

Vicky Perkin

From: O'Reilly, Liam (NE) <Liam.OReilly@naturalengland.org.uk>
Sent: 23 February 2017 16:45
To: Planning Control
Cc: Reaney Ruth (NE); Newton, Joanne L (NE); Brown, Emma (NE); Ingham, John (Wetherby) GBR; Sara Robin
Subject: FAO Vicky Perkin RE: NY/2011/0429/ENV - Planning application on land at Ripon Quarry - consultation - Natural England

Dear Vicky,

Thank you for your consultation on the above which was received by Natural England on 22/01/17.

WILDLIFE AND COUNTRYSIDE ACT 1981

No objection – with conditions

This application is in close proximity to Ripon Parks Site of Special Scientific Interest (SSSI) and River Ure Bank, Ripon Parks SSSI.

Given the very extended timescales of this project, particularly in the post restoration phases, Natural England agrees that the proposed mitigation in the Geomorphological Assessment to safeguard the interest features of the designated site is appropriate. There is a great deal of uncertainty of how the river will interact with the quarry and floodplain over time. In order to fully comply with the legislation the SSSI should receive protection in perpetuity, however, we believe that because the timescales over which impacts may occur are so long it is acceptable to demonstrate that any issues can be resolved in the future; rather exactly how they will be resolved. As the river erodes and approaches the quarry there will be a range of measures available to mitigate any impacts, this could include landscaping or other remedial works. The available options would have to be assessed at the time (under whatever was required by the legislation at that point).

Given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Conditions

- The new information provided by the applicant makes reference to implementing the proposed actions through planning conditions. We agree that these actions should be part of the planning conditions or the information submitted should be treated as part of the application (and thus are an implicit part of the application).
- The haul road into the site is only 5m from the boundary of the Ripon Parks SSSI (High Batts Nature Reserve). We recommend that this 5m buffer is designed to protect the SSSI from the effects of water pollution and dust from the haul road. An example of how this might be achieved is by creating a swale next to the haul road with tree planting (or other appropriate screening) on the bank of the swale.
- We welcome the Habitat Management Plan and inclusion of Natural England on the advisory committee. As part of the advisory committee constitution and due to the monitoring programme, we recommend that a mechanism is put in place where the committee can formally sign off meetings at regular intervals and any changes to the management plan.
- Section 5 of the draft management plan aims to use Himalayan Balsam rust to control the Himalayan Balsam on the site. Although the rust has now been released into two sites within North Yorkshire, it is still at the experimental stage and its effectiveness in naturalised populations is unknown. We recommend that the management plan acknowledges this risk and that this may

need to be supplemented with another form of control (e.g. hand pulling, input into catchment wide initiatives).

- Natural England welcomes the additional information provided in the 'Outfall proposals' document. The proposed outfall should be designed along the following principals:
 - To avoid or minimise the effect of bed scouring and bank erosion (this also applies to the temporary outfall);
 - To ensure the channel shape and substrate to be designed to assist the development of as near-natural hydromorphology and habitat mosaic as possible;
 - To maintain a constant regular water flow to avoid standing water developing;
 - To determine whether the flap valve will protect spate discharges from the site. This should be considered in more detail at a later stage with the potential to mimic the natural drainage of flood waters back to the river.
- According to the Geomorphological Assessment, it is unlikely that a breach or a flood event will impact the new quarry during operation. However, local knowledge and anecdotal evidence suggests that on occasion flood events do intrude further into the flood plain through High Batts Nature Reserve. For precautionary purposes, we recommend that a protocol is put in place that effectively manages a flood and/or breach scenario.
- According to the Geomorphological Assessment, the haul road across the river to the existing quarry is causing an impact to the SSSI, this road should be closed as soon as it is practically possible.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Ripon Parks SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 281 (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Future Working

We look forward to working with NYCC and the applicant through the advisory committee. Along with short term aims, it is important that the advisory committee considers the long term management of the site and how this can be best linked to Ripon Parks SSSI, other nature reserves, the catchment and the wider landscape. For instance, the Habitat Management Plan should, as far as possible, be integrated into the forthcoming catchment plan led by the Dales to Vales catchment partnership.

The long term management and associated activities of the restored site need to consider the features and processes present on Ripon Parks SSSI. Ensuring future suitable management and protection for the site could be achieved through the use of a voluntary conservation covenant, we would be willing to work with the applicant to achieve this aim if they are amenable to the idea.

Through the advisory committee, we also wish to seek clarity about:

- The arrangements for ensuring responsibility for the long term and ongoing maintenance and integrity of the new outfall, as part of the whole site management plan;
- The use of herbicide in establishing the woodland in the 80m buffer zone. This is to ensure a balance is sought between establishing the woodland and maintaining and adequate cover of grassland to reduce scour on the buffer.

Please don't hesitate to contact me if you have any queries about our response to this consultation.

Kind Regards

Liam

Liam O'Reilly
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From: Vicky Perkin [<mailto:Vicky.Perkin@northyorks.gov.uk>] **On Behalf Of** Planning Control
Sent: 22 January 2017 19:07
To: Consultations (NE)
Subject: NY/2011/0429/ENV - Planning application on land at Ripon Quarry - consultation - Natural England

e-Mail sent on behalf of the Head of Planning Services:

Dear Sir/Madam,

Attached hereto is a letter of consultation in respect of the above-mentioned planning application.

The attached consultation letter provides details on how to view the application and the e-mail address to which responses can be sent.

Yours faithfully,

Vicky Perkin

Head of Planning Services
Growth, Planning & Trading Standards
North Yorkshire County Council

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www.northyorks.gov.uk.

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