

## Contents

Section	Subject	Page
1	Introduction	1
2	Conclusions and summary of findings	4
3	The proposal	7
4	The application site	8
5	Planning policy context	9
6	Scoping and alternatives	14
7	Socio economic considerations	16
8	Air quality, noise and vibration	17
9	Transport	19
10	Landscape and visual impact	21
11	Archaeology and cultural heritage	25
12	Hydrology	28
13	Soils and land use	29
14	Ecology	30
15	Conclusions	31

### Specialist Reports

Minerals Planning Group Objection to planning application for extraction and development in relation to Middleton Lodge  
Ray Hopper Associates, Comparative/Commentary Note  
Ray Hopper Associates, Review of submitted documentation  
Scott Wilson - Air Quality  
Scott Wilson – Noise  
The Traffic, Transport and Highways Consultancy - Transportation  
Leeming Associates, Landscape Report  
Historic Landscape Management Ltd Historic Landscape Assessment  
Scott Wilson Hydrology  
Argus Ecology Appraisal of ecological issues

# MIDDLETON LODGE PROPOSALS OBJECTION REPORT

## 1 INTRODUCTION

England and Lyle Chartered Town Planners have been appointed by the Middleton Tyas Residents Association to make representations in respect of the following development proposals. This report sets out the formal technical response of the Middleton Tyas Residents Association to the proposals.

**NY/2006/0399/FUL Planning application for Mineral extraction as an extension to Barton Quarry connected by a conveyor tunnel under Kneeton Lane; the enhancement of the Estate parkland and public access to part of the grounds of Middleton Lodge Estate; the renovation and conversion of the Stable Block into a restaurant, functions rooms and an estate shop; the creation of a themed quarry garden with a 50m high fountain and water feature in a landform created by the mineral extraction area; the reconstruction and renovation of a Georgian walled garden into working kitchen gardens and the renovation and conversion of the outbuildings on the walled garden into two holiday cottages for James Allison and Sherburn Stone Company LTD at Middleton Lodge, Middleton Tyas**

**NY/2006/0402/LB Listed Building Consent for conversion of a Stable Block to provide visitor facilities, farm shop, conference and function space, restaurant and bar**

**NY/2006/0403/LB Listed Building Consent for conversion of lean-to structures adjacent to the Walled Garden to two holiday cottages and a stores**

### Background

The Middleton Tyas Residents Association are very concerned that the proposed development would have a severe adverse impact on the environment of their village and the surrounding area and the residential amenity that is presently enjoyed. A mark of the magnitude of this concern is the fact that they have appointed England and Lyle Chartered Town Planners to project manage a critical review of the submitted proposals.

A number of technical specialist consultants have been commissioned to make a full assessment of the environmental implications of the proposals and particularly to appraise critically the submitted Environmental Statement to see if it achieves the statutory purpose for such documents. That is to say whether it has systematically drawn together and assesses properly all of the likely significant environmental effects of the proposals and whether these likely effects are understood properly by both the public and the determining authority.

The following consultants have been commissioned to undertake this assessment:

Planning/Project Management	England and Lyle
Minerals	The Mineral Planning Group
Hydrology and hydrogeology and environmental impacts	Scott Wilson
Visitor / Tourism attraction	Ray Hopper Associates
Landscape and Visual Effects	Leeming Associates
Historic Landscape Assessment	Historic Landscape Management Limited
Ecology	Argus Ecology
Transport	The Traffic, Transport & Highways Consultancy

The results of studies undertaken by the consultants are discussed below. A brief summary of the main conclusions precedes a more detailed analysis of the proposals under the following headings:

- The proposal
- The application site
- Planning policy context
- Scoping alternatives
- Socio-economic considerations
- Air quality, noise and vibration
- Transport
- Landscape and visual impact
- Archaeology and cultural heritage
- Hydrology
- Soils and land use
- Ecology
- Conclusions
- 

The specialist consultants reports are appended in full to this report and form an equal part of this submission.

## **2 CONCLUSIONS AND SUMMARY OF FINDINGS**

The proposed development is both significant in scale and complex. The assessment of the application has raised a number of issues, many of which are inter-related. The key findings and therefore matters of objection are set out below in summary.

- **There is no need to release any further reserves of crushed rock aggregate in North Yorkshire at the present time.**
- **The application site has not been identified within the development plan as being either in a preferred area or within an area of search.**
- **The future allocation of any further crushed rock aggregate provision should be made through the preparation of the North Yorkshire Minerals and Waste Development Framework and NOT via premature individual applications.**
- **The proposals will not impact on the level of consent for crushed rock aggregate extraction in the protected landscapes (National Parks and Areas of Outstanding Natural Beauty) of North Yorkshire.**
- **The application site and that of Barton Quarry are in principle unsustainable locations for minerals extraction and processing as they are entirely served by road transport.**
- **It is clear that the financial and business case for the development of the quarry and how it is linked with the development of the visitor attraction has not been made in the application. This is somewhat surprising as the key argument put forward to justify the proposals is that the minerals extraction is a form of enabling development.**
- **No provision is made to secure the restoration of the site should the development fail.**
- **There is no justification for the development of the quarry as a form of enabling development because the costs of restoring the Listed Buildings is not so great that it cannot reasonably be financed by normal means and because the minerals extraction would have a significant adverse impact on the setting of the listed buildings, therefore adversely affecting their historic character.**
- **The Environmental Statement has failed to examine properly the alternative options to the development proposal and fails to adopt a robust approach to assessing alternative sources of funding or uses for the historic buildings, rather than relying upon 'enabling development'.**
- **The Environmental Statement has seriously under-estimated the environmental impact of the proposals as the estimate of visitor numbers is wildly inaccurate by missing a potential 170,000 visitors per annum.**
- **The proposals have not considered the impact of the development upon essential existing essential village services.**

