

Middleton Lodge Development

Friday 9th March

Objection Statement

re

James Allison

and

Sherburn Stone Company Limited

1 Introduction

- 1.1 The Barton Residents Association wish to raise **OBJECTION** to the application by James Allison and the Sherburn Stone Company Limited to develop a new quarry on land to the north and north-west of Middleton Lodge.
- 1.2 The Barton Residents' Association represents 90 individuals living in the locality who have grave concerns about the significant impacts of the proposed quarry at Middleton Lodge. Traffic, dust and noise have been highly frequent concerns. The associated hazards to health have also been mentioned with some residents complaining of coughs when dust levels are high or Asthma which has been aggravated. The general prevailing feeling amongst the residents is that although noise dust and traffic can be managed, residents have little confidence that they will be. The current Barton quarry is surrounded by dirty roads and dusty lorries which fill the roadside gutters with dirt. The landscaped bunding around the quarry is covered by dead or dying trees which have not grown since planting and have lacked any form of maintenance. The surrounding fencing is rotten and broken. This indicates to residents that Sherburn Stone are not interested in protecting their current assets and should not be granted permission to exchange beautiful ancient parkland into an area of devastation. The amount of dust around the quarry has raised concerns and residents have noticed that natural watercourses are being silted up and complain of constant dirty windows and trees covered in dust. Also the plans indicate that after year 5 quarrying will only take place over the winter months. Dust levels are at their highest during winter and early spring and they find this planning highly inappropriate. The residents have accepted the existing quarry as it has been functioning for a long time but they will not accept plans to create a new quarry. This has been demonstrated by unanimous votes to flight plans for a new quarry in every meeting that we have had over the last 8 months.

- 1.3 The application and Environmental Statement as submitted claim that the proposed quarry development is enabling activity to undertake enhancement works upon the Middleton Lodge buildings and surrounding grounds. The development should be refused outright, as the quarry development is outside the clear provisions of both existing Planning Policies and the Preferred Options contained within the emerging replacement Minerals Local Plan.
- 1.4 The size and scale of the development is such that it cannot be classed in any manner as “*a small extension*”, as identified in Policy 3/4 of the existing North Yorkshire Minerals Local Plan and emerging policies within the replacement plan.
- 1.5 The Residents Association, and indeed many individual residents surrounding the proposed quarry, have major concern regarding potential adverse impact of the development upon their lives. In particular, concern is raised regarding air quality, vibration and visual impact of the quarry and traffic associated with the Lodge. Moreover, having regard to the Middleton Lodge building itself, we believe there are major issues regarding the setting of this building with regard to the quarry development on its boundary.
- 1.6 The proposal to establish a visitor feature in the grounds is, in our opinion, merely an excuse to undertake quarrying development outside of the approved Development Plan. The visitor centre is not required to undertake any other improvement works in or around the Middleton Lodge Estate.
- 1.7 The application does not set out the business case for the new visitor attraction and alterations to the listed buildings and fails to demonstrate that the formation of a new quarry at Middleton Lodge is the only practical option fund the repair works to the listed buildings, or to bring them back into use. The proposed restoration of the quarry would be harmful to the special historic character of the designed landscape by introducing alien features into this important historic landscape. Therefore, the case has not been made to grant consent for the new quarry as an exception to the established and emerging planning policy and proposals are then clearly contrary to national, regional and local planning policies.

2 Scoping Opinion of North Yorkshire County Council

- 2.1 Prior to submission of the application, the applicant obtained a formal Scoping Opinion from your authority, and the Environmental Statement confirms that “*The purpose of Scoping is to define the range and level of detail required for accurate consideration of environmental issues dependant upon the proposals within the application site*”. The Environmental Statement goes on to confirm that “*The purpose of the Scoping was to identify environmental issues and may have potential impacts associated with the development proposals and determine the level of detail required to understand the nature of these impacts*”.

- 2.2 Your authority's formal Scoping Opinion was contained within correspondence of 9 February 2006, and required a number of issues to be dealt with in the Environmental Statement.

Description of the Proposal

- 2.3 The Scoping Opinion required that the Environmental Statement (ES) should contain text explaining the various aspects of the development, and any accompanying plans need to be clear. In terms of "*project description*", the ES explains that the new limestone quarry would be developed as an integral part of the development, and Paragraph 3.3.3 purports to provide details of the quarry design, including preliminary operations and phasing, whilst Section 3.6 deals with quarry extraction and provides a plant list, whilst Section 3.8 is supposed to contain the quarry scheme including details of the quarrying, water treatment and direction of working.
- 2.4 **Throughout the text in these specific sections there is no reference whatsoever to production blasting to extract the limestone.** Section 3.10 refers to quarry restoration, and then provides a description of "*restoration blasting*", but this is surely a wholly different element.
- 2.5 **Accordingly, the applicant has failed to provide the relevant detail in terms of the clear description of the proposal and therefore does not comply with your authority's Scoping Opinion.**
- 2.6 Other sections of the Environmental Statement (in particular Section 9, and Appendix 9.1 (which includes an eighteen year old report on ground vibration and air over pressure) refers to "Blasting", but given there is no indication within the text that production blasting is required, this could be inferred as relating only to the restoration blasting described on Page 3.13 of the Environmental Statement.
- 2.7 Furthermore, there is no information whatsoever regarding the number of blasts each day/week/month, and there is no information regarding the times of day when blasting is likely to take place. Additionally, there is no indication of the procedures that would take place to inform local residents as to when such operations were to take place.

