of the previous year's landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from schemes approved under Condition 3 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 landscaping, 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 work shall be carried out in accordance with the approved schemes.

Reason: To ensure an orderly and progressive pattern of working of the site and in accordance with Policy 4/1 of the North Yorkshire Minerals Local Plan (Adopted 1997).

APPENDIX E

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. C3/05/00443/CPO

Dated: 27 July 2005

ACCESS

5. Access to the site shall be via the existing access onto the County Road and no other access shall be used.

Reason: In the interests of highway safety and safeguarding the local environment and in accordance with Policies 4/1 and 4/13 of the North Yorkshire Minerals Local Plan (Adopted 1997).

6. No excavation shall take place within 10m of the boundary of the public highway to the west of the site and any resulting embankment into the Quarry shall be at a maximum gradient of 30° to the horizontal.

Reason: To protect the stability of the public highway and in accordance with Policies 4/1 and 4/13 of the North Yorkshire Minerals Local Plan (Adopted 1997).

SHEETING

7. Except with the prior written approval of the County Planning Authority all vehicles transporting mineral from the site shall be securely sheeted.

Reason: In the interests of amenity and in accordance with Policy 4/1 of the North Yorkshire Minerals Local Plan (Adopted 1997).

HOURS OF OPERATION

8. Except with the prior written approval of the County Planning Authority, no quarrying or associated operations including transport of minerals from the site shall take place except between the following times:-

0700 – 1700 hours - Monday to Friday
0700 – 1200 hours - Saturday

Except with the prior written approval of the County Planning Authority no quarrying or associated operations shall take place on Sundays or Bank Holidays.

Reason: In the interests of amenity and in accordance with Policy 4/1 of the North Yorkshire Minerals Local Plan (Adopted 1997).

BUILDING AND STRUCTURES

9. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any other order revoking or re-enacting that order) no plant or building shall be erected on the site without the prior written approval of the County Planning Authority.

APPENDIX E

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. C3/05/00443/CPO

Dated: 27 July 2005

Reason: To reserve the rights of control of the County Planning Authority in the interests of amenity and in accordance with Policy 4/1 of the North Yorkshire Minerals Local Plan (Adopted 1997).

LIMITATIONS TO DEVELOPMENT

10. No other minerals, refuse or other waste material other than materials for recycling operations or soils for restoration purposes as specified in the Statement of Intent dated 12 February 2001 shall be stored within or imported to the site without prior written approval of the County Planning Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity and in accordance with Policy 4/1 of the North Yorkshire Minerals Local Plan (Adopted 1997).

DUST

11. Dust control measures shall be employed to minimise emission of dust from the site. Such measures shall include the spraying of roadways, hard surfaces and stockpiles and discontinuance of soil movements during periods of high winds.

Reason: In the interests of amenity and in accordance with Policies 4/1 and 4/14 of the North Yorkshire Minerals Local Plan (Adopted 1997).

NOISE

12. All vehicles, plant and machinery employed within the site shall be fully maintained in sound working order at all times, and shall be fitted with and use effective silencers as provided by the manufacturers.

Reason: To minimise the adverse impact of noise generated by the operations on the local community and in accordance with Policies 4/1 and 4/14 of the North Yorkshire Minerals Local Plan (Adopted 1997).

13. The Equivalent Continuous Noise levels due to operations at the quarry shall not exceed the background noise level by more than 10dB at any noise sensitive locations. Measurements shall be hourly L_{Aeq} measurements and shall be corrected for the effects of any extraneous noise. If at any time national standards indicate or require more stringent control of noise levels the criteria of the national standards shall apply.

Reason: In the interests of amenity and in accordance with Policies 4/1 and 4/14 of the North Yorkshire Minerals Local Plan (Adopted 1997).

14. The Company shall monitor noise levels due to operations in the quarry and background noise levels as requested in writing by the County Planning Authority and shall forward the details of the monitoring to the County Planning Authority within seven days of carrying out the monitoring.

APPENDIX E

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. C3/05/00443/CPO

Dated: 27 July 2005

Reason: In the interests of amenity and in accordance with Policies 4/1 and 4/14 of the North Yorkshire Minerals Local Plan (Adopted 1997).

BLASTING

15. Except with the prior written approval of the County Planning Authority no blasting shall be carried out on any part of the site except between the hours of 0900 and 1600 hours Monday to Friday inclusive and no blasting shall be carried out at any time on Bank Holidays.

Reason: In the interests of amenity and in accordance with Policies 4/1 and 4/14 of the North Yorkshire Minerals Local Plan (Adopted 1997).

16. Blasting operations shall be designed and executed such that resultant ground vibration levels shall not exceed a peak particle velocity of 8mm/second at any inhabited building. The Company shall monitor ground vibration levels as requested in writing by the County Planning Authority and ensure compliance with the specified limit.

Reason: In the interests of amenity and in accordance with Policies 4/1 and 4/14 of the North Yorkshire Minerals Local Plan (Adopted 1997).

POLLUTION

17. There shall be no quarrying or other excavation below a level of 43 metres above ordnance datum.

Reason: To avoid pollution and in accordance with Policies 4/1 and 4/10 of the North Yorkshire Minerals Local Plan (Adopted 1997).

18. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

Reason: To protect the groundwater quality in the area and in accordance with Policies 4/1 and 4/10 of the North Yorkshire Minerals Local Plan (Adopted 1997).

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

Reason: To prevent pollution of the water environment and in accordance Policies 4/1 and 4/10 of the North Yorkshire Minerals Local Plan (Adopted 1997).

APPENDIX E

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. C3/05/00443/CPO

Dated: 27 July 2005

20. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the LPA.

Reason: To prevent pollution of the water environment and in accordance with Policies 4/1 and 4/10 of the North Yorkshire Minerals Local Plan (Adopted 1997).

SOIL TREATMENT

21. Except with the prior written approval of the County Planning Authority, no soils shall be moved during the months November to April. Soils shall only be stripped, handled or replaced during dry conditions and soils shall not be moved while wet or plastic.

Reason: To ensure satisfactory agricultural restoration and in accordance with Policies 4/1 and 4/2 of the North Yorkshire Minerals Local Plan (Adopted 1997).

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

Reason: To ensure satisfactory agricultural restoration and in accordance with Policies 4/1 and 4/2 of the North Yorkshire Minerals Local Plan (Adopted 1997).

23. No topsoil, subsoil or overburdens shall be removed from the site and all such material shall be utilised in the restoration of the site in accordance with Statement of Intent dated March 1995.

Reason: To ensure satisfactory agricultural restoration and in accordance with Policies 4/1 and 4/2 of the North Yorkshire Minerals Local Plan (Adopted 1997).

ARCHAEOLOGY

24. The developer shall

- (a) give not less than 10 working days notice in writing of the commencement of works to a professional archaeologist to be nominated by the developer and agreed with the County Planning Authority and no works shall commence on the site until the 10 working day notice period has expired; and
- (b) afford safe access within the site to the nominated archaeologist at all reasonable times and allow the archaeologist to observe any excavations and record finds and features of archaeological interest.

Reason: The site is of archaeological interest and in accordance with Policy 4/7 of the North Yorkshire Minerals Local Plan (Adopted 1997).

APPENDIX E

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. C3/05/00443/CPO

Dated: 27 July 2005

AFTERCARE

25. Prior to the completion of each phase of restoration a scheme of aftercare shall be submitted for approval to the County Planning Authority. Upon completion of restoration within each phase the programme of aftercare shall be implemented in accordance with the approved scheme and with such other details as may subsequently be agreed in writing with the County Planning Authority. The period of aftercare shall be five years.

Reason: To ensure satisfactory restoration and in accordance with Policies 4/2 and 4/20 of the North Yorkshire Minerals Local Plan (Adopted 1997).

RESTORATION

26. Within twelve months of the completion of mineral extraction hereby permitted the whole of the site shall be restored in accordance with submitted details. By this date all buildings, plant, machinery, other installations, stockpiles, tracks and roadways shall be removed and the site made secure to the satisfaction of the County Planning Authority.

Reason: To ensure satisfactory restoration and in accordance with Policies 4/2 and 4/19 of the North Yorkshire Minerals Local Plan (Adopted 1997).

ABANDONMENT

30. In the event of the 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 within 14 months of the cessation. The approved scheme shall 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 and in accordance with Policies 4/1 and 4/19 of the North Yorkshire Minerals Local Plan (Adopted 1997).

TOWN AND COUNTRY PLANNING ACT 1990

NORTH YORKSHIRE COUNTY COUNCIL

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

TO:

W Clifford Watts Limited
118 Scarborough Road
Bridlington
East Yorkshire
YO16 7NU

Mr Terry Horton
16 Byass Avenue
Queensgate
Bridlington
East Yorkshire
YO16 7JG

The above-named Council being the Planning Authority for the purposes of your application dated 19 November 2008 in respect of the proposed development for the purposes of the erection of a steel clad portal frame building for manufacturing precast concrete construction units on land at Whitewall Quarry, Welham Road, Norton have considered your said application and have granted permission for the proposed development subject to the following conditions:-

Reason for Decision:

It is the opinion of the County Planning Authority that the development would have a minimal impact upon local amenity and environmental quality and is compliant with 'saved' policies 3/4, 4/1, 4/10, 4/13, 4/14, 4/18 and 4/20 of the North Yorkshire Minerals Local Plan (adopted 1997) and all other relevant material considerations.

(please see attached sheets for conditions)

Date: 1st October 2009

.....
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.

Dated: 1st October 2009

RIGHTS OF APPEAL

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he/she may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the 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.

Note:- If an aggrieved applicant wishes to exercise his/her right of appeal as above mentioned, he/she should do so on the appropriate form obtainable from:-

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 372 6372

APPENDIX F

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No.C3/09/00077/CPO

Dated: 1st October 2009

Conditions:

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.
2. The permission hereby granted is valid only until 30 November 2023 and the building shall be removed from the site before that date and the site shall be restored in accordance with the scheme approved under Condition Number 11 before that date or within such longer period as may be specifically approved in writing by the County Planning Authority.
3. The development hereby permitted shall be carried out in accordance with the application details dated 19 November 2008 and the following conditions which at all times shall take precedence.
4. Prior to the commencement of development hereby authorised samples of all constructional materials to be used, including colours and finishes shall be submitted to and approved in writing by the County Planning Authority before work on site commences. The development hereby permitted shall be carried out in accordance with these approved construction materials.
5. All vehicles involved in the transport of finished concrete products from the site shall be securely sheeted in such a manner as no material may be spilled on the public highway.
6. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at the C177 Whitewall Corner Hill Road. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the County Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the County Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
8. Except with the prior approval of the County Planning Authority during construction works there shall be no Goods Vehicles exceeding 3.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 07.00 to 19.00 on Mondays to Fridays and 07.00 to 13.00 on Saturdays.

Dated: 1st October 2009

9. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the County Planning Authority for the provision of:
- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.
10. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.
11. Within twelve months of the date of this permission a detailed scheme for the restoration of the site shall be submitted to the County Planning Authority for written approval. Such scheme shall include, amongst other matters, details of the following:- a) the sequence and phasing of restoration showing clearly their relationship to the working scheme and surrounding landscape; b) timing, phasing and method of replacement of top and subsoils; c) the stripping of any compacted layers of final cover to ensure adequate drainage and aeration; such stripping should normally take place before placing of the topsoil; d) the machinery to be used in soil respreading operations; e) the final levels of the restored land; f) drainage of the restored land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage; g) the reinstatement of the plant site by clearing plant, buildings, machinery and concrete or brickwork, deep cultivation in both directions to remove rocks and other obstructions, replacing of subsoil and then topsoil previously stripped from the sites; h) seeding of restored areas with a suitable herbage mixture; and [i] a timetable for implementation. Thereafter restoration and landscaping of the site shall be carried out in accordance with the approved scheme or in accordance with such other schemes as may be subsequently approved in writing by the County Planning Authority.
12. Within twelve months of the date of this permission details of a scheme of landscaping shall be submitted to the County Planning Authority for written approval. Such details shall include:- a) details of off-site and advance planting, maintenance specifications and site development works; b) specification of off-site planting and on-site planting and their maintenance and details of all vegetation to be removed; c) details of any screen mounding, fencing; d) specification for planting, seeding and surface finishes; e) details of pumping, ground water recharge and ground water monitoring proposals; f) details of maintenance and aftercare; and g) details of management post aftercare. Such a Scheme shall have regard to the recommendations of the County Ecologist and Natural England i.e. that all tree and shrub planting should be made up of native broadleaved species that are common to the local area. Thereafter landscaping of the site shall be carried out in accordance with the approved scheme or in accordance with such other scheme as may be subsequently approved in writing by the County Planning Authority.

