

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0017

Development description: Application in respect of the winning and working of stone and erection of building together with extension to working area

Site address: Lowthers Cragg, Sleights Moor, Whitby

Parish: Eskdaleside-Cum-Ugglebarnby

Case officer: Mr Rob Smith

Applicant: Mr Nick Ward
Lowthers Cragg, Sleights Moor, Whitby, North Yorkshire

Agent: Peter Rayment Design Ltd
Woodbine Cottage, Westgate, Thornton-le-Dale, Pickering, YO18 7SG,

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TM03	The development hereby permitted shall be deemed to commence on the date of this permission.
2	TM07	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	PL02	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	AC20	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	AC03	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 Saturdays and no minerals extraction or other operations shall take place at any time on Sundays or on Bank or Public Holidays.

6	MC14	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	MC00	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	MC00	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	MC00	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	MC00	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	MC00	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	MC00	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 insitu soils present in the quarry extension area.
13	MC00	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	MCOO	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, guages 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.
15	MCOO	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	MCOO	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	MCOO	Access to the quarry shall be via the existing access and no other access shall be used.
18	MCOO	<p>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:</p> <p>i) the locations for storage of quarry products pending transport off-site;</p> <p>ii) the locations for storage of any miscellaneous plant, machinery, equipment and materials;</p>

		<p>iii) the locations for storage on any waste materials pending transport off site;</p> <p>and storage shall thereafter only take place in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p>
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Informative(s)

1.	MISINF02	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 <u>ground stability web site</u> [http://www.groundstability.com/].
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Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
3	RSN PL01	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.
4	RSN AC07	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	RSN AC05	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	RSN AC07	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.
7	RSN AC07	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.
8	RSN AC07	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.
9	RSN AC07	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.
10	RSN AC07	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.
11	RSN AC07	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	RSN MISC00	To ensure the protection of soil resources in accordance with Minerals and Waste Joint Plan Policy D11.
13	RSN MISC00	To ensure the protection of soil resources in accordance with Minerals and Waste Joint Plan Policy D11.
14	RSN DR01	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.

15	RSN DR01	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	RSN MHC-04	In the interests of highway safety and the amenity of the area.
17	RSN MHC-04	In the interests of highway safety and the amenity of the area.
18	RSN AC02	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.

Consultation responses

Borough/District

No comment

Parish

No objection

Highways

No objection subject to imposition of a wheel cleaning condition

Environment Agency

No objection

Natural England

No objection

Police – Designing out Crime

No comment

Third party responses – None received

Publicity expiry

27 February 2023

Top left image: view of surface of proposed extension area, with existing soil storage bund to left

Top right image: view to existing quarry face to be worked back into proposed extension area

Bottom left and right images are both taken from the PROW which runs parallel to the quarry boundary, showing the effective screening provided by the existing wall and the local topography



Background

Lowthers Cragg Quarry is a relatively small-scale building stone quarry, occupying c.1ha of land located just below the northern edge of Sleights Moor, overlooking the Esk valley. It lies approximately 2km east of Grosmont, with vehicular access available via a track extending approximately 500m from the minor road connecting Grosmont with the A169 above Sleights.

Planning permission for reopening of a former (pre-planning control) stone quarry on the site was first granted in 2000. The quarry is one of two main building stone production sites within the National Park and supplies sandstone blocks for walling & dressings and other building purposes including rubble for tracks. The quarry products are used mainly for new build and repair work within the National Park.

The quarry and a related processing building on the quarry floor were authorised under temporary planning permissions which became time expired in December 2022. Permission is now sought to continue minerals extraction and retain the processing building for a further period of 10 years, and to extend the quarry to the east to provide adequate reserves of stone to sustain it over that time period.

The proposed quarry extension area would be of modest size, being approximately 650m² in area, currently occupied in part by a soil storage mound and in part a small area of grassland within the quarry boundary fence. The existing soil storage mound would be relocated to the eastern boundary of the proposed extension area, where soils stripped from the extension area prior to extraction would also be stored.

Other aspects of quarry operations would remain the same, with processing of stone taking place either within the existing building or using other stone cutting and processing equipment located on the quarry floor. Stone would be transported from the site via lorry using the existing vehicular access. The quarry employs approx. 5 people.

Local Plan

The main local planning policies relevant to this development are to be found in the North Yorkshire, York and North York Moors Minerals and Waste Joint Plan (MWJP) 2022. As part of the statutory development plan, policies in the North York Moors Local Plan 2020 may also be relevant.

