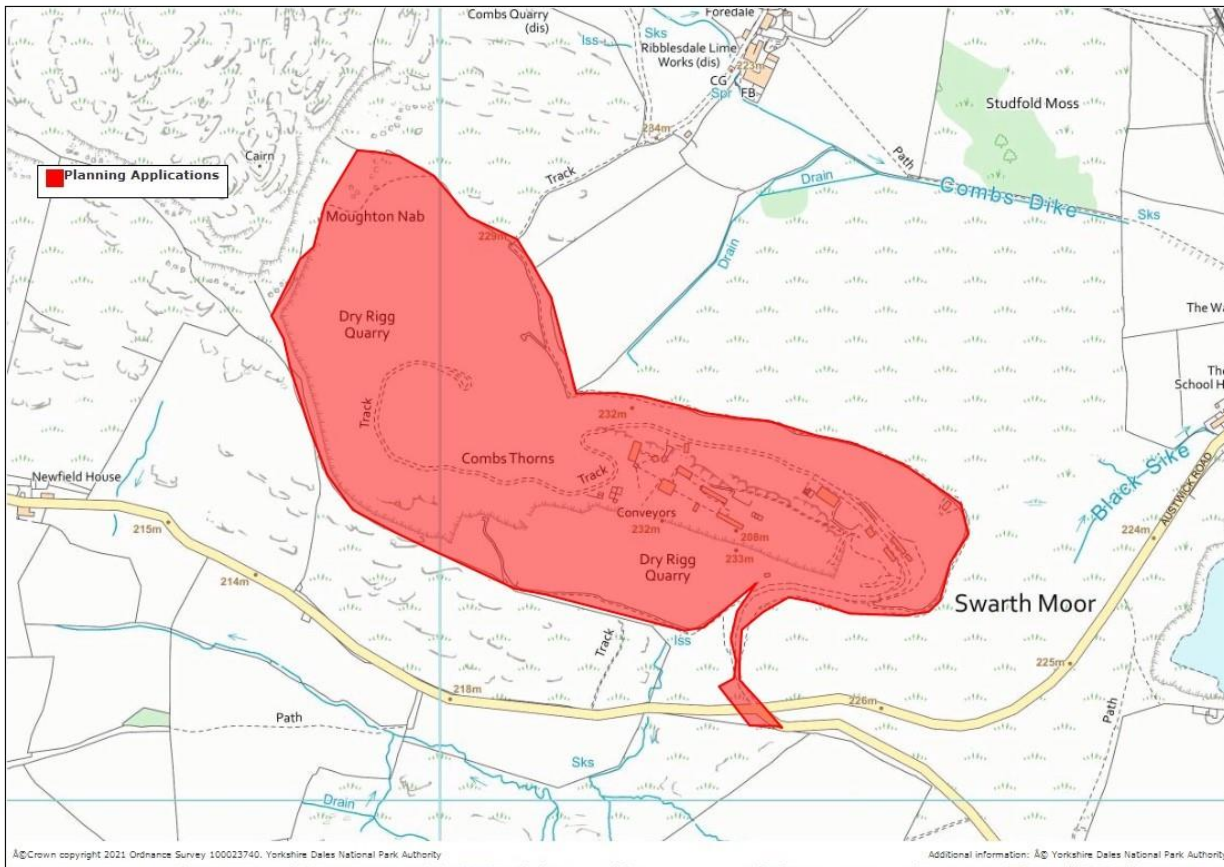


YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	Parish:	Austwick CP
Date:	18 April 2023	Officer:	Martyn Coy
Applicant:	Tarmac Aggregates Ltd	Application No:	C/04/609B
Site Address:	Dry Rigg Quarry, Helwith Bridge, Horton in Ribblesdale, Settle, North Yorkshire, BD24 0EL		
Proposal:	Full planning permission for the proposed continuation of the winning and working of mineral until 31 December 2034, with a lateral and deepening extension of the extraction area down to 127 metres above Ordnance Datum within the existing site and revised restoration proposals to be completed by 31 December 2035		



REASON FOR COMMITTEE CONSIDERATION

1. Members will recall that this application was considered at the meeting on 15th June 2021 when the Committee decided to grant planning permission for the above proposal. A copy of the report from that meeting is available as a background paper and on the Authority's website. The decision to grant permission was subject to completion of a S106 agreement. The agreement was completed and permission issued on 9th February 2022.
1. The decision was subsequently challenged by a local resident by way of Judicial Review on the grounds that the Officer's report did not expressly demonstrate exceptional circumstances for permitting a 'major development', that it did not expressly afford great weight to conserving and enhancing landscape and scenic beauty and that the harm to landscape was only considered in terms of visual impact.
2. The Authority and Applicant did not contest the Claim and the decision to grant planning permission was quashed by the High Court on 28th February 2023. The original application must now be redetermined. This requires the Authority to reassess the proposal and determine the planning application accordingly. The proposal has not changed materially since it was considered by the Planning Committee in 2021 and so this report incorporates much of the previous report but also addresses the issues identified in the High Court challenge. Counsel's Advice has been sought on this report and the content takes account of Counsel's comments.

APPLICATION SITE

3. Dry Rigg Quarry, which covers 26.2 ha, is located approximately 500m to the south west of Helwith Bridge, on the north side of the Helwith Bridge to Austwick road. The quarry works a spur of Silurian age rock of the Horton formation, comprising hard siltstone and mudstone, commonly referred to as 'gritstone'. This extends eastwards from beneath Moughton Nab, a prominent crag formed from beds of flat-lying Carboniferous Limestone which overlay the gritstone. Working of the quarry faces into the hillside, under the existing planning permission, has been completed, and current working is in the base of the quarry, below the level of the surrounding land.
4. The quarry's processing plant is located below adjoining ground level in an old working area to the east of the main quarry void. The plant is well screened, except from a public footpath that runs along the southern rim of the quarry. The office weighbridge and other buildings, together with stocking areas, are located at the eastern end of the site. As a part of the scheme approved in 1996, screening mounds have been constructed around the north, east and south sides of the quarry. These conceal many of the views of the surface development, although there are views into the site from the minor road to Little Stainforth and from higher ground.
5. The scar created by quarrying of the hillside below Moughton Nab is visible from a wide area and has a significant and adverse impact on the appearance of this part of Ribblesdale. In addition, the screening mounds constructed to conceal views of buildings, stockpiles and vehicle operating areas form unnatural features, which are also detrimental to the landscape and appearance of the area.
6. The quarry adjoins Swarth Moor SSSI along parts of its northern, eastern and southern boundaries. This is an area of raised bog and valley fen. The boundary of the Ingleborough Complex Special Area of Conservation (SAC) and the Ingleborough SSSI lies approximately 70m to the west of the proposed extraction area.