APPENDIX F

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No.C3/09/00077/CPO

Dated: 1st October 2009

13. Except for the maintenance of plant and machinery and except with the prior written approval of the County Planning Authority, no manufacturing of precast concrete construction units or associated operations including transport of the finished product from the site shall take place except between the following times [06:30 and 17:00 hours] Mondays to Fridays [07:00 and 13:00 hours on Saturdays]. No manufacturing of precast concrete construction units or associated operations including transport of the finished product from the site shall take place on Sundays or Bank and Public Holidays.
14. Any vegetation clearance and top soil stripping required as part of the implementation of this development hereby permitted shall be undertaken outside the bird breeding season (March to July inclusive) in order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended). If an area of top soil must be stripped during the bird breeding season a nesting bird survey shall be undertaken by a qualified ecologist and submitted to and approved by the County Planning Authority prior to the works being carried out.

Reasons:

1. 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.
2. To reserve the right of control by the County Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity and in accordance with Saved Policies 3/4 and 4/18 of the North Yorkshire Minerals Local Plan (Adopted December 1997)
3. To ensure that the development is carried out in accordance with the application details and so to comply with 'saved' policies T3, ENV3 and ENV7 of the Ryedale District Local Plan (adopted March 2002).
4. In the interests of visual amenity, to ensure that the external finishing materials are appropriate to the character of the area and so to comply with 'saved' policies T3, ENV3 and ENV7 of the Ryedale District Local Plan (adopted March 2002).
5. In the interests of both vehicle and pedestrian safety and the amenity of the area.
6. In the interests of both vehicle and pedestrian safety and the visual amenity of the area.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To avoid conflict with vulnerable road users.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
10. To protect the groundwater quality in the area and to accord with 'saved' Policies 4/1 and 4/10 of the North Yorkshire Minerals Local Plan (Adopted 1997).

APPENDIX F

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No.C3/09/00077/CPO

Dated: 1st October 2009

11. To ensure an orderly and progressive pattern of landscaping and restoration of the site and in accordance with 'saved' Policies 4/1 and 4/18 of the North Yorkshire Minerals Local Plan (Adopted 1997).
12. To ensure an orderly and progressive pattern of landscaping and restoration of the site and in accordance with 'saved' Policies 4/1 and 4/18 of the North Yorkshire Minerals Local Plan (Adopted 1997).
13. To ensure the rights of control of the County Planning Authority in the interests of amenity and in accordance with 'saved' Policy 4/1 of the North Yorkshire Minerals Local Plan (Adopted 1997).
14. In the interests of the protection of nesting birds.

Approved Documents:

Plan No.	Date	Plan Title
CW WW 2801 6	Nov 2008	Scale 1:52,000 Location Plan
CW WW 2801 7	Nov 2008	Scale 1:1000 Site Plan as Proposed
CW WW 2801 8	Nov 2008	Scale 1:500 Site Layout as Proposed
CW WW 2801 9	Nov 2008	Scale 1:200 Site Plan as Proposed
CW WW 2801 10 Rev A	Nov 2008	Scale 1:200 Elevations and Sections as Proposed



Your ref:

Our ref: AS/KAA

Contact: Mr A Shaw

Ext: 2489

Minerals & Waste Planning Unit
Policy and Development Control
County Hall, Northallerton
North Yorkshire DL7 8AH
Tel: 01609 780780
Fax: 01609 532540
E-mail: alwyn.shaw@northyorks.gov.uk
www.northyorks.gov.uk

27 January 2003

Dear Mr Horton

PROPOSED CONCRETE BATCHING PLANT, WHITEWALL QUARRY, NORTON

Following receipt of the Noise Assessment by letter dated 19 December 2002 I have notified the Chairman of the County Planning & Regulatory Functions Committee and can confirm approval of the submitted details in accordance with Condition 12 of planning permission C3/01/00260/CPO. Such approval is subject to the prior commissioning of the wheel wash facility and formation of the extended hard surface area at the site access and to the standard condition specified at Part 19 of the Town & Country Planning (General Permitted Development) Order 1995 that before the end of the period 24 months from the date when quarrying operations had permanently ceased at the site, or any longer period which the Mineral Planning Authority agree in writing the land shall be restored and all buildings, plant and machinery removed.

Additionally the Environment Agency require that the development be subject to Conditions 22 and 23 of the existing permission together with a further Condition that:-

Details of the final surfacing and containments for all areas used for the storage, handling, loading and unloading of fuels, oils, chemicals or effluent shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be fully implemented and retained throughout the life of the development.

The reason for this condition is to protect the groundwater of the area.

Yc

MR A SHAW
Head of Minerals & Waste Planning

Mr T Horton
16 Byass Avenue
Queensgate
BRIDLINGTON
East Yorkshire YO16 7JG



Appeal Decision

Hearing held on 8 July 2015

by **D R Cullingford** BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 August 2015

Appeal Ref: APP/P2745/A/15/3002825

Whitewall Quarry, Whitewall Corner Hill, Norton, Malton, North Yorkshire YO17 9EH

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the Council to determine an application for planning permission within the prescribed period.
 - The appeal is by Mr David Watts on behalf of Clifford Watts Limited against the North Yorkshire County Council.
 - The application (ref: NY/2012/0340/FUL) is dated 27 September 2012.
 - The development is described as the 'proposed siting of asphalt production plant in existing quarry – as described in submitted supporting statement'.
-

Decision

1. I dismiss this appeal.

Main issues

2. From what I have heard, read and seen, I consider that this appeal turns on whether:
 - i) the scheme would constitute sustainable development or entail an unsustainable proposal inappropriately located in the countryside, and
 - ii) the siting, design and operation of the project would unacceptably exacerbate its environmental impact or appropriately mitigate the potentially harmful effects of any associated traffic, dust and noise.

Reasons

The site

3. Whitewall Quarry is a limestone quarry with Victorian origins, though the current owners have undertaken the operation here since 1956. The quarry lies, partially screened by intervening hedges and trees, beneath the summit of Sutton Wold and not far beyond the ribbon of dwellings that straggle along the Welham Road and up the lower slopes of Whitewall Corner Hill. The quarry is now a 25m deep rectangular excavation extending to some 11.5ha and annually producing (according to the appellant) between 110,000 and 190,000 tonnes of mainly processed, but also some agricultural, limestone. The open rolling landscape above Norton, in which the quarry lies, is an Area of High Landscape Value. The Welham Hill Verges SINC is adjacent to the quarry and the Bazeley's Lane SINC is about 270m to the north east. Further afield are the Three Dykes SSSI (about 1.2km to the east) and the River Derwent SSSI and SAC (roughly 4.2km to the south west).
-

4. Dwellings stand at the foot of Whitewall Corner Hill (Nos.185 & 187 Welham Road) or along Whitewall (2 of which are Listed); these dwellings are about 250m from the northern boundary of the quarry but roughly 460m from the proposed position of the asphalt plant. Slightly closer is Whitewall House and its stables (Listed partly for its connection with horse racing since the 18th century and as the residence of John Scott, a well-known racehorse trainer during the 19th century). Also along the narrow lane are Whitewall Cottages and stables (a further Listed Building). Both properties and other cottages here stand about 180m to the north of the quarry and some 430m from the site of the proposed asphalt plant. Further afield to the west are Welham House and Welham Hall Farm (over 650m distant) with the Malton Golf course within about 500m, though the club house is 780m away. Some 630m to the south west lies Welham Wold Farm and about 720m to the east stands Furze Hill.
5. The quarry access rises and bends from the quarry floor to reach Whitewall Corner Hill and Welham Road. This provides a route northwards through Norton to the awkward junction at Castlegate and Church Street (south of the level crossing). From there a link via Commercial Street (the centre of Norton) and the B1248 connects eastwards either to the A64 at Brambling Fields junction or across the Wolds and beyond via North Grimston: or, by traversing the level crossing and the centre of Malton (designated as an AQMA in 2009), there are links (either east or west) to the A64 and via the B1257 to Thirsk and beyond. To the south, rural lanes meander to the A64 at Kirkham Abbey and via the picturesque village of Langton to the B1248 at North Grimston. Whitewall Corner Hill forms part of the National Cycle Network (route 166) and the circular Yorkshire Wolds Cycle Way. There are bridleways along Bazeley's Lane about 330m to the north and southwards from Bazeley's Lane roughly 500m to the east of the quarry.
6. Swathes of the open rolling landscape to the south of Norton accommodate gallops and training grounds for racehorses, some of the most extensive being about 1-1.5km to the east along Langton Road. Submitted evidence indicates that there are about 15 racehorse trainers operating at stables and yards within about 1.5km of the quarry, often from well-kept and sometimes Listed establishments. Indeed, it is clear from some of the Listing details that Norton has been associated with racehorse training for several centuries. I saw that investment in the business continues, recently upgrading the quality and durability of the gallops and expanding training operations, as evident in the additional stabling permitted at Spring Cottage Stables (13/00864/FUL).

The proposal

7. The proposal would entail the installation of an asphalt production plant on the quarry floor adjacent to the western quarry face and south of the wheel wash, weighbridge and offices. The plant was expected to be a second-hand 'ACP Roadmobile 2000 Batch Unit', which would consist of several components, the most noticeable being the batch tower, storage silos and a 15m high exhaust stack, the whole of the installation thus remaining some 10m below the top of the quarry face. However, it was explained at the Hearing that such a unit is no longer available, though something similar is still envisaged. The operational area would extend over some 0.6ha; the appeal site, which includes access roads, is 0.87ha. The scheme would include 5 aggregate storage bays, each about 6m wide, 10.8m deep and 3.6m high, providing a total of 233m³ of storage and it would utilise existing facilities at the quarry, such as the access arrangements, the internal haul roads, the wheel wash, weighbridge and offices. The project would provide 3 additional full-time jobs.

8. The plant would mix aggregates (gravel or crushed stone) with limestone fines (taken from the quarry) and a bitumen binder. This would add to the activities already operating within the quarry. In addition to the excavation, treatment and transportation of limestone (in various forms), a planning permission, granted in 2002, encompasses recycling operations in part of the quarry. Inert waste material (such as subsoil, topsoil, brick and rubble) is imported on a 'back-haul' basis and stored in stockpiles on the quarry floor until mobile screening equipment is used to process it as 'soil' for site restoration or as recycled aggregates. Subsequently, in 2003, approval was given for the installation of a concrete batching plant followed, in 2009, by a permission for the erection of a portal frame building to accommodate the manufacture of precast concrete construction units and, in 2013, by a further permission for a similar building to store those manufactured units; the latter has not yet been erected. Those activities and permissions are linked to the operation of the quarry, where limestone extraction is authorised (under a permission granted in 2008) until the end of November 2023. There is no explicit restriction on the quantities entailed in those operations or on the number of associated HGV movements generated thereby. However, it is proposed to limit the production of asphalt to 140 tonnes per day, although similar plants to the one proposed appear to be capable of producing such a quantity within an hour or so.
9. The intention is that the production of asphalt would complement the recycling operations and utilise some of the recycled materials. Existing business distribution and collection agreements operating from Whitewall Quarry would potentially allow up to nearly 45% of the total asphalt mix to be derived from recycled aggregate and bitumen (including from road planings) returned to the quarry after deliveries of other products on a 'back-haul' basis. With the limestone fines from the quarry (only about 4% of the asphalt mix), almost half of the asphalt might be derived from recycled sources. Those sources could include recycled materials from the company's Gransmoor and South Cave Quarries in East Yorkshire, where appropriate permits already exist for bitumen and aggregates recovered there to be returned to Whitewall Quarry. However, although about half of the material for the asphalt might be recycled, almost all of it (about 96%) other than the limestone fines (about 4%) would be imported, some of the aggregate, as indicated below, over considerable distances.
10. There are some constraints on the use of recycled material in the production of asphalt here. First, any old road planings (or other excavated materials) containing coal tar would be classified as hazardous waste. Such material could not be imported into Whitewall Quarry and would require treatment at an appropriately licenced facility. The intention is that the proposed development would not entail the re-cycling of any coal tar, so that all recycled materials would continue to be 'inert' and non-hazardous. Second, not all mixes of asphalt are suitable for use everywhere. To be suitable for use as road surfacing material, roughly 14-23% of the stone must be of granite type quality. This might limit the use of recycled aggregate. But it also requires such stone to be imported into the site; current sources are in Cumbria and the Borders. There may be opportunities to transport that material on a 'back-haul' basis because the company supplies agricultural lime at certain times of the year to both places. However, such opportunities would tend to vary with the seasons.
11. The asphalt plant is intended to operate between 06.00-17.30hrs on Mondays to Fridays and between 06.00-12.30hrs on Saturdays, though HGVs would not leave the site before 06.30hrs; there would be no operations on Sundays and Bank Holidays. Current operating hours at the quarry are slightly more restrictive, being between

06.30-17.00hrs on Mondays to Fridays and 07.00-12.00hrs (for the quarry) but up to 13.00hrs for the manufacture of concrete construction units. The earlier start times for the asphalt plant would enable the export of road asphalt before 07.00hrs, so catering for the usual early start of road improvements and the like.