- The application does not provide details of the claimed employment generation, nor does it consider whether employees can be sourced locally, or brought into the area. It does not consider the accommodation requirements of any staff or the impact of commuting and associated parking requirements.
- The Environmental Statement fails to consider the possible environmental effects of dust resulting from drilling and blasting.
- The assessment of the noise issues in the Environmental Statement, whilst generally covering the topics expected, omits consideration of reversing alarms. Additionally, the work undertaken could have been more extensive so as to provide a fuller picture of the likely noise impacts of the development.
- The Environmental Statement does not consider the likely effects of blasting and vibration on the listed structures and no assessment is made as to whether these structures may be adversely affected by the proposed blasting.
- The transport assessment has been found to be seriously flawed and is not sufficient to assess the environmental impacts of the proposal.
- The principal landscape objection is to the features proposed that will permanently adversely alter the historic landscape. A more sympathetic and enlightened approach to restoration should be expected. A more appropriate restoration proposal, would have been to fully restore the landscape to the 18th Century character to '*preserve and enhance*' the setting for the listed buildings and complement the development of restaurant and conference facilities in this historic landscape.
- The environmental statement fails to assess properly the impact of the development on the historic heritage of the site and the estate. The development would result in adverse impacts and change to the historic environment contrary to both national and local policy.
- The proposal fails to consider properly the effects of the development on hydrology and the impacts of the potential development on the water environment and dependent ecology cannot be determined.
- The Environmental Statement has not considered properly the issue of the loss of the best and most versatile agricultural land.
- The environmental statement does not assess properly all of the likely significant environmental effects of the proposals on the ecology of the area.

### **Conclusions**

In conclusion, this report demonstrates that both the application and Environmental Statement do not make a case for the granting of permission for the proposals which are clearly contrary to national, regional and local planning policy. The application does not provide a clearly reasoned justification for the granting of permission for this

new quarry as 'enabling' development that can clearly be undertaken without the need for the quarry.

This report and appended specialist reports also demonstrate that the proposed visitor attraction, to be created by the restoration of the quarry void, would be intrusive into and destroy a significant historic landscape. The proposals cannot then achieve their stated purpose of restoring the Middleton Lodge Estate.

The Environmental Statement fails to make a full assessment of the environmental implications of the proposals and has not systematically drawn together and assessed properly all of the likely significant environmental effects of the proposals. Therefore, the likely environmental effects cannot be understood properly by both the public and the determining authority and the applications should be refused.

### 3 THE PROPOSAL

The applications have been submitted to North Yorkshire County Council for determination as a County Matters proposal. The application is a mixed use proposal with a site area of 16.9 hectares and has the following key elements:

- The formation of a new quarry void with an extraction area of 13 hectares from which 2.07 million tones of carboniferous limestone would be extracted to a maximum working depth of 20 metres. The extracted limestone would be transported to the processing plant at the nearby Barton Quarry by conveyor for use in asphalt production, replacing material that is currently brought in from other sources. It is proposed that the duration of working would be 15 years.
- Topsoil, subsoil and over-burden would be stored in mounds, one of which would be planted with woodland to screen the quarry from the north
- The felling of 1,640 sq m of coniferous plantation and 3 mature parkland trees
- The works would be phased into 3 distinct periods;

Phase 1. The formation of an excavated conveyor way from Barton Quarry under Kneeton Lane into the site up to its full length with limestone being put through a primary crusher;

Phase 2. A void would be formed over a 5 year period to form the site of the 'quarry garden' at the maximum extent of the conveyor;

Phase 3. The site would be worked for a ten year period on a six month of the year basis back towards Barton Quarry with the conveyor being shortened as required and the site being restored progressively.

- Middleton Lodge Estate would be developed as a visitor attraction with the formation of the 'quarry garden', the renovation and conversion of the listed stable block into a restaurant, function rooms and estate shop and the renovation and conversion of the buildings in the listed walled garden to form two holiday cottages.

The stated purpose of the quarry is to provide income to restore and develop the Middleton Lodge Estate as a visitor attraction.

#### **4 THE APPLICATION SITE**

The application site is situated to the northwest of the Grade II\* listed Middleton Lodge. The site consists of the Grade II listed stable block and walled garden and part of the historic landscaped grounds of Middleton Lodge, the proposed site entry and access road from Kneeton Lane opposite Barton Quarry and exit route onto Kneeton Lane to the southeast, an area of agricultural land and an area within Barton Quarry.

The proposals would be accommodated within the open countryside. The A1(M) is situated within 500 metres to the west whilst Barton Quarry is situated generally to the north west. Middleton Tyas is situated less than one kilometre to the south, whilst Barton is less than 2 kilometres to the north east. The immediate landscape around the application site includes a number of residential properties within 500 metres of the site boundary. The application site is situated in a landscape which slopes generally from the west down towards the east.

## 5 PLANNING POLICY CONTEXT

The submitted Environmental Statement includes an assessment of the relevant planning policy guidance that should be considered in the determination of the applications. This assessment does not make a clearly argued case for the development in planning policy terms. Rather the justification offered for the proposal relies on the following statements:

- *The application should not be judged simply against mineral planning policies for the assessment of new sites or extensions*
- *There is a need for aggregates demonstrated by the continuing viability of the adjacent Barton operations*
- *The proposal would obviate the need to quarry minerals from an alternative site within the National Park*
- *The site is sustainable as it has excellent road links*
- *The purpose of the minerals development is to provide a sustainable income for the future of Middleton Lodge Estate and restore the listed buildings and structures*

These points are considered in detail below.

### ***The need for further aggregate extraction in North Yorkshire***

The Government has recently confirmed national planning policy guidance in respect of minerals with the publication of Minerals Planning Statement 1 Planning and Minerals. This guidance provides a very clear statement in respect of the need for further minerals extraction that is repeated in full below:

*MPAs should use the length of the landbank in its area as an indicator of when new permissions for aggregates extraction are likely to be needed. The landbank indicators are at least 7 years for sand and gravel and at least 10 years for crushed rock. A longer period may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites. A landbank below these levels indicates that additional reserves will need to be permitted if acceptable planning applications are submitted. Because individual sites, when permitted, need sufficient reserves to be economically viable, consideration of the landbank needs to be flexible enough to allow for this. A large existing landbank bound up in very few sites should not be allowed to stifle competition.*

North Yorkshire County Council in its Minerals and Waste Minerals Preferred Options Consultation Document of December 2006 identified that the crushed rock aggregate land bank stood at some 22.7 years as of 2004. The document goes on to say that

