

**NORTH YORKSHIRE COUNTY COUNCIL**  
**PLANNING AND REGULATORY FUNCTIONS COMMITTEE**

Minutes of the meeting held at County Hall, Northallerton on Tuesday, 24 January 2006.

**PRESENT:-**

County Councillor John Fletcher in the Chair.

County Councillors John Blackburn, Heather Garnett, Robert Heseltine, Bill Hoults, Andrew Lee, Morris Lightfoot, Jim Snowball, Herbert Tindall, Cliff Trotter and John Wren.

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**COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK**

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**54. MINUTES**

**RESOLVED –**

That the Minutes of the meeting held on 13 December 2005 having been printed and circulated be taken as read and be confirmed and signed by the Chairman as a correct record.

**55. PUBLIC QUESTIONS OR STATEMENTS**

The Head of Committee Services reported that other than those members of the public who wished to address the Committee in respect of items concerning individual applications he had not received any notice of anyone wishing to address the Committee.

**56. ORDER OF BUSINESS**

**RESOLVED –**

That item 7 concerning the erection of a new Primary School at Low Lane, Sutton under Whitestonecliffe be considered as the next item of business in view of the number of members of the public present at the meeting.

**57. ERECTION OF A NEW PRIMARY SCHOOL AT LOW LANE, SUTTON-UNDER-WHITESTONECLIFFE**

**CONSIDERED –**

The report of the Corporate Director – Environmental Services in respect of an application for the erection of a replacement Primary School at Low Lane, Sutton under Whitestonecliffe.

**RESOLVED –**

That consideration of the application be deferred to the next ordinary meeting of the Committee in order that a Highways Safety Audit and Traffic Assessment can be carried out by the applicant in respect of the highway proposals.

**58. APPLICATIONS FOR PLANNING PERMISSION RELATING TO COUNTY MATTERS**

CONSIDERED –

The reports of the Corporate Director – Environmental Services relating to applications for planning permission in respect of County Matters.

<b><u>Application</u></b>	<b><u>Further Information submitted to the Committee</u></b>	<b><u>Committee's decision</u></b>
Planning Application No: C6/93/25/AA/CMA – Proposed infill of former quarry to create additional parking area and relocation of existing building at Killinghall Quarry, Killinghall.		That planning permission be granted as recommended.
Planning Application No: C1/44/39F/CM – Composting bio-degradable waste at Silver Hill Farm near Tunstall.	Andrew Moss of Ward Hadaway on behalf of the applicant addressed the meeting. County Councillor Melva Steckles on behalf of local member County Councillor Carl Les, addressed the meeting.	That planning permission be refused as recommended, subject to the inclusion of the word “not” being included between the words “do” and “sufficiently” in the second reason for refusal.
Planning Application No: C8/38/196/PA – Development of a new quarry for the extraction of sand with construction of new access, erection of processing plant and equipment on land to the north of Broach Road, Hensall.	Mr Goodwin on behalf of Lanesbrough Limited and Mr Binstead on behalf of the developer addressed the Committee.  A further letter of objection had been received from Lanesbrough Limited.	That planning permission be granted as recommended.
Planning Application No: C8/999/33/CM – Underground extension to Kellingley Colliery.	Mr Peter Torrible on behalf of Great Heck Parish Council addressed the Committee. County Councillor Gillian Ivey, the local member addressed the meeting. A representative of South Yorkshire Mining Advisory	That planning permission be granted as recommended subject to the terms of the legal agreement being agreed by the Head of Legal Services in consultation with the Chairman and Vice-Chairman of the Committee and the Local Member.

<b><u>Application</u></b>	<b><u>Further Information submitted to the Committee</u></b>	<b><u>Committee's decision</u></b>
	<p>Service, also addressed the meeting.</p> <p>A letter supporting the application had been received from Mr John Grogan MP.</p>	

**59. APPLICATIONS FOR PLANNING PERMISSION RELATING TO COUNTY COUNCIL DEVELOPMENT**

**CONSIDERED –**

The reports of the Corporate Director – Environmental Services relating to applications for planning permission in respect of County Council developments.

**RESOLVED –**

That the following decisions be given:-

<b><u>Application</u></b>	<b><u>Further Information submitted to the Committee</u></b>	<b><u>Committee's decision</u></b>
Planning Application No: C6/96/251/A/CMA – Construction of a Road Improvement at Thorpe Green Lane, Thorpe Underwood.	It was reported that County Councillor Savage the Local Member now supported the application.	That Planning Permission be granted, as recommended .
Planning Application No: C8/19/107/AV/PA – Erection of replacement Selby Abbey Primary School on land to the rear of Selby Civic Centre, Portholme Road, Selby.	<p>Mr M Dransfield, Developer addressed the Committee, together with County Councillor Brian Marshall, one of the local members.</p> <p>It was reported that Selby District Council had now responded and had objected to the application.</p>	That Planning Permission be granted, as recommended.

**Prior to consideration of the application detailed below, County Councillor Heather Garnett declared a personal interest as a member of the Nidderdale Area of Outstanding Natural Beauty, Planning Sub-Committee.**

<b><u>Application</u></b>	<b><u>Further Information submitted to the Committee</u></b>	<b><u>Committee's decision</u></b>
Planning Application No: C1/92E/1255J/CM – Erection of a salt storage facility at Pateley Bridge Highways Depot.		That Outline Planning Permission be granted, as recommended.
Planning Application No: C6/79/5181/H/CMA – Erection of a multi-use games area at Woodlands Junior School, Wetherby Road, Harrogate.		That consideration of the application be deferred.
Planning Application No: C2/05/0244/CCC and C2/05/02406/CCC - Proposed driveway widening including a bus lay-by and proposed erection of a boundary fence at Hustwaite C of E School, Low Street, Hustwaite		That Planning Permission be granted, as recommended.
Planning Application No: C2/05/02569/CCC – Erection of a wire panelled fence at Northallerton College, Grammar School Lane, Northallerton.		That Planning Permission be granted, as recommended.
Planning Application No: C1/92E/1255J/CM – Construction of a post and rail fence at Richmond School, Darlington Road, Richmond.		That Planning Permission be granted, as recommended.

**The Chairman County Councillor John Fletcher declared a prejudicial interest in the following application as a Governor of the School and left the meeting.**

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**COUNTY COUNCILLOR HEATHER GARNETT IN THE CHAIR**

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<b><u>Application</u></b>	<b><u>Further Information submitted to the Committee</u></b>	<b><u>Committee's decision</u></b>
Planning Application No: C2/05/02397/CC – Erection of a teaching extension at		That Planning Permission be granted, as recommended.

<u>Application</u>	<u>Further Information submitted to the Committee</u>	<u>Committee's decision</u>
Roseberry Community Primary School, Roseberry Crescent, Great Ayton.		

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**COUNTY COUNCILLOR JOHN FLETCHER IN THE CHAIR**

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<u>Application</u>	<u>Further Information submitted to the Committee</u>	<u>Committee's decision</u>
Planning Application No: C8/19/83D/PA – Erection of a small microwave antennae connecting to the County Wide Area Network, allowing internet access at Broadband speeds at Selby Abbey Primary School, New Lane, Selby.	It was reported that Selby District Council had withdrawn its objection.	That Planning Permission be granted, as recommended.

