



**Proof of Evidence**

**By**

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**CITY OF BRADFORD METROPOLITAN DISTRICT  
COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990  
SECTION 78 APPEAL**

**Horn Crag Quarry, Fishbeck Lane, Silsden**

**Appeal by Andrew Calvert**

**Ref: APP/W4705/W/23/3332884**

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# **1 INTRODUCTION**

- 1.1** My name is Richard Pigott. I hold the position of Director at Planning & Design Practice Ltd, and I am responsible for providing planning advice on a range of planning topics including development plans, planning applications and appeals.
- 1.2** I hold a Master of Science Degree in Urban and Regional Planning from Sheffield Hallam University (2006) and I have been a Member of the Royal Town Planning Institute since 2009. I have nearly 20 years' experience working in planning, having been employed in both the public and private sectors.
- 1.3** Before joining Planning & Design Practice in 2011 I was employed as a Planning Officer at Royal Borough of Windsor and Maidenhead Council in Berkshire (2008-2011) where I was a development control case officer on a wide range of planning applications throughout the Council's area. Prior to that I worked at Macclesfield Borough Council in Cheshire, progressing through the planning administration support and technical teams (2004-2006) to a development control case officer (2006-2008). Over the course of my career, I have provided evidence in numerous planning inquiries, acting on behalf of both local authorities and appellants.
- 1.4** I was appointed as the council's Planning expert witness when the planning officer was no longer able to give evidence for personal reasons. Having read the relevant documents, I decided that I was able to support the council's case.
- 1.5** My evidence covers the planning issues raised in the consideration of the application and reasons for refusal contained within the decision notice issued on 24<sup>th</sup> May 2023. This includes consideration of the development plan, the National Planning Policy Framework and other material considerations. I will then consider the overall planning balance, based on a comprehensive review of all the material planning considerations and the impacts of the development.

**1.6** A Statement of Common Ground has been agreed between the Council and the Appellant and agrees the following elements:

1. Description of the site (including agreed dimensions);
2. Description of the surrounding area;
3. Planning history of the site;
5. The most relevant parts of the National Planning Policy Framework (NPPF), the various Development Plan Documents, supplementary planning documents and emerging policies; and
6. A list of those matters which are the subject of specific areas of agreement and disagreement.

**1.7** The evidence which I have prepared and provided for this appeal in this proof of evidence is true and has been prepared and is given in accordance with professional standards. I confirm that the opinions expressed are my true and professional opinions. In providing expert evidence to the inquiry I am fully aware that my duty is to the inquiry and I provide my honestly held professional view, irrespective of by whom I am employed.

**1.8** In addition to my own proof, I will rely on specialist proofs of evidence, which are presented to this inquiry in respect of the following matters:

- Landscape and visual impact;
- Biodiversity net gain and impact on protected species; and
- Impact on the Bradford Wildlife Habitat Network.

## **2 SITE AND SURROUNDINGS**

- 2.1** The Site and its surroundings are described in the SoCG.
- 2.2** The Site occupies an area of approximately 5.9ha, which includes a short access track to Fishbeck Lane. Part of the site is a former quarry, which was last quarried over 100 years ago.
- 2.3** Footpath Silsden 18 is mapped as crossing through the centre of The Site in a north-south orientation. Footpath Silsden 19 abuts The Site to the south.

## **3 RELEVANT PLANNING HISTORY**

- 3.1** There are a number of previous planning applications on the site. All six applications were refused, four related to the extraction of blockstone and two for sandstone extraction for aggregate production (one 1987 is unknown). These are summarised in the SoCG.

## **4 RELEVANT POLICY GUIDANCE**

- 4.1** Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2** The development plan in this case consists of the Bradford Core Strategy (2017), the Bradford Replacement Unitary Development Plan (RUDP, 2005) and the Steeton, Eastburn and Silsden Neighbourhood Development Plan (2021).
- 4.3** Other relevant material considerations include the National Planning Policy Framework ('the NPPF'); the Bradford Landscape Character Assessment Supplementary Planning Document (SPD); and the Environment Act.

### **Core Strategy Development Plan Document**

- 4.4** The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations through the Local Plan process.
- 4.5** A list of Core Strategy policies was included in the Statement of Common Ground. Relevant policies will be referred to in more detail where applicable in the remaining sections of this proof.