*It is unlikely therefore that significant new crushed rock reserves will be required until the latter part of the plan period at the earliest. The County Council considers that the most effective means of making up any shortfall in the crushed rock requirement would be through the appropriate extension of existing, established mineral workings. The County Council intends to identify and allocate Preferred Areas for crushed rock to come on stream from 2015 onwards on this basis, but will keep under close review the requirement for such allocations.*

*Proposals to open up entirely new mineral workings for the production of crushed rock will be required to demonstrate that demand could not be met from existing*

*permitted reserves, for example, for reasons of type and quality and/or distance to the market.*

The application fails to demonstrate that there is any minerals planning reason why these additional reserves of carboniferous limestone need to be released now. Instead, it is argued that there is a need for aggregates demonstrated by the continuing viability of the adjacent Barton operations. The updated asphalt plant was erected at Barton Quarry, with what one would assume, the benefit of full knowledge as to the extent of the minerals reserves at the quarry and the needs to import limestone for the asphalt plant from other sources. The needs of the asphalt plant do not override the national, regional and local minerals planning policy considerations in respect of the provision of minerals.

The North Yorkshire Minerals Local Plan was adopted in December 1997. The base date for the Plan is 1 January 1994 (ie the date from which minerals requirements are calculated). The end date of the Plan is 31 December 2006. This plan is out of date in respect of the forecasts, but remains relevant in a number of respects where national and regional planning policy guidance has not changed.

The Local Plan identified a need for additional provision of crushed rock aggregates based on the then requirements as set out in MPG6. These forecasts have been subsequently been revised and are discussed elsewhere in this report. It is significant however, that the County Council had no aspiration of bringing forward the application site as it was not identified as either being a either in a preferred area or within an area of search.

The County Council is in the process of preparing up to date minerals planning policies for the area in the North Yorkshire Minerals and Waste Development Framework. This proposal is premature in the context of this work as the development of a new quarry at Middleton Lodge should properly be considered against all other options should there be a need to release further crushed rock aggregates through the LDF process.

In summary

- **There is no need to release any further reserves of crushed rock aggregate in North Yorkshire at the present time.**
- **The application site has not been identified within the development plan as being either in a preferred area or within an area of search.**
- **The future allocation of any further crushed rock aggregate provision should be made through the preparation of the North Yorkshire Minerals and Waste Development Framework and NOT via premature individual applications.**

***The proposal would obviate the need to quarry minerals from an alternative site within the National Park***

The proposal would add reserves of 2.07 million tonnes of crushed rock aggregate (carboniferous limestone) to the landbank. The applicant has offered to give up the unspecified amount of consented reserves of sandstone at Barton Quarry if permission is granted. However, the applicant is not offering to give up any consented reserves of similar crushed rock aggregate in any protected landscape

(National Park or Area of Outstanding Natural Beauty). It has to be assumed that these are not within their control. Simply, the proposal cannot in itself prevent the extraction of the consented minerals reserves in protected landscapes. If the asphalt plant at Barton Quarry presently imports aggregate from a source in a protected landscape, this proposal would mean these minerals would not be bought for this purpose. This would not prevent them being sold to another user and more importantly would not alter the consent.

**The proposals will not impact on the level of consent for crushed rock aggregate extraction in the protected landscapes of North Yorkshire.**

***The site is sustainable as it has excellent road links***

The North Yorkshire Minerals and Waste Development Framework will have sustainability at its heart when considering the best locations for any new minerals working that may be needed in the future. In preparing the new plan, government guidance as set out in Minerals Policy Statement 1 Planning and Minerals will be important. In particular, sites that can be served by rail transport or other sustainable means will be particularly important.

The application site is not, nor can it be effectively served by anything other than road vehicles and should properly be considered in the context of all other possible sites in North Yorkshire, rather than in isolation. It is wrong to suggest that the application site is sustainable as it has excellent road links. Rather the existing Barton Quarry development is in an unsustainable location as there is no realistic possibility of the bulk transport of aggregates other than by road!

**The application site and that of Barton Quarry are in principle unsustainable locations for minerals extraction and processing as they are entirely served by road transport.**

***The purpose of the minerals development is to provide a sustainable income for the future of Middleton Lodge Estate and restore the listed buildings and structures***

It is stated that the primary purpose of the application is to provide a sustainable income for the future of the Middleton Lodge Estate by enabling its redevelopment into a visitor attraction. The application however does not set out in any detail any business case for this and does not include a business plan as part of the submission.

The application does provide costings for the works to the listed structures to cover necessary repairs and conversion costs of £1,074,000 (ex VAT). The Environmental Statement has not considered alternative sources of funding for this work. Indeed, the repair and remedial work for the listed structures is costed at the considerably lower price of £121,250. The proposal does not relate to Middleton Lodge house itself. We have also found no evidence of alternative proposals being pursued for the listed buildings and structures that could suggest that all other possibilities have been exhausted.

The Mineral Planning Group has stated that 2 million tonnes of crushed rock aggregate sales, based on a 20-30% return with an average (conservative) price of £10 per tonne is likely to provide a profit margin of between £4 and £6+ million (this profit figure could indeed be higher and further work will be undertaken in this regard). This is considerably more than the cost of the proposed conversion works. The fact that the development would utilise some of the existing infrastructure is likely

to have a positive bearing on profitability. Additionally, as the estate has been in the ownership of the applicant for some time, there would not be the usual land cost implications associated with a new quarry.

The application does not provide any indication of how the finance from the minerals sales would fund the restoration works or details of any legal mechanism. It also does not give any indication as to how risk would be managed such as through a restoration bond. This is particularly important in this case due to the fact that statutory listed buildings would be directly affected by the proposals.

There is also no indication of the timescales of the funding. The development of the stables and gardens would be completed by the end of phase 2, to be followed by a further 10 years of minerals working. Does this mean that there is no financial need for the further extraction period?

The application appears to be confused in that the Environmental Statement states that 'The quarry void itself is central to the regeneration of the Estate' (pg2.6/80). However the applicant states that the quarry garden is seen as secondary to the main businesses of restaurant and conference facilities (ref J. Allison letter dated 20.01.06). The Environmental Statement does not clarify whether the restaurant and conference facilities are economically viable with the void restored to the historic topography.