PROPOSAL

7. The application is for the continuation of the winning and working of mineral until 31 December 2034, with a lateral and deepening extension of the extraction area down to 127 metres above Ordnance Datum within the existing site and revised restoration proposals to be completed by 31 December 2035.
8. The application is accompanied by an Environmental Statement. A first phase of consultation and site and press advertisement was carried out on the basis of the application as submitted. A second round of consultation and advertisement was undertaken after additional information had been received.
9. The application seeks to extract 4.4mt of stone at an average of 350,000 tonnes per year over an extended quarry life of 13 years, until the end of December 2034. The area of additional working would be the area beneath the northern tip. Extending the quarry laterally would also enable the main quarry excavation to be deepened by a further 10m to 127m AOD. The northern tip area covers approximately 2.8 ha and this would be quarried to leave an extended area of deep, steep sided lake. Material from the tip would be stored in the quarry area to the east of the processing plant to be used with material from the screening bunds to infill the eastern part of the quarry as proposed in the currently approved scheme. Restoration would take place over a twelve-month period to the end of December 2035, although the applicants estimate that the deep water lake would take approximately 30years to fill with water to the final level of 222.5m AOD.
10. The methods of working as well as operating and transport hours are proposed to remain as at present:
Site operating hours: 07.30 to 17.30 Mondays to Fridays and 07.30 to 12.00 on Saturdays
HGV movements: 07.30 to 17.00 Mondays to Fridays. None at weekends.
11. At present, Dry Rigg Quarry exports a proportion of its production by rail using the rail sidings at the Company's Arcow Quarry. Stone is transported by road via Helwith Bridge and the Arcow Quarry access road to the rail sidings.
12. A current S106 agreement limits the combined total of road haulage from Dry Rigg and Arcow Quarries via the B6479 (ie excluding road haulage between Dry Rigg and the Arcow rail sidings) to 250,000 tonnes in any calendar year. This already exceeds the 50% reduction target set out in Policy L6. The applicants have offered a further 15% reduction in this combined limit to 212,500 tonnes per year until June 2029, when the Arcow permission finishes, and then 106,000 tonnes per year from Dry Rigg until the end of 2034. This would be secured by S106 agreement should permission be granted.

The main differences between the existing and proposed schemes.

13. The existing scheme, approved in 2012, permits the deepening of the existing quarry, with no lateral extensions. It extended the life of the site and the impact of quarrying and delayed the restoration of the site. It does not significantly affect the external appearance of the site and has the benefit of removing the northern tip to allow restoration of the tip area at original ground level.
14. The major difference of the scheme proposed by the current application is that the quarry would be extended laterally to work the stone beneath the northern tip. This means that the proposed new working would extend the steep, benched quarry faces below Moughton Nab and create an increased area of deep-water lake within the main quarry void. This would affect the visual appearance of the site, both during the working period and in the long term. It would also mean that restoration of the northern tip area at original ground level would no longer be possible. The extended lake would have an area of approximately 9.0 ha and be around 95m deep. The applicants estimate it would take about 30 years to fill.

RELEVANT PLANNING HISTORY

15. The planning history of the site dates back to the 1950s. The most recent permission was granted in February 2012. This permitted the quarrying of an additional 3.5 million tonnes of stone until the end of December 2021. The scheme has involved the deepening of the main western part of the quarry by 41m and quarrying of a smaller area from the east of the processing plant. All the working for this development has been within the existing quarry footprint and the boundaries of the quarry have not been extended. A further year to the end of 2022 is permitted to undertake restoration works. The restoration works consist of the removal of plant and buildings and the removal of screening mounds, which surround the eastern part of the quarry adjacent to Swarth Moor SSSI and which form an unnatural feature in the landscape. In addition, material which forms the northern tip area shall be taken down to original ground level. Quarry waste from these two areas is to be used to infill the eastern quarry excavation to create a restored shallow water and fen area. The main western quarry area will be allowed to fill with water to form a deep, steep sided lake.

CONSULTATIONS

Austwick PC: The Parish Council has commented that since the existing planning permission was granted in 2012 there have been issues concerning dust pollution in the air and on the roads and verges caused by HGV traffic from the quarry. The Councillors believe that statements in the application documents indicate that insufficient attention has been given to this pollution problem with no sense of importance or urgency. The installation of wheel and vehicle washing equipment and a statement to govern the method and frequency of road washing and sweeping should be prerequisites of any new planning permission.

Horton in Ribblesdale PC: The Parish Council objects to the proposal. The present dust suppression system is not effective and there is no indication that this dust will be effectively suppressed during the intended working. Residents at Helwith Bridge will be subjected to dust particulates from road transport over an extended period of time and a conveyor system should be employed. There is a lack of blast and vibration information in relation to Foredale and there is risk to the water supply to Foredale Cottages. Any permission granted should be reviewed after five years to determine negative effects on the community and the environment.

Highways North Yorkshire: There are no local highway authority objections to the proposed development.

Environment Agency: The Agency has no objections to the proposal. The quarry excavates gritstone of the Horton Formation. The low permeability of the bedrock ensures the degree and extent of drawdown at the quarry is limited and it is unlikely that any receptors will be adversely impacted. The report provides calculations on the estimated groundwater and surface water recharge rates on the completion of excavation and it is estimated that it should take 25 – 30 years to fill the void to a water level of 222.5m AOD. Groundwater ingress is considered to account for a small fraction of the recharge due to the very low permeability of the bedrock strata.

Natural England: Based on the plans and the additional documents submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Ingleborough Complex SAC, Ingleborough SSSI and Swarth Moor SSSI and has no objection. Natural England advises that the National Park, as a competent authority under the provisions of the Habitats Regulations, should undertake a Habitats Regulations Assessment (HRA) in relation to the Ingleborough Complex SAC.

Tarmac's response document advises that further dust monitoring is being carried out to identify whether the current mitigation measures are sufficient to prevent impacts to Ingleborough Complex SAC/SSSI and Swarth Moor SSSI. If this monitoring demonstrates that the current mitigation is not sufficient and additional mitigation is required Natural England requests that they be reconsulted. Natural England welcomes the benefits of allowing drainage from Swarth Fen onto Swarth Moor SSSI, the updated excavation limits and restoration plans and the establishment of an environmental fund as mitigation.

