

Our ref: 40b – Planning Conformity/final responses/Yorkshire Dales NPA Extraction of Limestone Swinden Quarry Jun 07

2 July 2007

David Parrish  
Minerals Officer  
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Dear David

**Planning Application Number: C/23/67G**

**Planning Application for the substitution of limestone at Swinden Quarry for those with Planning permission at Threshfield Quarry.**

Thank you for consulting the Assembly on the above. The Assembly, as the Regional Planning Body, has been asked to comment on this development as its nature and location mean that it could have an effect on the implementation of the Regional Spatial Strategy (RSS). The current RSS for Yorkshire and Humber (based on the Selective Review of RPG12) was issued by the Secretary of State in December 2004. The RSS has the status of a Development Plan Document and forms part of the framework for decisions taken under section 38 of the Planning and Compulsory Purchase Act (2004), which means that decisions on all applications have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise.

The Planning and Compulsory Purchase Act (2004) and Circular 08/2005 make it clear that a draft RSS submitted to the Secretary of State is a relevant regional policy against which strategic applications can be considered. This Assembly response therefore also highlights relevant issues that arise from the Yorkshire and Humber Plan (draft RSS) December 2005 – the RSS submitted to the Secretary of State.

The Panel Report of the Examination in Public of the Yorkshire and Humber Plan has now been published (May 2007). This contains recommendations to Government that may or may not be reflected in the Proposed Changes to the Plan that are due to be published for consultation in the summer. The Panel Report backs the Plan's overall approach and strategy. It also includes recommendations for changes or additions to policies. Any points from the Panel Report that are particularly relevant to the Assembly's comments on this application are noted in this response. The Yorkshire and Humber Plan should be published by the end of 2007.

Both the existing and draft regional spatial strategies aim to achieve a more sustainable pattern and form of development, investment and activity across the region, putting a greater emphasis on matching needs across the region with opportunities and managing the environment as a key resource. Within the detailed policies of current and draft RSS, Policies R4, N1 and N3 of current RSS and Policies ENV4, ENV8 and ENV10 of draft RSS are particularly relevant policies for the proposed development.

In seeking the implementation of these policies across the region, the Assembly therefore offers the following comments on the proposed substitution of limestone at Swinden Quarry for those with Planning permission at Threshfield Quarry.

### **Issues Raised by Application for Implementation of RSS**

Both the existing and draft regional spatial strategies have policies on mineral extraction that are quite limited in scope. Current RSS does not provide a regional policy framework that goes beyond national advice on the restoration of workings, aftercare of sites and promoting movement of minerals by rail and water (Policy R4 of current RSS).

In relation to the implementation of RSS the main issues to consider for this application are the *location* and *level* of the proposed extraction.

#### *Location of extraction*

Policies R4 of current RSS (December 2004) and ENV4 of draft RSS (December 2005) seeks to achieve a progressive reduction in aggregate production from National Parks and Areas of Outstanding Natural Beauty. Policy R4 of current RSS (2004) states that 'sites in areas subject to international or national designations, such as National Parks, AONBs, Special Protection Areas, or Sites of Special Scientific Interest, should be considered only in exceptional circumstances'. Policy ENV4 of draft RSS (2005) notes that there is no strategic justification for the provision of any new crushed rock sites within areas of National Parks or Areas of Outstanding Natural Beauty within the plan period. Therefore, there should be no further sites or expansions of existing sites in these areas. The proposed site is located within the Yorkshire Dales National Park and is a Site of Special Scientific Interest (SSSI) notified for its geological features.

It should be noted that the Panel Report (May 2007) recommends changes to Policy ENV5 (see pages 113-115 and recommendation 6.10).

#### *Level of extraction*

For the period 2001 to 2016 Draft RSS (December 2005) sets out a minimum requirement of 66 million tonnes of land-won crushed rock to be extracted in the Yorkshire Dales National Park.

#### *Environmental Protection and Land Character*

Policy N1 of current RSS (2004) encourages local planning authorities to identify areas important to the conservation of biodiversity, protected species and geological interest. Policy ENV8 of draft RSS (2005) provides for the Region to safeguard and enhance biodiversity and geological heritage and protect them from direct or indirect damage. Policy N3 of current RSS (2004) provides for the quality, diversity and local distinctiveness of landscape character throughout the region to be protected and enhanced. Policy ENV10 of draft RSS (2005) states that the Region will safeguard and enhance landscapes that contribute to the distinctive character of Yorkshire and the Humber. Development strategies, plans and decisions should maintain and enhance the Yorkshire Dales National Park.

It should be noted that the Panel Report (May 2007) recommends changes to Policy ENV8 and ENV10 (see pages 109-113 and recommendations 6.8 and 6.9).

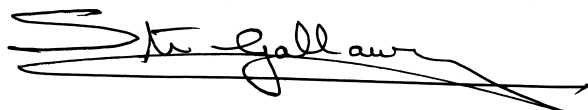
### **Conclusion**

Given the comments set out above, it is concluded that:

- If the proposal were to lead to a net gain in mineral extraction the Assembly would object to this application, as it would go against regional policies.
- On the basis that the proposal does not offer a demonstratable environmental gain, the Assembly would object to the application on the basis of Policy R4 of current RSS and Policy ENV4 of draft RSS (2005)
- Any adverse impact on the SSSI or affect upon the local landscape would be contrary to regional policy.

If you have any queries about these points, please do not hesitate to contact Jenny Poxon on 01924 331555.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Galloway', with a long horizontal flourish extending to the right.

Stephen Galloway  
Chair, Regional Planning Board  
Yorkshire and Humber Assembly