12. On the basis that the asphalt plant would be limited to producing 140 tonnes per day and that some 60% of the aggregate and 40% of the bitumen would be freshly imported (rather than recovered from existing waste material), the operation is estimated to generate a daily average of 20 HGV movements, rounded up to 22 to allow for market variations. It is assumed that most of the asphalt would be transported in 20 tonne loads and that the importation of inert waste (contributing up to nearly 50% of the product) would be delivered on a 'back-haul' basis, thereby contributing no HGV movements to the asphalt production. In effect, the inert waste used in the production of asphalt is assumed to be imported in HGVs returning from delivering other quarry products, such as limestone or fabricated concrete or possibly even inert waste delivered for site restoration or levelling.
13. The traffic movements generated by the existing operations in the quarry are estimated to amount to an average of 77 HGV movements daily. This is partly derived from weighbridge records over the last 5 years, but also from the assumption that, as the recycling activities are carried out as a service to customers taking deliveries from the quarry, the imported material is introduced on a 'back-haul' basis and the relevant HGV movement itemised elsewhere. Hence, the production of asphalt at the quarry would result in an average daily increase of HGVs in the order of about 30%, the daily total rising from 77 to 99 movements. It is suggested that including an allowance for market and other variations the total should be regarded as a daily average of 110 HGV movements or, over a 10.5 hour working day, an average of about 10 HGV movements an hour.
14. It is estimated (based on market research and 'deliverable durability') that asphalt deliveries are likely to be within a 35-mile radius of the quarry, with roughly 82% terminating in North Yorkshire and 18% in East Yorkshire. It is anticipated that about 20% would be very local (within Malton or Norton) with the rest scattered across the main settlements in the area. In contrast, nearly all the materials for the production of the asphalt would be imported into the quarry, some of it from much further afield. The hard stone of granite-like quality is expected to be delivered from Cumbria and the Scottish Borders: the main source of the manufactured bitumen (rather than that reclaimed or recycled) is likely to be from Immingham in north Lincolnshire.
15. The intention is that the HGVs associated with the operation of the asphalt plant would adhere to specific routes largely designed to minimise the number of HGVs traversing Malton town centre and the AQMA. A section 106 Agreement itemises several mechanisms to encourage such adherence entailing the recording of number plates and checks on compliance, the monitoring of electronic records for the company's own vehicles and a system of warnings and bans in relation to all drivers. Broadly, most aggregates would be imported via the A64 and the Brambling Fields junction (east of the town) and thence through the centre of Norton (Commercial Street) to Welham Road and the quarry: the remainder would arrive via the A64 and the A166 from Stamford Bridge and approach the quarry from the south via Welham Hill. The bitumen would also follow that latter route as could the gas or oil used to heat the material. The export of the asphalt would adhere to a similar pattern.

16. A set of draft conditions provide for improvements to the access arrangements; the control of noise (both from vehicles and from the plant); the imposition of noise levels at specified noise sensitive properties in line with the Guidance (NPPG) relating to mineral operators; measures to limit the emission of dust and dirt; the use and installation of wheel washing facilities; the permitted hours of operation relating to both plant and vehicles; and the setting of limits to the daily levels of output and the importing of primary aggregate material.

Planning policy and the main issues

17. The Development Plan currently consists of the 'saved' policies of the North Yorkshire Minerals Local Plan (1997) and the Ryedale Plan: Local Plan Strategy (2013). The former includes policy 4/16 which seeks to restrict the use of plant, machinery and buildings at quarries to processes primarily using the minerals produced from the site while allowing ancillary or secondary processes that are sited, designed and maintained so as to minimise the impact on the environment and local amenity. The latter includes policy SP6, which insists that within the open countryside 'major industrial processes involving the extraction, utilisation, working or harnessing of natural materials or land assets will be supported where they are required in that location and no other suitable sites are available in the locality'. In addition, such processes must not result in a significant and adverse highway impact, or impair the amenity of neighbouring occupants, or impinge unacceptably on the surrounding landscape; and the economic benefits should outweigh any adverse impact. One particular benefit claimed for the scheme is that it would reflect the advice in the Framework (NPPF) to make use of 'secondary and recycled materials' in substituting for the 'extraction of primary materials'. Accordingly I identify the issues set out above.

Sustainability

18. Policy 4/16 seeks to restrict the use of plant, machinery and buildings at quarries to processes primarily using the minerals produced from the site. In contrast, the proposal envisages the installation of additional plant and machinery to process material, almost all of which (96%), would be imported into the site; the use of limestone produced from the quarry would be negligible (4%). It follows that the production of asphalt could not constitute an ancillary operation to the main quarrying activity; there is simply no sense in which it could be understood *to provide necessary support to the primary activities* involved in the production of limestone. Nor would it be a 'secondary operation' in the sense envisaged by the Plan, for it is clear from the reasoned justification (paragraph 4.2.23) that such operations are intended to entail the use of raw material primarily produced from the quarry; the proposal would, almost exclusively, make use recycled material imported into the quarry. Hence, the support afforded by the Plan to ancillary or secondary processes designed and maintained to minimise any environmental impact would not apply to the production of asphalt here because, whatever the environmental impact of the process might be, it would neither be an ancillary nor a secondary operation to the production of limestone. In those circumstances, the scheme must contravene the requirements of policy 4/16.
19. Policy SP6 insists that major industrial processes located in the open countryside and involving the extraction, utilisation or working of natural materials should be required in that location and demonstrate the absence of alternative suitable sites in the locality in order to warrant support. This quarry lies in the midst of open countryside. And, while not apparently defined, the production of asphalt may be a 'major industrial process'

for, although it would contribute little to the local economy by way of additional employment, it would entail the working of much raw and recycled material and noticeably increase HGV traffic (by some 30%) from what clearly is a major extraction operation. But, as the production of asphalt would entail only a negligible use of the limestone produced within the quarry, there would appear to be no obvious requirement to install an asphalt plant on the quarry floor. Moreover, the fact that 'virgin' raw materials (the granite quality stone and bitumen) must be imported over considerable distances (from Cumbria, the Borders and north Lincolnshire) casts further doubt on the sustainability of producing asphalt here. In any case, no evidence is adduced to demonstrate that suitable alternative sites do not exist within the locality. Hence, whether or not the proposal would satisfy the other elements of the policy (relating to highway, amenity and landscape impacts, as well as economic benefits), it would be contrary to policy SP6. For the same reason, even if this were not a 'major industrial process', it would be contrary to policy SP9 because there is nothing to indicate that it might be necessary to support the sort of land-based activity envisaged; on the contrary, almost all the material to be used in the manufacturing process would be imported from elsewhere.

20. Are there material considerations that would support a decision other than in accordance with these operative policies of the Development Plan? One important material consideration is the advice in the Framework to make use of 'secondary and recycled materials' in substituting for the 'extraction of primary materials'. However, that advice is given in the context 'plan-making' rather than 'decision-taking' and it seems to me to be directed at devising strategies to secure the long-term conservation of minerals in order to make the best use of a finite resource that can only be worked where it is found. This proposal is different. It is not mainly directed at the long-term conservation of the limestone in this quarry. Rather, it would make use of processed inert waste that has been almost wholly imported into the site. That is not a natural finite resource that can only be worked where it is found. On the contrary, it could be transported to, and worked in, many places. And, although it could substitute for natural stone quarried elsewhere, a direct consequence of using such inert waste in the production of asphalt here, would be the necessity of importing quantities of quarried quality stone and manufactured bitumen over substantial distances across the country. I fear that this is a 'cart-before-the-horse' justification. The presence of recycled material, almost all imported into the site, is used to justify the necessity of importing finite (stone) and manufactured (bitumen) resources over substantial distances into this quarry. In my view, that would neither properly reflect the aim of the advice in the Framework nor would it constitute an obviously sustainable arrangement.
21. I also doubt that all the sustainable credentials claimed for this operation would necessarily materialise. First, there is very little concrete evidence that the claimed quantity of recycled material to be processed by the proposed plant could always be achieved. The traffic assessment seems to imply that much of this material would be transported to the quarry on a 'back-haul' basis utilising the capacity of HGVs returning after delivering asphalt. While that may well be plausible in relation to the larger scale operations entailing the planing of material from carriageways and their resurfacing with asphalt (as indicated in the representations from Ringway Infrastructure Surfaces Limited), it is far from certain that the small builders and developers, the drive and pathway specialists or the 'groundwork' operators who write to support the proposal would be undertaking works involving much of such recyclable material. Moreover, although it is recognised that pressure on funding has encouraged Highway Authorities

to focus on 'road patching' rather than extensive planing and resurfacing, the potential effect of such altered processes on the availability of recyclable material is not addressed. Clearly, a dearth of recyclable material could necessitate the importation of more quarried stone and more manufactured bitumen.

22. Second, the estimated use of recycled material is based on a daily average production of 140 tonnes throughout the year (assumed to be 275 working days). However, in practice the daily production is likely to reflect variations in demand, including seasonal changes, as well as the terms and duration of specific contracts. Not unreasonably, the appellant seeks to cater for such variations by allowing for up to 11 HGV loads of asphalt to be exported from the quarry in any one day (that is up to 220 tonnes) rather than restricting the output to just 7 (140 tonnes); this is reflected in the changes suggested to the terms of a proposed condition. Whether the availability of recyclable material would accommodate such variations in production must be uncertain, not least for the reasons outlined above.
23. Third, it follows from the foregoing that the reliance on a 'back-haul' system of transportation to import the recyclable material into the quarry may not be robust. I appreciate that it is in the interests of the appellant to operate such a system, if possible. But, if the delivery of asphalt does not offer the opportunity to 'back-haul' recyclable material, then there may be a need to source, and perhaps stockpile, such material from elsewhere. That could require special trips to source either raw or recyclable material, so undermining the apparent sustainability of the transport operation.
24. Fourth, there is little to demonstrate that locating the asphalt plant at Whitewall Quarry would 'ideally serve' both north and east Yorkshire. True, the site would sit at the centre of a circle, with a radius of some 35 miles, encompassing those places. But, existing operations at Fridaythorpe, Hull, Selby, Harrogate and Middlesbrough seem to me to be rather better located in relation to the main centres of population and the main configurations of the road network. Although the closure of the tarmac operation in Spaunton Quarry may appear to leave an area towards Scarborough without a source of manufactured roadstone, much of this consists of the North York Moors. Moreover, many of the supporting representations do not indicate a lack of supply, but rather a desire to deal with a local indigenous operator located a little closer to their main places of work. And, for those the proposal would only be a little closer, for the installation at Fridaythorpe is not much more than a dozen miles or so further to the south and just as easy to reach from Scarborough as Whitewall Quarry (25 and 23 miles distant respectively, both journeys entailing roughly a 45 minute journey without traffic). In my view, such a relatively modest saving to some local businesses would not warrant siting a new asphalt plant at this quarry in the countryside, contrary to the operative planning policies that apply here. And, the absence of an unmet need (or clear demand) seems to me to be confirmed by the intention to severely restrict the potential output from the plant likely to be installed; on the basis of the evidence adduced the daily production intended might be achieved in just one hour's operation.
25. Taking all those matters into account, I find that this scheme would entail unsustainable development inappropriately located in the countryside, contrary to policies 4/16 and SP6 and out of kilter with the advice in the Framework.

Environmental impact

26. Much effort has been expended in mitigating the potential environmental impact of this scheme. Positioning the plant on the quarry floor and beside the western quarry face would largely conceal the structure from most vantage points, while the intervening hedges and trees, together with bunds and buffer zones, would provide effective screening, even at quite close quarters. Hence, the structure itself would not noticeably impinge upon the landscape, nor would it intrude above the skyline, thereby largely complying with policy SP13 (landscape) and, for similar reasons, policy SP16 (design). Nor would the proposal damage the nearby SINCs or harm the SSSIs, as policies SP14 and 4/6a require and the consultations from Council's Ecology Officer and English Nature confirm. And, subject to the imposition of suitable conditions, there are no objections from the Environment Agency. However, concerns remain about noise and traffic as well as the effects on racehorses and the racing industry. I address each in turn.