**It is clear that the financial and business case for the development has not been made in the application. This is somewhat surprising as the key argument put forward to justify the proposals is that the minerals extraction is a form of enabling development.**

**No provision is made to secure the restoration of the site should the development fail.**

### ***Enabling development***

There is little established planning policy guidance in respect of enabling development, that is to say, development to fund a specific action, such as in this case the development of a tourist attraction and conversion of listed buildings/structures. The Adopted Richmondshire Local Plan includes a policy (policy 47) in respect of enabling development. The policy is justified on the basis that it is intended to deal with those very rare situations where the cost of restoring a Listed Building is so great that it cannot reasonably be financed by normal means. It argues that 'Enabling development', as a 'one-off' exception to other policies in the Local Plan, offers a possible solution in these circumstances, but will not be acceptable if such development would itself have a damaging impact on the building or its setting.

The costs of the required repairs is stated in the application to be £121, 250 which is of a level that it can reasonably expected to be capable of being financed by other means. The application however does not say why the buildings cannot be safeguarded in the normal ways. It will be seen later that the enabling development will have a significant adverse affect on the setting of the listed buildings to be converted and the Grade II\* Listed Middleton Lodge itself, and its associated designed landscape.

In its policy statement on enabling development published in 2001, English Heritage noted that it had become "increasingly concerned by the damage caused by developments contrary to established planning policy, put forward primarily as a way

of benefiting heritage assets, but which destroy more than they save.” As the policy statement is particularly relevant in this case it is repeated below:

*“English Heritage believes that there should be a general presumption against ‘enabling development’ which does not meet all of the following criteria:*

- The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting*
- The proposal avoids detrimental fragmentation of management of the heritage asset*
- The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose*
- The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid*
- Sufficient financial assistance is not available from any other source*
- It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits*
- The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (i.e. the disbenefits) of providing the enabling development.”*

The proposal clearly fails the above tests and the application does not set out that the tests can be met.

**There is therefore no justification for the development of the quarry as a form of enabling development because the costs of restoring the Listed Buildings is not so great that it cannot reasonably be financed by normal means and because the minerals extraction would have a significant adverse impact on the setting of the listed buildings.**

## 6 SCOPING AND ALTERNATIVES

It is widely regarded as good practice to consider alternatives to the development proposed, as it can result in a more robust application for planning permission. The Environmental Statement does consider a number of alternatives to the proposal, but fails to adopt a robust approach as it does not consider how the repairs to the buildings may be funded other than from the quarry development.

There is a 'do-nothing' option in the Environmental Statement which is dismissed as it would not meet the aims of restoring the historic parkland. Yet Historic Landscape Management Limited has found that:

- The existing scheme does not seek restoration of the historic parkland, but alteration, new landscape works and detrimental impact to the setting of Middleton Lodge.
- No account is taken of other financial and grant aid support mechanisms for conservation of the listed buildings.
- Landscape restoration at Middleton Lodge could be achieved at a reasonable cost as the landscape fabric appears to be well preserved.

Additionally, the redevelopment of the listed buildings could be undertaken in accordance with national and development plan policy to an appropriate use that would sustain the long future of the buildings. This is the usual approach and no evidence has been provided that the proposed conversions as set out in the application are not financially viable without enabling development. The options for this have not been exhausted at all and are not properly examined in the Environmental Statement. It is questionable as to whether the Environmental Statement has adhered to the scoping opinion. The comment in respect of brownfield land on page 5.7 is wrong.

The Environmental Statement considers alternatives against the 'main aims...to restore the stables and gardens and to provide long term sustainable support for the estate'(p5.7). However the alternatives have not been considered in the context of an historic parkland that 'makes a significant contribution to the setting of the mansion' (p423 Appendix 2.1). The Environmental Statement does not consider full restoration to the park landscape following extraction and fails to recognise the value of the historic parkland.

**The Environmental Statement has failed to examine properly the alternative options to the development proposal and fails to adopt a robust approach to assessing alternative sources of funding or uses for the historic buildings, rather than relying upon 'enabling development'.**

## 7 SOCIO ECONOMIC CONSIDERATIONS

The Environmental Statement includes calculations that are both inaccurate and incorrect and omits Tourism figures for the North East region. The figures have been reworked by Ray Hopper Associates and a significant number of potential visitors are identified that would result in Middleton Lodge becoming a major visitor attraction. As such it will be a major generator of visitors and of traffic movements. **Therefore, the Environmental Statement has seriously under estimated the environmental impact of the proposals.**

This then raises the issue of the scale and the positioning of the quarry garden attraction within the wider visitor mix. Revised figures which are more reliable than those in the Environmental Statement show that the likely annual throughput would be 257,715 visitors rather than the 78,208 indicated in the Environmental Statement.

### **Competition and displacement**

Ray Hopper Associates have undertaken an assessment of the impact of the development in both the wider visitor attraction market and upon local services. It is concluded that the proposed restaurant would not be a major competitor to the estimated 30 rural based restaurants in the area. The proposed estate shop is likely to be in competition with the existing shops at Middleton Tyas and Barton and with other conference/meeting facilities in the area. The shop at Middleton Tyas reopened about two years ago as a community initiative, benefiting from a lottery grant. The shop relies heavily on voluntary input and its viability is by no means assured. Whilst competition is not usually considered to be a material consideration for planning purposes, the desirability of retaining essential local services in the sustainable village locations is material.

**The proposals have not considered the impact of the development upon essential existing village services.**

### **Economic benefits to the area**

Ray Hopper Associates has reassessed the potential income of the proposed visitor facility and has concluded that it is potentially higher than that proposed in the Environmental Statement, with a gross figure of £1,574,212 rather than £1,275,000 per annum.

The £1.5m is estimated to produce 50 full time equivalent jobs. There are no details of the calculations or whether the employment is gross or net additional. To arrive at a figure will require outline development costs. (From other work for this amount of off-site expenditure a figure of 50 Gross FTE could be anticipated). The normal calculation would also include a displacement factor. Again from other work in both Yorkshire and the North East regions, a 10% displacement factor is normally assumed. Tourism UK has referenced the future use of the Yorkshire Tourist Board's PRIME model to calculate the impacts. Such an assessment is normally undertaken once a product "mix" is frozen. This is not the case with this proposal.