### **Bradford Replacement Unitary Development Plan**

- 4.6** The Replacement Unitary Development Plan (RUDP) for Bradford Metropolitan District Council was adopted on 18th October 2005. Although this document has been superseded by the Core Strategy, some of the policies contained within it have been saved for the purposes of formulating the Local Plan for Bradford and these remain applicable until adoption of Allocations and Area Action Plan development plan documents.
- 4.7** A list of RUDP policies was included in the Statement of Common Ground. Relevant policies will be referred to in more detail where applicable in the remaining sections of this proof.

### **Steeton, Eastburn and Silsden Neighbourhood Development Plan**

- 4.8** Following the referendum, held on 6 May 2021, City of Bradford Metropolitan District Council agreed to formally make (adopt) the Steeton with Eastburn and Silsden Neighbourhood Development Plan.
- 4.9** A list of Neighbourhood Plan policies was included in the Statement of Common Ground. Relevant policies will be referred to in more detail where applicable in the remaining sections of this proof.

### **The National Planning Policy Framework (NPPF)**

- 4.10** The NPPF published on 20<sup>th</sup> December 2023 sets out the Government's planning policies for England and how these should be applied. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 4.11** A list of NPPF paragraphs was included in the Statement of Common Ground. Relevant parts will be referred to in more detail where applicable in the remaining sections of this proof.

### **The Bradford Landscape Character Assessment Supplementary Planning Document (SPD)**

- 4.12** The Landscape Character SPD provides detailed guidance on key character areas and their characteristics, and guidance for managing development and change within them. The SPD identifies 10 Landscape Character Areas. Each Landscape Character Area volume provides a description of the area, setting out important features, analysis of the area's sensitivity to change, and detractors within the area. It then sets out landscape strategies for the fabric of the landscape and for development taking place within it. An additional level of detail is provided within each character area being broken down further into a number of local landscape types; these are described with an analysis of their strength of character and condition together with policy guidelines for the conservation or improvement of the local landscape type.

### **The Environment Act**

- 4.13** The Environment Act (2021) creates a legally binding duty on government to halt species decline by 2030 and reduce the risk of species extinction by 2042 when compared to the risk of species extinction in 2022. From 12 February 2024, 10%

BNG will be mandatory for new planning applications for major development made under the Town and Country Planning Act (TCPA) 1990, subject to some confirmed exemptions.

## **5 THE PLANNING APPLICATION**

**5.1** The application was submitted and validated in March 2023 along with a suite of documents. The application was subject to an extensive consultation exercise which included statutory, internal and external consultees along with significant publicity of the application – via individual letters to those who live adjoining or near the site, site notices displayed around the site and a notice of the application published in the local paper (the Keighley News).

**5.2** The appellant asserted in their statement of case that the case officer made several consecutive requests for clarification but determined the application prior to receipt of the additional information. The last request for clarification from the case officer was on 5<sup>th</sup> May 2023. Two further documents were received from the appellant on 15<sup>th</sup> May 2023 (response No 3) and 19<sup>th</sup> May 2023 (response No 4). The information submitted by the appellant did not overcome the concerns raised by the Council.

**5.3** Following this consultation exercise the application was subsequently refused on 24<sup>th</sup> May 2023 for the four following reasons:

*“1. The proposal as submitted is unacceptable, as there are risks to groundwater and private water supplies (potable drinking water) from the development and there is inadequate information to demonstrate that the risks posed to the groundwater and private water supplies can be satisfactorily managed and/or mitigated. As such the proposal is contrary to Policies EN8 and EN9 of the Bradford Core Strategy and paragraph 174 of the National Planning Policy Framework.*



*2. The proposal as submitted is unacceptable, as it will not make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the designated landscape character area of the Rombalds Ridge Landscape Character Area. The change is not considered acceptable, as it will have adverse landscape and visual effects, particularly in relation to; the loss of an area of distinct character and a local landmark within the broader character area; the significant impact on recreational use due to the visual impact of the quarry works; the length of disruption and disturbance locally and on the broader enjoyment of the surrounding Landscape over a minimum of 20 years with potentially an additional 15 years to achieve some maturity in the restored scheme; the adverse visual impacts on amenity for residential properties; the adverse impacts on tourism; and the adverse impacts on recreation. As such, the proposal is contrary to policies EN4, DS2, DS5, EN1 EC4 (F) and EN9 (3) of the Bradford Core Strategy, the Landscape Character Assessment SPD for Rombalds Ridge and SWES5 and SWES6 of The Steeton with Eastburn and Silsden Neighbourhood Development Plan.*