**60. ITEMS DEALT WITH UNDER THE SCHEME OF DELEGATION**

**CONSIDERED –**

The report of the Corporate Director, Environmental Services regarding items dealt with under the Scheme of Delegation. County Councillor Snowball referred to certain applications included within the report for the retention of mobile classrooms at various schools and commented that according to the numbers of pupils at certain of these schools it appeared that there was excess capacity and therefore in his opinion it was unlikely that these buildings would be required. The Corporate Director – Environmental Services responded that the officers had asked the Local Education Authority whether the accommodation was required and had been assured that it was. In his view it was not appropriate for the Local Planning Authority to consider the teaching arrangements and internal organisation of the school but whether the application was appropriate to the site.

**RESOLVED –**

That the report be noted.

**61. PUBLICATION BY LOCAL AUTHORITIES OF INFORMATION ABOUT THE HANDLING OF PLANNING APPLICATIONS**

**CONSIDERED –**

The report of the Corporate Director – Environmental Services as to the handling of planning applications by the Department for the period 1 October 2005 to 31

December 2005. Also information was reported as to the number of enforcement cases being considered.

**RESOLVED –**

That the report be noted.

**NORTH YORKSHIRE COUNTY COUNCIL**

**PLANNING AND REGULATORY FUNCTIONS COMMITTEE**

**21 FEBRUARY 2006**

**FULL PLANNING APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL  
STATEMENT FOR THE EXTRACTION OF SAND AND GRAVEL AND  
MODIFICATION OF CONDITION 2 OF PLANNING PERMISSION REF:  
C2/92/500/53, LADYBRIDGE FARM, THORNBOROUGH FOR TARMAC  
NORTHERN LTD**

**1.0 PURPOSE OF REPORT**

- 1.1 The purpose of the report is to determine a planning application accompanied by an Environmental Statement for the extraction of sand and gravel and variation of Condition 2 of planning permission ref: C2/92/500/53 at Ladybridge Farm, Thornborough.
- 1.2 At the meeting of 20 September 2005 at Masham Town Hall the applicant company, Tarmac, requested that determination of the application be deferred pending further archaeological investigation in response to the view of English Heritage that field investigation had been insufficiently extensive to enable characterisation of the archaeology of the Ladybridge site. Members agreed to deferral.
- 1.3 This additional work was commissioned by Tarmac. A report of findings was submitted to NYCC on 23 December 2005. In accordance with Environmental Impact Assessment Regs, consultations have been undertaken in respect of this further information.
- 1.4 A plan showing the location of the proposed site is attached to this report.

**2.0 EXECUTIVE SUMMARY**

**The Proposal**

- Application submitted June 2004
- Proposed extraction of sand and gravel from 45.74ha of land to the north east of Nosterfield
- Variation of time limit in relation to current mineral workings
- 2.2 million tonnes of sand and gravel to be extracted over 4 years
- Restoration to a mix of recreation and nature conservation uses

## The Context

- The proposed site forms an extension to existing workings
- Site located 1km to north east of Thornborough Henges
- Site and surrounding area is predominantly agricultural
- Current workings form the largest sand and gravel unit in the County and produce over 20% of sand and gravel in North Yorkshire

## Consultations

- Consultation has led to substantial representations both for and against proposal
- Objections relate primarily to archaeology
- Support relates principally to the loss of jobs and the view that the development provides no threat to the Thornborough Henges
- Objections received from English Heritage, Countryside Agency and Council for British Archaeology
- No objections received from Environment Agency, English Nature, Tanfield Parish Council

## Recommendation

it is recommended that the application BE REFUSED for the following reasons:-

- The proposal is contrary to Policy 4/8 of the North Yorkshire Mineral Local Plan as it would have an unacceptable adverse impact on nationally important archaeological remains.;
- The proposal is contrary to Policies 3/2, 3/3 and 3/4 of the North Yorkshire Minerals Local Plan in that the site is neither a Preferred Area or Area of Search nor does it constitute a small scale extension by virtue of its geographical extent and scale in relation to the existing quarry working, mineral quantity and annual production

### **3.0 BACKGROUND**

- 3.1 The current workings at Nosterfield Quarry are located 6km east of Masham, to the north of the B6267. Nosterfield itself lies approximately 400m to the south of current mineral workings while the village of Thornborough lies some 500m to the south east.
- 3.2 The application site lies in a predominantly agricultural landscape, however mineral extraction has taken place over a prolonged period in the area and restored mineral workings also now form part of the local landscape. The proposed extension area is bounded to the north and east by agricultural land, to the west by Moor Lane and the current Nosterfield Quarry and to the south by the B6267. Approximately 1km to the south east of the proposed extension area lies the Thornborough Henges, a Scheduled Ancient Monument.



- 3.3 Mineral activity has taken place in the vicinity of Nosterfield for many years. Current operations at Nosterfield Quarry were granted planning permission in January 1995 and allow for operations to continue to October 2010 (Ref: C2/92/500/53).

#### **4.0 DESCRIPTION OF PROPOSALS**

- 4.1 The application area extends to some 93.53ha. Of this total, 41.40ha forms part of the current Nosterfield Quarry, including the plant site and silt lagoon. 6.39ha would be required for ancillary operations such as site access and screen bunds, leaving a proposed area of extraction of some 45.74ha.
- 4.2 Working would take place on a phased basis. Following on from the phasing of the current Nosterfield Quarry workings, phases 6 to 9 form the bulk of the proposed extension lying to the east of Ladybridge Farm. Phase 10 is a small area comprising two small pastures and lying directly to the west of Ladybridge Farm, adjacent to the existing workings. (See attached plan for details of phasing)
- 4.3 It is anticipated that the proposed extraction area would yield approximately 2.2 million tonnes of sand and gravel. At current rates of production from Nosterfield Quarry this material would be worked in approximately four years.
- 4.4 The thickness of the mineral deposit on the Ladybridge Farm site varies across the site but working would take place to a maximum depth of approximately 11 metres. The variation in depth precludes the use of a suction dredger to extract the mineral as is currently the case at the existing workings. The applicant is therefore proposing to work the mineral using an hydraulic excavator. The mineral would be worked wet below the water table, ie no dewatering of the site would take place.
- 4.5 Following excavation, material would be transported via field conveyor to the existing plant site for processing. Following processing, material would be transported from the site by HGV, turning left out of the site and travelling along the B6267 to its junction with the A1. This route currently forms part of a legal agreement entered into upon the grant of planning permission in 1995.
- 4.6 In order to allow continued use of the plant site, silt lagoons and existing Nosterfield Quarry access after October 2010, the applicant is also seeking to amend condition 2 of planning permission ref: C2/92/500/53. This condition requires all operations to have ceased and the land to have been restored by 31 October 2010.
- 4.7 The field conveyor used to transport material from the working face to the plant site would be similar to that already used at the current quarry workings. The conveyor would measure approximately 1.2m high x 1.2m wide with a 2.5m maintenance roadway running alongside. This conveyor would require the construction of a tunnel under Moor Lane.

- 4.8 Access to the site would only be required for quarry machinery, agricultural vehicles, soil handling equipment and machinery used for restoration purposes. No HGVs carrying processed mineral would be required to leave the site but would follow the arrangements outlined in paragraph 4.5.
- 4.9 The site would be restored on a phased basis to a mixture of uses including recreation and nature conservation. The restoration scheme submitted by the applicant envisages a predominantly wet restoration due to the nature of the sand and gravel deposit, being located below the water table, and the lack of available restoration material.
- 4.10 By letter dated 6 February 2006, Tarmac has confirmed their willingness to complete a legal agreement to cover the following issues as set out below:
- (a) Traffic Routing
  - (b) Bird Management Plan
  - (c) Archaeological Mitigation Strategy
  - (d) Dedication of 60 acres of land to a Trust for the Preservation of Archaeological Remains
  - (e) Nature Conservation Management Plan

Furthermore, the archaeological mitigation strategy is intended to be part of the application. The applicant is willing to accept appropriate conditions or a legal agreement that binds it to the principle of the strategy and develops it in detail.