The potential impacts, given the revised figures, would be more significant than outlined in the Environmental Statement. There is also a lack of clarity over both the generic impacts and the impacts at a local level e.g. jobs will be created but where will the staff come from for the unspecified jobs outlined? The area has high levels of employment and low levels of suitable available accommodation for staff. The Environmental Assessment does not consider where staff would be sourced from or where they would be accommodated. It is a concern that commuting into this open

countryside area or the provision of temporary accommodation could be required to serve the development.

**The application does not provide details of the claimed employment generation, nor considers whether employees can be sourced locally, or brought into the area. It does not consider the accommodation requirements of any staff or the impact of commuting and parking requirements.**

## 8 AIR QUALITY, NOISE AND VIBRATION

### Air quality

Scott Wilson has undertaken a review of the air quality section of the Environmental Statement. Their assessment has concluded that the Environmental Assessment has been undertaken in the normal way and is adequate in its level of detail. There are a number of aspects identified that could improve the transparency of the report. However, there are no significant objections in this regard.

The report does not however consider the environmental effects matter of dust emission from drilling and blasting. This is an important omission.

**The Environmental Statement fails to consider the possible environmental effects of dust resulting from drilling and blasting.**

### Noise

Scott Wilson has also undertaken a review of the parts of the environmental statement that relate to noise. They have concluded that the assessment of noise impacts presented in the environmental statement generally covers the topics one would expect to see covered for a development of this type and there is an adequate level of detail. The overall conclusions, based on the information provided, therefore appear to be reasonable. However, there are a number of detailed points that are of concern.

- The ambient noise monitoring has been undertaken over a limited time frame and broader assessment would have been relevant
- it would have been appropriate to have collected ambient noise data by monitoring continuously over a number of days at one or more of the monitoring locations, possibly the most noise sensitive to produce a much broader picture of the ambient noise environment at the noise sensitive receptors
- The tabulated results for the background noise have been based on an average of the samples measured at each location. The response of residents to the quarry operations is likely to be determined by the minimum background noise level experienced during operational hours. The use of the minimum background noise would produce a true worst-case assessment. However, since the difference between the minimum and average LA90 is typically 1dB, this will not influence the assessments significantly.
- Whilst the predictions of the noise impacts of the temporary and long-term operations have been carried out in accordance with current guidance, there is not enough information given in the Chapter to enable the calculations to be checked and verified. Item of plant, ground attenuation, barrier attenuation, percentage 'on-time' and traverse distances for mobile plant would need to be provided.
- The significance attributed to temporary operations has been based on the absolute level and duration for temporary works given in MPS2 of 70 dB(A) for 8 weeks. Ideally, significance should be based on a comparison with a range of levels, the duration and with reference to the ambient or background noise levels. This approach has been adopted for the long-term operations. For example, the significance for the temporary operations will categorise a

noise level of 69 dB for 7 weeks as having a negligible impact. If this were to occur at Woodhouse Farm for example, this would be more than 20 dB above the background noise level. Such an impact would be a substantial increase in noise levels, although temporary in duration.

- There is one potential noise source that has not been discussed within the Chapter. This relates to the noise emitted by reversing alarms. MPS2 Annex 2 states, in paragraph 2B.5, that reversing alarms are one of the principal causes of complaints about noise from mineral operations. No discussion on this topic has been presented either within the impact assessment, or within the details of the Environmental Management policy. A comment on reversing alarms should be included in the Chapter.

**The assessment of the noise issues in the Environmental Statement, whilst generally covering the topics expected, does omit consideration of reversing alarms. Additionally, the work undertaken could have been more extensive so as to provide a fuller picture of the likely noise impacts of the development.**

### **Vibration**

The Environmental Statement focuses upon the environmental effects of blasting on a number of dwellings. This is rather surprising, given that there are a number of listed buildings and structures that could be adversely affected by blasting and vibration as the stated purpose of the proposal is to restore and develop the Middleton Lodge Estate as a visitor attraction. The application does not consider therefore the risk of damage to the listed structures that may result from the quarrying works.

**The Environmental Statement therefore fails to provide a full assessment of the environmental implications of the proposals in this significant regard.**

## 9 TRANSPORT

The transport implications of the proposal and the relevant parts of the Environmental Assessment have been reviewed by the Traffic, Transport and Highways Consultancy (TTHC). A number of significant conclusions have been drawn by TTHC. These demonstrate that the Environmental Statement does not assess properly all of the likely significant environmental effects of the proposals and fails to understand fully these likely effects. This is because:

- The transport assessments submitted with the application ignore existing traffic conditions at key locations and uses a weekday figure rather than the busier weekend for modelling purposes.
- Whilst the proposal acknowledges that public transport and pedestrian facilities in the area are limited, it does not attempt to promote more sustainable modes of transport and does not include a travel plan. The proposal is contrary to government guidance as set out in PPG13.
- Quarrying traffic. The Environmental Statement oversimplifies the relationship between the application site and Barton Quarry. The transport assessment does not examine the HGV movements that would result at Barton Quarry as a result of the development at Middleton Lodge.
- The visitor forecasts do not take account of the conference attendees or those visiting the holiday cottages. It is wrong to consider that there would be no conference use in July.
- The assessment by Ray Hopper Associates has found that the visitor forecast and therefore the transport assessment has been greatly under estimated. The trip generation assessments do not include trips generated by the conference facilities, restaurant, café, shop and holiday cottages. The trip generation assessments submitted with the application are therefore inaccurate and insufficient for the full impacts of the proposal to be assessed.
- The trip profile contained in the application is assumed rather than being based on an existing similar development. The assumed trip profile is not representative of such developments, nor is the comparison with the Wetland site in Washington. Harewood House and Lotherton Hall would be more comparable. Furthermore it does not take account of the staff trips and need for parking. The data submitted is insufficient for the full impacts of the proposal to be assessed.
- It is expected that there will be conflict between the school, conference and visitor attraction departure and arrival times that is not considered properly in the transport assessment.
- Given the uncertainty regarding trip generation, it is suggested that a sensitivity test is undertaken before the full impacts of the proposal can be fully assessed.
- The operational impact assessment for the various junctions should have been undertaken for a weekend in addition to the weekday assessment as weekend trip generation would be much higher and the results therefore critical.
- The transport assessment acknowledges that there is an issue with traffic turning left out of the southern site exit, but has continued to assess left turning traffic.
- The proposed car parking is for 95 permanent spaces and 250 overflow spaces. Tourism UK has estimated a maximum parking requirement of 205 parking spaces on a Saturday which is considerably higher than the proposed permanent provision. The assumed daily trip profile suggests that the permanent spaces would be full before 11.00 on a daily basis. This does not

