

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

23 July 2019

**C4/19/00523/CMA - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITION NO'S 19 & 20 & OF PLANNING PERMISSION REF. C6/500/109/F/CMA TO ENABLE ASPHALT OPERATIONS TO CONTINUE UNTIL 21:00 HOURS MONDAY TO FRIDAY UNTIL 31 DECEMBER 2021 ON LAND AT PATELEY BRIDGE QUARRY (COLDSTONES), GREENHOW HILL, PATELEY BRIDGE, HARROGATE, NORTH YORKSHIRE, HG3 5JQ
ON BEHALF OF HANSON QUARRY PRODUCTS EUROPE LTD
(HARROGATE DISTRICT) (PATELEY BRIDGE ELECTORAL DIVISION)**

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the Variation of Condition No's 19 & 20 & of Planning Permission Ref. C6/500/109/F/CMA to enable Asphalt Operations to continue until 21:00 hours Monday to Friday until 31 December 2021 on land at Pateley Bridge Quarry (Coldstones), Greenhow Hill, Pateley Bridge, Harrogate, North Yorkshire, HG3 5JQ on behalf of Hanson Quarry Products Europe Ltd.
- 1.2 This application is subject to objections having been raised in respect of this proposal on the grounds of residential amenity and is therefore reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Pateley Bridge Quarry (also known as Coldstones Quarry) is located about 4 kilometres to the west of Pateley Bridge on the south side of the B6265 road, near to the village of Greenhow. The area is generally open moorland and, apart from Greenhow, which is about 300 metres to the west, there are four farm properties around the periphery of the site. The site lies within the Nidderdale Area of Outstanding Natural Beauty (AONB), and is within 2 kilometres of the North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC). The Yorkshire Dales National Park Boundary is also located 2km to the west. The application area also covers a substantial proportion of the Coldstones Grassland Site of Importance for Nature Conservation (SINC).
- 2.2 The quarry has operated for more than 50 years producing high-grade Carboniferous Limestone and coated roadstone products. The site currently operates under the terms of a modern set of conditions determined under the provisions of the Review of Mineral Planning Permissions in August 2008 (C6/500/109/C/MR) and extraction is authorised until 19 August 2047. All the mineral leaves the site by road using a purpose built access road onto Duck Street so that the HGV traffic avoids Greenhow. A significant proportion of the production travels south to the A59 along the B6451 to reach the north Leeds and Bradford areas.

- 2.3 Mineral operations including lead mining have been carried out in the area for several hundred years and the extraction of limestone from Coldstones Quarry pre-dates the introduction of the planning system on 1st July 1948. Formal planning consent was first granted by the former West Riding County Council for the extraction of limestone in 1949. Further planning permissions have been granted in the interim period. The planning permission for mineral extraction granted in 1992 allowed the extension of the quarry, the construction of a perimeter bund to the south of the site and the creation of a new access road to divert traffic away from the village of Greenhow.
- 2.4 In 1995 planning permission was granted for the erection of an extensive screen mound to the south of the existing quarry (C6/500/109B/PA). The permission included a detailed landscape and biodiversity management plan to ensure that the site was restored naturally, and which was secured by way of a Section 106 legal agreement. This 2005 legal agreement also covenanted the applicant to set up, attend and make annual financial contributions to the Greenhow Landscape and Biodiversity Trust Fund, over a 21 year period.
- 2.5 In 2011 planning permission was granted for the proposed relocation of the plant site within the quarry and the realignment of the permitted northern extraction limit to provide a 0.88 hectare extension. The decision notice included a list of conditions including the two conditions which are being asked to be temporarily changed by this application.
- 2.6 Pateley Bridge Quarry is the largest producer of crushed rock aggregate in North Yorkshire outside the National Parks. On average, production is over 500,000 tonnes per annum and is used in the production of concrete, asphalt and aggregate for construction and road building. The mineral is worked by blasting and is processed on site. At current rates of extraction the site has an expected life of approximately 17 years.
- 2.7 A plan showing the application site is attached to this report.

Planning History

- 2.8 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C6/500/95/E/CMA - Proposed relocation of an electrical switch building and electrical substation. Construction of replacement workshop and storage containers, covered store and building for recycled asphalt. Construction of an additional asphalt plant hopper and conveyor for recycling leg to connect to the existing asphalt plant. Permission granted 18 June 2014.
 - C6/500/109/F/CMA - Proposed plant site relocation and realignment of the permitted northern extraction limit (0.88 hectare extension to extraction limit). Permission granted 31 May 2011.
 - C6/500/109/C/MR - Application for determination of conditions under the Review of Mineral Planning Permissions in connection with Planning Permissions C6/500/109/PA and C6/500/109/B/CMA (First Periodic Review). Determined 16 July 2008.
 - C6/500/109/PA - Winning & working of minerals and associated works of access construction, diversion of public footpaths & restoration. Permission granted 20 August 1992.
 - C6/59/41.S/PA - Erection of replacement coating plant. Permission granted 24 April 1989.
 - C6/59/41Q/PA - Installation of aggregate processing plant, office and amenity building. Permission granted 13 August 1985.