## **5.0 ADVERTISEMENT AND REPRESENTATIONS**

- 5.1 In accordance with the EIA Regulations the proposal has been advertised by way of Site Notice, Press Notice and neighbour notification.
- 5.2 Following submission of the planning application, the County Council requested the submission of “further information” as defined by the EIA Regulations. This further information has been advertised in accordance with those Regulations.
- 5.3 Advertisement of the application has led to the receipt of a substantial number of representations both objecting to, and supporting, the proposed development. These representations are summarised below:

### **5.4 Objections**

- 5.4.1 A co-ordinated campaign of objection to the proposal by two action groups formed in response to the submission of this planning application has led to the submission of 869 letters of objection. The majority of these letters have been presented in a standard format and in summary objections relate to the following:

- Cumulative impact
- Loss of best and most versatile land

- Lack of need for the mineral
- The site is of national archaeological importance
- Unacceptable adverse impacts on the landscape
- Unacceptable adverse impacts on the setting of the Thornborough Henges
- Inappropriate restoration scheme and afteruse which does not respect the setting of an important monument
- The site is not allocated as a Preferred Area or Area of Search within the North Yorkshire Minerals Local Plan

5.4.2 Following the publicity in respect of further information including mitigation strategy and archaeological field survey, further objections had been received confirming previous concerns. The 28 day consultation period ended on 3 February 2006. At the time this report was finalised some 138 further objections had been received. The basis of these further objections remains that the proposals would have an unacceptable impact on the Thornborough Henges. Many of the letters make detailed comments on those views listed at paragraph 5.4.1.

5.4.3 Three petitions have also been submitted on behalf of the two action groups totalling 9680 signatories. These petitions object to the proposed scheme as it is considered that the proposed development would have an unacceptable impact on archaeology related to the Thornborough Henges.

5.4.4 In addition the Council for British Archaeology (Yorkshire Branch), the Yorkshire Archaeological Society and the two action groups, Friends of Thornborough Henges and Timewatch, have submitted detailed responses on the application recommending that the County Council refuse planning permission for the proposed development on archaeological, planning policy, landscape and cumulative impact grounds. The Council for British Archaeology, the Yorkshire Archaeological Society and the Friends of Thornborough Henges, together with Dr Jan Harding, who is Senior Lecturer in Archaeology at Newcastle University, and has undertaken intensive research in respect of Thornborough Henges have submitted further detailed objections following the completion of the further archaeological survey.

## 5.5 Support

5.5.1 80 Representations have also been received from employees of the quarry and local businesses who use the products supplied by the quarry or carry out work on behalf of the applicant in support of the proposal. In summary these letters of support relate to the following matters:

- The site provides direct employment for 15 people and uses a further 40 hauliers who are reliant on mineral working for their livelihoods
- The site provides a supply of good quality sand and gravel to local markets
- Good quality concreting sand is becoming an increasingly rare commodity
- The proposed development would pose no threat to the Thornborough Henges

- Vehicles leaving the site do not pass any properties between the site and the A1
- The site currently supplies approximately 25% of the County's supply of sand and gravel
- The current workings have only approximately 2 years life remaining
- Respondents do not believe that current workings have resulted in complaints from local residents
- The applicant has ensured thorough archaeological investigation of the current operations at Nosterfield Quarry
- The proposed site is further away from the Thornborough Henges than current workings
- The applicant has good relations with the local community

5.5.2 In addition, employees of the quarry have collected a petition containing 334 signatories asking for the jobs at the quarry to be preserved through the approval of planning permission for the proposed site.

5.6 Files containing the many detailed representations are available for inspection by Members.

## 6.0 **CONSULTATIONS**

6.1 Consultation has taken place with statutory and non-statutory consultees following the receipt of the application in June 2004, following the receipt of further information in May 2005, following the submission of an archaeological mitigation strategy in August 2005 and following the further archaeological survey in January 2006. The responses received as a result of this consultation are summarised below.

6.2 **DEFRA** – does not wish to object to the proposal because the area of best and most versatile land that would be lost as a result of the development is not regarded as significant in terms of the national agricultural interest. DEFRA does however consider that there are significant issues with regard to the sustainable use of the soil resource of the agricultural land. DEFRA has not added to these comments as a result of further consultation.

6.3 **The Countryside Agency** – Initially expressed a number of concerns relating to demand, transportation, archaeology, landscape and planning policy. In response to the submission of further information the Countryside Agency did not consider the proposed afteruse to be appropriate and that the increased impact of wetland use would not be acceptable in the area. The Countryside Agency recommended that the proposal be refused as being contrary to Policies 4/1 (Determination of Planning Applications), 4/2 (Best and Most Versatile Agricultural Land) and Policy 4/5 (Other Landscape Areas) of the North Yorkshire Minerals Local Plan.

6.4

**Defence Estates** – confirms that the site is located 8.8km to the south-west of RAF Leeming, within the birdstrike safeguarding zone surrounding the aerodrome. Defence Estates raises no objection to the proposal in principle subject to the design of the restoration scheme being amended in order to ensure the attractiveness of the site to hazardous birds is minimised, details of planting and the management of grassland being provided and confirmation that a bird management plan will be incorporated into a Section 106 Agreement.

- 6.5 **English Nature** – are satisfied that no SSSIs will be affected and that the Environmental Impact Assessment has undertaken appropriate surveys to identify any presence of protected species.
- 6.6 **Yorkshire Wildlife Trust** – has been consulted but has not made any comments
- 6.7 **Yorkshire Water** – has no comment to make
- 6.8 **Environment Agency** – has no objections, in principle, to the proposed development but recommends that, if planning permission is granted, conditions relating to ground and surface water monitoring and dewatering are imposed. The Agency also recommends that, as a number of complaints have been received by the Agency regarding the impact of the current workings on the drainage systems of the area, the applicant complete a thorough investigation of the existing drainage system and mechanism in the area.
- 6.9 **Bedale and Upper Swale Internal Drainage Board** – confirms that whilst the development falls partially within their area, watercourses are unlikely to be affected.
- 6.10 **Hambleton District Council** – has been consulted on the proposed development but has not responded.
- 6.11 **Hambleton District Council Environmental Health Officer** – confirms that no complaints regarding noise or dust have been received from local residents in Nosterfield over the past 5 years. The EHO expresses concerns as to the impact of the proposed development on Ladybridge Farm itself and recommends that a noise limit of 55dB(A) be applied at this location. Away from this location it is recommended that a lower level, 10 dB(A) above existing background noise levels be applied. It is also recommended that a scheme of noise monitoring be required and measures put in place to prevent the deposit of dust off-site.
- 6.12 **Highways Development Control** – raises no objection to the proposal subject to: the imposition of conditions to prevent the deposit of mud on the public highway; secure details of the construction of the tunnel under Moor Lane for the field conveyor; submission of details of the crossing of Moor Lane; prevent excavations within 10 metres of the public highway and construction of site access.