CEHO Craven: The surveys carried out show no likely adverse effects to ground water.

Wildlife Conservation Officer: Has undertaken a Habitats Regulations Assessment (HRA) in relation to the Ingleborough Complex SAC as advised by Natural England. This has included consideration of the results of a three-month dust monitoring programme conducted by consultants for the applicants measuring dust deposition and composition in relation to Ingleborough Complex SAC/SSSI and also Swarth Moor SSSI. The conclusion from the HRA is that there will not be a significant effect on the Ingleborough Complex SAC if the Authority grants planning permission for the continuation of the winning and working of minerals until 31 December 2034 at Dry Rigg Quarry. This conclusion is reached on the understanding that a planning condition or conditions is/are imposed that secure the continuation of dust control measures that are as least as stringent as those currently in place. The Wildlife Conservation Officer also recommends that a condition be attached to any permission granted requiring a method statement for the proposed translocation of species rich grassland and that a mechanism is required to review restoration plans and aftercare proposals as time passes.

Area Ranger: The proposed development directly and indirectly affects a number of public footpaths and bridleways. The extension of the Quarry in Phase 2, which would directly affect two public rights of way must not be started unless and until these have been diverted. Unless and until this happens the right of way must remain free of obstruction and be available for use at all times. The rights of way indirectly affected must also remain free of obstruction and be available for use at all times. The Area Ranger suggests that it would be beneficial if the new rights of way, to be created as part of the site restoration, could form part of a circular bridleway route. There is also a suggestion for a route across Open Access Land from Moughton Nab to the footpath at the northern edge of Arcow Quarry.

PUBLIC RESPONSES

16. The application has been advertised on site and in the local press. Following further discussions and consideration of consultation replies and public responses, the applicants modified the proposals and provided further detailed information. Following the submission of this further information, the application was re-advertised.
17. Objections and/or concerns have been received from eight local residents. The reasons can be summarised as follows:
 - Dust and dirt on the roads between Dry Rigg and Arcow Quarries. Wagons have not been properly cleaned off and the wheel wash and road sweeping have been only partly effective. Drivers speed. A conveyor should be used between the two quarries.
 - Could visibility on the Arcow access road be improved?
 - The adverse impact of quarry traffic through Settle.
 - The adverse impact on the landscape and views from surrounding areas. The environmental impact is inappropriate in a National Park. The quarry is a significant eyesore.

- A further 13 years of quarrying to 2034 is too long and gives no option for mitigation of the impacts of quarrying.
- The site should be restored at the end of 2021 and more opportunities encouraged in keeping with National Park status.
- There have been numerous planning applications and a 'salami-slice' approach circumvents the requirement to assess the development in its entirety.
- Possible impacts on natural springs and water supplies.
- The adverse effects of blasting vibration, dust and light pollution.
- The company has deposited waste, including asphalt, concrete, belts and cables within the surrounding bunds and the northern tip.
- The proposals do not take account of work towards UK net zero carbon emissions and reductions in road and air travel.
- It is contrary to Local Plan policy L6.
- There is no shortage of high PSV (+65) material in the UK.
- There is incorrect ownership information and incorrect labelling of public rights of way in the application as at first submitted.

18. Friends of the Dales object to the apparently never ending postponement to the end of operations and the restoration of the site. At a meeting in November 2012 a director of Lafarge Aggregates and now a Tarmac Director stated that that the permission granted in February 2012 included all workable reserves at the quarry and they would not seek to work any additional rock at the site. The objection is based on the proposal being major development in a National Park and as such should only be approved in exceptional circumstances. Given that the material is available elsewhere, the exceptional criterion is not met and the application should be refused. They have two main concerns. The first is the impact of continued significant HGV movements on the roads in Ribblesdale. The second concern is the visual impact and implications for the landscape of the proposed lateral extension of the extraction area.

19. Yorkshire Subterranean Society occupies the property on the junction of the Arcow access road and is impacted by traffic between the two quarries. Dust on vehicle wheels and bodies leaves dust and slurry on roads. Sweeping and the wheel wash have improved this to a limited extent. There is noise and vibration from HGVs and drivers' speed. A conveyor should be used between the two quarries. There is vibration from blasting. Restoration would have longterm benefits in-line with National Park purposes to preserve natural beauty and the environment.

20. Craven Ramblers have no objection to the proposed footpath diversions, providing safe access is maintained at all times, and welcome new paths and access in the restoration proposals.

21. There have been three expressions of support for the application as a local industry and a vital employer.

ASSESSMENT

Key issues:

- planning policy
- environmental and economic benefits
- impact on the landscape, natural and historic environment
- road and rail transport
- environmental mitigation and enhancement
- other issues (cleanliness of roads, blasting and vibration, dust, composition of quarry waste, water supply)

PLANNING POLICY

22. The most relevant elements of planning policy to this proposal are the policy in the National Planning Policy Framework [2021] (NPPF) in relation to the protection given to National Parks by the planning system, guidance on proposals for major development in National Parks, and guidance on minerals development, and; Policies SP5 and L6 of the Yorkshire Dales Local Plan (2015-2030). Section 38(6) of the Planning and Compulsory Purchase Act, 2004 places a duty on Local Planning Authorities (LPAs) that in determining planning applications regard is to be had to the development plan and that determination shall be in accordance with the plan unless material considerations indicate otherwise.
23. Paragraph 176 of NPPF establishes that *'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*
24. Section 5 of the National Parks and Access to Countryside Act 1949 and amendments made the Environment Act 1995 have established two statutory purposes for the National Park to which the Authority must have regard in exercising its planning function, viz: (a) to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park and (b) to promote opportunities for the understanding and enjoyment of the special qualities of the Park. Pursuant to these purposes the Authority has a statutory duty to seek to foster the economic and social well-being of local communities within the National Park. These obligations are reproduced in Policy SP2 and through the Local Plan taken as a whole.

Major development (NPPF and Policy SP5)

25. At paragraph 177 the NPPF sets out Government guidance on 'major development' in protected landscapes:

"When considering applications for development within National Parks.....permission should be refused for major development, other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

-the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

-the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

-any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be mitigated.

Footnote: "whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined."