Noise

27. The Guidance indicates that mineral planning authorities should aim to establish noise limits at noise-sensitive properties not exceeding the background noise levels by more than 10dB(A) during normal working hours (07.00-19.00hrs) and during the evening (19.00-22.00hrs) and, in any event an absolute limit of $L_{Aeq, 1h}=55dB(A)$ should be met; for night-time operations $L_{Aeq, 1h}=42dB(A)$ should be satisfied. In this way the characteristics of the prevailing acoustic environment are to be taken into account and an assessment made of whether noise might give rise to significant adverse or just adverse effects, enabling a good standard of amenity to be achieved. The Framework indicates that since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them, recognising that some noisy short-term activities (such as soil stripping and the creation of baffle mounds) which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction.
28. Those noise limits largely reflect the advice last set out in the superseded *MPS2; Controlling and Mitigating the Environmental Effects of Minerals Extraction in England: Annex 2, Noise*. That annex explicitly relates to 'both surface mineral extraction and surface operations associated with underground mineral extraction, including waste disposal and recycling operations that form an integral part of a mineral working operation'. The current Guidance is not quite so clear because, although it relates to 'mineral development proposals', it includes schemes 'for related similar processes such as aggregates recycling and disposal of construction waste' without explicitly indicating whether they should be an integral part of the mineral working operation. However, it seems to me that any sensible interpretation of the Guidance must impute an integral connection between the mineral working and the waste disposal or recycling operation, for to do otherwise would imply that processes involving resources that are neither finite nor require to be worked where they are found would benefit from the noise limits designed to cater for processes subject to just such constraints.
29. In this case, I consider that the proposed asphalt plant would not be integral to the mineral working operation here, for the reasons set out previously. On the contrary, it would be more akin to a new industrial process within the quarry and, as such, it would more naturally be subject to a noise assessment designed to measure the effects of industrial processes and fixed installations, namely BS4142:1997. A simple comparison between a 'rated' noise level (corrected for hisses and hums or clicks and clatters)

emanating from the asphalt plant and the background level is used to indicate the likelihood of complaints. The measurements undertaken here demonstrate that if the predicted noise from the asphalt plant is corrected by an addition of 5dB(A) to reflect the rattles and thumps inherent in the production of asphalt, then the noise from the operation would be sufficiently above the background level to make complaints likely at 3 of the 4 noise sensitive properties surveyed at night (in this case before 7.00hrs) and to be of 'marginal significance' at the same 3 properties during the evening and at the fourth property at night; a rating of 'marginal significance' does not mean that the noise would be unnoticeable or unobtrusive. During the day the rating level would equate roughly to the measured background level.

30. The Environmental Health Officer indicates that some of those results should be treated with caution. First, the method is not suitable for predicting the likelihood of complaints when the background level is at or below about 30dB(A) and the rating level below about 35dB(A). This is the case for the 'corrected' night-time assessment at Welham Wold Farm (where the impact of noise is assessed to be of marginal significance at night), but not elsewhere. Second, it is pointed out that 3 of the background noise measurements were made only in the small hours of the morning when noise levels are likely to be particularly low and not reflective of the early operating period of the plant (6.00-7.00hrs). That might be so. However, I note that the report explicitly describes the assessment periods chosen as being 'typical' of the daytime, evening and night-time conditions. Moreover, it seems to me that the noise levels predicted, although described as 'worst case' scenarios, have not encompassed all the noisy activities entailed in the operation of the asphalt plant. I do not see any estimate of the noise emanating from the rotary drum, the screens and conveyors, the bucket elevator feeding into the batch tower or the loading of the aggregate bins. Hence, on the basis of the evidence actually before me, I consider that complaints would be likely at 3 of the 4 noise sensitive properties assessed during the very early morning, just when such disturbances might be particularly intrusive, and noticeable during the evening. And, although it would be possible to avoid such an impact by curtailing the hours of operation, that would alter the nature of the proposal envisaged. I consider, therefore, that the scheme would impinge on the amenities local residents might reasonably expect to enjoy.

Traffic

31. It is estimated that the manufacture of asphalt at Whitewall Quarry would generate an average of 22 additional HGV movements daily, allowing for seasonal and other variations; this would increase the total daily HGV movements at the Quarry to 110. On the basis that existing daily flows along Welham Road and Commercial Street amount to some 3,300 and 4,300 vehicles, the Highway Authority consider that the traffic generated would represent insignificant increases; less than 1% along Welham Road, barely 0.15% at the Butcher's Corner junction and just 0.51% along Commercial Street.
32. Unfortunately that conclusion rests on an estimate which assumes that nearly all the loads associated with the asphalt plant would be of at least 20 tonnes and that the traffic generated would be spread throughout the working day. Neither assumption is entirely realistic. First, although the larger contractors would be likely to take deliveries in 20 tonne loads, the small builders and developers, the drive and pathway specialists or the 'groundwork' operators likely to form an element in the market for the asphalt produced here, may well require smaller amounts. And, deliveries or collections may

entail the use of all manner of types and sizes of vehicle, including those below 3.5 tonnes. It follows that the traffic generated by this project could be substantially different from what has been assumed. Hence, the scheme could entail several additional trips by smaller vehicles, including non-HGVs, which do not figure in the traffic analysis and over which no control is proposed.

33. Moreover, there could be tensions between the limitations envisaged on the number of HGVs and the ability to meet the expressed demand for the asphalt produced. If the control exercised were to incorporate the flexibility desired, then the daily output might increase by almost 60% from the 140 tonnes suggested as a daily average over a month, with a commensurate increase in HGV trips. It would not be possible to ascertain whether limits had been adhered to without the analysis of monthly data, rendering control largely retrospective and engendering the possibility of disputes, including those about the relevant period over which to conduct the analysis. And, if the effective demand from small builders or drive and pathway specialists were to entail the use of HGVs for loads below 20 tonnes, then there could be pressure for more HGV traffic than the proposed limitations currently countenance. Quite apart from the difficulty of distinguishing between HGVs associated with the production of asphalt and all other 'quarry traffic', it would also be far from straightforward to control the daily number of HGVs delivering materials to, or the product from, this asphalt plant, given the level of the legitimate variations envisaged and the retrospective nature of the control possible. In any event, the traffic generated by this project could be substantially different from what has been assumed.
34. Second, the rationale for the early start of the operation is to allow for the export of asphalt, starting at 6.30hrs, in order to cater for the usual early start of road improvements and the like; up to 11 HGVs could be involved on occasions and an unknown number of trucks of 3.5 tonnes or below. Much of that traffic may well enter the road network early in the morning and result in an increase in flows in the order of 10% at that time of day. I do not doubt that the road network ought to be able to safely accommodate such an increase. But, it seems to me that the nature and possible scale of the additional traffic that might well occur would perceptibly diminish the environmental conditions residents currently enjoy. The assertion that a 25% increase in traffic would only increase traffic noise (in this case measured as $L_{A10, 1h}$) by 1dB(A) requires all other factors to remain constant. That would not be the case here for the additional traffic would consist largely of various HGVs and smaller trucks. Allowing for various reasonable proportions of HGVs, speed limits and the gradient at Welham Road, I estimate that road traffic noise might increase by 2-3dB(A). Given the time of day that such an increase would occur and the fact that it would largely emanate from HGVs, I consider that residents, particularly those beside Welham Road, would experience a noticeable denudation in their living conditions.
35. The draft section 106 Agreement sets out mechanisms to control the routing of HGVs associated with the production of asphalt avoiding, as far as possible, the centre of Malton and the AQMA. Although the scope of Obligations are generally limited to the land, the terms envisaged here require lorry drivers to use the routes specified and make provision for the operator to issue warnings and prohibitions in the event of any breach. The appellant would have control over the 5 vehicles directly owned by the company (which can also be tracked) and HGV routing arrangements would form part of the contracts for the 10-15 lorries operating on a contract demand basis. Control of independent parties would not be so direct, but the registration of number plates, the maintenance of records, instructions to drivers, random checks and any necessary

disciplinary action could be effective. Similar arrangements have been utilised elsewhere by the County Council.

36. However, in this case there would be a particular practical difficulty to ensuring compliance with lorry routing arrangements. The proffered Agreement would relate only to the HGV movements associated with the production of asphalt. There would be no routing arrangement relating to the other activities undertaken here, which generate some 70-80% of the HGV traffic. Nor would there always be any obvious way to distinguish between the vehicles used in connection with the asphalt operation and those engaged on existing tasks. Of course, those laden with asphalt might be recognised, but returning vehicles, either empty or loaded, could be more difficult to identify and it would not be obvious for what purpose the importation of stone or recyclable material might be used. I accept that the records to be kept by the operator could well provide the necessary detail, albeit mainly retrospectively. But, in the circumstances of this case, the routing arrangements are highly likely to attract the scrutiny of local people and, in the absence of some clear identification, elicit complaints that would require numerous investigations by the County Council. I consider that such a potential burden on the limited resources available to be unwarranted.
37. Moreover, even if the lorry routing arrangements were to operate successfully, much of the additional HGV traffic would be routed via Welham Road and Commercial Street, the latter being the centre of Norton. Although the evidence demonstrates that such traffic could be physically accommodated, it would add to the traffic already traversing these streets and increase the incidence of HGVs there, so further denuding the quality of Norton's commercial centre. This would not contribute to the vitality, viability and attractiveness of Norton, or enhance public areas or reflect the aim of instigating traffic management measures to improve the pedestrian experience in the town. On the contrary, this would exacerbate the presence of HGVs, so undermining an aim of the Plan to create an inviting appearance in Commercial Street to attract and retain custom and to counteract those signs that the place risks falling into decline. As such, the routing arrangements proposed would undermine the aims of policy SP7.

Effects on racehorses

38. There is concern (expressed by racehorse trainers, local veterinary surgeons and the British Horseracing Authority) that the particulate emissions from this asphalt plant could adversely affect the respiratory health of racehorses in the surrounding training stables and on the gallops. It seems to be agreed, and it is well documented, that the air quality inside stables can seriously affect performance, the incidence of Inflammatory Airway Disease being associated with exposure to particulate and mainly organic material (such as pollens, moulds, bacterial endotoxins and mites) which itself can vary with the type of feeding, bedding and mucking out regimes in operation. I heard that some stables had invested in equipment and operating regimes to minimise the occurrence of particulate organic matter. Nevertheless, although some exposure to particulates may be inevitable in stables, exposure to particulates on the gallops and training grounds is not. Indeed, an important element in the perceived attraction of Norton as a centre for training racehorses is the proximity of the training grounds on the open landscape of the Wolds and the uncontaminated air that blows over them.
39. Emissions from the plant would be subject to controls under the Local Authority Pollution Prevention and Control regime. The operation of the asphalt plant would

require a new Environmental Permit from Ryedale District Council which would only be granted if it could be demonstrated that a high level of protection could be achieved by using the 'best available techniques' to prevent or minimise emissions of prescribed substances (including particulates and odours). Calculations for the stack height of the plant have been undertaken to achieve the objective for the UK Air Quality 24-hour mean of $PM_{10}=50\mu g m^{-3}$. The calculations show that a stack height of 14.23m would be required, though the current proposal would be slightly higher (15m) and thus achieve slightly better levels of dispersion. The plant itself is designed to emit a limit of $PM_{10}=20mg m^{-3}$, although the relevant table indicates that 8-11 $mg m^{-3}$ could often realistically be achieved. Given the stack height, together with various directions and average speed of the wind, it is estimated that the 'designed level of emissions' would result in $PM_{10}=0.2\mu g m^{-3}$ at the quarry boundary and, of course, much less at the nearest training establishment or at the gallops some 400m to over 1km distant; the 'realistic emissions' would result in even lower concentrations. Although it is impossible to be completely certain, and there is no study explicitly assessing the influence of particulates at training grounds, it seems to me that such levels of concentration would be so low (below the levels identified in stables by a factor of 10^{-3}) that the emissions from this asphalt plant would be unlikely to affect the respiratory health of racehorses. The evidence adduced does not provide a cogent basis for a different conclusion.

