

**OBJECTION TO PLANNING APPLICATION FOR EXTRACTION
AND DEVELOPMENT IN RELATION TO MIDDLETON LODGE
QUARRY, RICHMONDSHIRE, NORTH YORKSHIRE**

We are writing to formally express our objection to the planning application for the development at Middleton Lodge, submitted by Wardell Armstrong, on behalf of James Allison and Sherburn Stone Co. Ltd.

The Mineral Planning Group are acting as Agent on behalf of the Middleton Tyas Residents Association, and will comment on the 'Minerals' aspect of the application.

We have considered the points raised within the planning application and accompanying Environmental Statement and make the following objections and observations, under the headings set out below.

- The 'need' argument
- Allocation in Preferred Areas of Search
- Sensitive Areas
- Proximity to dwellings
- Hydrological & Hydrogeological Issues
- Agricultural land
- Archaeology
- Landscape Character
- Ecology & Biodiversity

Although MPG have only been instructed to comment on 'Minerals' issues within the planning application, we feel it our duty to also point to certain aspects of the document that may have detrimental impacts, not only on the application area, but also on the local and surrounding areas.

1. The 'Need' Argument

The proposed extraction of limestone at the site of Middleton Lodge is, in our opinion, completely unnecessary in terms of any 'need' argument. This applies not just to the purported 'need' for the aggregate, but also the need for funding the redevelopment of Middleton Lodge through the extraction of limestone.

Need for the aggregate – According to the NYCC MWLP, and the NYCC Core Strategy Consultation Paper, there is an adequate supply of crushed rock in the region to easily meet the 'minimum 10 year' landbank supply. There is no real 'potential market' for this mineral since demand can be readily met within the region including from the existing, permitted Barton Hill quarry. Sherburn Stone are proposing to 'offer-up' unquantified reserves at Barton Quarry in return for approving the new permission at Middleton Quarry

North Yorkshire County Council have agreed to "*...seek to maintain a landbank of at*

least 10 years for crushed rock". . In discussions with the Minerals Officer of North Yorkshire County Council we have been able to establish that the present permitted crushed rock aggregate landbank is in the order of 105 million tonnes. The agreed annual apportionment figure for North Yorkshire's crushed rock aggregate supply (outside the National Parks) is 4.63 million tonnes per annum i.e. this is the figure that North Yorkshire County Council expect permitted crushed rock aggregate quarries to supply per annum up to 2016 to ensure a steady supply of this mineral commodity in line with Government guidance.

A simple mathematical calculation i.e. dividing permitted reserves (105 million tonnes) by the expected annual production (4.63 million tonnes) equates to 22.6 years landbank. In anyone's eyes this is a substantial permitted landbank of crushed rock aggregate and over 200% more than the "...at least 10 years..." landbank that North Yorkshire County Council is committed to maintain.

Whilst we accept that the proposed offer to give up the consented sandstone/shale reserves at Barton Quarry may have a small effect on the permitted landbank, it is not sufficient enough to lower the level of the landbank below the recommended minimum 10-year supply for crushed rock. Indeed, it will make little difference.

There is, therefore, in our view, absolutely no need for the proposed extraction at Middleton Lodge Quarry in terms of the permitted landbank.

Need for funding the redevelopment - We have no objection to the redevelopment of this historic site. Nevertheless, our objection lies with the means of funding the redevelopment through extraction. This is not, in our view, a valid planning 'need' argument. Page 15 of Appendix 3.1 (in the application documents) states that just over £1 million is needed to fund the redevelopment. However, page 3.1 also states that Sherburn Stone Co. Ltd are to extract 2.07 million tonnes of limestone. 2 million tonnes of crushed-rock aggregate sales, based on a 20-30% return with an average (conservative) price of £10/tonne, is likely to produce a profit margin of between £4-6+ million. Clearly, there are likely to be far greater profits overall than the £1m needed for restoration of the buildings. We believe any bank would be willing to loan £1m on the basis of the collateral value of the buildings, together with the added revenue from holiday cottages and events at the site without the need to dig up 2+ million tonnes of limestone.