- C6/59/41M/PA - Replacement of dust arrestment system for the Coating Plant. Permission granted 9 March 1983.
- C6/59/41P/PA - Retention of asphalt and macadam coating plant. Permission granted 4 September 1984.
- C/6/59/41J/PA - Installation of portable accommodation office for existing coating plant. Permission granted 10 July 1980.
- C6/59/41I/PA - Installation of a dust extraction unit alongside existing crushing plant. Permission granted 20 December 1979.
- C6/59/41E/PA - Extension of quarry plant. Permission granted 17 January 1978.
- C/6/59/41A/PA - Erection of asphalt & macadam coating plant. Permission granted 22 August 1977.
- RP/11/B - Erection of concrete brick plant and necessary ancillary machinery and building. Permission granted 20 May 1964.
- RP/11 - Continuation and extension of working of limestone and silica. Permission granted 14 March 1949.

2.9 There have been no complaints received either by the North Yorkshire County Council Planning Department or the Environmental Health Officer at Harrogate Borough Council in relation to this quarry, this was confirmed in an email from Harrogate Borough Council on the 2 January 2019.

3.0 The proposal

3.1 Planning permission is sought for the variation of Condition No's 19 & 20 & of Planning Permission Ref. C6/500/109/F/CMA to enable asphalt operations to continue after 18:00 hours until 21:00 hours Monday to Friday until 31 December 2021 on land at Pateley Bridge Quarry (Coldstones), Greenhow Hill, Pateley Bridge, Harrogate, North Yorkshire, HG3 5JQ on behalf of the Hanson Quarry Products Europe Ltd.

3.2 Pateley Bridge Quarry (also known as Coldstones Quarry) is located about 4 kilometres to the west of Pateley Bridge on the south side of the B6265 road, near to the village of Greenhow. The area is generally open moorland and, apart from Greenhow, which is about 300 metres to the west, there are four farm properties around the periphery of the site. The site lies within the Nidderdale Area of Outstanding Natural Beauty (AONB), and is also within 2 kilometres of the North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC). The Yorkshire Dales National Park Boundary is also located 2km to the west. The application area also covers a substantial proportion of the Coldstones Grassland Site of Importance for Nature Conservation (SINC).

3.3 The asphalt plant along with crushing and screening equipment, site offices and amenity block are located in the northern section of the quarry and are screened from the road by an existing bund. The proposal is to vary the conditions 19 and 20 of the permission C6/500/109/F/CMA which was granted on 31 May 2011. The existing conditions are:

19. Except with the prior written approval of the County Planning Authority neither the coating plant nor the secondary crushing and screening plant shall be operated except between the following hours:

0530 to 1800 hours Mondays to Fridays

0530 to 1530 hours Saturdays

Except with the prior written approval of the County Planning Authority neither the coating plant nor the secondary crushing and screening plant shall be operated on Sundays or Bank Holidays.

20. *Except with the prior written approval of the County Planning Authority no heavy goods vehicle shall enter or leave the quarry except between the following hours:
0600 to 1800 hours Mondays to Fridays*

0600 to 1530 hours Saturdays

Except with the prior written approval of the County Planning Authority no heavy goods vehicle shall enter or leave the quarry on Sundays or Bank Holidays.

The proposal is to extend the hours of operation under condition 19 for the asphalt plant up to 21:00 on weekdays and also to extend the hours for HGV movements under condition 20 up to 21:00 on weekdays to enable the removal of the asphalt produced. The change in time is to be temporary up until 31 December 2021. The remaining conditions are unchanged and remain applicable for the site.