26. As a first step the guidance requires an assessment of whether the proposal amounts to major development or not, applying the criteria set out in the footnote:

(1) Nature, scale and setting

27. The proposal is to extend working laterally, to work stone beneath the northern tip (previously worked land). It would extend the steep benched quarry faces by 140m to the north, below Moughton Nab, and create an increased area of deep-water lake. There would be a visual impact and landscape character impact of extending the quarry faces (assessed in detail below). The proposed working would also extend the life of the quarry by 13 years to 2034 and would therefore extend the effects of the operations in terms of noise, dust, and traffic and the continuing visual impact of delaying restoration. However the proposal would entail the northern tip being removed thereby allowing the tip to be restored at ground level.
28. These aspects are considered in more detail below but for the purposes of judging whether the proposal amounts to major development or not it is considered that the proposed works are significant in scale and some of the impacts extend beyond the site, including the impact of traffic movements over an extended period of time.
29. However the setting of the works is wholly within the context of the existing quarry excavations and would not create a wholly new feature with a fresh visual or landscape impact, rather the impact arises from a significant addition to an existing feature (the quarry face) and the size of the area of the deep water lake in the restored quarry void. The proposal will have an impact on the landscape (see assessment below) but the main impact will be confined to the locality of the quarry.

(2) Whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

30. The National Park was designated principally for the scenic beauty of its landscape, particularly its limestone scenery, glacial and post glacial landforms, and traditional pastoral landscapes characterised by stone walls and barns which frame a patchwork of pasture lands (see National Park Management Plan 2019-24). The landscape within which Dry Rig is situated has all of these features but it is also a highly legible landscape, displaying a clear link between the underlying geology and landform, and significantly; the historic uses, management and exploitation of the land. The landscape is one of striking contrasts arising from natural geological features and man's influence upon them. Other special qualities that define the Park are listed in the National Park Management Plan 2019-24 (pages 8-10). They include cultural heritage, tranquillity, dark skies and extensive footpaths and areas of public access land.
31. This proposal is for working previously worked land, with an extension of the existing quarry face within the setting of much more extensive quarry workings at the site and within the local area. The works are of a significant scale but given the visual setting and character of this part of the National Park it is concluded that the proposal would not have a significant adverse impact on the purposes for which the Park was designated (principally the scenic quality of the landscape) or how it is defined (the special qualities of the Park).
32. Taking into account the nature, scale and setting of the proposed works and the impact on the purposes for which the Park was designated it is considered that, on balance, the proposal does amount to major development for the purposes of para. 177 of the Framework. As such the next step is to consider whether there are exceptional circumstances to justify permitting the development and that it is in the public interest to do so.

Exceptional circumstances

33. The guidance expressed in paragraph 177 of the NPPF (set out above) is replicated in the Yorkshire Dales Local Plan (2015- 2030) as Policy SP5 'Major Development'.

34. To satisfy the guidance in para.177 and Policy SP5 a judgement needs to be made as to whether there are 'exceptional circumstances' to justify granting permission, that it is in the public interest to do so, and that in considering the proposal four criteria are assessed:

-the need for the development, including in terms of any national considerations,

-the impact on the local economy of permitting or refusing it;

-the cost of, and scope for, developing outside the National Park, or meeting the need for it in some other way; and

-any detrimental effect on the environment, the landscape character, recreational opportunities, and the extent to which that could be mitigated.

These criteria are addressed below.

35. Firstly, it should be noted that the NPPF specifically addresses minerals development at paragraph 209 insofar as *'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs'*. Paragraph 211 adds that *'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy..... Mineral planning authorities should, as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks.....Authorities should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source.'*

36. Dry Rigg quarry produces gritstone with a high polished stone value (PSV) of +65. This quarry is the only source of +65 PSV gritstone in North Yorkshire and there are few such quarries within the country. The material is a high specification aggregate that is mostly used in road and runway surfacing because of its skid resistant properties. The fine aggregate and dust fractions at Dry Rigg have a strong affinity with bitumen/emulsions meaning they can be utilised in cold-applied slurry seal surfacing systems. High PSV aggregates, with a PSV in excess of 63, are a valuable resource and they can only be obtained within this country from a limited number of sources, Dry Rigg being one of four such quarries in the north of England. If Dry Rigg Quarry closes, replacement supplies would have to be found from alternative sources in the UK or overseas and would, for the most part, be likely to involve greater transport distances, with less availability of rail haulage and a correspondingly increased carbon footprint (only one of the other English quarries, in Shropshire, has access to a railhead). The applicants have demonstrated that there is a need for the aggregate and there are public interest reasons why it should be supplied from Dry Rigg. The scope for such development outside of the National Park is extremely limited (unlike that for housing for example).

37. The operation of Dry Rigg supports 36 jobs and local businesses supplying the quarry. In national terms 36 jobs are not significant but in local terms 36 jobs represents a medium sized local employer making a significant contribution to the local economy and to the economic health and vitality of communities within the National Park. The proposal would guarantee this economic benefit for a further 13 years. It is considered that great weight should be given to these national and local economic benefits.