There is, therefore, in our view, absolutely no need for the proposed extraction in terms of funding the redevelopment, and further independent fixed evidence is obviously needed on 'alternative' methods of funding the restoration of Middleton Lodge – without the need for quarrying.

2. Allocation in Preferred Areas of Search

The site of Middleton Lodge was not allocated in the NYCC Preferred Areas of

Search Consultation Paper in December 2006. As far as we are aware, the document has not been altered to date, and Middleton Lodge is still not a Preferred Area.

NYCCs letter, dated 9th February 2006, gave a scoping opinion highlighting the proposed quarrying site saying/including “...is not a Preferred Area and is not in an Area of Search in the adopted North Yorkshire Minerals Local Plan (1997).” It is, therefore, worthy of looking at paragraph 3.2.8 of the adopted Minerals Local Plan where it states “...having identified Preferred Areas and Areas of Search for future aggregate mineral working, it follows that new aggregate mineral workings outside these areas would be contrary to policy.” (our bolding). It also states in the same paragraph: “In practise the circumstances where a proposal outside a Preferred Area or Area of Search would be more acceptable than one within those areas is likely to be rare.” These statements then lead on to policy 3/4 of the adopted Minerals Local Plan. The policy states “Outside Preferred Areas and Areas of Search, planning permission for aggregate mineral working will normally only be granted for borrow pits and small-scale extensions to existing sites”. The WA proposal is not a borrow pit. “Small-scale” extensions are not defined in the Minerals Local Plan - paragraph 3.2.9 states “Due to the individual nature of mineral workings, it is not appropriate to quantify the term “small-scale”, but the County Council will assess proposed extensions, including the deepening of quarries, against the following criteria - mineral quantity, working life, annual production and the geographical extent and scale in relation to the existing quarry area.” The proposal represents:

- Nearly half of all North Yorkshires crushed rock annual production
- 20,000 wagon movements every year for 20 years
- 2+ million tonnes of crushed rock primary aggregate extracted over a 20 year period (which must, in anyone’s terms, be regarded as equivalent to a stand-alone viable aggregate quarry)
- Quarrying on such a scale that it would effectively bring the phased restoration of Barton Quarry to a halt for up to 20 years.

In light of the above there is no doubt that approving the application at the Middleton Lodge site would encourage a **large scale** extension to the existing Barton Quarry contrary to existing Development Plan Policy.

Barton Quarry, which is situated adjacent to the proposed Middleton Lodge Quarry is an active limestone quarry, operated by Sherburn Stone, which has a planning permission that extends to 2042 as well as significant reserves of limestone. Sherburn Stone are proposing to offer-up the remaining sandstone and shale reserves at Barton Quarry (Note:- not the limestone reserves). However, the quarry would remain fully operational for secondary processing, and presumably continued limestone extraction, whilst mineral extraction takes place at Middleton Lodge if the present application were to be approved.

3. Sensitive Areas

There are a number of ‘Sensitive Areas’ in very close proximity to the proposed extraction site. Within the ‘Criteria for Site Selection’ in the NYM&WD Framework

it states that sites must be considered using a “*two-stage assessment of the suitability, availability and accessibility of land for mineral extraction*”. The first stage assesses each site against several “high-level constraints and strategic considerations”, including: Listed Buildings and their settings; Scheduled Ancient Monuments (SAMs) and Potential markets for the mineral.

As previously discussed, there is no real ‘potential market’ for this mineral since demand can be readily met from already permitted reserves within the region including the existing, permitted Barton Hill quarry.

Middleton Lodge is a Grade II* Listed Building. It is a fine Georgian country house set in 200 acres of private parkland. Kneeton Hall, lies within 1km of the site and is a Grade II Listed Building. Five Hills Barrow Scheduled Ancient Monument (SAM), is within 250m of the site. Policy 4/9 of the Mineral Local Plan (1997) states that “*Proposals for mineral operations will be permitted only where there would be no significant adverse effects on a listed building...including their settings*”. Section 15, Archaeology & Cultural Heritage of the Non-Technical Summary states that “*The quarrying would not have an impact on the listed buildings and structures within and in the vicinity of the Middleton Lodge Estate*”. It is clear that any extraction of the magnitude proposed from the application site could potentially severely affect these 3 historic sites. There is significant potential for severe damage to several listed buildings (proximity of extraction by primary blasting with high explosives), and their setting, and also the potentially detrimental effect on the SAM – an archaeological site, by definition, of national importance.