- 6.13 **Council for British Archaeology** – following the further archaeological survey the Council for British Archaeology confirms its view that the application should be refused because further investigation shows that the proposed quarry extension site includes nationally significant prehistoric remains which would merit preservation insitu in accordance with the National Planning Policy Guidance (PPG16) and the North Yorkshire Minerals Local Plan.
- 6.14 **English Heritage** – is the statutory consultee on heritage matters. English Heritage (EH) has been consulted on four separate occasions – at the time of submission of the planning application, following the submission of further information following the submission of the archaeological mitigation strategy and following the further archaeological survey in January 2006. Following the submission of the planning application EH advised that there was insufficient information on which to determine the planning application and requested the submission of further information in particular an archaeological field investigation of the Ladybridge Farm site. EH also advised that the proposals for after-use of the site did not provide for the setting of the archaeological landscape to be safeguarded.
- 6.15 In response to the submission of this further information, EH advised that they did not consider that the applicant had sufficiently characterised the archaeology of the area as they had not undertaken a sufficiently large sample. Notwithstanding this, EH advised that the application should be refused as the work that had been undertaken revealed the presence of what they considered to be nationally important archaeological remains that merit preservation in situ. EH went on to request that the applicant undertook further survey work and produce an archaeological mitigation strategy.
- 6.16 Following the completion of further archaeological investigation English Heritage advises that the application be refused on the following grounds:-
- (i) The application site cannot be classified as being a small-scale extension to the existing quarry and is therefore a departure from the Minerals Local Plan Strategy;
  - (ii) The application site is not a preferred area for extraction;
  - (iii) The archaeological deposits within the application site are nationally important – and in line with PPG16 should be preserved insitu;
  - (iv) The proposed afteruse is an inappropriate landscape treatment.
- 6.17 **Heritage Unit (Landscape)** – has concerns regarding the cumulative impact of the proposed development in association with previous mineral working and the format of the assessment of landscape impact but raises no objection.

- 6.18 **Heritage Unit (Ecology)** – raises no objection to the proposals but requests that restoration proposals are clarified prior to the commencement of working and that the results of ecological survey work are submitted for consideration prior to the determination of the application. These results have now been submitted.
- 6.19 **Heritage Unit (Archaeology)** – considers that the applicant has adequately complied with the requirements of the EIA regulations, PPG 16 and Policy 4/7 of the North Yorkshire Minerals Local Plan with regard to the submission of information and the methodologies used. Previously the Heritage Unit advised the determination of the application should be in accordance with the advice of English Heritage, the lead body for the consideration of such matters. Following the further archaeological investigations a detailed assessment of findings has been undertaken by your officers and forms the basis of the Archaeological Assessment in Section 9.
- 6.20 **Carthorpe Parish Council** – expressed reservations about the proposed development at Ladybridge Farm due to the visual impact of the quarry workings in combination with previous working, delays in the restoration of the current site should planning permission be granted and the attractiveness of the site to Canada geese.
- 6.21 **Well Parish Council** – in their consultation response have neither objected to nor supported the proposed development.
- 6.22 **Tanfield Parish Council** – does not object to the proposed development however with regard to the mitigation strategy the Parish Council does not feel qualified to comment on the methodology submitted by the applicant but looks favourably on the possible donation of land but would object to it being dependant on the grant of planning permission.

## **7.0 RELEVANT PLANNING POLICY**

### **7.1 Draft Minerals Policy Statement 1**

- (i) The Government is currently bringing forward updated advice and consultations have taken place in respect of Mineral Planning Statement 1 (MPS1) which sets the overall context for mineral planning as follows:- “Minerals make a significant contribution to the nation’s prosperity and quality of life not least in helping to create and develop sustainable communities. It is important there is an adequate supply of raw materials to provide the infrastructure, buildings and goods that society, industry and economy needs. However, there is a potential conflict between the benefits to society mineral supply can bring and the impacts that this process may have on the environment”.

- (ii) Draft MPS1 acknowledges a number of “special characteristics” which impinge upon planning for the supply of minerals. These are:-
- Minerals can only be worked where they naturally occur, so locational options for the economically viable extraction of minerals may be limited
  - Working often has adverse environmental effects that can be mitigated but not wholly eliminated
- (iv) It is further acknowledged that the guidance set out in MPS1 is inevitably expressed in general terms and there will remain a need for each County Council, as Mineral Planning Authority, to exercise a substantial element of judgement in balancing all material considerations when dealing with applications.

## 7.2 Mineral Planning Guidance Note 6 (MPG6) – Guidelines for Aggregate Provision in England

MPG6 gives advice on the provisions of the General Development Order in relation to minerals planning. Paragraphs 62 – 66 of MPG6 require Mineral Planning Authorities to include policies within their development plans which provide for the maintenance of a landbank of at least seven years for sand and gravel. MPG6 considers that a longer landbank period may be appropriate for crushed rock. Paragraph 6 gives advice relating to the consideration of mineral planning applications where they may affect ancient monuments and archaeological or other cultural interests. This guidance advises that the minerals industry “should, wherever practical, ensure the physical preservation of important archaeological and historic remains or features” and that Mineral Planning Authorities “when determining applications for extraction, should have regard to the desirability of preserving historic buildings and landscapes, conservation areas, ancient monuments and their settings”.

## 7.3 Planning Policy Guidance Note 16 (PPG16) – Archaeology and Planning

This PPG gives advice on the handling of archaeological remains and discoveries under the development plan and control systems, including the weight to be given to them in planning decisions and the use of planning conditions. It advises that “where nationally important archaeological remains whether scheduled or not, and their settings are affected by proposed development there should be a presumption in favour of their physical preservation. Paragraph 5 - 426 goes on to advise that “the case for the preservation of archaeological remains must however be assessed on the individual merits of each case, taking into account the archaeological policies in detailed development plans, together with all other relevant policies and material considerations, including the intrinsic importance of the remains and weighing these against the need for the proposed development”.



#### 7.4 Regional Spatial Strategy for Yorkshire and The Humber (2004)

MPG 6 advises that within Yorkshire and the Humber, Mineral Planning Authorities should make provision in their development plans on the basis of anticipated demand, including exports, for 60 million tonnes of sand and gravel. Policy R4 of the RSS confirms:-

- (i) The need to indicate in general terms areas within which sites for land based mineral extraction should be safeguarded.
- (ii) Mineral Planning Authorities should seek a progressive reduction in the proportion and amount of aggregate production from National Parks and AONBs.
- (iii) Environmental impact of mineral extraction should be minimised through sound environmental management and high quality restoration.

#### 7.5 North Yorkshire County Structure Plan

Following enactment of the Planning and Compulsory Purchase Act 2004 the mineral policies of the Structure Plan will only form part of the Development Plan where relevant policy matters are not reflected by the RSS. Nevertheless Policy M1 sets out requirements for the consideration of applications for mineral working and ancillary development. Policy M2 and E2 emphasise the need to protect the conservation of the landscapes of the National Parks and Areas of Outstanding Natural Beauty.

#### 7.6 North Yorkshire Minerals Local Plan (NYMLP)

The North Yorkshire Minerals Local Plan contains detailed policies in respect of mineral working within the County. The relevant policies are presented in full below.

“The aims of the Plan are as follows:

- To ensure an adequate and steady supply of minerals
- To encourage greater use of alternatives to primary resources
- To limit the adverse effects of mineral extraction on the environment and local amenity
- To encourage, through the reclamation of mineral workings, the longer term enhancement of the environment and local amenity
- To encourage the utilisation of the most environmentally acceptable standards of mineral operation and processing
- To prevent the unnecessary sterilisation of mineral resources and to minimise potential conflict with non-mineral development
- To sustain the contribution of mineral related employment to the rural economy”

### NYMLP Policy 3/1 – Landbanks

“The Mineral Planning Authority will endeavour to provide and maintain throughout, and at the end of the Plan period, a stock of permitted aggregate reserves (a landbank) equivalent to at least seven years production for sand and gravel and at least 10 years production for crushed rock.”