38. Turning to the fourth criterion it is acknowledged that the proposal will have a detrimental effect on the visual quality of the landscape (the site and its surroundings) as a result of the creation of 140m of new quarry face. However the effect of these works on the wider landscape character is less tangible and less severe as the character of the Ribblesdale landscape is typified by geology and natural features but also by human influence upon it in terms of settlement, farming and crucially, quarrying. The landscape character of this part of Ribblesdale displays many of the Special Qualities of the National Park including high fells, historic dry stone walls and stone field barns, as well as ancient woodland. However, the several historic quarries, including Dry Rigg, form a dominant visual presence in the landscape and are undeniably part of the landscape character of Ribblesdale.
39. The Yorkshire Dales National Park Landscape Character Assessment states that these Quarries have a significant impact on the landscape but also represent cultural features (LCA13 'Ribblesdale'). Dry Rigg quarry lies within Mid-Ribblesdale which is described thus: *'the valley profile has been completely altered by large quarries, which dominate the landscape.....they have cut away the upper western valley sides, creating extensive open slabs and terraces of quarried rock.'*
40. The scale of the excavated quarry face is such that its visual impact cannot be wholly mitigated through landscape planting or other measures. The proposal includes improvements to the final restoration scheme that will benefit visual quality and biodiversity (including the adjacent Swarth Moor SSSI) and the applicants have agreed to provide an annual sum to create an environmental improvement fund for the 13 years of mineral working that has the potential to deliver significant improvements to biodiversity, visual quality and landscape character in the Ribblesdale area. Another benefit of the proposal is the applicant's commitment to invest in reducing the significant impact the quarry has on the dark sky character of the landscape, details of which can be secured by condition. Potential detrimental effects arising from blasting and quarry dust can be effectively controlled/prevented through conditions.
41. It is therefore considered that the proposal is not of a scale (relative to existing mineral workings) that individually or cumulatively it would have an adverse impact on the intrinsic character of the area such that the balance between natural beauty and human development (including agriculture) is affected.
42. It is recognised in the justifying text to Policy L6 that *"Modern quarrying is an efficient operation that can achieve considerable mitigation of its impacts. Given that the main harm to the landscape of the National Park has already taken place, the environmental benefits of some continued, carefully managed working can outweigh the environmental disadvantages, predominately through reduced road haulage and biodiversity and landscape enhancement."* The proposal includes some significant environmental benefits (improvements to the restoration scheme, provision of an environmental fund, a further reduction in road haulage etc) and appropriate controls can be applied over operational impacts such as a blasting, noise and dust. These factors are dealt with in more detail below. The proposal will not have a significant effect on recreational opportunities as the site is wholly within the confines of the existing quarry and will not have a direct impact on footpaths or other areas where the public have access. Public enjoyment of the scenic beauty and other special qualities of this part of the Park is difficult to assess however given the limited impact on visual quality and character of the landscape, the reduction in road haulage and controls over blasting, noise and dust it is considered that there is unlikely to be a tangible negative effect.
43. The above assessment establishes that there are significant national and local economic benefits arising from the proposal, that there is a national need for the material and it is in the public interest to ensure it is supplied, and also that it is a scarce resource with extremely limited scope for providing it outside of the National Park. The assessment also finds that the landscape within which the site sits has considerable scenic beauty and a unique character which should rightly be afforded the highest status of protection.

However the effect of the proposal on landscape quality and character, both individually and cumulatively, would be limited as would the effect on the environment and on recreational opportunities. It is considered that, even after applying great weight to the need to conserve and enhance landscape and scenic beauty, given the limited effects of the proposal and the significant benefits it offers, these factors, taken together, amount to exceptional circumstances that justify granting permission.

Policy L6 – Crushed Rock Quarrying

44. The Local Plan includes Policy L6 'Crushed rock quarrying' which makes a distinction: *"The development of new crushed rock quarries or the extension of existing quarries into areas of undisturbed land will not be permitted other than in the exceptional circumstances set out in Policy SP5"*. In making this distinction the Local Plan is effectively saying that new quarry working is 'major development'. Policy L6 then turns to other forms of crushed rock quarrying development: *"Extensions, in time, extraction area or depth, will only be permitted in disturbed land within the boundary of an existing active quarry, and where all the following criteria are met"* with a list of criteria following that includes environmental and economic benefits, rail haulage, and; (in addition to what has been agreed on current operations and restoration schemes) offsetting biodiversity impacts, giving up permitted reserves and demonstrating biodiversity and landscape enhancements or employment/recreational uses depending on the nature of after uses.
45. This proposal is not for a new quarry or an extension of Dry Rigg into undisturbed land rather it is for an extension in time and extraction area/depth in disturbed land (the northern tip area) and should be considered against criteria a, b, c listed in Policy L6.

(a) The environmental and economic benefits of further quarrying will outweigh the individual and cumulative impact on the landscape and the natural and historic environment. Proposals will need to demonstrate how any unavoidable impacts will be mitigated.

46. It is acknowledged in the justifying text to Policy L6 that *"..the National Park Authority recognises the substantial economic contribution that quarrying makes to the national, regional and local economy."*, and; as quoted above, *"Modern quarrying is an efficient operation that can achieve considerable mitigation of its impacts. Given that the main harm to the landscape of the National Park has already taken place, the environmental benefits of some continued, carefully managed working can outweigh the environmental disadvantages, predominately through reduced road haulage and biodiversity and landscape enhancement."*
47. The applicants have confirmed the economic and environmental benefits of the proposal as being:
- the supply of 4.4million tonnes of a nationally scarce resource. The supporting text to Policy L6 recognises the value and scarcity of the material and comments that *"Under the provisions of the policy and subject to the listed safeguards, producers within the National Park will be able to continue to contribute to the national supply of high PSV gritstone during the Plan period."*
 - the proposal will provide 36 jobs (17 on site staff and 19 hauliers) for a further 13 year period. Local businesses that supply goods and services to the quarry will also benefit for a further 13 years.
 - the 2012 restoration scheme has been revised to include further ecological, landscape and visual improvements including additional open water and wetland habitats, seepage features designed to water

the Swarth Moor SSSI peat bog habitat and the provision of an additional 350m of dry stone walls on the site. Active restoration and management activity would be extended to December 2064.

- agreement to improve lighting arrangements to support the Dark Sky Reserve status.
- provision of 240m of dry stone walls offsite.
- continued funding towards the management of Swarth Moor SSSI for the 13 years of quarry operation.

