

07 February 2018
Ref – S38376P061/NJP



Ms Carmel Edwards
Programme Officer
North Yorkshire County Council
c/o Council Headquarters
County Hall
Northallerton
North Yorkshire
DL7 8AH

Dear Ms Edwards,

North Yorkshire Minerals and Waste Joint Plan Examination in Public

In response to your letter dated 12th January 2018, I write to confirm attendance, on behalf of my client Tarmac, at the forthcoming Examination in Public hearing sessions into the North Yorkshire Minerals and Waste Joint Plan (MWJP), specifically the hearing session to be held on Tuesday 27th February 2018 as published in the 'Draft Programme v1 18 January 2018'.

The remainder of this letter sets out the statements made on behalf of Tarmac in response to those questions within the Matters, Issues and Questions (MIQs) document which are considered relevant to Tarmac and its mineral operations in North Yorkshire.

1. Matters 1: Minerals

1.1 Minerals allocations in general

Question 9: Where it has been agreed by the Authorities to amend the boundaries of minerals allocations (such as MJP17 and MJP21) are the new boundaries shown in Appendix 1?

Question 11: In general how does the Plan seek to ensure that any significant constraints/adverse impacts of development of these allocations are overcome/mitigated to an accepted level?

Question 12: Are any of the specific allocations likely to result in significant adverse impacts that could not be sufficiently mitigated? In such cases how have the benefits of allocation been demonstrated to outweigh the detriment?

Tarmac has previously objected to, and continues to object to, the proposed revisions of the site boundary for the mineral site allocations MJP17 – Land South of Catterick and MJP 21 – Killerby and argue that these revisions are not justified.

In both cases the site boundaries have been revised by the Authorities in response to concerns about the potential impact of mineral working on the setting of a listed building as raised only recently by one department within Historic England. This is in contradiction to the three formal consultation responses by the Historic England Inspector of Ancient Monuments who has expressed no concern on the setting of the Killerby Hall stable block, a designated monument with the lowest level of listing.

Canon Court
Abbey Lawn
Abbey Foregate
Shrewsbury SY2 5DE
United Kingdom
Tel +44 (0) 1743 342 000
amecfw.com

Amec Foster Wheeler Environment
& Infrastructure UK Limited
Registered office:
Booths Park, Chelford Road, Knutsford,
Cheshire WA16 8QZ
Registered in England.
No. 2190074



Continued...

It is Tarmac's belief that insufficient justification or particular necessity for the proposed site boundary revisions has been given and could potentially lead to the sterilisation of viable and necessary mineral resources. Insofar as the MJP17 – Land South of Catterick allocation is concerned, potential impacts of mineral working will be most appropriately assessed in detail at the planning application stage when, due to the nature of the development, the planning application would be supported by appropriate Environmental Impact Assessment (EIA) studies and details of the potential site design have been developed. Through the EIA process, the site design can then be adapted to include appropriate mitigation measures to ensure potential effects are minimised, such as on the setting of listed buildings.

In the case of MJP21 – Killerby, this site allocation is subject to a planning application and accompanying EIA (App Ref NY/2010/0356/ENV) which North Yorkshire County Council (NYCC) has resolved to approved in 2017 and includes the area NYCC is now proposing to remove from the MWJP site allocation. Both NYCC and Historic England (HE) have been thoroughly consulted as part of the planning application process. In support of the application archaeological assessments have been undertaken and a written scheme of investigation (WSI) for certain areas of excavation has been agreed and initial works implemented at Killerby. The application has clearly demonstrated that there would be less than substantial harm upon the significance of the setting of the Killerby Hall Stable Block (a listed building) and particularly as the slight effect can be mitigated for by bunds and planting and the effect would only be temporary for the life of this part of the quarry. The development will bring a benefit to what is significant about the setting of the stable block as the restoration plans include provision for a new public footpath running along the edge of the application area in questions and this would allow for public appreciation of this heritage asset which is currently not possible as it is on private land with no public access.

In the case of MJP17 – Land South of Catterick, unlike MJP21 this has not yet been subject to a planning application and as such site design details are not fully developed and would not expect to be until such time as a planning application would need to be prepared for the site. Nevertheless, in general terms as part of Tarmac's promotion of this site allocation, due consideration has been given to putting in place proposed landscape planting and temporary screening bunding to mitigate potential effects on the setting of listed buildings. Tarmac does not feel that the potential benefit of these measures to mitigate visual effects has been given due consideration, and thus the reserves at the site could potentially be sterilised unnecessarily.

The allocation of a site area does not necessarily mean that the whole of the land within the allocation could, would or should be extracted. Extraction boundaries would have to be justified in EIA studies supporting any planning application. Tarmac therefore strongly believes that there is insufficient justification or particular necessity for the proposed site boundary revision for MJP17. Instead the text attached to the allocation should establish what is significant about the setting of these listed buildings and require that the impacts on that significance, which may or may not include visibility to and from the setting of the listed buildings, be thoroughly investigated, once potential site design has been developed, so as not to cause substantial harm to what is significant about the setting of the listed buildings.

We consider that the changes to the boundaries for the two site allocations MJP17 and MJP21 is not positive plan making as required by NPPF paragraph 157; furthermore, it cannot be right to potentially sterilise mineral resources unnecessarily.

Should you have any queries or require any further information, please do not hesitate to contact me.

Continued...

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nienke Pengelly', with a long horizontal line extending to the right.

NIENKE PENGELLY

Senior Consultant

Direct Line – 01743 342042

E-mail – nienke.pengelly@amecfw.com