*3. The proposal as submitted is unacceptable, as it will not contribute positively towards the overall enhancement of the District's biodiversity resource within an acceptable timeframe. The priority habitat on the proposal site, coupled with the restrictive site boundary compared to the extraction area means the approach is not effective at returning to an overall Net Gain for biodiversity until around Year 30. The role of the proposal site in the Wildlife Habitat Network is of significance and the proposal will result in a weakening of the mapped network, removing priority and Biodiversity Action Plan habitats from the network for the life of the operational quarry. The proposal is therefore contrary to Policies EN2 and EN9 of the Bradford Core Strategy, paragraph 174 of the National Planning Policy Framework and the Environment Act 2021. Furthermore, the proposal does not meet and is contrary to the locational criteria for a quarry set out in Policy EN10 E (3), in that it would be likely to lead to the significant deterioration of an irreplaceable habitats, or to the permanent disruption of a significant ecological network.*

*4. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information with regards to potential adverse impacts on Protected Species and no indication of appropriate mitigation that would satisfy the requirements of a licence to disturb and be effective for the lifetime of the quarry. As such the proposal is contrary to Policies EN2 and EN9 of the Bradford Core Strategy.”*

## **6 COMMENTS ON THE PRINCIPLE OF DEVELOPMENT**

- 6.1** The site is located within the defined Green Belt. Paragraph 155 of the National Planning Policy Framework notes that minerals extraction is not inappropriate in the Green Belt, provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 6.2** Whilst it is considered that quarrying is not in conflict with the five purposes of the Green Belt, there is however, the potential for the openness of the Green Belt to be compromised by this proposal due to the visual impacts on the sensitive and valued landscape. However, even with this in mind, it is not considered, on balance, that the openness of the Green Belt would be compromised to such a magnitude that the ‘tipping point’ would be reached. It is therefore considered that the proposal constitutes appropriate development in the Green Belt.
- 6.3** The Appellant considers the site to be Previously Developed Land (PDL). The NPPF definition of PDL reads as follows: *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and*

*allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

I saw no evidence of any permanent structures during my site visit and, if there have been any in the past, I consider that they have now blended into the landscape. This means that the Site is more properly described as a greenfield site rather than PDL.

- 6.4** The policies contained within the Core Strategy, in this case policies EN9 and EN10, provide support, in principle, for sustainable minerals extraction. Furthermore, it is accepted there is a need for high quality dimension stone and walling stone, and that there are environmental, economic and heritage related benefits to it being sourced locally. Notwithstanding the above, the stone is not a scarce mineral and it can be sourced from other quarries within the Bradford District/West Yorkshire.
- 6.5** For the above reasons, I find no objection in principle to the proposal. However, policy EN9 makes it clear that for a proposal to be considered to be acceptable it needs to be demonstrated that it will not result in unacceptable adverse impacts on people or the environment in terms of pollution, flooding or land stability risks, or harm to amenity, heritage assets or their settings, or harm the character of the landscape. The Proofs of Evidence of my colleagues are compelling in demonstrating that the proposal does have a number of unacceptable adverse impacts which are discussed in the next section.

## **7 EVIDENCE ON THE REASONS FOR REFUSAL**

### **Landscape and visual impact**

#### Policy and legislative context

- 7.1** Core Strategy Policy EN4 ‘Landscape’ states that Development Decisions should make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District. The Landscape Character Area SPD together with specific criteria in part B of policy EN4 provide guidance on whether change can be considered acceptable. According to the SPD, the site lies on the western edge of the Rombalds Ridge Landscape Character Area in a landscape character type designated as Upland Pasture. The combination of a strong strength of character, high historic continuity and prominent and open level of visual exposure results in the landscape being very sensitivity to change.
- 7.2** Core Strategy Policy EN9 ‘New and Extended Minerals Extraction Sites’ seeks to ensure that development which may be acceptable in principle does not harm the character of the landscape. Policy DS2 ‘Working with the Landscape’ seeks to ensure that proposals take advantage of existing features and integrates development into the wider landscape, retaining existing landscape and ecological features wherever possible.
- 7.3** The Steeton with Eastburn and Silsden Neighbourhood Development Plan is also relevant. Policy SWES5 ‘Airedale’s Valued Landscape’ seeks to protect and enhance the valued landscape character of the area by following a number of principles including, inter alia, sub criterion b) “Development proposals likely to result in significant visual impacts are required to be supported by a landscape visual impact assessment setting out how the design aims to respect and respond positively to the character of the site and its surrounding area.”
- 7.4** Neighbourhood Plan policy SWES6 seeks to support access to the countryside, countryside sport and countryside recreation on the proviso that there are no

detrimental impacts due to noise, visual impact, landscape impact or traffic generation.