### NYMLP Policy 3/2 – Preferred Areas

“In order to maintain landbanks of permitted reserves, proposals for aggregate mineral working in Preferred Areas will be regarded as acceptable in principle. Satisfactory details will have to be submitted before planning permission can be granted.”

### NYMLP Policy 3/3 – Areas of Search

“Planning permission may be granted for aggregate mineral working within Areas of Search where the Mineral Planning Authority is satisfied that sufficient mineral cannot be obtained from the Preferred Areas.”

### NYMLP Policy 3/4 - Other Areas

“Outside Preferred areas and Areas of Search, planning permission for aggregate mineral working will normally only be granted for borrow pits and small-scale extensions to existing sites.”

### NYMLP Policy 4/1 – Determination of Planning Applications

“In considering an application for mining operations, the Mineral Planning Authority will need to be satisfied that, where appropriate:-

- (a) the mineral deposit on the application site has been fully investigated;
- (b) the siting and scale of the proposal is acceptable;
- (c) the proposed method and programme of working would minimise the impact of the proposal;
- (d) landscaping and screening has been designed to effectively mitigate the impact of the proposal;
- (e) other environmental and amenity safeguards would effectively mitigate the impact of the proposal;
- (f) the proposals and programme for restoration are acceptable and would allow a high standard of restoration to be achieved;
- (g) a high standard of aftercare and management of the land could be achieved;

- (h) the proposed transport links to move the mineral to market are acceptable; and
- (i) any cumulative impact on the local area resulting from the proposal is acceptable.”

#### NYMLP Policy 4/7 – Archaeological Assessment

“The Mineral Planning Authority will require applications for mining operations and the associated depositing of mineral waste affecting sites of known or potential archaeological importance to be accompanied by an archaeological field evaluation including a proposed mitigation strategy.”

#### NYMLP Policy 4/8 – Archaeological Sites

“Proposals for mining operations and the associated depositing of mineral waste which would have an unacceptable effect on nationally important archaeological remains, whether scheduled or not, and their settings, will not be permitted. The Mineral Planning Authority will seek to preserve, in-situ or by record, other sites of regional, county or local importance, as appropriate to their archaeological interest, in making decisions on planning applications.”

#### NYMLP Policy 5/1 – Sand and Gravel Landbanks

“The County Council will identify three landbanks for calculating sand and gravel provision, as follows:-

- (a) Sand and gravel (northwards);
- (b) Sand and gravel (southwards); and
- (c) Building sand.

In determining which of the landbanks for sand and gravel a site falls within, the County Council will take into account the geographical location of the site and the likely external markets for the material.”

## **8.0 MAIN CONSIDERATIONS**

- 8.1 In view of the complexity of the issues raised within the Environmental Impact Assessment the Institute of Environmental Management and Assessment (IEMA) an independent organisation established to promote best practice standards in environmental management, auditing and assessment, was commissioned by NYCC to make an independent assessment as to whether the Environmental Assessment submitted in support of this application meets the statutory requirements of the EIA Regs. IEMA based this Assessment on a number of performance criteria. It confirmed that the Ladybridge Farm Environmental Statement does fulfil the statutory requirements of the Environmental Impact Assessment Regulations.

- 8.2 **Minerals Supply** – Annex A of MPG6 sets out the level of provision to be made both nationally and regionally for the supply of aggregate minerals and covers the period 1992 – 2006. These figures, which have been the subject of a ‘sub-regional’ apportionment are reflected in the current North Yorkshire Minerals Local Plan (NYMLP).
- 8.3 The sub-regional apportionment, ie the contribution each local Authority should make to the regional supply of aggregates, envisaged that North Yorkshire would contribute 32 million tonnes of sand and gravel over the 15 year period 1992 – 2006 at an annual rate of production of 2.13 million tonnes.
- 8.4 In 2003 new aggregate requirement figures, covering the period 2001 – 2016, were published by Central Government and updated the figures presented in Annex A of MPG6. In January 2004, a new ‘sub-regional’ apportionment was agreed by the Yorkshire and the Humber Regional Assembly. This new apportionment envisages an overall contribution from North Yorkshire (outside the National Parks) of 42.1 million tonnes over the period 2001 – 2016. This equates to an annual rate of production of 2.63 million tonnes.
- 8.5 MPG6 and Policy 3/1 of the NYMLP advise that the County Council should endeavour to maintain a ‘landbank’ of permitted aggregate reserves equivalent to at least seven years supply of sand and gravel.
- 8.6 In order to achieve this the NYMLP currently splits the overall landbank into a northwards distribution area, southwards distribution area and building sand to reflect the different markets served by different parts of the County, and the specialist nature of building sand. The current Nosterfield Quarry and proposed extension area are located in the southwards distribution area.
- 8.7 The most recent data available for the assessment of landbank is contained within the Yorkshire and The Humber Regional Aggregates Working Party (RAWP) Annual Report 2003. This RAWP report identifies that at 31 December 2003, overall sand and gravel reserves in the County stood at 28.95 million tonnes. Of this total, 12.87 million tonnes is located within the southwards distribution area.
- 8.8 An assessment has been made of the current landbank based upon both the apportionment guidelines contained within the NYMLP and the new figures for the period 2001 – 2016.
- 8.9 At 31 December 2003 overall reserves for sand and gravel stood at 28.95 million tonnes. This equates to a landbank equivalent to 13.59 years production based upon the apportionment figures contained within the adopted North Yorkshire Minerals Local Plan. These reserves were further augmented by the granting of planning permission in 2004 for 1.8 million tonnes of sand and gravel at Wykeham Quarry. It can therefore be estimated that at the end of 2004 the overall sand and gravel landbank stood at 13.4 years, well in excess of the seven years required by MPG6 and the NYMLP.

- 8.10 Nosterfield Quarry and the proposed extension at Ladybridge Farm lie within the southwards distribution area of the sand and gravel landbank. At 31 December 2003, the southwards distribution area landbank stood at 9.75 years. Following the grant of planning permission for 1.8 million tonnes of sand and gravel in 2004, it is estimated that the southwards distribution area landbank stood at 10.1 years at 31 December 2004 based upon the apportionment within the NYMLP.
- 8.11 However, updated guidance on regional aggregate requirements was published in 2003 and updated sub-regional apportionments agreed by the Regional Assembly in early 2004. Based on these new figures it is estimated that at 31 December 2005 the overall landbank is 9.7 years and the southwards distribution area landbank is 7 years.
- 8.12 Based upon the updated guidance, it can be seen that the sand and gravel landbank for the southwards distribution area is now likely to be at, or around, 7 years. However, when considering this planning application, Members also need to take into account the other relevant policies contained within the Minerals Local Plan.
- 8.13 The present workings at Nosterfield Quarry form the largest sand and gravel operation in North Yorkshire and currently contribute approximately 550,000 tonnes of sand and gravel per year. In 2003, the last year for which sales figures are available, this equated to 22% of total sand and gravel sales in North Yorkshire and 11.45% of total regional sales. It is anticipated that the proposed extension area would be worked at a similar rate to the existing quarry. A refusal of planning permission in this instance will lead to increased pressure at other sites/locations to provide the mineral currently supplied by Nosterfield Quarry.
- 8.14 The flexibility to make good such shortfall could be significantly affected by production capacity constraints at other sites. Furthermore, whereas Nosterfield Quarry is conveniently located in relation to the Trunk Road network via the A1 giving access to the main markets in West Yorkshire, many other sand and gravel quarries are less well located in proximity terms.
- 8.15 **Landscape** – A number of consultees have expressed concern with regard to the impact of the workings and proposed wet restoration scheme on the landscape. Mineral working has taken place in the vicinity of Nosterfield for a number of years and has led to a patchwork of restored sites.
- 8.16 Substantial areas of former mineral workings have been restored to wetland areas. The current Nosterfield Quarry is currently being restored to a predominantly wet area but also including a substantial reed bed and magnesian limestone grassland.