Effects on the racing industry

40. Norton is an important centre for the training of racehorses and it has been associated with the industry for at least 3 centuries. Evidence indicates that this and related activities contribute some £21m to the local economy, involve about 200 skilled people employed by trainers at the Malton and Norton yards and give employment to a host of ancillary occupations and businesses, such as work riders, farriers, vets, saddlers, feed and bedding merchants, physiotherapists, equine dentists, transporters and the like. This is a competitive business and it depends on the owners of high value racehorses choosing to stable their horses in Norton, rather than at Newmarket or, indeed, anywhere else. The concern is that if owners were to perceive that their horses might be exposed to contaminated grazing or poor quality air, due to the proximity of the proposed asphalt plant, then they might choose to stable their horses elsewhere rather than at the training yards in Norton, so jeopardising the continuation of a long-established traditional, skilled and valuable industry.
41. Although I consider that the evidence does not demonstrate an unequivocal link between the likely emissions from this asphalt plant and the respiratory health of racehorses, it seems to me that the evident presence of the plant could well influence owners about where to stable their racehorses. True, the plant itself would almost certainly not be visible from the training yards or from nearby vantage points. However, the emissions from the stack would be evident on occasions and it is entirely understandable that owners would perceive the proximity of such emissions as having the potential to be detrimental to the well-being and performance of their horses. The nearest stables would be only some 430m from the position of the stack and several would be down-wind from a prevailing south westerly.
42. Moreover, although the quarry and the racehorse training businesses have operated side-by-side in Norton for half a century and the recycling operation for a decade or so, I think that the installation of this asphalt plant would alter the basis of that relationship. First, it would result in visible emissions from the quarry site close to the town. Second, it would entail roughly a 30% increase in HGV traffic (maybe more)

where the permissions for the concrete batching plant and for the manufacture and storage of concrete products have already engendered a significant additional quantum of HGV movements. I consider that the cumulative effect of such additional HGV traffic would be sufficient, on occasions, to noticeably alter the character of the traffic on Welham Road. Since that road forms part of the route from some of the training yards to the gallops on Langton Road, the juxtaposition of HGVs and racehorses would be emphasised. This too would be evident to racehorse owners and might well further discourage them from entering into training contracts with some of the trainers in Norton.

43. For those reasons, it is hard to see how the economic benefits of the scheme, or the limited additional employment likely to arise, would outweigh the adverse economic effects of the proposal that could emanate from the harmful perception it would be likely to convey to racehorse owners in choosing to stable their horses at Norton. Of course, such an effect is difficult to quantify. But that does not mean that it could not be real; much business and many economic effects depend on perceptions. And, it seems to me that just such factors would be particularly important in an industry where results and reputations influence decisions. In those circumstances the risks to the horse training industry represented by this scheme, and to the businesses linked to it, constitute a real economic threat to the local economy. The proposal would thus fail to comply with policy SP6.

Other matters

44. I have considered all the other matters raised. I realise that the racing heritage of Norton is a special feature of the area and that the industry contributes to the tourist attractions of the town and to tourism businesses with such events as the annual stables open day. However, little evidence is adduced to assess the overall impact of the scheme on tourism. Similarly, although additional HGVs would affect the character of the sections of the National Cycle Network nearby, the Highway Authority indicate that no safety concerns should arise and I consider that the changes to the short sections involved would not spoil the overall experience of using those cycle-ways.
45. I read that no complaints were received in connection with operations at Whitewall Quarry between February 2010 and September 2011. However, during the processing of this planning application, the Authority has received numerous complaints from local residents in relation to the existing permitted operations at the site; the complaints relate to noise, blasting, vibration, dust, traffic, operating hours, the timing of HGV movements, the sheeting of vehicles, debris on the highway and off-site tipping of waste material and they were received on a monthly basis between June and October 2014. It is evident from the reports prepared by the Authority's Monitoring and Compliance Officer that nearly all the complaints relate to conditions that have largely been complied with. Indeed, the very few exceptions appear to relate to a muddle about some preparatory works for off-site tree planting. This indicates to me that the appellant would be likely to make every effort to comply with controls suggested in relation to the current proposal. But it also indicates that the plethora of permissions and conditions that govern even the existing operations at this quarry are sufficiently complicated to cause confusion to local residents and businesses. In my view, and for the reasons outlined above, the installation of the proposed asphalt plant would exacerbate those complications and render the practical control of the site that much more difficult.

Conclusion

46. I have found that the proposal would entail unsustainable development inappropriately located in the countryside, contrary to policies 4/16 and SP6 or, if it were not a 'major industrial process', policy SP9. It would also be out of kilter with the advice in the Framework and, for the reasons given, I doubt the achievability of all the sustainable credentials claimed for this operation.
47. I also find that, in spite of the careful siting of the plant and the limited operation intended, that the overall effect of the scheme would be damaging. Complaints would be likely at 3 of the 4 noise sensitive properties assessed during the very early morning and noise from the operation would be noticeable during the evening. And, because the traffic generated by this project could be substantially different from that which has been assumed, there could be occasions when residents beside Welham Road would experience a noticeable denudation in their living conditions. Although I think that the appellant would make every effort to adhere to the suggested routing arrangements, the complicated nature of the control measures put forward and the inevitable scrutiny from local people would be likely to elicit complaints that would require numerous investigations by the County Council, thereby entailing an unwarranted burden on the resources available. Moreover, even if successful, the routing arrangements would exacerbate the presence of HGVs in Norton's town centre, so undermining the aims of policy SP7.
48. Although I consider that emissions from this asphalt plant would be unlikely to affect the respiratory health of racehorses, my view is that the evident proximity of those emissions, together with the presence of additional HGVs, could well be perceived by racehorse owners as reasons to seek alternative training establishments to those in Norton. Hence, the economic benefits and limited employment generated by the scheme would be very unlikely to outweigh the adverse effects engendered by the harmful perception it would convey, contrary to policy SP6.
49. It follows that the scheme would contravene the requirements of the Development Plan and fail to reflect the relevant guidance in the Framework. And, having found nothing else sufficiently compelling to alter my conclusion, I consider that this appeal should be dismissed.

David Cullingford

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Leslie Heasman	MJCA, Technical Advisors on Environmental Issues
Stewart Haines	W Clifford Watts Limited
Dr David Marlin	Scientific Consultant, Principal, David Marlin Consulting Limited

FOR THE LOCAL PLANNING AUTHORITY:

Michael Convery	Consultant, North Yorkshire County Council
Amy Taylor	Monitoring and Compliance Officer, North Yorkshire County Council

INTERESTED PERSONS:

Rupert Arnold	Chief Executive, National Trainers Federation
Mark Campion	Elected representative, Local Racehorse Trainers
Fiona Campion	Local resident
George Gibbard	Malton and Norton Golf Club
Gary Housden	Head of Planning and Housing, Ryedale District Council
Ross Hamilton	Officer, British Horseracing Authority Limited
Jenny Hall	Chief Veterinary Officer, British Horseracing Authority Limited
Camilla Knock	Veterinary Surgeon, Baker, McVeigh and Abbott, International Equine Veterinary Practice
Cllr Luke Ives	Norton West Ward, Norton Action Group
Liz Johnson	Norton Action Group
Robert Bigg	Local Resident
Cllr Elizabeth Shields	Norton East Ward
John Howard	Norton Action Group

DOCUMENTS

Document	1	List of persons present at the Hearing
Document	2	Statement of Common Ground
Document	3	Draft section 106 Agreement with 'tracked' changes
Document	4	Draft list of conditions with 'tracked' changes
Document	5	Notes and submissions ~ Dr David Marlin
Document	6	Submissions ~ Rupert Arnold
Document	7	Letters, photos and newspaper extract ~ Robert Bigg
Document	8	Submissions ~ Fiona Campion
Document	9	Submissions ~ Mark Campion
Document	10	Submissions ~ George Gibbard
Document	11	Submissions ~ Jennifer Hall and Nick Rust (British Horseracing Association)
Document	12	Site Monitoring Report; Whitewall Quarry – March 2014
Document	13	Site Monitoring Report; Whitewall Quarry – June 2014
Document	14	Site Monitoring Report; Whitewall Quarry – November 2014
Document	15	Petition

All other statements, appendices, submissions and communications are on the file

PLANS

Plans	A	Application plans
		1 Location plan
		2 Site layout
Plan	B	Diagram of asphalt batch plant
Plan	C	Location of asphalt plants in North Yorkshire
Plan	D	Location of racehorse training stables in Norton
Plan	E	The site and surroundings

PHOTOS

Photos	1	Additional photos ~ Mr Bigg
Photo	2	Aerial photo and noise monitoring locations

Minerals and Waste Site monitoring report

Quarter 3 – 2017/18



Whitewall Quarry

Site Inspection Date – 7 December 2017

Report Issue Date – 8 December 2017

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Disclaimer

North Yorkshire County Council holds no responsibility for any decision made with reference to the status of planning permissions/legal agreements cited within this Site Monitoring Report. Any person seeking clarification as to the status of planning permissions/legal agreements within this report should contact Planning Services at North Yorkshire County Council or e-mail planning.control@northyorks.gov.uk.

1.0 Legislation

1.1 The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006 came into force on 6 April 2006. These new regulations are made under section 303 of the Town and Country Planning Act 1990, as amended by section 53 of the Planning and Compulsory Purchase Act 2004. The latter enables the Secretary of State to provide for the payment of a fee to mineral and waste planning authorities (mwpas) in England for the monitoring of mining, mineral and landfill sites.

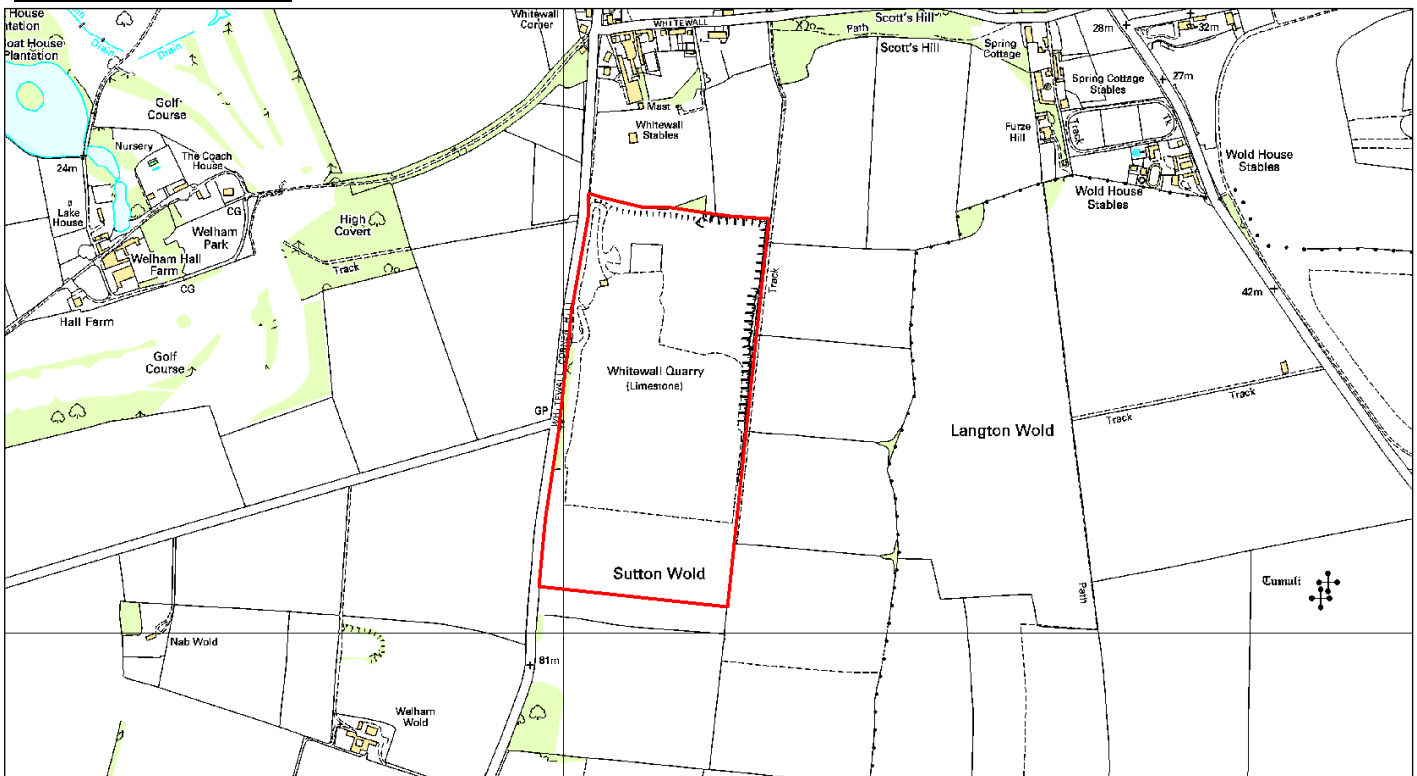
The legislation will result in all operators / owners of active, inactive and dormant mining, mineral and landfill sites being charged for monitoring visits by minerals and waste planning authorities.