48. The environmental, landscape and visual effects of the proposal are assessed in the applicant's Environmental Statement.
49. The existing quarry is prominent in the landscape and can be seen from public rights of way and roads over a wide area in this part of Ribblesdale. The main adverse visual impacts of the quarry are the existing stepped quarry faces that have been excavated into the hillside below Moughton Nab and the screening mounds that have been formed on the edge of Swarth Moor SSSI. The stepped faces are the result of past historic quarrying which cannot be restored and will therefore remain as permanent landscape features in this part of Ribblesdale. The current quarrying has been in the base of the quarry and has not extended these faces.
50. The new proposals would extend the visible faces by approximately 140m to the north, however they would not extend as far up the hillside, and the scree slope below the Nab would be retained. This would take place on operational land within the quarry that has previously been worked. The mounds that have been constructed around the eastern end of the quarry screen the buildings and stocking area from lower viewpoints, but are not fully effective from higher ground, such as Foredale Cottages or the minor road to Little Stainton. Therefore, it is proposed to increase the height of part of the mound to improve screening of views from Foredale Cottages. The screening mounds form unnatural features in the flat landscape adjacent to Swarth Moor SSSI. However, in both the approved 2012 and the proposed restoration schemes the mounds will be removed at the end of quarrying operations.
51. It is acknowledged above that the proposal will have a detrimental impact on the visual quality of the site and immediate surrounding area, however it is considered that the impact on the visual quality of the wider landscape would not be significantly adverse due to the fact that the historic quarry already visually dominates the immediate area and the proposed works are predominately located within this setting.
52. The effect of the proposals on the intrinsic character of the landscape are also discussed above. It is accepted that the large historic quarries in the area are part of the character of Ribblesdale and that the creation of an additional area of quarry face, within previously disturbed/worked areas, relative to the scale of the existing quarry face and other quarry workings in the area is such that the proposal would not have a significant harmful effect on the character of the Ribblesdale landscape.
53. In respect of the historic environment there are no designated or undesignated heritage assets directly affected (either physically or to setting) by the proposal in any significant way. The character and appearance and setting of the Settle to Carlisle Railway Conservation Area would be unaffected by the proposal, during mineral working and following restoration.
54. The quarry adjoins Swarth Moor SSSI along parts of its northern, eastern and southern boundaries. This is an area of raised bog and valley fen. The boundary of the Ingleborough Complex Special Area of Conservation (SAC) and the Ingleborough SSSI lies approximately 70m to the west of the proposed extraction area, but at a higher level up the hillside. Natural England has concluded that the proposed development will not have a significant adverse impact on these designated sites. The Wildlife Conservation

Officer has undertaken a Habitat Regulations Assessment (HRA) in relation to the Ingleborough Complex SAC, which concludes that there would not be a significant effect on the SAC providing conditions are imposed to secure the continuation of dust control measures (see below) that are at least as stringent as those currently in place.

(b) At those sites where a direct rail link exists or is physically capable of construction, proposals will need to include the use of rail haulage and a reduction in road haulage. The reduction in road haulage must be at least 50%, based on limits that were in place in 2011, unless a developer can demonstrate, by sharing their economic assessment with the National Park Authority, that a lower percentage reduction or a phased reduction is necessary to maintain viability of the site

55. The main markets for stone from Dry Rigg are in Greater Manchester, Lancashire and West Yorkshire, which are supplied predominantly by rail to depots in Manchester and Leeds. Markets in North Yorkshire, Cumbria and Derbyshire are supplied mostly by road. In 2016 rail sidings were constructed at Arcow quarry to serve both Arcow and Dry Rigg. By 2021, 65% of Dry Rigg and Arcow's output was delivered by rail, exceeding the requirement specified in policy L6. Stone is transported by road from Dry Rigg to the rail sidings at Arcow via Austwick Road to Helwith Bridge and the Arcow Quarry access road, a one-way distance of just over 2km. The Arcow Quarry access road is single track road with passing places. It is also the access to Foredale Farm and Foredale Cottages.
56. The rail sidings at Arcow Quarry are covered by the existing planning permission for quarrying at Arcow, which runs until 30th June 2029. If planning permission is granted to extend the life of Dry Rigg Quarry, a further permission will be required to retain the sidings and stocking area at Arcow so that it can be used to transport Dry Rigg stone by rail. A section 73 application (C/44/101G) to retain the sidings and stocking area at Dry Rigg until 31st December 2034 was approved on 10th February 2022, thereby enabling the continuation of stone to be transported by rail.
57. Stone that is to be delivered by road from Dry Rigg travels via Helwith Bridge to the B6479. Data from the environmental statement indicates that 68% of this traffic turns south and travels through the centre of Settle to the A65, 18% turns south and travels to the A65 via Giggleswick and Buck Haw Brow and 14% turns north on the B6479 towards Ribbleshead.
58. The applicants have offered a 15% reduction in the existing combined road traffic limit from Dry Rigg and Arcow quarries on the B6479 from 250,000 tonnes p/a to 212,500 tonnes p/a. At the end of the Arcow planning permission in June 2029, the limit from Dry Rigg would become 106,000 tonnes. This reduction would be secured by s106 agreement which would also require the applicant to submit monthly tonnage totals as well as affording the Authority access to weighbridge records.
59. Assuming that Dry Rigg operates at 350,000 tonnes p/a and that the offered 212,500 road limit is split two thirds from Dry Rigg and one third from Arcow, it is possible to assess an approximate average level of road traffic as follows:
 - a. Dry Rigg total per day – 52 loads (104 movements) of which
 - a. Dry Rigg to Arcow railhead – 31 loads per day (62 movements) and
 - b. Dry Rigg to B6479 – 21 loads per day (42 movements)
 - c. Total traffic on Arcow access road – 42 loads per day (84 movements)
 - d. Total traffic from Dry Rigg and Arcow Quarries on the B6479 – 32 loads per day (64 movements)

It should be stressed that these are approximate average figures based on broad assumptions.

60. Horton-in-Ribblesdale Parish Council and some of the responses from the public have suggested that a conveyor system should replace road transport between Dry Rigg and Arcow rail sidings. It would be possible in engineering terms to construct a ground conveyor between the two quarries along a route that avoided Swarth Moor SSSI, but the applicants do not own the land between the two quarries. A conveyor system would require a maintenance track alongside. It would remove the need for road traffic to the rail sidings; however, there is potential for the system to have a negative visual impact.
61. Although, extending the operational life of the quarry will impact on the surrounding area in terms of transportation of stone, it is considered that the proposed 15% reduction in road transport on the B6479 will help limit negative impacts on the local highway network.

(c) Using currently permitted operations and already-agreed restoration schemes as a baseline, any proposal must:

i) demonstrate local economic benefits through job creation or job safeguarding;

ii) reduce visual impacts through landscaping and restoration;

iii) offset biodiversity impacts during the life of the quarry and then subsequently after quarrying has ceased through onsite enhancement in the locality;

iv) give up already permitted reserves where working would result in harmful impacts;

v) demonstrate biodiversity and landscape enhancement where nature conservation after use is proposed. Where restoration other than to nature conservation is proposed, this must be supported by an afteruse study that explores options either to deliver National Park purposes or new employment/business/recreational uses that would be compatible with Local Plan policy. The quarry developer will be expected to provide infrastructure and finance to deliver the preferred use.