- 8.17 The landscape of Ladybridge Farm and the surrounding area remains an agricultural landscape of large open fields. The area does not benefit from any national or local landscape designation but has been designated in the Hambleton District Local Plan as an area of 'landscape enhancement' where it is considered that development can be used to bring about improvements to the landscape. The applicant contends that as a result of mineral working at Ladybridge Farm improvements can be made through appropriate, high quality restoration schemes.
- 8.18 Whilst it is acknowledged that mineral working has resulted in significant changes to the nature of the landscape in the Nosterfield area, the majority of former mineral working has been, or is in the process of being restored and as such it is considered that landscape proposals for working and restoration would provide a satisfactory level of mitigation of potential adverse impacts upon the landscape.
- 8.19 **Ecology** – As part of their Environmental Statement the applicant has carried out a number of ecological surveys. Both English Nature and the County Council's Ecologist are of the opinion that the proposed development will not have any significant adverse effect on ecology.
- 8.20 **Site Restoration** – The applicant has submitted a proposed restoration scheme which would see the site restored on a predominantly wet basis including the creation of three water areas, the largest of which would be utilised for recreation purposes with the remainder of the site being a mixture of nature conservation, including reed beds and restored pasture. The application area lies within the aerodrome safeguarding area for RAF Leeming. Whilst Defence Estates have no objection in principle to the development, concerns have been expressed about the potential for the restoration scheme to attract increased numbers of wading birds and thereby increase the risk of bird strike to aircraft using RAF Leeming. It is therefore recommended that if planning permission were to be granted it should be subject to the imposition of a planning condition requiring the submission of a detailed scheme of restoration.
- 8.21 **Residential Amenity** – The proposed site is located further away from Nosterfield than current mineral workings. The site is however closer to the village of Thornborough. Hambleton District Council's EHO has confirmed that no complaints with regard to operations at the site have been received in the last five years. The EHO has however recommended a number of conditions relating to dust and noise in order to protect residential amenity.
- 8.22 The site is well served by the B6267 and the route taken by HGVs exiting the site does not go past any residential properties, other than Upland Farm which is set some way back from the public highway. It is therefore considered that the proposed development would have no significant adverse impact upon residential amenity.

- 8.23 **Hydrology/Hydrogeology** – concern has been expressed by some local residents with regard to the impact of the current mineral workings on groundwater flows in the area. The proposed site is to be worked wet with no dewatering. The Bedale and Upper Swale Internal Drainage Board raises no objection to the proposal and, subject to the imposition of conditions relating to groundwater monitoring and dewatering, the Environment Agency raises no objection.
- 8.24 **Employment** – The NYMLP sets the aim “to sustain the contribution of mineral related employment to the rural economy”, similarly the Hambleton District Local Plan has as one of its objectives “To encourage economic activity in rural areas to provide a wider more varied choice of employment for the rural community, where this can be accommodated without serious planning problems”.
- 8.25 A significant number of representations in support of the proposal clearly express concerns that the refusal of planning permission would lead to the closure of Nosterfield Quarry with the loss of 15 jobs directly employed by the applicant and have wider implications for those local hauliers and contractors with whom the developer carries out business. Nosterfield Quarry is also the largest sand and gravel quarry in North Yorkshire and makes a significant contribution to mineral supply at a sub-regional level.
- 8.26 **Conservation Plan** - Under the aegis of the Thornborough Henges Consultation & Working Group, English Heritage has in partnership with Tarmac and NYCC commissioned the preparation of a Conservation Plan for the Henges and their immediate surroundings. This Plan deals specifically with the significance of the Thornborough Henges and the future management options for them. Currently the Plan is out for public consultation.

## **9.0 ARCHAEOLOGICAL ASSESSMENT**

- 9.1 The additional work, commissioned by the applicant was in response to criticism from several objectors notably English Heritage that the archaeological remains in the application site had not been adequately characterised by earlier assessments. Officers of the County Council's Heritage Section have worked closely with English Heritage and the applicant's archaeological consultants to agree a methodology for implementing further archaeological evaluation of the application site. The principle objective of this investigation was to define the limits of Neolithic/Early Bronze Age features recorded previously in the south west corner of the Ladybridge Farm site and further characterise the nature of those remains. The agreed methodology also proposed to assess the significance of the archaeological deposits based on the criteria set out in Annex 4 of PPG 16 (Planning Policy Guidance Note 16, Archaeology and Planning).

The method would also include scoring developed as part of the English Heritage Monument Protection Programme. The method statement explained that this assessment would serve as a guide to professional judgement on the relative significance of archaeological deposits at Ladybridge Farm. The methodology was also accepted by the Council for British Archaeology, an organisation with a large national membership.

- 9.2 The additional work was carried out in October and November 2005 and the resulting 200 page report was presented at the end of December as further information as defined by the Environmental Impact Regulations 1999.
- 9.3 English Heritage, the Council's Heritage Section and the Council for British Archaeology all agree that the additional work at Ladybridge farm was of a very high quality and, most importantly, that the archaeology was now sufficiently characterised to allow an assessment of significance to be undertaken. The sample size of the assessment was increased from 2% to 6% of the total application area.
- 9.4 It should be noted that the site works were open to visitors on a daily basis and a public open day was held on the 5 November 2005.
- 9.5 The report has confirmed that features of Neolithic/Bronze Age date, generally in the form of pits are confined to an area of slightly higher land in the south west part of the application site. This higher ground, defined in the report as an area of potential, exists as a promontory of dry gravel extending northward to Ladybridge Farm. This has been illustrated in Figure 9 of the report. The further work has therefore allowed a more refined model of land form in the prehistoric period to be proposed. The majority of the application site to the north appears to have been an area of wet and boggy ground, unsuited to human settlement or significant activity.
- 9.6 In terms of the land form model the most significant archaeological potential is therefore in the south western part of the application site, approximately 25% of the total area.
- 9.7 There are a number of issues which the report considers in its assessment of the significance of both the known archaeological features and the archaeological potential of the area. These include a detailed analysis of the impacts of historic and current cultivation on buried archaeological remains and the relative preservation of important archaeological information within the fills of archaeological features. The report also suggests through its specific analysis of archaeological information and the assessment of significance, that there is no direct chronological association between Ladybridge Farm features and the adjacent Thornborough Henges. The report concludes that;

"...the additional investigation has confirmed the presence of a scatter of heavily truncated, dispersed prehistoric features across the southwestern corner of the site (which) have limited potential and have been heavily compromised by modern land use." The report goes on to state that;



“...whilst there can be no doubt, by virtue of their presence, that they have a spatial association with the monuments around them, the lack of knowledge relating to the chronology, development and function of the monuments means that they cannot be placed into a temporal framework in which they can be interpreted.” This conclusion is strengthened within the report through the use of the criteria for defining nationally important archaeological remains contained in Annex 4 of PPG 16 together with a version of the Monument Protection Programme evaluation process. The scores obtained by this exercise were considered by the report not to meet thresholds for national importance. This scoring method is central to the applicant's consideration of the importance of the archaeology. However, EH see the scoring as only one of a number of considerations that informs their professional judgement.