4. Proximity to Dwellings

The proximity of the surrounding dwellings, the Farmhouse and Middleton Lodge to the south and The Lodge to the east, should be taken into consideration especially as they all lie within close proximity (~50m) of the proposed red-line boundary. The Minerals Policy Statement 2 (MPS2) states that “*In some circumstances (especially where workings will have an extended life), new or extended permission for mineral extraction close to residential property may not provide adequate protection to nearby residents despite requirements for landscaping works such as bunds, screening and planting. In such cases, MPA’s should consider the need to require adequate separation distances. MPA’s should require a distance that is effective but reasonable, taking into account the nature of the mineral extraction activity*” (our bolding). In this case the nature of the extraction activity is primary blasting which has the potential to create high levels of noise and dust pollution, which we do not believe can be sensibly mitigated at the limited distances from residential dwellings proposed.

The proposal would also be contrary to Policy 4/14 of the Minerals Local Plan which states “*Proposals for mineral operations will be permitted only where there would not be a significant adverse impact on the local environment or residential amenity.*” Middleton Lodge is likely to be effected by the noise and dust levels as well as the visual intrusion caused by the quarry. Proposed mitigation in the form of substantial amenity screen bunds would in itself, produce alien features in the landscape that

would in our view negatively affect the setting of a listed building.

5. Hydrological & Hydrogeological Issues

The site is on a minor aquifer. However, limestone geology is generally relatively permeable (particularly if Karstic¹) and can have important interactions with surrounding local water resources. Alterations to the geology may have a range of impacts on the aquifer or surface waters and these interactions should be fully assessed before the proposals are determined.

The hydrology section of the ES states that “*the water quality of the streams and ditches ...is not monitored by the Environment Agency*” and so the applicant anticipates that surface water quality is “*generally good*”. Water samples should have been taken here and sent for analysis to confirm this presumption. There is also a lack of data on the depth of the water table (whilst average readings are provided over a two month period, there are no clues as to what time of the year or how many readings were taken during the two months). Likewise, there is a lack of data on the possible presence of perched water table, which could have been resolved with more regular monitoring on the proposed site before the application was submitted.

The borehole monitoring is also suggested to show that “*...the excavation would not be within or below the watertable, and this potential issue is not considered further in this assessment*”. However, earlier on in the report it is stated “*water was observed during drilling at 16.6m below ground level*” which is **above** the 20m depth of working proposed at the site, and so could create a problem with ingress of water into the quarry void. There are no plans showing the contours in relation to the boreholes and so the groundwater monitoring data is of little value as the measurements are given in mAoD and not depth below surface. If the groundwater is intercepted by the quarry workings this would have a noticeable impact on the surrounding area, including the local springs. These matters needs further assessment before any determination takes place or the application should be refused on lack of adequate water table data.

There is concern over the water supply to Acre Howden spring ceasing during the working of this site, as the quarry extraction would cut into the spring catchment area. A diversion of this spring has not been investigated and should have been to prevent permanent changes to the hydrogeological regime in this area and the possibility of impacting upon water sensitive habitats downstream. The report later discusses the

¹ ‘Karstic’ – “Landscape characterized by remarkable surface and underground forms, created as a result of the action of water on permeable limestone. Karst landscapes are characterized by underground features such as caves, caverns, stalactites, and stalagmites. On the surface, clints, grikes, gorges, and swallow holes are common features. Limestone is soluble in the weak acid of rainwater. Erosion takes place most swiftly along cracks and joints in the limestone and these open up into gullies called grikes. The rounded blocks left upstanding between them are called clints”. (www.tiscali.co.uk/reference/encyclopedia)

removal of the ‘undersaturated zone’ from above the watertable, which is suggested may “.....result in the increased vulnerability of aquifers and river catchments to contamination or seasonal changes”. The potential for storm flow situations has been catered for with the inclusion of the lake but in dry weather there is, we believe, a serious risk of the spring drying up which could have major negative impacts downstream.