Report Prepared by:

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Whitewall Quarry

Site Location Plan



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2.0 Site Details

Site Address: Whitewall Quarry
Welham Road
Norton
North Yorkshire
YO17 9EH

Operator: W Clifford Watts Limited

Company Contacts: David Watts (Site Operator)
Richard Watts (Site Operator)
Steve Long (Managing Consultant - Watts)

Permitted Minerals Extracted: Limestone

3.0 History of the Site

3.1 Whitewall Quarry is a long established limestone quarry just to the south of Norton town centre. In the period since 1956 the quarry face has been progressively worked in a southerly direction.

The relevant planning history (extant permissions) for the site is shown in the table in section 4 (below).

4.0 Planning Permissions/Legal Agreements

4.1 Planning Permissions

Application Number	Development	Granted
C3/01/00260/CPO	Extension of existing quarry for the extraction of limestone and use of part of the site for recycling operations (recycling only at present)	27/03/2002
NY/2002/0001/PDA	Proposed concrete batching plant (under Condition 12 of planning permission ref. C3/01/00260/CPO)	27/01/2003
C3/07/00937/CPO	Extension of existing quarry	16/12/2008
C3/09/00077/CPO	Erection of a steel clad portal frame building	01/10/2009
C3/13/00295/CPO	Erection of a steel/fibre cement clad portal framed building	31/05/2013

4.2 Legal Agreements

A Section 106 Agreement dated 8 December 2008 exists for the site under planning permission reference C3/07/00937/CPO, which relates to the payment of contributions for the provision and maintenance of the public highway.

A Section 106 Agreement dated 24 July 2009 exists for the site under planning permission reference C3/09/00077/CPO, which relates to the payment of contributions for the provision and maintenance of the public highway.

5.0 Complaints History

5.1 A number of complaints have been received in respect of Whitewall Quarry regarding the following matters (the date relates to when the issue was first raised):-

- Noise (June 2014)
- Dust (June 2014)
- Hours of operations (June 2014)
- Un-sheeted HGVs (June 2014)
- HGVs from Whitewall Quarry using weight-restricted roads (June 2014) (non-planning matter)
- Speeding HGVs leaving Whitewall Quarry (June 2014) (non-planning matter)
- Blasting noise and vibrations (June 2014)
- Tipping on land to the South of the Quarry (July 2014)
- Recycling area boundaries
- Importation of asphalt plantings (May 2016)

The majority of the complaints have been resolved however the complaints in relation to noise remain under investigation by the County Planning Authority.

6.0 Contact with other Statutory Bodies

6.1 Contact has been made with the Environmental Health Officer at Ryedale District Council regarding the noise and dust complaints raised (as above), and the Environment Agency regarding the tipping to the south of the quarry.

7.0 Site Report

Date of visit: 7 December 2017

Attendees: Amy Taylor (Development Control Officer)
Sam Till (Development Control Officer)
Steve Long (Managing Consultant for Watts)
Kevin Calvert (Quarry Manager)

Type of visit: Site monitoring visit.

Purpose of Visit: To ensure that the development is being carried out in compliance with the conditions attached to the relevant planning permissions.

Planning Permissions monitored:

- C3/07/00937/CPO (extraction)
- C3/01/00260/CPO & NY/2002/0001/PDA (recycling and concrete plant)
- C3/09/00077/CPO (portal framed building for concrete product manufacturing– 2009)
- C3/13/00295/CPO (portal framed building for concrete product storage – 2013)

Details of the concrete batching plant, which was approved under Condition 12 of Planning permission C3/01/00260/CPO were monitored insofar as conditions relevant to this operation under the original permission (hours of operation).

Legal Agreements Monitored: None monitored on day of visit.

Boundary Limits: As shown on the site location plan on page 4 of this report.

Weather Conditions: Overcast.

8.0 Conditions and Compliance

8.1 Planning Permission No. C3/07/00937/CPO (Mineral extraction)

	Planning Condition	Observations
1	The development to which this development relates must be implemented no later than the expiration of five years from the date of this Decision Notice.	The planning permission has been implemented within the timescale set out under this condition.
2	The permission hereby granted authorises the extraction of limestone only until 30 November 2023. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the scheme approved under Condition Number 4 before that date or within such longer period as may be specifically approved in writing by the County Planning Authority.	The permission is currently active within the permitted timescale and quarrying operations are ongoing.
3	The development hereby permitted shall be carried out in accordance with the application details dated 22 September 2007 and the following conditions which at all times shall take precedence.	No issues were observed on the day of the visit.
4	Within twelve months of the date of this permission a detailed scheme for the restoration and landscaping of the site shall be submitted to the County Planning Authority for written approval. Such scheme shall include, amongst other matters, details of the following:- a) the sequence and phasing of restoration showing clearly their relationship to the working scheme and surrounding landscape; b) timing, phasing and method of replacement of top and subsoils; c) the stripping of any compacted layers of final cover to ensure adequate drainage and aeration; such stripping should normally take place before placing of the topsoil; d) the machinery to be used in soil respreading operations; e) the final levels of the restored land; f) drainage of the restored land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage; g) the reinstatement of the plant site by clearing plant, buildings, machinery and concrete or brickwork, deep cultivation in both directions to remove rocks and other obstructions, replacing of subsoil and then topsoil previously stripped from the sites; h) seeding of restored areas with a suitable herbage mixture; [i) the boundaries or the lake(s) to be left on conclusion of workings, including any islands or promontories to be left or formed with overburden or surplus material, and the battering down of the restored banks of the lake(s)] and j) a timetable for implementation. Thereafter restoration and landscaping of the site shall be carried out in accordance with the approved scheme or in accordance with such other schemes as may be subsequently approved in writing by the County Planning Authority.	The scheme was submitted to the County Planning Authority in July 2009, and was approved on 2 March 2012.
5	Within twelve months of the date of this permission details of a scheme of landscaping shall be submitted to the County Planning Authority for written approval. Such details shall include:- a) details of off-site and advance planting, maintenance specifications and site development works; b) specification of off-site planting and on-site planting and their maintenance and details of	The scheme was submitted to the County Planning Authority in July 2009, and was approved on 2 March 2012. A complaint was raised in August 2014 regarding alleged tipping on land to the South of Whitewall Quarry.

	<p>all vegetation to be removed; c) details of any screen mounding, fencing; d) specification for planting, seeding and surface finishes; e) details of pumping, ground water recharge and ground water monitoring proposals; f) details of maintenance and aftercare; and g) details of management post aftercare. Such a Scheme shall have regard to the recommendation of Natural England i.e. that any tree planting should consist of native trees species of local provenance to replicate the species mix which already exists in the woodlands in the area. Thereafter landscaping of the site shall be carried out in accordance with the approved scheme or in accordance with such other scheme as may be subsequently approved in writing by the County Planning Authority.</p>	<p>Further to a lengthy investigation by the County Planning Authority, it is acknowledged that W Clifford Watts should have notified the County Planning Authority and sought advice and an Officer view prior to undertaking and completing the earthworks. However the operations ceased further to a letter advising cessation sent by the County Planning Authority on 18 September 2014 and no further tipping has taken place.</p> <p>It is considered that the ground remodelling works completed using inert materials has not resulted in any material harm to the environment, local amenity or human health. The County Planning Authority has therefore concluded that this matter will not be treated as an unauthorised waste development and it is not considered to be expedient or in the public interest to pursue any enforcement action.</p>
6	<p>Every 12 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 landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from the schemes approved under Conditions 4 and 5 and a revised scheme 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 landscaping, 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.</p>	<p>Annual site monitoring visits (often more frequent) are held between the County Planning Authority and the Operator. The next site monitoring visit date is to be confirmed with the site operator.</p>
7	<p>There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.</p>	<p>No other access with the public highway, other than the one approved was observed being used during the time of the visit. The access was observed in a good condition and the adopted highway adjacent the entrance was observed in good condition on the day of the visit.</p>
8	<p>No excavation shall take place within 10 metres of the public highway to the west of the site and any resulting embankment into the Quarry shall be at a maximum gradient of 30 degrees to the horizontal.</p>	<p>On visual inspection, no excavation was observed within 10 metres of the public highway during the site visit, and the most recent topographical survey demonstrates compliance with this condition. The quarrying operations continue to work south rather than west towards the road.</p>
9	<p>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.</p>	<p>Vehicles observed accessing and departing the site were seen to be securely sheeted at time of visit. No material was observed on the local public highway.</p> <p>he site offices overlook the weighbridge and sheeting area and appropriate signage instructing drivers is in place.</p>
10	<p>Except for the maintenance of plant and machinery and except with the prior written approval of the County Planning Authority, no quarrying or associated operations including transport of minerals from the site shall take place except between the following times [06:30 and 17:00 hours] Mondays to Fridays [07:00 and 12:00 hours on Saturdays]. No quarrying or associated operations shall take place on Sundays or Bank and Public Holidays.</p>	<p>Complaints have previously been received regarding alleged out of hours operations taking place at the site. Matters have been specifically raised in relation to vehicles seen entering the site after the permitted hours stated in this condition. However, the condition explicitly states that only transport of minerals from the site i.e. loaded HGVs is restricted, and therefore vehicles seen entering/returning to the site, and unloaded vehicles seen leaving the site</p>

		after this time fall outside of the restrictions of this condition. The site operator confirmed that vehicle movement records are readily available to view at Watts Bridlington Offices.
11	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking or re-enacting that Order), no plant or buildings shall be erected on the site, without the prior written approval of the County Planning Authority.	All plant and buildings associated with this permission on site are permitted. No unauthorised structures were observed during the visit.
12	Dust control measures shall be employed to minimise the emission of dust from the site. Such measures shall include the spraying of roadways, hard surfaces and stockpiles and discontinuance of soil movements during periods of high winds.	A road sweeper is operational three days a week, all year round (not weather dependant), and a water bowser is employed to assist in suppressing dust when necessary. There have been no complaints made regarding dust since the last site monitoring visit.
13	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.	Operator confirmed that noise attenuation equipment is employed on site plant, machinery and vehicles. Machinery was observed in use on the day of the visit and the attenuation equipment was considered effective on the day of the visit. Numerous complaints have been received regarding noise from the site. Previous noise monitoring undertaken in August 2014 and further noise monitoring undertaken in July 2016 confirmed compliance with noise conditions set out under this planning permission.
14	During the working hours specified in Condition Number 10 noise from operations on site including use of both fixed plant and mobile machinery shall not exceed the background noise level by more than 10 dB at any noise sensitive locations. Measurements shall be hourly LAeq measurements and shall be corrected for the effects of any extraneous noise. If at any time national standards indicate or require more stringent control of noise levels the criteria of the national standards shall apply.	Fixed and mobile machinery was observed in use on the day of the visit and noise levels were not considered to be unusual or excessive (i.e. noise expected from an operational quarry). Numerous complaints have been received regarding noise from the site. Previous noise monitoring undertaken in August 2014 and further noise monitoring undertaken in July 2016 confirmed compliance with noise conditions set out under this planning permission.
15	In the event that the noise levels specified in Condition number 14 are exceeded, those operations at the site causing excessive noise shall cease immediately and steps be taken to attenuate the noise levels to be in compliance with the requirements of Condition number 14 before the recommencement of work.	Previous noise monitoring undertaken in August 2014 and further noise monitoring undertaken in July 2016 confirmed compliance with noise conditions set out under this planning permission.
16	Except with the prior written approval of the County Planning Authority no blasting shall be carried out on any part of the site except between the hours of 0900 and 1600 hours Monday to Friday inclusive and no blasting shall be carried out at any time on Saturdays, Sundays, Bank and Public Holidays.	Operator confirmed that blasting only takes place during the hours specified by this condition. The most recent blasting data submitted to the County Planning Authority confirms that the hours restricted by this condition have been complied with.
17	Blasting operations shall be designed and executed such that resultant ground vibration levels shall not exceed a peak particle velocity of 8mm/second at any inhabited building.	The most recent blasting data submitted to the County Planning Authority confirms vibration levels have remained well within the permitted levels under this condition, with the highest measured at 0.5mm/second. The County Planning Authority previously informed