- 9.8 The applicant has proposed an outline archaeological mitigation strategy, previously submitted in July 2005 which dealt with the preservation by record of archaeological remains prior to extraction within a carefully agreed research framework.
- 9.9 This mitigation has subsequently been supplemented through the submission of possible items to be covered by a Section 106 Legal Agreement. This proposed agreement will seek the preservation in situ of nationally important archaeological remains found during stripping operations in the area of archaeological potential defined in Figure 9.
- 9.10 English Heritage, in their letter of 27 January 2006, regards the findings of the report in a rather different light. They state that the report has identified a clear relationship between the prehistoric activity on Ladybridge farm and a much wider area they refer to as Thornborough Moor which includes the scheduled Thornborough Henges. They stress in their letter that the original assessment and the further assessment have identified a “swathe of nationally important early prehistoric archaeology and activity from the Nosterfield site into Ladybridge Farm. They also note, in agreement with the report that the significant archaeology lies in the southern part of the application site. In the letter English Heritage state that the application “will have a clear and negative impact on nationally important archaeology”. They conclude that this should be “...preserved in situ”.
- 9.11 Turning to the proposed 106 legal agreement, English Heritage have informally recognised that the preservation of nationally important archaeological remains within the southwestern part of the site through some form of agreement might be acceptable. However, they have questioned how this might be achieved through a 106 Agreement given the clear difference in approach to determining national importance between the applicant's archaeological consultants and themselves.

- 9.12 The applicant in their letter of 6 February has expressed concern that English Heritage has failed to explain its own method of assessing national importance. As professional officers representing NYCC we believe that English Heritage have fully taken into account the contents of the report, including the assessment of importance when formulating their view. We are happy that the issues raised by the report have been carefully considered by a number of key specialists within English Heritage and that they have exercised professional judgement in accordance with the agreed methodology. It has been confirmed that this view has been endorsed by the English Heritage Advisory Committee at their meeting on 3 February 2006.
- 9.13 We accept that the archaeological remains uncovered during the assessment work at Ladybridge Farm have been adversely affected by historic and modern agricultural practice to the extent that several are in a poor state of preservation. We also recognise the amount of thought that has gone into the preparation of the report and the arguments that have been presented within it. However we are far from convinced that the Assessment of Importance, on its own has demonstrated clearly that the archaeology is not of national importance and significance. We believe that the archaeological remains found in the southwest part of the application site are part of a wider nationally important archaeological landscape within the area which also contains the scheduled remains of the Thornborough Henges.

The model for prehistoric land form presented in the report, we believe provides an important context for the remains and further enhances their importance. Whilst many of the arguments presented in the report's assessment of importance are well put, we believe that issues such as the lack of chronological relationship between various archaeological elements can be examined in many different ways.

- 9.14 It is our view therefore that this application to extract gravel from the Ladybridge Farm site will have an adverse impact on nationally important archaeological remains and be contrary to Mineral Plan Policy 4/8.

## **10.0 CONCLUSION**

- 10.1 This application was submitted in June 2004 and since then has been the subject of rigorous examination resulting in requests for the submission of further information and several periods of public consultation in accordance with the Environmental Impact Assessment Regulations. It is now considered that the County Council has sufficient information on which to come to a decision on this proposal.
- 10.2 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, determination of this application must be made in accordance with the Development Plan unless material considerations indicate otherwise.

- 10.3 In this case the relevant development plan is the North Yorkshire Minerals Local Plan, the policies of which seek to interpret national and regional policies in the context of mineral working within North Yorkshire.
- 10.4 It is considered that the proposal broadly accords with the aims of the NYMLP in that the applicant has submitted a scheme which would give rise to no significant adverse impact upon local amenity, would see the phased restoration of the site to a mix of afteruses, would contribute to the short term supply of minerals and sustain employment in the area.
- 10.5 However, English Heritage has objected to the proposal on the grounds that it would have an unacceptable adverse impact on nationally important archaeology and, given the strength of English Heritage's comments and its role as a statutory consultee with responsibility for heritage matters and our own view of the importance of the archaeology, it is therefore considered that the proposal would be contrary to Policy 4/8 of the NYMLP.
- 10.6 Policies 3/2, 3/3 and 3/4 of the NYMLP are also particularly relevant to the determination of this planning application. The proposed site is neither a Preferred Area or Area of Search nor does it constitute a small scale extension by virtue of its size (45 ha), the amount of mineral to be extracted (2.2 million tonnes) and the rate of extraction (550,000 tonnes pa). It is therefore considered that on this basis the proposal is contrary to Policies 3/2, 3/3 and 3/4 of the NYMLP.
- 10.7 Based upon the updated guidance on regional aggregate requirements the overall County landbank for sand and gravel at 31 December 2005 would be 9.7 years and the southwards distribution area landbank at 31 December 2005 would be 7 years. Whilst recognising the important role that the current Nosterfield Quarry plays in the supply of sand and gravel in North Yorkshire, and acknowledging that based upon the updated Regional apportionment the southern distribution landbank is estimated at 7 years it is not considered this would outweigh the clear objections on policy grounds and warrant the grant of planning permission.
- 10.8 All decisions relating to planning matters should comply with the requirements of the Human Rights Act 1998 (HRA). Article 8 of the HRA relates to the right to respect for private and family life, home and correspondence, the first protocol Article 1 relates to the protection of property and the peaceful enjoyment of possessions. The Convention rights conferred by HRA are qualified and there are circumstances when interference with them is justified; however all interference must be proportionate. In considering this application the Authority has concluded there will be no adverse impact on property in the area in terms of the HRA.

## **11.0 RECOMMENDATION**

11.1 Following due consideration of the planning application, Environmental Statement and other Environmental Information (as defined by the EIA Regulations) and all other material considerations, it is recommended that the application BE REFUSED for the following reasons:-