- 7.5** Paragraph 180 (formerly paragraph 174) of the NPPF, states that, inter alia, “Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes...; and b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”

#### Expert evidence

- 7.6** The evidence of Andrew Mindham, a qualified Landscape Architect and member of the Landscape Institute since 2005, is clear that the proposal will have a number of moderate to major adverse effects in terms of the overall visual impact and the effect on landscape character.
- 7.7** In landscape terms, the appellant argues that “the landscape is not a ‘valued’ landscape in the context of paragraph 180a) of the NPPF.” However, Mr Mindham firmly rebuts this comment. The sensitivity of the landscape to change is high and this is a recognisable and visually distinct landscape, with a strong sense of place and high historic continuity. This is a landscape which is very well used and enjoyed by the public for outdoor recreation, walking, cycling and horse riding. There is a good network of public rights of way which cross the Rombalds Ridge area, leading to a high landscape value. Horn Crag is a prominent feature within this landscape and the loss of the profile of to up to 15m in height due to the proposed quarry and loss of the distinctive existing vegetation will remove a significant feature in the landscape. The site has not been worked for around 40 years (when there was a short period of unauthorised extraction), meaning any new working would now be seen as uncharacteristic.
- 7.8** In visual terms, there are a number of key viewpoints where the assessment demonstrated a major adverse visual impact upon particular receptors. In particular, viewpoints from footpath ‘Silsden 18 (viewpoints 15 and 16) and

Cringles Caravan Park (viewpoints 17,18, and 19) would be greatly impacted by the development. In total, 9 viewpoints have been assessed as having a major adverse impact on views.

#### Summary of impact against policies

- 7.9** For the above reasons, it is apparent that the proposal does not make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District of Rombalds Ridge. It is considered that the landscape impacts cannot be managed and the degree of change made acceptable; that the proposal does not takes advantage of existing features, nor integrates into the wider landscape, nor retains existing landscape and ecological features; and that it will result in unacceptable adverse impacts and harm to the landscape and unacceptable harm to visual amenity and residential visual amenity.
- 7.10** The proposal is therefore contrary to Core Strategy Policies EN4, DS2 and EN9; policies SWES5 and SWES6 of The Steeton with Eastburn and Silsden Neighbourhood Development Plan; the policy guidance contained within the Landscape Character Assessment SPD for Rombalds Ridge; and relevant paragraphs of the NPPF, particularly paragraph 180.

### **Biodiversity**

#### Policy and legislative context

- 7.11** Core Strategy policy EN2 'Biodiversity and Geodiversity' states that proposals should contribute positively towards the overall enhancement of the District's biodiversity resource. The policy recognises the potential for: adverse impact on important/priority habitats that occur and outside designated sites; and adverse impact on species of international, national and local importance and advises that proposals should seek to protect and enhance species of local, national and international importance and to reverse the decline in these species. The Council

will seek to promote the creation, expansion and improved management of important habitats within the district and more ecologically connected patchworks of grasslands, woodlands and wetlands. The policy also states that “development which would cause serious fragmentation of habitats, wildlife corridors or have a significantly adverse impact on biodiversity networks or connectivity will be resisted.”

- 7.12** Core Strategy policy EN9(4) requires that minerals development should not lead to a long-term net loss of biodiversity, or to the permanent disruption of a significant ecological network.
- 7.13** Paragraph 180 (formerly paragraph 174) of the NPPF, states that, inter alia, “Planning policies and decisions should contribute to and enhance the natural and local environment by...: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 181 (formerly paragraph 175) states that, inter alia, plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. Paragraph 185 recognises the importance of local wildlife-rich habitats and wider ecological networks and seeks to secure measurable net gains for biodiversity. Paragraph 186 advises that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 7.14** The Environment Act (2021) creates a legally binding duty on government to halt species decline by 2030 and reduce the risk of species extinction by 2042 when compared to the risk of species extinction in 2022.
- 7.15** From 12 February 2024, 10% BNG will be mandatory for new planning applications for major development made under the Town and Country Planning Act (TCPA) 1990, subject to some confirmed exemptions.