take into account the fact that the figures have been under estimated. The likely need for 40 staff parking spaces has not been considered. The car parking information is therefore inaccurate and insufficient for the full impact of the proposals to be assessed. Of particular concern is the impact of likely additional permanent parking on the setting of the historic buildings and the designed landscape.

**In summary, the transport assessment has been found to be seriously flawed and is not sufficient to assess the environmental impacts of the proposal.**

## 10 LANDSCAPE AND VISUAL IMPACT

The landscape and visual assessment section of the Environmental Statement has been examined by Leeming Associates who have produced a landscape report. The key findings of the assessment are set out below.

### **Destruction of parkland**

The quarry and fountain would impose a new landscape character on the park obliterating the 18<sup>th</sup> century parkland in the northern half of the estate and affecting views to the north east from within the site looking out and into the estate from surrounding receptors.

The Environmental Statement states that *'The parkland style of landscape associated with Middleton Lodge, with numerous mature trees scattered across grassland, is quite distinct from the more typical agricultural landscape that forms the remainder of the local area.'* (P2.5/79).

The significance of the house is described in some detail in the Environmental Statement but the relationship and importance of the setting is not. The proposals should be led by conservation and restoration of the historic setting of the listed buildings.

### **The quarry garden and fountain and sustainability**

In the scoping section of the Environmental Statement (section 5) English Heritage ask for 'The need for the development and what benefits would be gained for the historic estate and its buildings' (p5.4/493).

It is considered that the creation of a feature such as the quarry garden and fountain are not crucial to meet the aims of a sustainable income for the estate and are inappropriate as part of this rescue package for the estate.

### **Inappropriate tree planting**

The proposed blocks to provide additional screening along the north east boundary are not in keeping with the character of the estate parkland. The boundaries to the estate were planted with specific contrived blocks of woodland to manipulate the views in and out of the estate. By block planting the boundary this subtle woodland design of the parkland is lost.

The proposal to plant with a high percentage of coniferous planting (p3.16/97) to provide a blanket screen around the boundary of the site is contrary to the historic design intentions.

The scatter planting of specimen trees through out the field in front of the Lodge and to the east of the proposed quarry garden is not appropriate and will further destroy the significant view from the lodge to the east.

### **Appropriateness of quarry garden and fountain features**

The applicant has chosen a quarry garden, rock buttresses and scree slopes that is consider to be inappropriate in an 18th Century parkland landscape. If a landscape is assessed to have no special character there may not be a case for restoration to the former topography and alternative features may enhance the area. However where a landscape has a 'distinctive character' (p11.5) and provides a unique setting for listed buildings there can be **no justification for imposing an industrial scar on the landscape that destroys the historic character.**

The quarry garden and fountain are designed as a focal point in complete contrast to the surrounding landscape and this feature will not 'blend' (p3.2/81) into the existing parkland. However the Environmental Statement presents these features as positive mitigation to the negative visual impact caused by the extraction. **We strongly object to the creation of the quarry garden and fountain which is considered to be inappropriate in this setting and fails to achieve beneficial visual mitigation. Restoring the landscape to its existing character is, in our opinion, the only option to fulfil the aim of restoration and avoid permanent adverse impact on the landscape.**

The creation of these features results in unnecessary visual impact in addition to the visual impact of the voids left over after extraction which in the context of altering an historic landscape we would class as a permanent negative impact.

#### **Direct impact on setting of listed building and historic views**

John Carr carefully orientated the Lodge to take advantage of views to the north and north east. Views from the Lodge have not been fully addressed in the Environmental Statement and are discussed further in section 4.0 of this document. The Environmental Statement does not address the impact of the fountain or oblique views from the south east corner of the Lodge. As visitors approach from Kneeton Lane along the driveway the parkland was designed to give specific mid and long distance views to the north east and east across the parkland framed by blocks of planting. This historic view on arrival to the estate will be completely destroyed by the proposed restoration of rock faces, scree slopes and woodland planting associated with the wildlife area.

The Environmental Statement does not provide sections from the public footpath (02.46/4) to indicate the change in landform, the height of the rock buttress (up to 10 metres Figure 3.10), scree slopes and the proposed buffer to protect the mature avenue trees.

The proposals appear to disregard the value of the parkland landscape and instead of achieving an objective to 'enhance' the existing landscape the applicant has chosen to replace it with a landscape that cannot be disguised as anything other than an industrial void following extraction. This contradicts with the stated purpose of the development.

#### **Visual impact assessment**

It is strongly disagreed that the garden created from the industrial activity would enhance the landscape character of the area as it would replace an 18<sup>th</sup> century designed landscape. The proposed quarry garden, fountain and planting along the north eastern boundary are inappropriate and would have a permanent negative impact on an historic landscape. The new landscape would not be positive mitigation, but would adversely affect the character of the landscape.

#### **The visual impact of the fountains**

The Environmental Statement fails to address the visual impacts of the tallest fountain which would have a medium impact at least in the landscape. The Environmental Statement has chosen to assess the fountain as beneficial mitigation. However by the criteria set in out DETR 'Guidance on the methodology for multi-modal studies' this is a dramatic change from the existing 'parkland landscape' (p11.7) and is 'uncharacteristic' within the baseline parkland setting (DETR 'Guidance on the methodology for multi-modal studies table pg 11.4) and so it should be assessed as adverse. This fountain is intended to be highly visible and will not be assimilated into the backdrop of vegetation.

### **Winter/summer views**

The Environmental Statement makes no distinction between winter and summer views which are significantly different.