62. This criterion includes some overlap with the assessments required by other elements of policy. The economic benefits associated with the proposal are set out above. The above assessment also finds that there would be a negative impact on the visual quality of the site and surroundings, although the impact on the wider landscape would be limited given the context of the rest of the quarry, and that the impact on landscape character and the historical environment would be limited. It has also been established that there would not be a significant effect (subject to appropriate controls) on designated habitats and species.
63. Notwithstanding the preceding assessment the proposal has the potential to give rise to negative effects on visual quality (particularly in relation to lighting) and on the natural environment during the extended period of mineral working however these impacts can be controlled through conditions.
64. A full review of lighting at the quarry has been undertaken and the consultants responsible for this work have set out details of three options for reducing light pollution. The applicants have committed to the most comprehensive of these (Option 3), which would involve a new design of the lighting, with the purchase, wiring and installation of new luminaires. This would provide a fully controlled lighting system that should minimise the impact of quarry lighting on the National Park's Dark Skies status. Local Plan policy SP4 sets out that development should not have an unacceptable impact on the darkness of the night sky. The details of the lighting scheme will need to be approved as a requirement of a planning condition.
65. The site operating hours are 07.30 to 17.30 Mondays to Fridays and 07.30 to 12.00 on Saturdays. Lighting is required at the beginning and end of the working day in winter. The currently approved limits for lighting are 06.00 to 17.30. The applicants request flexibility in the hours for carrying out routine maintenance work

so that maintenance can be carried out at weekends, but subject to complying with the 06.00 to 17.30 limits on lighting.

66. The proposal would extend the period of the impact of quarrying and associated transport of material and delay (by 13 years) the final environmental and biodiversity benefits that restoration of the quarry would bring. Local Plan policy W2 (Biodiversity enhancement) sets out that large-scale development may be required to fund biodiversity enhancement off-site. The applicants have confirmed that they would agree to provide an Environmental Fund, administered by YDNPA, with payments of £35k pa, index linked, during the working and restoration period to 31st December 2035. This could be operated in the same manner as the existing Swinden Quarry Natural Environment Fund with environmental enhancement projects being funded within the locality of Dry Rigg.
67. There are no already permitted reserves at Dry Rigg which could be given up and the proposal is to seek permission to extract additional material.

OTHER ISSUES

Cleanliness of roads

68. Austwick and Horton-in-Ribblesdale Parish Councils, together with local residents have commented that there have been problems with dust and dirt on the roads between Dry Rigg and the Arcow rail sidings. The company fully accepts that the roads must be kept in a clean condition at all times and is proposing the following measures:

- The replacement of the existing wheel wash at Dry Rigg with a longer structure with a timed barrier to retain lorries for a sufficient period for cleaning;
- A timed barrier to be installed on the Arcow wheel wash;
- Hot pressure washing at least twice each day of the lorries operating between Dry Rigg and Arcow;
- The majority of HGVs would be loaded from the hard surfaced stockpile near the site offices at Dry Rigg;
- Daily inspections and recording of road conditions;
- The payment system for the hauliers has been changed to a daily rate from a system based on the tonnage carried.
- As at present, a road sweeper will be available if additional cleaning is required. At least once per month, a 'back to black' road sweeper would be employed.

69. It is considered that the implementation, maintenance and monitoring of these measures will effectively ensure the roads remain in a clean condition.

Blasting and vibration

70. Guidelines and advice on blasting indicate that monitoring should be undertaken by the measurement of peak particle velocity at residential or sensitive properties. The US Bureau of Mines indicates that no damage is reported to have occurred in any of the published data at vibration levels less than 12.7 mm/sec. British Standards give satisfactory magnitudes with respect to human response of 6 to 10 mm/sec at a 90% confidence level at residential buildings. However, perception levels of blast induced vibration can be as low as 0.5 to 1.5 mm/sec.

71. At present, all blasts at the quarry are monitored at Newfield House and Foredale Cottages. All results are sent to the Authority. The existing permission sets a limit of 6 mm/sec at residential buildings. The readings

in 2020 and so far in 2021 have varied from no reading being recorded to a maximum of 4.68 mm/sec (the only reading above 4.0mm/sec), with an average around 1.8 mm/sec. Published evidence shows these levels are well below a level that would result in cosmetic damage, but this level of vibration may be felt and may therefore cause concern.

72. Given current guidance and published evidence, it would not be realistic to defend setting a limit below 6mm/sec and it is therefore recommended that this limit is applied by condition on any permission granted.

Dust

73. The issues relating to dirt and dust on the roads between Dry Rigg and Arcow Quarries are discussed above. Environmental monitoring has included a three-month dust monitoring programme, measuring dust deposition and composition. Monitoring stations have been established at 9 locations, including across Swarth Moor SSSI, on the northern tip and at Foredale Cottages and Helwith Bridge. The general conclusion reached in the ES and from the monitoring is that: *'Consequently, the assessment shows that the proposed extension can be operated in a manner unlikely to cause significant adverse impacts in the vicinity of Dry Rigg Quarry, and with reference to best practice guidance, the overall impact of the extension is considered not to be significant.'*

74. However, the monitoring at Helwith Bridge recorded increased dust deposition levels that were most likely related to road traffic on Austwick Road. The majority of HGV traffic on this road is quarry traffic and this emphasises the importance of ensuring the road is maintained in a clean condition at all times.

75. There is the potential for increased levels of dust to result from earthmoving work to remove the northern tip and from drilling and working the underlying rock. In this respect, it is important that earthmoving work is not undertaken during dry, windy conditions and that best practice is employed to minimise dust levels, particularly from drilling. As such, a planning condition will require the submission of a comprehensive scheme to control and monitor dust levels to be submitted for approval by the Local Planning Authority.

Composition of quarry waste

76. Objections have been received commenting that the quarry waste material forming the northern tip and also the screening mounds around the site contain lumps of asphalt, pieces of metal and items such as conveyor belt, cables and metal hawsers. The screen bunds, constructed around the site more than 20 years ago, and the regraded waste tips do contain some of these waste materials. Inevitably, this material comes to the surface and the only realistic action is periodically to collect it. The material comes from a period in the past when environmental standards at quarries were much lower than at present. The pieces of asphalt come from the time when there was an asphalt coating plant at the site. The issue has been discussed with the Environment Agency and they have confirmed that an Agency permit will be required when this 'legacy' material is moved.

Water supply

77. Concerns have been expressed that pumping to keep the deep quarry de-watered could adversely affect water supplies in the area. The quarry works 'gritstone' of very low permeability and the Environment Agency has commented: *'The low permeability of the bedrock ensures that the degree and extent of drawdown at the quarry is limited and it's unlikely that any receptors will be adversely impacted.'* The Agency has not suggested that any monitoring of groundwater levels would be necessary.