- 3.4 Further information provided by the application indicate that the extended operations would occur on an 'ad hoc' basis with an estimate of an average of 2 to 3 nights a week, but this could rise on occasion to 5 nights one week or drop to 1 or 2 nights another week, the applicant has committed to only working during the extended hours on no more than 100 occasions per year. The maximum number of HGVs per evening is stated as being 15 during the extended hours. The only work which would occur between 18:00 and 21:00 would be the operation of the asphalt plant and movement of HGVs to transport the asphalt. The HGVs operating between 18:00 and 21:00 would only access and exit the site using the private haul road which goes from the north section of the site to the west where it joins Duck Street Lane as identified in the Existing Site Configuration Plan Figure HA –100-01 Rev B, which is included at the end of this report. Once the HGVs reach Duck Street Lane they would only turn left and follow this road until they reach the A59 near Blubberhouses. The applicant has an agreement with the haulier that no vehicles working during the extended hours would return to the haulier's yard by going through Greenhow Village, and would use an alternative route unless they happen to be delivering to Pateley Bridge or Glasshouses, which are local. This means that HGVs from the quarry would not be actively routed through Greenhow Village during or after the extended hours.
- 3.5 The applicant has stated that when the extended hours are used the asphalt plant would cease production at 20:00 hours and the remaining hour would be used to load asphalt into the HGVs and close the site for the night, with the last HGV and members of staff leaving the site before 21:00. The lighting at the site in the evenings is currently on a timer which turns the lights off at 21:00, this would remain unchanged.
- 3.6 The additional hours have been requested by the applicant to enable the asphalt plant to operate at maximum efficiency up until 31st December 2021. This increase in operational hours would provide relief to the company's other asphalt plants located in Leeds and Bradford to allow maintenance and repair at these locations. The reason the application is proposed only to 31st December 2021 is that the asphalt plant and other operations based in the northern part of the site are to be relocated elsewhere in the site before this date to free up the reserve of crushed rock currently sterilised by the equipment and site office. The new asphalt plant is going to have a smaller capacity and would not be required to work beyond 18:00.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 5 February 2019.

4.1 Bewerley Parish Council

Responded on 19 February 2019 with no objection to the proposal.

Thruscross Parish Meeting

- 4.2 Responded on 3 March 2019 with an objection to the application. They state that the original planning application had conditions included to prevent an unacceptable impact on the local environment and residential amenity from the quarry operations. Residents are especially concerned about the movement of HGVs along Greenhow Hill Road over the Stone House crossroads and past the bungalows between the crossroads and My Love Lane. The residents at this location already suffer excess noise and danger to pedestrians, school children, cyclists and private car users as the HGVs do not voluntarily reduce their speed through this area. The approach to Stonehouse crossroads from the quarry is hidden by a brow in the road, this gives very little time for crossing traffic to safely avoid oncoming HGVs and gives oncoming HGVs little time to take evasive action. There is also no footpath or other 'safe area' in front of these properties and there is no street lighting. If the planning permission was extended without some resolution to these problems the dangers would be made worse as the proposed working hours would extend into darkness.
- 4.3 The Parish is generally positive towards the quarry and its management but feel that the control of the HGVs is inadequate. If the Parish objections are to be resolved there would either have to be an acknowledgement by the Highways Department with an associated statutory speed limit or there would have to be an advisory speed limitation and associated detection and display equipment, funded by the quarry and designed to our satisfaction.
- 4.4 Thruscross Parish were made aware of a proposal to limit the occasions the asphalt plant worked after 18:00 to 100 per year, but responded on the 8 April 2019 and stated that this makes no difference to their formal response. The main concern is the safety of the school children who are picked up at the Stonehouse crossroads and residents, some of whom are elderly, who live on the haulage route. At the Thruscross Parish Meeting it was agreed that the only way the Parish objection would be removed is if there was a speed reduction of lorries passing through Thruscross village, either a voluntary one controlled by Hanson's or a statutory one imposed by the highway authority.
- 4.5 During a meeting held on the 23 May 2019 with the applicant, North Yorkshire County Council, Thruscross Parish Meeting and some local residents the issues raised by the Parish were discussed. The applicant has taken steps to encourage safe and considerate driving by the HGV drivers by issuing a 'Haulier Induction' flier to all HGV drivers who access the site and have also produced a poster which is erected in the site office to make drivers aware of the need to take extra care at specific locations along the route through Thruscross to the A59. Copies of the flier and poster have been provided to attendees of the meeting.

Harrogate Borough Council (Planning)

- 4.6 Responded on 5 March 2019 stating they had no objection.