### **Views from public footpaths**

The Environmental Statement does not consider properly the impact of the development in terms of the views taken from public footpaths.

### **Design of the Quarry Garden**

The design of the quarry garden requires more detail in particular in relation to how the terrace profile would actually be achieved to suit the purpose of a visitor attraction. The benched footpaths spiralling down will be compliant with the latest Disability Discrimination Act and will therefore be a regular 1:20 gradient (p3.13/94) with regular landings and handrails. This will give an engineered appearance to the footpaths and quarry walls. The paths will also need to be wide enough to allow maintenance vehicles down to cut the proposed hay meadow (p3.14/95). Further information is required to ensure that the rock profile can accommodate these terraces. The quarry rock faces by their nature will have no or limited soil for planting and this will make 'luxuriant growth' (p3.3/82) difficult to achieve. The profile of benching would have to be sufficient to support significant soil pockets for planting (p3.14/95). The sides of the quarry and those most visible from the north and north-east could remain permanently stark and obtrusive.

### **Other Design Concerns**

Existing quarry at Barton. There are no proposals for the restoration of this site although the Environmental Statement suggests that activity will cease 15 years earlier than anticipated (p 3.18/98). The Environmental Statement fails to comment on the negative visual impact and degrading nature of the existing quarrying activity at Barton and the garage service and lorry park next to the A1, described purely as '*the other principal land use*'(p2.5/79). 15 years of similar activity will have a negative impact at closer proximity to the Lodge and be in direct conflict with the aim of attracting visitors into the estate.

### **Additional Information Required.**

The Environmental Statement is deficient in a number of respects and additional information is required in respect of the following:

**Soil and boulder clay** – there is no analysis of the suitability for planting of the soils and overburden to be used for screen bunds. Heavy clay soils are not optimum growing medium for use as bunds and subsoil and topsoil may therefore need to be imported.

**Sections to clarify impact on important historic views** - The following sections should be provided:

- from Middleton Lodge looking north, north-east and east from the central bay window and east end of house
- from Public Right of Way 02.46/4 along driveway from Kneeton Lane to north-east and east.

**Existing avenue trees** - clarification of protection of the existing avenue trees along the drive to Kneeton Lane and confirmation if any avenue trees are to be felled to allow the access track to be constructed.

**Public Right of Way 02.46/4** - clarification of the management of the footpath crossing in conflict with the access road to the quarry adjacent to The Farmhouse.

**Visitor Forecasts (Appendix 10.3)** - visitor attraction through-put is noted as 462. Clarification is required as to whether these are visitors to the quarry garden only or secondary and visitors already visiting the restaurant and conference facilities. These visitor forecasts have been found to be flawed by Ray Hopper Associates.

**Historic Plans Appendix 2.1** - the plans do not have titles or references to relate plans to text.

**The principal landscape objection is to the features proposed that will permanently alter the historic landscape. A more sympathetic and enlightened approach to restoration should be expected. A more appropriate restoration proposal should quarrying be considered necessary would be to fully restore the landscape to the 18th Century character to '*preserve and enhance*' the setting for the listed buildings and compliment the development of restaurant and conference facilities in this historic landscape.**

The proposals ought to have been accompanied by a Conservation Plan and a full management plan for the estate to re-establish significant views and manage new planting in keeping with the 18<sup>th</sup> Century parkland philosophy.

## 11 ARCHAEOLOGY AND CULTURAL HERITAGE

The stated purpose of the quarry development is to provide income to restore and develop the Middleton Lodge Estate as a visitor attraction. The Middleton Lodge Estate is significant in terms of the historic heritage, containing the Grade II \* listed Middleton Lodge, and the Grade II listed North Gateway, Kitchen Garden Walls, Gateway on the south drive, entrance gateway and the stable block. The area around the application site is rich in terms of historic heritage, with a number of important statutory protected structures and buildings. These include the Five Hills Barrow Scheduled Ancient Monument and the 41 listed buildings and structures at Middleton Tyas (Images of England) including the Grade I listed Church of St Michael and Grade II\* Listed Grade II listed East Hall. The Images of England website identifies an additional seven records for Barton.

### **Historic Landscape Assessment**

The Historic Landscape Assessment undertaken by Historic Landscape Management Limited on behalf of the Middleton Tyas Residents Association has added greatly to the knowledge of the significance of the area. This assessment was undertaken to;

- consider the historic development of the proposed development site and its wider landscape, and
- to consider the impact that the proposed development would have on the historic significance of Middleton Lodge, its historic parkland, gardens and pleasure grounds.

The Historic Landscape Assessment has concluded that Middleton Lodge and its surrounding parkland were created as a single entity in the late 1770s for George Hartley. The landscape seems to have been a characteristic example of the English Landscape Style of gardening which was so popular in the late C18. Though the site has undergone limited change and development during the C19 and more especially the C20, the structure of the original, mature C18 landscape is easily detectable in the park and grounds of Middleton Lodge today.

The Historic Landscape Assessment has defined the significance of the historic landscape.

- The site is of national architectural significance with Middleton Lodge, a Grade II\* building, having been designed by an architect of national importance, John Carr.
- Middleton Lodge was specifically sited to take advantage of the views of the gardens and parkland to the south east and north east. The gardens and parkland are therefore essential to the setting of the building and its proper understanding.
- The estate contains five other grade II listed buildings which by default are of national interest, With the exception of the walled garden, which is contemporary but cannot be assigned to an individual, the other buildings are the work of either John Carr or John Foss. These buildings therefore provide examples of the working styles and practices of significant architects as they all have classical references and are not in the vernacular tradition. Almost more importantly these buildings, including the walled garden, are a clear demonstration of the approach to laying out an estate in the late 1770s as adopted by influential architects and a wealthy landowner. The spatial

distribution of the buildings across a virgin site, the way the ancillary buildings respect the setting of the main house and the connected network between the functional aspects of the buildings are of national significance, not least because this is tied to a distinct time period.