### Expert evidence

- 7.16** The council's Biodiversity witness is David Campbell, an experienced ecologist and member of the Chartered Institute of Ecology and Environmental Management.
- 7.17** In relation to habitat creation and enhancement, a net gain for biodiversity is not expected until approximately Year 30. Projected total gains are not expected until Year 42 after commencement. All of the above timeframes exceed the date of the government's legal duty to halt biodiversity loss by 2030 by more than 20 years.
- 7.18** With regards badgers, whilst the proposal would retain those habitats where badger setts are confirmed, it would not be possible to maintain a 30m buffer between an active sett and construction and plant movements. Therefore, protection of the active badger sett from disturbance cannot be achieved. In addition, the 30m stand-off covers regular construction activity.
- 7.19** Closure of a sett would require additional detailed survey information and a suitable mitigation plan (including locations for artificial sett creation) in order to satisfy the requirements of a Natural England Licence. Specifically, the council would need to know the details of the proposed mitigation under a licence to disturb the retained sett 4 and/ or details of a suitable location for the creation of a compensation sett should the proposed mitigation of disturbance be judged inadequate. For these reasons there is currently insufficient information about badger activity and about options for mitigation or compensation to allow a full assessment of potential impacts on badger.

### Summary of impact against policies

- 7.20** For the above reasons, it is clear that the proposal does not meet the requirements of policies EN2 and EN9 of the Bradford Core Strategy, paragraph 180 of the National Planning Policy Framework and the Environment Act 2021.



The council's decision is also fully pursuant with the council's Biodiversity Duty to protect and enhance biodiversity through its activities.

### **Ecological networks**

- 7.21** As referenced above, Core Strategy policy EN2 seeks to protect important ecological networks and policies EN9 A(4) and EN10 E(3) require that minerals development should not lead to the permanent disruption of a significant ecological network.

### Expert evidence

- 7.22** The council's witness on this matter is Robert Masheder, Ecology Service Team Manager at West Yorkshire Ecology Service and with 27 years of full-time experience working in ecology linked to Development Control and Forward Planning.
- 7.23** Mr Masheder sets out that the proposal site straddles the Wildlife Habitat Network which is currently 72m wide at this location. Phases 1 to 4, including the main site access road will reduce the width of the corridor to less than 10m. The remaining habitat will be upland acid grassland, of low distinctiveness, and of poor condition. The distance which many species will need to travel before they can circumvent the quarry along this narrow corridor of poor quality habitat will be approximately 450m, although this will change with different phases of extraction and restoration. The disturbance to this habitat is likely to be high, being immediately adjacent to the working quarry or areas which are in the process of being restored.
- 7.24** This level of disruption will effectively sever the Wildlife Habitat Network in this location for a period 20 years of extraction and initial restoration. It will then take up to a further 22 years for different habitat types to reach agreed "condition" under the proposed Defra BNG snapshot metric.

**7.25** This will cause loss and fragmentation of habitats which will have significant adverse impact on the ecological network over a long period of time.

Summary of impact against policies

**7.26** The impact on the Bradford Wildlife Habitat Network described means that the proposal fails to comply with Bradford Core Strategy Policy EN2 which states that “The Council will seek to establish coherent ecological networks that are resilient to current and future pressures. Development which would cause serious fragmentation of habitats, wildlife corridors or have a significantly adverse impact on biodiversity networks or connectivity will be resisted.” Furthermore, Policy EN9 seeks to avoid the permanent disruption of a significant ecological network. When read in the context of EN2, I consider that the level of disruption anticipated, uncertainty as to whether the network will ever fully recover and the timescales involved mean that, as a matter of planning judgement, the proposal also fails to comply with Policies EN9 A(4) and EN10 E(3).

**7.27** The proposal is also contrary to paragraphs 180-181 of the NPPF which recognise the importance of coherent ecological networks and paragraph 185 which seeks to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

## **8 OTHER ISSUES**

### **Hydrology**

- 8.1** The council's 1st reason for refusal reflected the fact that, if not protected by appropriately worded conditions, the proposal could have unacceptable impacts on groundwater and drinking water.
- 8.2** However, as set out in the SoCG, the risks to groundwater and drinking water are now capable of being managed by condition(s), the wording of which has now been agreed with the appellant.