		local residents of upcoming blasts out of goodwill, however due to resources this is no longer the case. The site operator has offered to continue this practice but has received no requests from local residents to do so.
18	There shall be no quarrying or other excavation below a level of 43 metres above ordnance datum.	The most recent topographical survey submitted to the County Planning Authority confirms compliance with this condition.
19	There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.	Operator confirmed that no discharge of foul or contaminated material occurs. None observed during the time of the visit and no complaints have been received relating to this matter.
20	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 compounds 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 sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, 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.	Fuel tanker was observed during visit. Site operator confirmed that this was a double skinned unit and was used to refuel machinery working in the active phase on site. No leaks or fuel odours noted on the day of the visit by officers.
21	Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard-standings shall be drained in accordance with a Scheme (developed in accordance with Environment Agency Best Practice advice on Sustainable Drainage Systems (SUDS)) to be submitted and approved in writing by the County Planning Authority.	Details were submitted to the County Planning Authority in December 2015 (NY/2015/0338/A27) under the requirement of this condition, and the details were approved under the terms of the Condition on 30 June 2016 via delegated powers.
22	Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.	There were no issues noted on the day of the visit, and site operator confirmed all necessary steps are taken if issues occur.
23	Within 3 months of the formation of storage bunds the operator shall submit a plan to be approved in writing by or on behalf of the County Planning Authority showing the location, contours and volumes of the bunds, and identifying the soil types and units contained therein. Any amendments to the Scheme of Soil Movement shall be included.	Site operator has previously provided a copy of the plan that indicates location, contours and volumes of soil storage bunds on site (plan ref. 02086-11-01 dated 8 March 2011), and the topographical surveys submitted to the County Planning Authority include the location, contours and volumes of the bunds as required by this condition.
24	Except with the prior written approval of the County Planning Authority no stripping, movement, replacement or cultivation of topsoil or subsoil shall be carried out during the months of November, December, January, February, March or April.	Details were submitted under an Article 21 application (discharge of condition) ref. NY/2009/0286/A21 in July 2009 for this condition. These details were approved on 2 nd March 2012.
25	During soil movement and handling operations, machinery shall be routed to avoid the compaction of soils.	Details were submitted under an Article 21 application (discharge of condition) ref. NY/2009/0286/A21 in July 2009 for this condition. These details were approved on 2 nd March 2012.

26	Except with the prior written approval of the County Planning Authority, no topsoil or subsoil shall be removed from the site.	Details were submitted under an Article 21 application (discharge of condition) ref. NY/2009/0286/A21 in July 2009 for this condition. These details were approved on 2 nd March 2012.
27	Any vegetation clearance and top soil stripping required as part of the implementation of this development hereby permitted shall be undertaken outside the bird breeding season (March to July inclusive) in order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended). If an area of top soil must be stripped during the bird breeding season a nesting bird survey shall be undertaken by a qualified ecologist and submitted to and approved by the County Planning Authority prior to the works being carried out.	Details were submitted under an Article 21 application (discharge of condition) ref. NY/2009/0286/A21 in July 2009 for this condition. These details were approved on 2 nd March 2012.
28	All grass tracks and areas of plantation surrounding the existing arable field shall be retained to provide adequate foraging for badgers during the operation in accordance with the recommendations contained in the Protected Fauna Survey (dated 4 August 2007) contained within the Supporting Statement.	Operator confirmed that these areas were retained for this purpose. Nothing observed to the contrary during the visit.
29	No development shall take place within the application area until the Applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the Applicant and approved by the Planning Authority.	An archaeological watching brief was approved under the submission of an Article 21 application ref. NY/2009/0286/A21 for this condition on 2 March 2012. The operator is reminded to submit the final archaeological report once ground disturbance works have been completed in phases yet to be worked on site.
30	An after-care scheme to provide for such steps as may be necessary to return the land to the required standard for use for agriculture and an assessment of the soil condition shall be submitted to and approved in writing by the County Planning Authority within the twelve months of the completion of site operations or in any event, no later than (five years from the date of this permission).	Following the previous visit and follow-up action, the operator submitted the aftercare scheme on 18 April 2017 (albeit late) as per the requirements of this condition. The scheme was approved by the County Planning Authority on 30 November 2017.
31	In the event of the 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 within 14 months of cessation. The approved scheme shall be implemented in accordance with a programme to be included in that scheme.	Site is currently active, and mineral extraction continues. Therefore this condition is not applicable at this time.

8.2 Planning Permission C3/09/00077/CPO (Steel clad portal frame building – 2009)

	Planning Condition	Observations
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.	The planning permission has been implemented.
2	The permission hereby granted is valid only until 30 November 2023 and the building shall be removed from the site before that date and the site shall be restored in accordance with the scheme approved under Condition Number 11 before that date or within such longer period as may be specifically approved in writing by the County Planning Authority.	The permission currently remains within this time period.
3	The development hereby permitted shall be carried out in	Any issues arising are listed in the follow up actions

	accordance with the application details dated 19 November 2008 and the following conditions which at all times shall take precedence.	section of the report on page 21. The boiler house container which was installed on site in 2015 has since been confirmed by the County Planning Authority as being permitted development in a letter dated 20 November 2015.
4	Prior to the commencement of development hereby authorised samples of all constructional materials to be used, including colours and finishes shall be submitted to and approved in writing by the County Planning Authority before work on site commences. The development hereby permitted shall be carried out in accordance with these approved construction materials.	The building has been built in accordance with this condition.
5	All vehicles involved in the transport of finished concrete products from the site shall be securely sheeted in such a manner as no material may be spilled on the public highway.	The site operator confirmed that previously all reasonable efforts were taken to sheet the concrete products that leave the site, however this is proved a difficult task due to the sheets being ripped by the concrete panels, and therefore providing no additional cover. However, the products are securely strapped down. No debris was observed on the highway on the day of the visit, and no vehicles were observed transporting concrete products from the site on the day of the visit. No complaints have been received regarding debris on the highway caused by the transportation of finished concrete products.
6	There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at the C177 Whitewall Corner Hill Road. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.	The site uses only this access to and from the site. No other access was observed on the day of the visit.
7	There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the County Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the County Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.	The vehicles leaving the concrete plant compound travel off site only via the existing concrete hardstanding internal access road (not quarry floor), avoiding dust being carried off site.
8	Except with the prior approval of the County Planning Authority during construction works there shall be no Goods Vehicles exceeding 3.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 07.00 to 19.00 on Mondays to Fridays and 07.00 to 13.00 on Saturdays.	The construction phase has been completed and as a consequence this condition is no longer applicable.
9	There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the County Planning Authority for the provision	The construction phase has been completed and as a consequence this condition is no longer applicable.

	<p>of:</p> <ul style="list-style-type: none"> (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. <p>The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.</p>	
10	There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.	No evidence of discharge was observed on the day of the visit.
11	Within twelve months of the date of this permission a detailed scheme for the restoration of the site shall be submitted to the County Planning Authority for written approval. Such scheme shall include, amongst other matters, details of the following:- a) the sequence and phasing of restoration showing clearly their relationship to the working scheme and surrounding landscape; b) timing, phasing and method of replacement of top and subsoils; c) the stripping of any compacted layers of final cover to ensure adequate drainage and aeration; such stripping should normally take place before placing of the topsoil; d) the machinery to be used in soil respreading operations; e) the final levels of the restored land; f) drainage of the restored land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage; g) the reinstatement of the plant site by clearing plant, buildings, machinery and concrete or brickwork, deep cultivation in both directions to remove rocks and other obstructions, replacing of subsoil and then topsoil previously stripped from the sites; h) seeding of restored areas with a suitable herbage mixture; and [i) a timetable for implementation. Thereafter restoration and landscaping of the site shall be carried out in accordance with the approved scheme or in accordance with such other schemes as may be subsequently approved in writing by the County Planning Authority.	A detailed scheme as required under this condition, was submitted to the County Planning Authority, and approved on 2 nd March 2012 under application ref. NY/2012/0040/A30.
12	Within twelve months of the date of this permission details of a scheme of landscaping shall be submitted to the County Planning Authority for written approval. Such details shall include:- a) details of off-site and advance planting, maintenance specifications and site development works; b) specification of off-site planting and on-site planting and their maintenance and details of all vegetation to be removed; c) details of any screen mounding, fencing; d) specification for planting, seeding and surface finishes; e) details of pumping, ground water recharge and ground water monitoring proposals; f) details of maintenance and aftercare; and g) details of management post aftercare. Such a Scheme shall have regard to the recommendations of the County Ecologist and Natural England i.e. that all tree and shrub planting should be made up of native broadleaved species that are common to the local area. Thereafter landscaping of the site shall be carried out in accordance with the approved scheme or in accordance with such other	A detailed scheme as required under this condition, was submitted to the County Planning Authority, and approved on 2 nd March 2012 under application ref. NY/2012/0040/A30.

	scheme as may be subsequently approved in writing by the County Planning Authority.	
13	Except for the maintenance of plant and machinery and except with the prior written approval of the County Planning Authority, no manufacturing of precast concrete construction units or associated operations including transport of the finished product from the site shall take place except between the following times [06:30 and 17:00 hours] Mondays to Fridays [07:00 and 13:00 hours on Saturdays]. No manufacturing of precast concrete construction units or associated operations including transport of the finished product from the site shall take place on Sundays or Bank and Public Holidays.	Complaints have previously been received regarding alleged out of hours operations taking place at the site. Matters have been specifically raised in relation to vehicles seen entering the site after the permitted hours stated in this condition. However, the condition explicitly states that only transport of finished product from the site i.e. loaded HGVs is restricted, and therefore vehicles seen entering/returning to the site, and unloaded vehicles seen leaving the site after this time fall outside of the restrictions of this condition.
14	Any vegetation clearance and top soil stripping required as part of the implementation of this development hereby permitted shall be undertaken outside the bird breeding season (March to July inclusive) in order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended). If an area of top soil must be stripped during the bird breeding season a nesting bird survey shall be undertaken by a qualified ecologist and submitted to and approved by the County Planning Authority prior to the works being carried out.	The site operator is aware of this condition and confirmed that all works associated with this development have now been completed. No further vegetation or soil stripping works are anticipated in relation to this permission.

8.3 Planning Permission C3/13/00295/CPO (Steel clad portal framed building – 2013)

	Planning Condition	Observations
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.	The concrete pads for the steel work of this development have been implemented but the construction of the building has not yet been completed.
2	The permission hereby granted is valid only until 30 November 2023 and the building shall be removed from the site before that date and the site shall be restored in accordance with the approved 'Reinstatement Plan' before that date or within such longer period as may be specifically approved in writing by the County Planning Authority.	See condition 1 observation.
3	The development hereby permitted shall be carried out in accordance with the application details dated 15 February 2013 as amended and in accordance with the approved documents and drawings as listed at the end of the decision notice and the following conditions which at all times shall take precedence.	See condition 1 observation.
4	All constructional materials to be used shall be in accordance with materials identified in the application as shown on drawing ref. CW WW 1310 5, dated January 2013.	See condition 1 observation.
5	All vehicles involved in the transport of finished concrete products from the site shall be securely sheeted in such a manner as no material may be spilled on the public highway.	See condition 1 observation.
6	There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at the C177 Whitewall Corner Hill Road. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.	See condition 1 observation.

7	There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.	See condition 1 observation.
8	Any vegetation clearance and top soil stripping required as part of the implementation of this development hereby permitted shall be undertaken outside the bird breeding season (March to July inclusive) in order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended). If an area of top soil must be stripped during the bird breeding season a nesting bird survey shall be undertaken by a qualified ecologist and submitted to and approved by the County Planning Authority prior to the works being carried out.	See condition 1 observation.
9	All vehicles involved in the transport of waste materials or finished products to or from the site shall be thoroughly cleaned before leaving the site so that no mud or waste materials are deposited on the public highway.	See condition 1 observation.
10	<p>There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the County Planning Authority for the provision of:</p> <p>(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway</p> <p>(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.</p> <p>The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.</p>	Details were submitted to the County Planning Authority under the requirements of this condition in December 2015 (NY/2015/0337/A27), and were approved on 18 March 2016.