The loss of water from the fountain feature on site is recognised as a concern since the applicant has quite rightly stated that “*The quantity of water lost from the fountain system....is therefore difficult to calculate accurately*”. The proposal seems to be a very effective way of loosing what could prove to be large quantities of water onto the land surrounding the fountain and we, therefore, believe the fountain to be an inappropriate part of the restoration this site

There is a possibility of an additional borehole being required to supplement the fountain system in dry weather. However this additional borehole has not been applied for in this application. If an abstraction license were refused by the Environment Agency then the fountain device would be jeopardised and would not function properly in dry or windy weather. If an additional borehole is believed to be required then it should form a part of the initial application – if missing, as it is, then the application should be refused on ‘lack of information’ grounds as it is shown to be unimplementable based on the low permissivity of the sandstone. We believe that the only way of overcoming the low permissivity of the confined sandstone aquifer, to supply water to the fountain in the dry summer months would be to sink a whole array of boreholes into the underlying aquifer in a grid pattern at close intervals. Again, this has not been applied for.

The possibility of heave on site caused by the removal of 16m of material is well recognised in the report but yet the solution stated to mitigate this potential effect (the addition of 1m of clay on the floor of the quarry and lowering the head of water found in the underlying sandstone aquifer by 5m across the floor of the quarry), if the sandstone horizon is a confined artesian aquifer as predicted, would, in practice, be impossible to implement. This subject requires further detailed studies and data, as a heave event is likely to cause major issues and risk local water supplies and potentially the safety of the public/staff on site.

6. Agricultural Land

The Agricultural Land Classification for the proposed extraction site is 3a – “*Grades 1, 2, 3a being the most flexible, productive and efficient and which can deliver crops for food and non-food uses*”..... “*greater emphasis is now placed upon the protection of soils. Proposals for mineral working and for the depositing of mineral wastes will have to demonstrate how the proposal would maintain the quality of soils on the site. The County Council will expect soil handling strategies to be submitted alongside applications for development, and should be based on the DEFRA Good Practice Guide for Handling Soils*” (NYCC MWLDF Core Strategy Consultation Paper, 2006).

Grade 3a ALC land is regarded as “Best and most versatile” and there is a general

presumption against damaging or disturbing land with such a high classification, until it can be clearly demonstrated that there is (a) a need for the mineral, (b) that alternative sites for extraction on land classified a 3b or below cannot be found. Since it has already been established that there is no need for the mineral and there is insufficient evidence to show that land of lower classification is not available, both factors are reason to point to refusal.

7. Archaeology

The archaeological studies have revealed that it *“is in an area with the potential for presently unknown remains to be discovered. It is considered likely that any remains would be of prehistoric to medieval in date”*. Policy 4/8 of the Mineral Plan (1997) states *“Proposals for mineral operations which would adversely affect nationally important archaeological remains, whether scheduled or not, and their settings, or other sites of special local or regional importance, will not be permitted”*. There is no doubt that further archaeological investigations (trial trenching and geophysical survey work) must be carried out before progressing any application on this land so as to protect these potentially fragile and vulnerable (nationally important) sites. If an archaeological investigation is carried out and confirms the presence of important archaeological remains then we believe the application could not progress. Policy E5 of the North Yorkshire Structure Plan reiterates this by stating *“Development proposals which could result in damage to, or the destruction of, sites of archaeological importance will normally be refused”*.

Until such time as a full independent archaeological investigation has been carried out, in accordance with PPG16, the application should, therefore, also be refused on “lack of archaeological information” grounds.