The MWJP recognises that a supply of building stone is important for the upkeep of traditional buildings and historic assets and for ensuring that new development reflects the character of its surroundings. It is therefore important in maintaining and enhancing the overall quality of the environment in the Plan area.

MWJP Policy M15 provides support in principle for the extension of time for completion of extraction at permitted building stone extraction sites; the lateral extension and/or

deepening of workings at permitted building stone extraction sites; and the re-opening of former building stone quarries, subject to criteria being met.

Specifically, proposals for the supply of building stone from locations within the National Park will need to demonstrate that the stone is required to meet requirements arising from new build or repair work within the National Park or is for the repair of buildings or structures which rely on the proposed source of stone as the original source of supply, or as providing a directly equivalent product which can no longer be provided from the original source supply. The Policy also allows for an element of supply outside the National Park where this is required in order to preserve the overall economic viability of the source quarry.

MWJP Policy D04 addresses minerals and waste development in the National Park and states that, where (as in this case) the development is not considered to constitute major development, planning permission will be supported where proposals contribute to the achievement of, or are consistent with, the aims, policies and aspirations of the relevant Management Plan and are consistent with other relevant development management policies in the Joint Plan.

Particular relevant other policies in the MWJP include Policy D02, requiring that minerals development takes place in a way which prevents unacceptable impact on local amenity from factors such as noise, dust and visual impact; Policy D03 requiring that the any transport impacts from transport of minerals is controlled to an acceptable level, and; Policy D06, which states that, or proposals which may impact on nationally designated areas including the National Park, a very high level of protection to landscape will be required. Development which would have an unacceptable landscape impact on these areas will not be permitted.

The Local Plan 2020 contains a number of policies which support the direction taken in the MWJP, including Strategic Policy G (Landscape), Policy ENV2 (Tranquillity), Policy ENV7 (Environmental Protection). These, in combination, seek to ensure that a very high standard of protection is provided to the National Park landscape and environment and that its special qualities are protected.

The National Planning Policy Framework also supports the continued production of building stone where it can be produced in an environmentally acceptable way.

Main issues

Supply of local stone helps maintain and potentially enhance the quality of the built environment and in doing so also helps ensure that relevant National Park special qualities are supported. In this way maintenance of an adequate local supply of building stone also supports delivery of the first statutory purpose for the National Park; i.e. to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park.

There is no specific evidence of the exact scale of demand for stone within the National Park for new build or repair work and how this may change in future. Nevertheless, it is apparent (including through requests received by the NPA for information on sources of local stone) that there is an ongoing requirement for stone to serve new build and repair work arising within the area and that Lowthers Cragg quarry, as one of only two currently operational building stone quarries in the National Park, plays a significant role in this. The applicant has confirmed that the majority of products sold from the quarry have been and will continue to be used within the National Park. It is therefore accepted that the continued availability of stone from this site is important and in accordance with the policy principle established in MWJP M15.

As an established quarry, existing infrastructure is in place to support quarry operations and the grant of permission for a further 10 year period would, in effect, lead to a continuation of activities that have now taken place over a substantial period of time. The quarry is generally well screened from near distance views as a result of topography and the presence of areas of woodland and other landscape features. It is also relatively remote from residential property, with a small number of isolated properties within 1km and the nearest at a distance of 600m, although these are located at a significantly lower elevation in the Esk Valley. In recent years operations at the quarry have not given rise to complaint. Continuation of operations over a further 10 year period are not expected to give rise to any significant additional impacts on local amenity.

The proposed quarry extension area is small in scale and is well screened from near views from publicly accessible locations, even though it is located in relatively close proximity to a PROW. There would be a need to relocate an existing soil storage bund, currently located on the surface of the proposed extension area and there is some potential for very limited visibility of this, but it is not considered that it would lead to any significant increase in impact compared with the current situation. Natural England and the Authority's ecologist have both confirmed that there are no objections on ecological grounds. No objections or adverse representations to the development have been received.

In summary, it is considered that the proposal is supported in principle by relevant local planning policy and that, subject to imposition of appropriate controls, no unacceptable impacts on the National Park landscape or environment would arise, or on local amenity. It is therefore recommended that planning permission be granted subject to conditions.

Contribution to Management Plan objectives

Approval is considered likely to help support the National Park special quality – 'A variety of distinctive places and communities, creating a sense of local identity, culture, tradition and pride - Settlements are rooted in the curves and folds of the landscape. Where people have settled, they have built strong, welcoming local communities with a

distinctive character of their own. The buildings reflect the local geology, with limestone used to the south and sandstone in the north.'

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.