- The estate is of social significance with the owners and tenants being a series of locally important families and people.
- The designed landscape is of at least regional and local interest for a number of reasons. The park is a characteristic example of the English Landscape Style; it is a good example of an C18 landscape in North Yorkshire which was consciously set out to enhance the setting of an important building; the main phases of the landscapes development are of historic interest.
- Middleton Lodge meets several criteria which raise its significance. The age of the main design layout falls between 1750 and 1820, more precisely between 1777 and the 1780s. A significant proportion of this original layout survives and is readily discernible on the ground. As far as can be assessed from a desk top study, the quality of what remains is good and the design reflects the influences of John Carr and John Foss.

The historic landscape assessment makes a detailed assessment of the impacts of the proposed development upon the historic heritage of the estate. It is concluded that the landscape and visual impact of the proposed quarrying on the historic environment results in **adverse impacts and change**. The greatest impacts are on the setting of Middleton Lodge and these are considered to be adverse and contradictory to national and local planning policies. The quarrying proposals, especially the southern section, do not preserve or enhance the setting of Middleton Lodge. The applicants own Environmental Statement makes reference to the context of the historic parkland which “makes a significant contribution to the setting of the mansion”, however, this is not taken into account in the development or extent of the quarry area. The applicants’ proposals to create significant new landscape features cannot be seen to be an ‘enhancement’ of the historic landscape, but rather a significant alteration of its character.

The restoration proposals put forward do not take account of this historic land use which has been an essential part of its historic character since the creation of the Middleton Lodge estate. It is established conservation practice that development should not result in fragmentation of the heritage asset, in this case the park and the setting of Middleton Lodge. The proposed restoration clearly introduces fragmentation to the site, partly as a result of the nature of the development. The insertion of a highly designed garden area (the quarry garden and maze) into what is open parkland disrupts the historic character and historic land use pattern of the site. Similarly the screen planting around this garden and the habitat area affect and change historic views from the north entrance gates and drive. Of particular concerns are the impacts of the proposed planting and quarry structures that would adversely affect the character of the landscape.

### **Archaeology**

The Environmental Statement includes the results of geophysical surveys of 50% of the site of the proposed quarry working. It is questioned as to why the whole of the site was not surveyed as evidence provided is not a full assessment of the potential for archaeology. It cannot be said beyond reasonable doubt therefore whether the development would or would not result in the damage of important archaeology.

**The environmental statement fails to assess properly the impact of the development on the historic heritage of the site and the estate. The development would result in adverse impacts and change to the historic environment contrary to both national and local policy.**

## 12 HYDROLOGY

The hydrogeological and hydrological issues relating to the proposals have been assessed by Scott Wilson, who have reviewed the relevant sections of the Environmental Statement. Their key findings are set out below.

### **Inadequacies and Requirement for further information**

The Environmental Statement asserts that there will not be significant impacts on the water environment as a result of the proposed development, on the assumption that quarrying will be above the water table. However some impacts would be expected and it is considered that there is insufficient supporting data to draw conclusions regarding the magnitude of these impacts.

There are also questions regarding the operation of the quarry and restoration scheme as follows:

- if predicted water levels are incorrect there may be more water in the base of the quarry than predicted, as the water table is intercepted
- the head in the sandstone aquifer does not appear to be fully understood and may have consequences for stability and heave
- the water quality in the proposed pond and elsewhere may be affected by historical drainage from foul sewers
- the feasibility of water supply from a sandstone aquifer borehole is questioned.

Further information on groundwater levels, spring flows, licensed abstractors and groundwater and surface water quality are required. Further assessment of impacts on spring flows, other water users, sandstone aquifer heads, pond water quality and the proposed groundwater abstraction should then be made. There is also a risk to water sensitive habitats if the Acre Howden spring dries up. These impacts have not been considered in the Environmental Statement.

**The proposal fails to consider properly the effects of the development on hydrology and the impacts of the potential development on the water environment and dependent ecology cannot be determined.**

### **13 SOILS AND LAND USE**

The Environmental Statement recognises that the quality of the agricultural land is high, including areas of Grades 2 and 3a, of which 0.7 ha would be lost. This represents a loss of some of the best and most versatile agricultural land. It is considered that this land should not be lost as it has not been demonstrated that there is a need to extract the mineral. Additionally, the Environmental Statement has not demonstrated that there are no sites elsewhere of lower land quality from which suitable minerals could be sourced.

**The Environmental Statement has not considered properly the issue of the loss of the best and most versatile agricultural land.**

## 14 ECOLOGY

Argus Ecology was appointed to undertake an independent appraisal of the ecological surveys undertaken for the Environmental Statement. Argus Ecology conclude that :

- The scope of the ecological surveys was adequate to determine and describe the ecological interest features present on site; and
- The execution of the surveys appears to have been carried out to a high standard, with no significant deviations from standard methodologies; but
- The planning application states that there will be no impacts on protected species, which is contradicted by the ecological survey results;
- In the EIA, the evaluation section of the Ecology chapter omits some ecological interest features;
- The impact assessment is over-optimistic concerning several key impacts, particularly on badgers; and
- Mitigation measures do not address some key impacts, and much of the planned compensation will not begin to be put in place until 10 years after commencing development.

The Environmental Statement fails to assess fully the impact of the proposed development on the ecology of the area, as some ecological interest features were omitted. The proposed site restoration will mean that the habitat creation measures will not be complete for 20 years leaving a significant time lag in terms of impacts. The time lag would be exacerbated by the fact that the focus of the early restoration is on the formation of the ornamental features that would have limited value for wildlife.

## **15 CONCLUSIONS**

In conclusion, this report demonstrates that both the application and Environmental Statement do not make a case for the granting of permission for the proposals which are clearly contrary to national, regional and local planning policy. The application does not provide a clearly reasoned justification for the granting of permission for this new quarry as 'enabling' development that can clearly be undertaken without the need for the quarry.

This report and appended specialist reports also demonstrate that the proposed visitor attraction, to be created by the restoration of the quarry void, would be intrusive into and destroy a significant historic landscape. The proposals cannot then achieve their stated purpose of restoring the Middleton Lodge Estate.

The Environmental Statement fails to make a full assessment of the environmental implications of the proposals and has not systematically drawn together and assessed properly all of the likely significant environmental effects of the proposals. Therefore, the likely environmental effects cannot be understood properly by both the public and the determining authority and the applications should be refused.