Need for the Development

- 2.8 Your authority requested information from the applicant regarding the main alternatives considered, and the reasons for choosing this specific proposal.
- 2.9 Your authority's Scoping Opinion makes specific reference to the fact that the proposed quarry "*is not a Preferred Area and is not in an area of search in the adopted North Yorkshire Minerals Local Plan*". The Scoping Report goes on to refer to Policy 3/4, and the issues relating to other such sites, and Policy 3/4 clearly states that planning permission for quarries outside Preferred Areas and

areas of search will normally only be granted “*for borrow pits and small scale extensions to existing sites*”.

- 2.10 **The development at Middleton Lodge satisfies neither of these criteria, and therefore the application is clearly inconsistent with your authority’s own adopted Minerals Local Plans.**
- 2.11 There is a duty under the provisions of the Planning and Compulsory Purchase Act 2004 for your authority to determine applications with policies within the adopted Development Plan. **Despite specific reference to Policy 3/4, the applicants have chosen to ignore the specific requirements of your Scoping Opinion.**
- 2.12 Within this same section of the Scoping Opinion, this states “*Concerns have been raised by a number of local residents and organisations regarding how the historic and landscape improvements arising from the quarrying will definitely take place. The fear is that the quarrying will take place and that the improvements to the listed building will not. Hence the alternative methods of financing the work to the historic buildings other than by mineral extraction need to be outlined*”.
- 2.13 Other than a vague reference to this on Page 5.7 of the Environmental Statement (alternatives – the visitor attraction only), there is no information regarding the actual costs involved or alternative methods of financing that work. **Accordingly, a planning application should be refused on the basis that the Scoping Opinion of the determining authority has not been adhered to.**

Cultural History

- 2.14 You state that English Heritage had requested an analysis of the historic views to and from the Lodge, and historic approaches to the Lodge. Furthermore, there is a requirement for a condition report of the listed buildings to demonstrate the “*need for the development*”. This has not been fully assessed and the Residents’ Association will submit detailed comment on this point.

Landscape, Ecology, Hydrology

- 2.15 Sections 4, 5 and 6 of your authority’s Scoping Opinion deal with landscape, ecology and hydrology, and these again are matters where the Residents’ Association has employed specialist consultants. The various statutory bodies will comment on these as appropriate.

Amenity Issues

- 2.16 In respect of 7, Amenity Issues, this requires that the Environmental Statement should consider the potential impacts and mitigation measures for both the quarrying and leisure use. Importantly, this requires account to be taken of the

“cumulative impact of mineral working in the area”, and we can find no reference to this being addressed within the Environmental Statement.

- 2.17 From reading the Environmental Statement we can find no reference as to how dust from blasting will be controlled. **This is clearly a failing of the Environmental Statement and therefore the proposals should be refused on the grounds of adverse impact on air quality.**
- 2.18 In respect of policy considerations, despite a specific requirement within the formal Scoping Opinion of the Mineral Planning Authority for the provisions of Policy 3/4 of the North Yorkshire Minerals Local Plan to be addressed, Section 4 of the Environmental Statement considers every policy and central government advice note under the sun but is noticeable by the lack of reference to this specific policy, which clearly would not permit the quarrying development on the land adjacent to Middleton Lodge. **This is a failing of the ES, and again total disregard of the requirements of the Scoping procedure.**
- 2.19 Page 4.8 of the Environmental Statement discusses the provisions of MPG6, which was superseded by MPS1 prior to submission of the Environmental Statement. Nevertheless, the provisions of aggregates supply and landbanks is similar in both documents, and in the case of North Yorkshire County Council, there is currently in excess of twenty years aggregates supply, whereas the requirements of MPS1 (and indeed, the superseded MPG6) are that only ten years supply is required. With more than double the landbank provision in place, there can be no logical reason for exceptional circumstances and permitting additional mineral extraction outside the provisions of the adopted plan.
- 2.20 In summary therefore, the Barton Association wish to see the proposed new quarry development at Middleton Lodge to be **REFUSED**.

Yours sincerely

Sarah Dickinson
On behalf of Barton Residents Association