

**Town and Country Planning Act 1990  
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for  
Permission to Carry out Development**

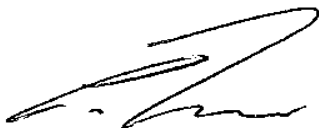
To: Mr Nick Ward  
c/o Peter Rayment Design Ltd  
Woodbine Cottage  
Westgate  
Thornton-le-Dale  
Pickering  
YO18 7SG

The above named Authority being the Planning Authority for the purposes of your application validated 19 January 2023, in respect of proposed development for the purposes of **application in respect of the winning and working of stone and erection of building together with extension to working area at Lowthers Cragg, Sleights Moor, Whitby** has considered your application and has **granted** permission for the proposed development subject to the following:

**Condition(s):**

1. The development hereby permitted shall be deemed to commence on the date of this permission.
2. The development hereby permitted shall be for a limited period being the period of 10 years from the date of this decision. The minerals extraction and ancillary processing hereby permitted shall be discontinued by that date and the building shall be removed from the site and the land within the application boundary restored within a further two year period from that date (or within two years of the cessation of minerals extraction, whichever is the sooner) in accordance with a detailed scheme of restoration that shall first have been submitted to and approved in writing by the Local Planning Authority.
3. The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.
4. No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
5. No minerals extraction or other operations shall take place at the site outside of the following hours:
  - i. 0800 - 1800 Mondays to Fridays
  - ii. 0800 - 1200 Saturdaysand no minerals extraction or other operations shall take place at any time on Sundays or on Bank or Public Holidays.

Continued/Condition(s)



Mr C M France  
Director of Planning

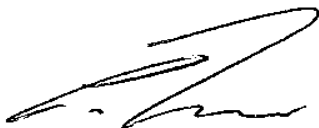
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6. If the use of the stone cutting and dressing equipment located on the site but outside the building hereby approved ceases or has ceased for a period of one year, it shall be removed from the site within three months of that cessation.
7. The building hereby permitted shall be used only for the dressing and cutting of stone quarried from the adjacent stone quarry known as Lowthers Cragg Quarry and no stone shall be brought onto the site from elsewhere for processing or storage without the prior written approval of the Local Planning Authority.
8. Notwithstanding the provisions of Condition 2 above, an outline scheme of quarry restoration, indicating the intended finished landform and restoration objectives, shall be submitted to the Local Planning Authority for written approval within 12 months of the date of this permission.
9. Stone quarried at the site shall be used only for new build or repair works within the North York Moors National Park or in parishes split by the boundary of the National Park, or for repair work at locations outside the National Park where the original source of stone for the stone structure to be repaired was located within the National Park.
10. No blasting of stone or use of black powder shall take place on the site except with the prior written approval of the Local Planning Authority.
11. No dressing or cutting of stone shall take place except within the existing building on site or in such other locations on the quarry floor as may be agreed in writing by the Local Planning Authority.
12. No extraction of stone shall take place from the quarry extension area hereby approved prior to:
  - i) the relocation of the existing soil storage mound to a location on the eastern boundary of the quarry extension area;
  - ii) the stripping and placement into storage in a location on the eastern boundary of the quarry extension area of in situ soils present in the quarry extension area.
13. Soil stored in accordance with Condition 12 shall be stored in a mound not exceeding 3m in height and such mound shall be seeded to grass during the first available sowing season and thereafter maintained in a tidy condition until the soils are required to be removed for restoration purposes.
14. 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 compound shall be at least equivalent to the capacity of the tank plus 10 per cent. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus 10 per cent. 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.

Continued/condition(s)



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15. There shall be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters whether direct or via soakaways.
16. There shall be no access or egress by any vehicles between the highway and the application site until vehicle wheel washing facilities have been installed on the access road to the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept in full working order at all times. All vehicles involved in the transport of finished products or waste materials from the site shall be thoroughly cleaned before leaving the site so that no mud or waste materials are deposited on the public highway.
17. Access to the quarry shall be via the existing access and no other access shall be used.
18. Within 12 months of the date of this permission a scheme of quarry management shall be submitted for the written approval of the Local Planning Authority and such scheme shall include the following matters:
  - i) the locations for storage of quarry products pending transport off-site;
  - ii) the locations for storage of any miscellaneous plant, machinery, equipment and materials;
  - iii) the locations for storage of any waste materials pending transport of site; and storage shall thereafter only take place in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

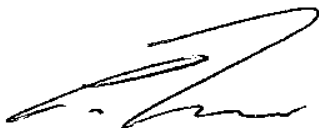
**Informative(s)**

1. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or on the [ground stability website](#)

**Reason(s) for Condition(s)**

- 1 & 2. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
3. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.

Continued/Reason(s) for Condition(s)



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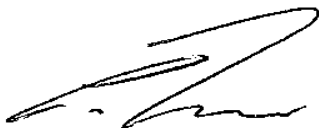
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4. In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents and to preserve and enhance the National Park's Dark Night Skies, in accordance with Policy ENV4.
5. In order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to conserve and enhance the special qualities of the National Park and ensure that new development is of a high quality and respects the character of the locality.
- 6 – 11. In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents and to preserve and enhance the National Park's Dark Night Skies, in accordance with Policy ENV4.
- 12 & 13. To ensure the protection of soil resources in accordance with Minerals and Waste Joint Plan Policy D11.
- 14 & 15. To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
- 16 & 17. In the interests of highway safety and the amenity of the area.
18. In the interests of the visual amenities of the locality and to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the special qualities of the National Park.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.



Mr C M France  
Director of Planning

Date 29 March 2023

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## Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to:
  - a) refuse an application for planning permission or grant it subject to conditions;
  - b) refuse an application for any consent, agreement or approval required by a condition imposed on a grant of planning permission or grant it subject to conditions; or
  - c) refuse an application for any approval required under a development order

they may appeal to the Secretary of State of Department of 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 (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (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, the owner of the land may claim 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 may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his 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 their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

**Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals)**

### Notes

1. Please note, only the applicant possesses the right of appeal.
2. 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 Bye-Laws, 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.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
5. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.