8. Landscape Character

The Tees Lowlands Character Assessment (Map 23, supplied by Countryside Agency) recognises the landscape value around and including Middleton Tyas in the following description:- *“...minor valleys and linear strips of open land extend as ‘green corridors’ from rural farmland into the heart of the Teeside conurbation”*. The views from Five Hills will become increasingly compromised by the continuing extraction at Barton Quarry, regardless of the recommended bunding. The approval of the application at Middleton will add further detrimental impacts to the views obtained from Five Hills for a prolonged period.

Any extraction that takes place on this site will result in the loss of the existing landscape forever, over 20+ years of disturbance and replacement with a totally different and alien restored landscape. Although formally regarded as a ‘temporary’ operation (in planning terms), the proposal would nevertheless severely impact on the lives of those residents living closest to the site for a generation and beyond. Policy 4/5 of the Mineral Plan (1997) states *“Within local areas of high landscape quality proposals for mineral operations will only be permitted where they would not significantly affect the character and quality of the landscape”*. Hinkle Wood is a site of Local Nature Conservation and is located 1.2km north-east of the site. We also

have doubt as to the level that this nature conservation area could be safeguarded from impacts linked to the proposed development.

9. Ecology & Biodiversity

Policy 4/6 of the Minerals Local Plan states “... *planning permission will only be granted where there would not be an unacceptable effect on the nature conservation interest*”. The proposed extension would result in the loss of mature trees, pastureland and flora, which will, in turn, affect the local fauna (e.g. bats, badgers, birds etc.). Whilst some mitigation of these losses is proposed there would, in our view, still remain an unacceptable effect on nature conservation interests.

The land proposed for extraction has been classified as Grade 3a, defined as ‘best and most versatile’. There is a general presumption against working minerals on ‘best and most versatile’ land. The application is, therefore, contrary to Policy 4/6 and should also be refused on these grounds.

10. Conclusions

It is clear from the objections raised, and observations made within this report, that the application for extraction of limestone at Middleton Lodge is, in our opinion, totally unnecessary and a completely inappropriate proposed use of this attractive and historic landscape, and its surroundings.

To reiterate our comments throughout this report, the Middleton Tyas Residents Association object to this planning application on the following grounds:

- There is **no** ‘need’ for the mineral in terms of market demands and the requirements of the aggregate landbank.
 - The purpose of this application should **not** be to fund the redevelopment of Middleton Lodge through the extraction of limestone. Further independent evidence is needed on ‘alternative’ methods of funding – without the need for quarrying.
 - Middleton Lodge has **not** been allocated in the NYCC Preferred Areas of Search Consultation Paper, December 2006. Any new aggregate mineral working outside an ‘Area of Search’ would be contrary to policy.
 - Approving the application at Middleton Lodge would encourage a **large-scale** extension to the existing Barton Quarry – contrary to the existing Development Plan Policy.
 - The application area would affect a number of sensitive areas – including a number of listed buildings and their settings, and a Scheduled Ancient Monument (SAM).
 - A number of dwellings lie only some 50m from the application boundary. Noise and dust mitigation measures cannot practically be implemented to protect the occupants.
 - The site is on a minor aquifer. There is a major lack of data and information concerning water quality, depth of the water table, borehole monitoring, and the water supply to Acre Howden Spring and other local springs.
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- There are potentially prehistoric/medieval remains to be discovered. Further independent archaeological investigations are essential. This application should be refused on the grounds of a 'lack of archaeological' information.
- Any extraction that takes place on this site will result in the loss of the existing landscape forever, with over 20+ years of disturbance and replacement with a totally different, and alien, restored landscape.
- The proposed extension would result in the loss of mature trees, pastureland and flora, which will, in turn, affect the local fauna. Whilst some mitigation of these losses is proposed there would, in our view, still remain an unacceptable effect on nature conservation interests. The application is contrary to Policy 4/6 of the MLP, and should therefore be refused on these grounds.

This application, and any subsequent applications for mineral extraction on this land, will be seriously and vigorously opposed by the Middleton Tyas Residents Association. It is contrary to a host of adopted Development Plan policies, and the purpose of the mineral development should not be to provide a substantial income for the future of the Middleton Lodge Estate – it should be to meet the demands of the current market and there should be a valid planning need for the mineral within the local area.