8.4 Planning Permission C3/01/00260/CPO (Recycling operations)

	Planning Condition	Observations
1	The development hereby permitted shall be begun on or before 26 March 2007.	The development was implemented within the permitted timeframe.
2	The permission hereby granted authorise the extraction of limestone from the site only until 31 December 2007 and the land shall be reinstated including all landscaping, tree and shrub planting in accordance with condition 4, 5 and 29 before 31 December 2008.	The element of this permission relating to mineral extraction has expired, however recycling operations remain continuous throughout the life of the quarry. Mineral extraction has since been superseded by permission ref. C3/07/00937/CPO for the southern extension to the quarry, which is monitored as part of this visit (listed above).
3	The development hereby permitted shall be carried out in accordance with the application details dated 12 February 2001 or in accordance with such other details as may be subsequently approved in writing by the County Planning Authority.	<p>Any issues noted as a result of the monitoring of this permission will be recorded in the follow up section of this report.</p> <p>It has been observed that storage of materials in connection with recycling operations may be outside of the permitted planning permission boundary, due to a misinterpretation of the red line boundary.</p>

		<p>However it is also noted that the environmental permit boundary is not identical to the planning permission boundary.</p> <p>The County Planning Authority is to follow this up via letter to the site operator.</p>
4	<p>Landscaping of the site and phased restoration shall be carried out in accordance with the schedule contained in the Statement of Intent dated 12 February 2001 except as provided for in Condition 5. The restoration of soils shall comprise a minimum depth of 250mm of subsoil overlain by 250mm of topsoil.</p>	<p>Restoration work is limited on site due to the nature of operations on site and available space. This condition will be closely monitored as restoration progresses.</p> <p>The site operator has previously confirmed as a general 'tidy-up' of the site, Watts are looking at space to progress further restoration.</p>
5	<p>Every twelve months from the date of this permission or at such other times as may be agreed in writing by the County Planning Authority a review of the previous year's landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from the scheme approved under Condition 4 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 satisfactory landscaping, working, restoration and aftercare of the site including replacement of any tree or shrub which may have died, been removed or become seriously damaged or diseased. Thereafter all such work shall be carried out in accordance with the approved schemes.</p>	<p>Annual site monitoring visits (often more frequent) are held between the County Planning Authority and the Operator. The next site monitoring visit date is to be confirmed with the site operator.</p>
6	<p>Access to the site shall be via the existing access onto the County Road and no other access shall be used.</p>	<p>No other access with the public highway, other than the one approved was observed being used during the time of the visit. The access was observed in a good condition and the adopted highway adjacent the entrance was observed in good condition on the day of the visit.</p>
7	<p>No excavation shall take place within 10m of the boundary of the public highway to the west of the site and any resulting embankment into the Quarry shall be at a maximum gradient of 30° to the horizontal.</p>	<p>On visual inspection, no excavation was observed within 10 metres of the public highway during the site visit, and the most recent topographical survey demonstrates compliance with this condition. The quarrying operations continue to work south rather than west towards the road.</p>
8	<p>No mineral extraction within the extension area or recycling operations as authorised by this permission shall take place until the access road within the site has been extended all as indicated on drawing number CW.WWW.2036.3A all to the satisfaction of the County Planning Authority. Once extended the total length of the access road shall be maintained as a level/even running surface at all times.</p>	<p>The access road within the site is kept well maintained and free of potholes.</p>
9	<p>No mineral extraction within the extension area or recycling operations as authorised by this permission shall take place until vehicle wheel washing facilities as shown on drawing CW.WWW.2036.3A have been installed in accordance with details to be submitted to and approved by the County Planning Authority. These facilities shall be kept in full working order at all time. All vehicles involved in the transport of waste material or finished products to or from the site shall be thoroughly cleaned before leaving the site so that no mud or waste materials are deposited on the public highway.</p>	<p>Wheel washing facilities are installed on site next to the weighbridge. The new barrier which was installed at the end of the wheel wash to stop vehicles passing through before being thoroughly cleaned is in full working order. The wheel wash floor has also been extended to allow longer vehicles to be fully cleaned.</p> <p>The wheel wash has been observed effectively working on each visit to the site. The requirement is for vehicles carrying waste from the site to be "thoroughly cleaned". Whilst it does not make explicit reference to a requirement to use the wheel wash it is considered that it provides scope for the Authority</p>

		to require vehicles transporting waste/recycled material to pass through the wheel wash.
10	Except with the prior written approval of the County Planning Authority all vehicles transporting mineral from the site shall be securely sheeted.	Vehicles observed accessing and departing the site were seen to be securely sheeted at time of visit. No material was observed on the local public highway.
11	<p>Except with the prior written approval of the County Planning Authority, no quarrying or associated operations including transport of minerals from the site shall take place except between the following times:-</p> <p>0700 – 1700 hours – Monday to Friday 0700 – 1200 hours – Saturday</p> <p>Except with the prior written approval of the County Planning Authority no quarrying or associated operation shall take place on Sunday or Bank Holidays.</p>	<p>The element of this permission relating to mineral extraction has expired, however recycling operations remain continuous throughout the life of the quarry. Mineral extraction has since been superseded by permission ref. C3/07/00937/CPO for the southern extension to the quarry, which is monitored as part of this visit (listed above).</p> <p>Complaints have previously been received regarding alleged out of hours operations taking place at the site. Matters have been specifically raised in relation to vehicles seen entering the site after the permitted hours stated in this condition. The condition explicitly states that only transport of minerals from the site i.e. loaded HGVs is restricted, and therefore wagons seen entering the site, and unloaded vehicles seen leaving the site after this time fall outside of the restrictions of this condition. There are no limits for vehicles leaving or returning to the site associated with the recycling operations.</p> <p>Adam Carr (Director for Watts Mix), is aware of the obligations under this condition and when necessary on occasion has written/telephoned the County Planning Authority to inform them of operations taking place outside of the permitted hours which have been out of the control of the operator. This is requested to be continued as procedure if it should happen again.</p>
12	Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any other order revoking or re-enacting that order) no plant or buildings shall be erected on the site without the prior written approval of the County Planning Authority.	On 27 January 2003, permitted development approval was given for a concrete batching plant under this condition. The concrete batching plant is located to the north west of the quarry, next to the access road.
13	No other minerals, refuse or other waste material other than materials for recycling operations or soils for restoration purposes as specified in the Statement of Intent dated 12 February 2001 shall be stored within or imported to the site without prior written approval of the County Planning Authority.	<p>There was no evidence on the day of the visit to suggest anything to the contrary of this condition was taking place on site.</p> <p>The waste permit authorised and monitored by the Environment Agency specifies the types of waste which are permitted to be imported onto site.</p>
14	Dust control measures shall be employed to minimise emission of dust from the site. Such measures shall include the spraying of roadways, hard surfaces and stockpiles and discontinuance of soil movements during periods of high winds.	<p>Operator confirmed that a water bowser is employed to assist in suppressing dust when necessary.</p> <p>No complaints about dust have been received with regard to this operation, since the last site monitoring visit.</p>
15	All vehicles, plant and machinery employed within the site shall be fully maintained in sound working order at all times, and shall be fitted with and use effective silencers as provided by the manufacturers.	Operator confirmed that noise attenuation equipment is employed on site plant, machinery and vehicles. Machinery was not observed in use on the day of the visit.
16	The equivalent continuous noise levels due to operations at the quarry shall not exceed the background noise level by more than 10dB at any noise sensitive locations. Measurements shall be hourly LAeq measurements and shall be corrected for the effects or any extraneous noise. If at any time national standards	<p>Operator confirmed that noise attenuation equipment is employed on site plant, machinery and vehicles. Machinery was not observed in use on the day of the visit.</p> <p>Numerous complaints have been received regarding</p>

	indicate or require more stringent control of noise levels the criteria or the national standards shall apply.	noise from the site. Previous noise monitoring undertaken in August 2014 and further noise monitoring undertaken in July 2016 confirmed compliance with noise conditions set out under this planning permission.
17	The company shall monitor noise levels due to operations in the quarry and background noise levels as requested in writing by the County Planning Authority within seven days of carrying out the monitoring.	As above, previous noise monitoring undertaken in August 2014 and further noise monitoring undertaken in July 2016 confirmed compliance with noise conditions set out under this planning permission.
18	Except with the prior written approval of the County Planning Authority no blasting shall be carried out on any part of the site except between the hours of 0900 and 1600 hours Monday to Friday inclusive and no blasting shall be carried out at any time on Bank Holidays.	The element of this permission relating to mineral extraction has expired, however recycling operations remain continuous throughout the life of the quarry. Mineral extraction has since been superseded by permission ref. C3/07/00937/CPO for the southern extension to the quarry, which is monitored as part of this visit (listed above).
19	Blasting operations shall be designed and executed such that resultant ground vibration levels shall not exceed a peak particle velocity of 8mm/second at any inhabited building. The company shall monitor ground vibration levels as requested in writing by the County Planning Authority and ensure compliance with the specified limit.	The element of this permission relating to mineral extraction has expired, however recycling operations remain continuous throughout the life of the quarry. Mineral extraction has since been superseded by permission ref. C3/07/00937/CPO for the southern extension to the quarry, which is monitored as part of this visit (listed above).
20	There shall be no quarrying or other excavation below a level of 43 metres above ordnance datum.	The most recent topographical survey submitted to the County Planning Authority confirms compliance with this condition. A further survey will be required to be submitted at the next visit.
21	There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.	Operator confirmed that no discharge of foul or contaminated material occurs. None observed during the time of the visit and no complaints have been received relating to this matter.
22	Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.	Fuel tanker was observed during visit. Site operator confirmed that this was a double skinned unit and was used to refuel machinery working in the active phase. No leaks or fuel odours noted on the day of the visit by officers.
23	Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the LPA.	There is no evidence to suggest that this condition has been breached.
24	Except with the prior written approval of the County Planning Authority, no soils shall be moved during the months November to April. Soils shall only be stripped, handled or replaced during dry conditions and soils shall not be moved while wet or plastic.	There is no evidence to suggest that this condition has been breached.
25	During soil stripping and handling operations machinery shall be routed to avoid compaction of soils.	There is no evidence to suggest that this condition has been breached.
26	No topsoil, subsoil or overburdens shall be removed from the site and all such material shall be utilised in the restoration of the site in accordance with Statement of	This condition is relatable to mineral extraction operations which have since expired under this permission and have been superseded by planning

	Intent dated March 1995.	permission ref. C3/07/00937/CPO. As part of the recycling operations, recycled materials are often sold from site as part of the commercial business.
27	The developer shall:- (a) give not less than 10 workings days notice in writing of the commencement of working to a professional archaeologist to be nominated by the developer and agreed with the County Planning Authority and no works shall commence on the site until the 10 working day notice has expired: and (b) afford safe access within the site to the nominated archaeologist at all reasonable times and allow the archaeologist to observe any excavations and record finds and features of archaeological interest.	The element of this permission relating to mineral extraction has expired, however recycling operations remain continuous throughout the life of the quarry. Mineral extraction has since been superseded by permission ref. C3/07/00937/CPO for the southern extension to the quarry, which is monitored as part of this visit (listed above).
28	Prior to the completion of each phase of restoration a scheme of aftercare shall be submitted for approval to the County Planning Authority. Upon completion of restoration within each phase the programme of aftercare shall be implemented in accordance with the approved scheme and with such other details as may subsequently be agreed in writing with the County Planning Authority. The period of aftercare shall be five years.	The element of this permission relating to mineral extraction has expired, however recycling operations remain continuous throughout the life of the quarry. Mineral extraction has since been superseded by permission ref. C3/07/00937/CPO for the southern extension to the quarry, which is monitored as part of this visit (listed above).
29	Within twelve months of the completion of mineral extraction hereby permitted the whole of the site shall be restored in accordance with submitted details. By this date all buildings, plant, machinery, other installations, stockpiles, tracks and roadways shall be removed and the site made secure to the satisfaction of the County Planning Authority.	The element of this permission relating to mineral extraction has expired, however recycling operations remain continuous throughout the life of the quarry. Mineral extraction has since been superseded by permission ref. C3/07/00937/CPO for the southern extension to the quarry, which is monitored as part of this visit (listed above).
30	In the event of the 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 within 14 months of cessation. The approved scheme shall be implemented in accordance with a programme to be included in that scheme.	The element of this permission relating to mineral extraction has expired, however recycling operations remain continuous throughout the life of the quarry. Mineral extraction has since been superseded by permission ref. C3/07/00937/CPO for the southern extension to the quarry, which is monitored as part of this visit (listed above).

9.0 Photographs of Whitewall Quarry taken during the course of the visit

Photo 1: Sheeted wagon observed leaving the site on the day of the visit.



10.0 Follow up Actions

There are no follow-up actions as a result of this visit.

11.0 Date of Next Visit

To be confirmed with the site operator.

North Yorkshire County Council
Growth, Planning and Trading Standards
Business and Environmental Services
County Hall
Northallerton
DL7 8AH