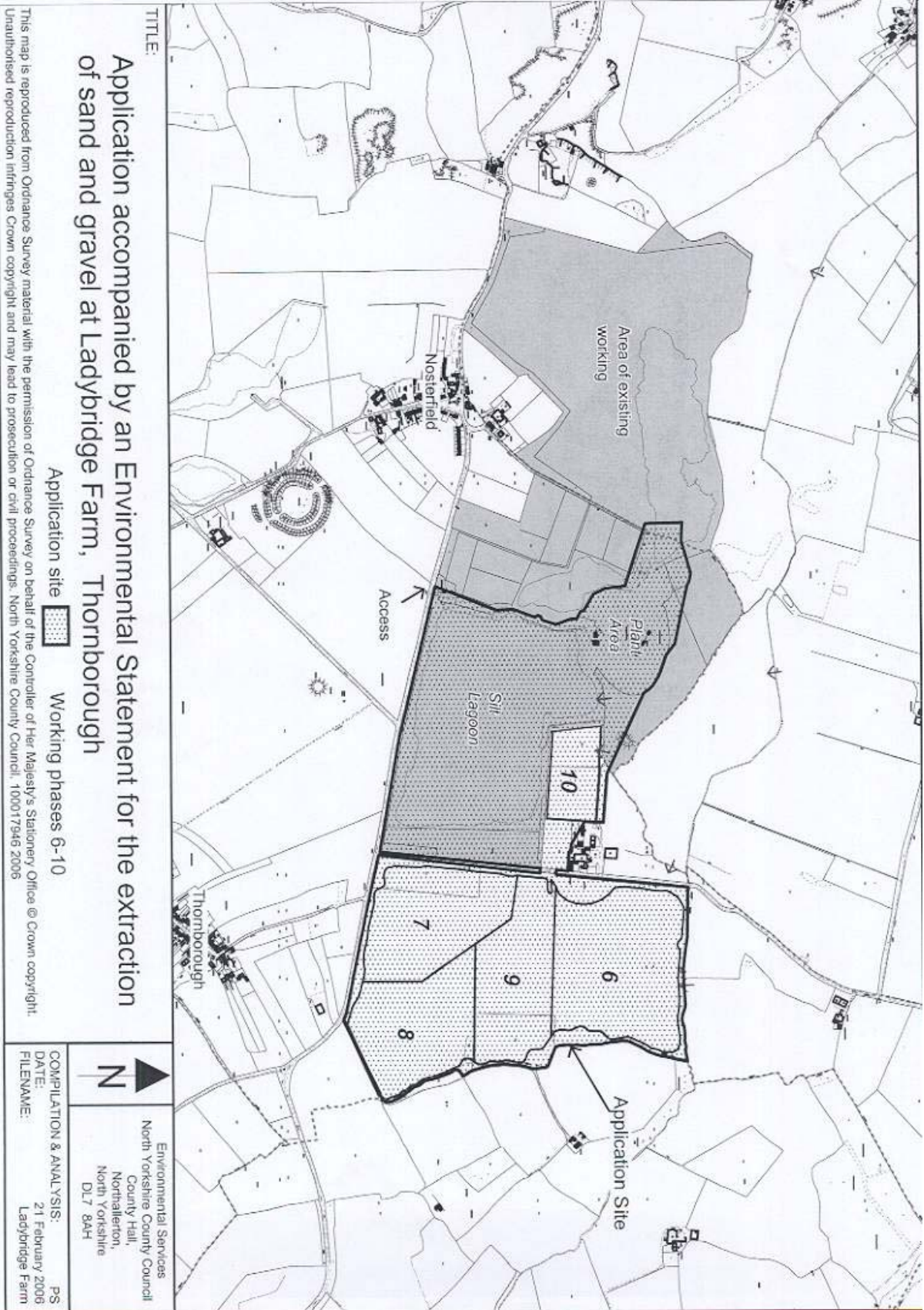
- (a) The proposal is contrary to Policy 4/8 of the North Yorkshire Mineral Local Plan as it would have an unacceptable adverse impact on nationally important archaeological remains.
- (b) The proposal is contrary to Policies 3/2, 3/3 and 3/4 of the North Yorkshire Minerals Local Plan in that the site is neither a Preferred Area or Area of Search nor does it constitute a small scale extension by virtue of its geographical extent and scale in relation to the existing quarry working, mineral quantity and annual production.

M O MOORE  
Corporate Director, Environmental Services

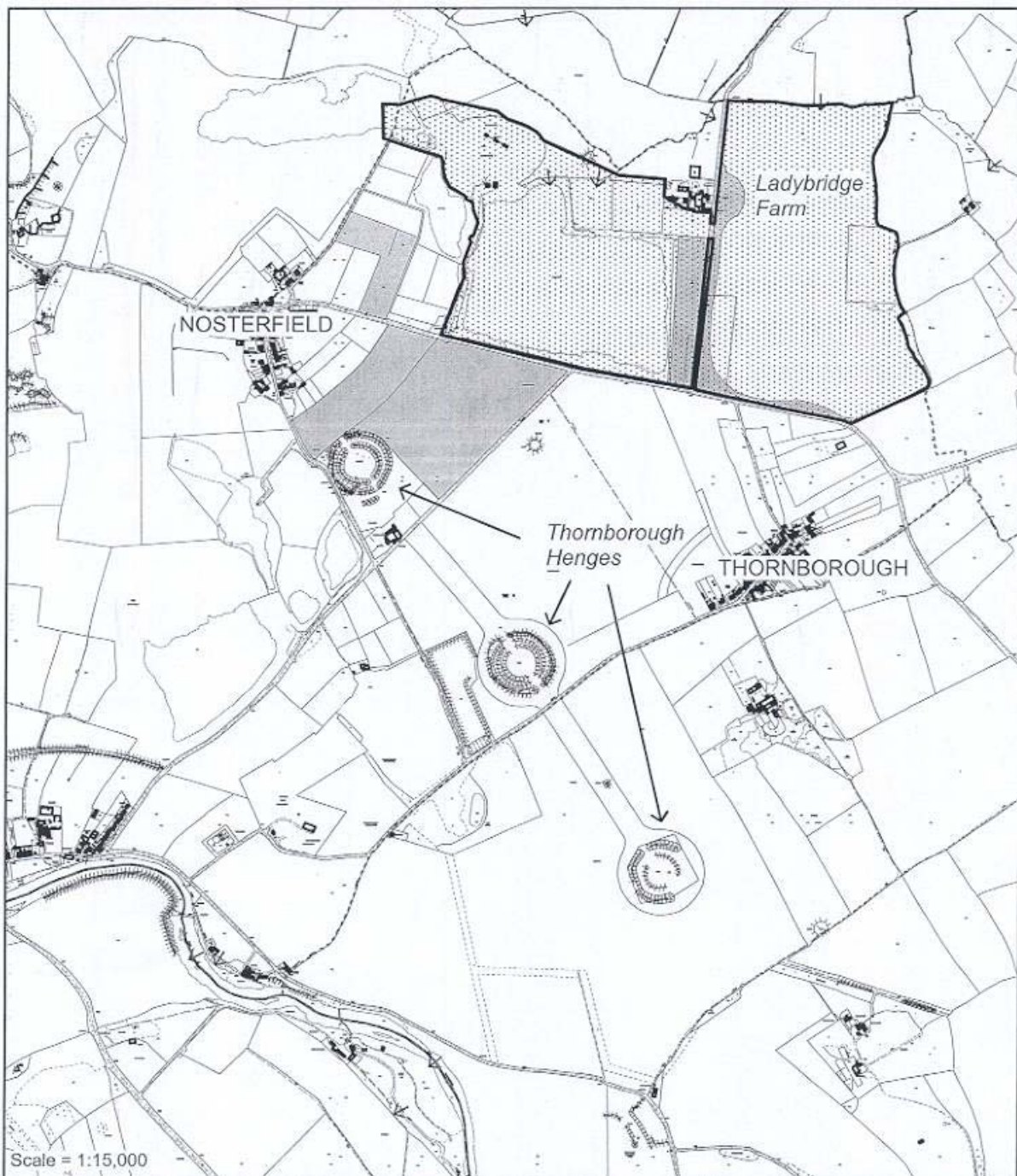
### **Background Documents**

Application Files  
(Application Ref : C2/04/500/0053A)  
Environmental Statement  
Other information as defined by the EIA Regulations and including:  
Consultation responses and representations  
Regional Aggregates Working Party Annual Report 2003

Author of Report : Bob Sydes and Alwyn Shaw  
Report presented by : Bob Sydes and Alwyn Shaw







Application accompanied by an Environmental Statement for the extraction of sand and gravel at Ladybridge Farm, Thornborough

Application Site  Mitigation Areas 



Environmental Services  
North Yorkshire County Council  
County Hall,  
Northallerton,  
North Yorkshire  
DL7 8AH

COMPILATION & ANALYSIS: PS  
DATE: 21 February 2006  
FILENAME: ladybridge mitigation

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