## **9 POLICY ASSESSMENT CONCLUSION**

### **The Development Plan**

- 9.1** I have identified the most directly relevant policies in the development plan for determining this appeal. In this respect, there is no objection to the proposal in principle under Green Belt policies SC7 in the Core Strategy or saved policy GB1 of the replacement Unitary Development Plan (RUDP); or core Strategy policies EN9 and EN10, which relate specifically to minerals.
- 9.2** However, the above documents are clear that minerals extraction should not come at any cost and I have identified policies in the Development Plan which the proposal fails to accord with. Principally, but not exclusively, these are policies relating to:
- the protection and enhancement of landscape character and visual amenity (Core Strategy policies EN4, EN9 and DS2 and Neighbourhood Plan policies SWES5 and DWES6);
  - the achievement of biodiversity net gain within a reasonable timescale (Core Strategy policies EN2 and EN9);
  - the requirement to avoid the permanent disruption of a significant ecological network (Core Strategy policies EN2, EN9 and EN10); and

- the requirement to demonstrate that protected species will not be adversely affected by development (Core Strategy policies EN2 and EN9).

**9.3** It is my opinion that the appeal proposal does not accord with the Development Plan when read as a whole. I have also identified relevant provisions in the Landscape Character Assessment SPD which the appeal proposal fails to accord with.

### **National Planning Policy Framework**

**9.4** I have also identified the most directly relevant paragraphs of the NPPF for determining this appeal. Specific minerals paragraphs in the NPPF, particularly 215 and 217, support the sustainable use of minerals, stating, inter alia, that they are essential to support sustainable economic growth; that it is important to ensure a sufficient supply of material to provide the infrastructure and buildings; and that great weight should be given to the benefits of minerals extraction.

**9.5** I have also identified a number of provisions in the NPPF which the appeal proposal does not accord with including paragraphs 180, 181 and 185.

## **10 PLANNING BALANCE**

**10.1** Whilst I consider that the appeal proposal does not accord with the Development Plan when read as a whole, the proposal must still be assessed in respect of the statutory s.38(6) “standard” planning balance.

### **Material Considerations which are Benefits**

**10.2** When engaging the planning balance in the determination of this application, the Council took into consideration a number of positive factors that would arise from this development and the weight that I attach to each of these issues is discussed below.

**10.3** The appeal scheme would assist with the provision of local dimension stone necessary for the restoration of heritage assets and construction in-keeping with the character of the area, as acknowledged by the Conservation Officer. Local stone to match the existing is often required as part of development proposals for both new buildings and for alterations, extensions and general upkeep of existing traditional buildings. In this regard there is an environmental/heritage benefit to the proposals, to which I attach limited weight.

**10.4** The economic contribution is not clearly quantified by the appellant, but it is acknowledged that the proposal is likely to create or sustain jobs both at the appellant’s business and in the wider supply chain. I am, however, mindful that the stone is not a scarce mineral and that it can be sourced from other quarries within the Bradford District/West Yorkshire area. Nevertheless, in accordance with paragraph 217 of the NPPF, I afford great weight to the benefits of mineral extraction, including to the economy, that the proposal would deliver.

### **Material Considerations which are Adverse**

**10.5** My colleague has found that the appeal scheme would have moderate to major adverse effects on the landscape character and visual amenity of the area.

Given that this is a valued landscape, this is a matter of substantial significance to which I attach substantial weight. On a related matter, the harm to the experience of footpath users should also be afforded moderate weight.

- 10.6** In addition to the above, the appeal scheme would fail to achieve a biodiversity net gain within a reasonable timescale, a matter to which I attach moderate weight.
- 10.7** The proposal would also result in the loss and fragmentation of habitats which will have a significant adverse impact on the ecological network over a long period of time. I attach substantial weight to this matter.
- 10.8** Finally, the proposal fails to demonstrate that protected species will not be adversely affected by development, a matter to which I attach substantial weight.
- 10.9** Given the above, it is my judgement that the combination of adverse landscape, biodiversity and ecological impacts identified outweighs the great weight attributable to the benefits of mineral extraction. I therefore consider that the planning balance falls against the proposed development.

## **11 SUMMARY AND CONCLUSION**

- 11.1** I consider that the appeal scheme conflicts with the development plan, taken as a whole, and that material considerations do not indicate that a contrary decision should be made.
- 11.2** For the reasons outline above, and in the Council's other Proofs of Evidence, it is considered that the appeal should be dismissed.