CONCLUSION

78. Although the proposal is for an extension in time and extraction area/depth in disturbed land (the northern tip area) at Dry Rigg, it is considered that the proposal, on balance, amounts to major development for the purposes of para. 177 of the NPPF and Policy SP5 of the Local Plan. As such the policies require a judgement to be made as to whether there are 'exceptional circumstances' to justify granting permission, and that it is in the public interest to do so. The above assessment concludes that there are exceptional circumstances to justify granting permission and it is in the public interest to do so by taking into account:

- the need for the material quarried at Dry Rigg,
- the importance of the material for national infrastructure development,
- the benefit to the local economy of permitting the application,
- the limited scope for sourcing the material from outside of the National Park and the environmental cost of doing so, and;
- the extent to which the very limited effects on the environment (including visual and human amenity), the landscape character, and recreational opportunities, can be mitigated.

79. Policy L6 establishes that permission will be granted for working disturbed land within an active quarry where three criteria are met. It is considered that this proposal meets all three criteria – (a) the environmental and economic benefits of the proposal outweigh the individual and cumulative impact on the landscape and the natural and historic environment, which is limited; (b) the reduction in road haulage required by the policy has been met nevertheless the proposal includes a further increase in rail haulage to the benefit of residents, visitors and the tranquillity of the National Park, and; (c) the proposal demonstrates economic benefits, reduces visual impacts through landscaping and restoration, offsets biodiversity impacts through provision of an environmental fund and demonstrates biodiversity and landscape enhancement through the proposed restoration scheme.

80. Furthermore the potential impacts to residential amenity and environmental amenity arising from blasting and vibration, dust, mud on roads and to water supply can be adequately controlled by s106 obligations and conditions, consistent with the general requirements of Policy SP4 'Development Quality' for transport and human safety/amenity.

81. The NPPF advises that great weight should be to conserving and enhancing landscape and scenic beauty in National Parks. It also advises that great weight should be given to the benefits of mineral extraction, including to the economy. Although the scale and extent of this proposal is significant it is considered that the impacts of the proposal are relatively limited and can be mitigated. In Officers opinion planning permission can be justified even with the need to afford great weight to conserving and enhancing landscape and scenic beauty.

82. It is therefore considered that the proposal is both justified and policy compliant – the proposal satisfies the requirements of the most relevant local plan policies SP5 and L6, but also SP4 and W2 and is consistent with the aims and objectives of the Local Plan taken as a whole.

RECOMMENDATION

83. It is recommended that planning permission is granted subject to the completion of a S106 legal agreement covering:

- Provision of a scheme for funding off-site biodiversity enhancement and environmental compensation measures until 31 December 2035, with annual payments of £35k pa (index linked).
- The Company to undertake monitoring work and management of the quarry land and monitoring work on Swarth Moor SSSI in accordance with an agreed scheme based on the existing Restoration and Aftercare Management Scheme until the lake reaches its final level of 222.5m AOD and to fully fund this work.
- The continuation of the Restoration and After-care Committee to oversee the monitoring and management work.
- The provision and maintenance of pumping measures to maintain water levels in the restored shallow water areas at 222.5m AOD.
- The provision of new public rights of way.
- The replacement of fencing with dry stone walling on the southern boundary at Arcow Quarry.
- The limiting of total combined levels of the road haulage of mineral from Dry Rigg and Arcow Quarries on the B6479 to 212,500 tonnes pa until 30th June 2029 and to 106,000 tonnes pa from Dry Rigg Quarry thereafter. Maximum limits for any single month to be 30,000 tonnes until 30th June 2029 and 15,000 tonnes thereafter.

84. It is also recommended that permission is subject to conditions covering the following matters:

- The winning and working of minerals and the sale and export of minerals to cease permanently not later than 31 December 2034
- Restoration to be completed by 31 December 2035.
- The development to be carried out in accordance with the application details, as amended.
- The submission for approval of an annual scheme with details of working, restoration, landscaping, planting and maintenance.
- The submission for approval of a scheme and method statement for the translocation of the species rich grassland and, if necessary, for the use of green hay.
- The submission for approval of a scheme for increasing the height of the screening landform on the northern boundary of the site.
- No stockpiling of mineral above the height of any screening landform adjacent to the stockpile.
- The submission for approval of a comprehensive scheme for the control and monitoring of dust.
- The submission for approval of a scheme for the placement of quarry waste from the northern tip in the eastern quarry area and for the grading, soiling and seeding of the backfilled area.
- No quarrying below 127m AOD.
- No quarrying, processing or associated operations (other than routine maintenance work) except between 07.30 to 17.30 hours Mondays to Fridays and 07.30 to 12.00 hours Saturdays.
- No lighting to be illuminated except between 06.00 and 17.30 Mondays to Sundays. All lighting to be switched off when not required.
- The submission for approval of a comprehensive lighting scheme in accordance with Option 3 of the Lighting Review with Proposals dated Nov 2020.
- No HGVs to enter or leave the site except between 07.30 to 17.00 Mondays to Fridays. - No blasting except between 10.00 and 16.00 Mondays to Fridays.
- Ground vibration levels from blasting not to exceed a peak particle velocity of 6mm/second at any residential premises. All blasts to be monitored and the results forwarded to the NP Authority.
- Noise levels from operations not to exceed 50 dB(A) Laeq (one hour) at any residential premises.

- White noise type reversing alarms for vehicles and mobile plant.
- All plant and machinery to be fitted with effective silencers.
- No rock breaking equipment to be operated above a level of 193m AOD.
- No rock or aggregate to be imported into the site.
- No materials other than uncontaminated natural materials originating at Dry Rigg Quarry to be deposited on or utilised in restoration works at the site.
- All HGVs carrying mineral from the quarry to be securely covered.
- No additional plant or buildings without the prior grant of planning permission.
- The whole of the quarry access road to be retained with a bituminous macadam surface in a good state of repair, free from potholes.
- The submission for approval of a comprehensive scheme of measures for wheel and vehicle cleaning and the maintenance of clean conditions on the roads between Dry Rigg and Arcow rail sidings (see para. 69 above for a list of the measures)
- The submission for approval of a comprehensive scheme for the control and monitoring of dust.
- All stone walling and fencing to be maintained in good condition.
- The submission for approval of a comprehensive scheme for removal of the screening bunds and quarry access road on the completion of working.