Highway Authority

- 4.7 The Highway Authority provided an initial response on the 11 February 2019 which indicated that they had concerns about the impact the additional hours would have on the local highway network. It is not clear if by extending the operating hours of the plant it would generate additional vehicles or whether it just allows flexibility for the operator. Also local people who live close to the quarry or on the route of vehicles, mainly Greenhow village may find it unacceptable. The Highway Authority asked for the applicant to expand on the observations made in the application.
- 4.8 The applicant was asked to respond to the point raised by the Highway Authority and in response the applicant stated that the extended hours would be used on an 'ad-hoc' basis as and when necessary rather than every week day, so the additional hours are to provide more flexibility until December 2021. With regards to vehicle movements the site has its own dedicated private haul road which provides access from the site to Duck Street/Redlish Road which bypasses Greenhow Village, so no vehicles would pass through Greenhow Village.
- 4.9 This information was passed onto the Highway Authority who indicated they were happy with the information from the applicant and had no further observations to make, and they were especially happy with the use of the haul road. The Highway Authority have been made aware of other consultee comments received relating to the highway and the applicants response to limit the occasions the extended hours would be used to 100 per year and ensuring no HGVs return to their depot through Greenhow village. The Highway Authority acknowledges that the applicant is making a commitment to reduce the impact to a reasonable amount.
- 4.10 The Highway Authority were made aware of the additional response provided by Thruscross Parish Meeting where they stipulated that the only way they would remove their objection would be if a statutory or voluntary speed limit was placed in the stretch of road near Stonehouse crossroads. The Highway Authority responded stating that the Local Highway Authority would be unlikely to impose a 40 mph speed limit at this location due to the environment. They suggested that the developer offers driver training to the HGV drivers perhaps along the lines of a driver awareness course to encourage safer driving on the highway.

NYCC Heritage - Ecology

- 4.11 Ecology responded on the 5 February 2019 and stated as the application deals with operating hours Ecology have no comments on this occasion.

Nidderdale AONB

- 4.12 The Nidderdale AONB's Joint Advisory Committee responded on 5 March 2019 is concerned about the environmental impact of the noise generated by the operation of the plant and by HGV traffic associated with the plant.
- 4.13 The application states that extended hours of operation are necessary to 'enable asphalt plant to operate at maximum efficiency up until that point (2021) benefiting customers and providing relief to the company's other asphalt sites in Leeds and Bradford.' But it is not clear whether 'providing relief' means meeting additional demand by increasing output from Pateley Bridge or reducing output in West Yorkshire to improve the amenity of the local residents. Either way, increasing the volume of production in a nationally designated landscape is incompatible with national and local policy.

- 4.14 The noise impact assessment states that the quarry does not exceed noise guidelines specified in the planning consent but it does not appear to be specific to the asphalt plant. There is no assessment of the noise and other impacts caused by the increase in the number of HGV movements.
- 4.15 The Joint Advisory Committee objects to this application.
- 4.16 The AONB were made aware of the applicant's proposal to limit the use of the extended hours to 100 occasions per year and ensure that the specified route is used by the HGVs. They responded stating that it is unlikely that the modified proposal would overcome the AONB's Joint Advisory Committee's objection, which is made on the grounds of harm to the tranquillity of the AONB. Moreover, are not aware of any evidence to justify why the additional output generated by an extension to the plants working hours cannot be provided at an alternative location.
- Environmental Health Officer (Harrogate)**
- 4.17 The Environmental Health Officer responded on 2 January 2019 and stated that for the time that the hours stipulated in the conditions 19 and 20 have been operating no complaints have been received by this office and a 5:30 start time could well disturb sleep. Without knowing any noise impact details the EHO would be minded to suggest that the amended hours for a period of 3 years only would not cause adverse impact on local residents and the conditions can be amended Mondays to Fridays to cease at 21:00.

Notifications

County Cllr. Stanley Lumley

- 4.18 Responded on 5 February 2019 and stated that he had no objection to this application. There would be minimal impact to the community, there is very little noise/light pollution from the plant and operations would stop at a reasonable hour. An increase in wagon traffic movement should not be excessive, providing they use existing road access and egress avoiding the use of the road Greenhow Hill to Pateley Bridge whenever possible.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of 2 Site Notices posted on 8 February 2019 (responses to which expired on 01 Mar 2019). The Site Notices were posted in the following locations: on a fence post at the main entrance to the site off the B6265 and on a fence post at the entrance to the private haul road for the site off Duck Street. A Press Notice appeared in the Harrogate Advertiser on 14 February 2019 (responses to which expired on 07 Mar 2019).
- 5.2 Neighbour Notification letters were sent on 5 February 2019 and the period in which to make representations expired on 26 February 2019, the properties which are located along the haulage route from the private haul road to the A59 were selected to receive a letter. The following properties received a neighbour notification letter:
- Bridge Cottages, Blubberhouses,
 - 1 Bridge Cottages, Blubberhouses;
 - 2 Bridge Cottages. Blubberhouses;
 - 1 Hardisty Hill, Blubberhouses
 - 2 Hardisty Hill, Blubberhouses;
 - Airey Houses, Hardisty Hill, Blubberhouses;
 - Croft Cottages, Blubberhouses;
 - 1-2 Croft Cottages, Blubberhouses;
 - 3-4 Croft Cottages, Blubberhouses;

- High Apprentices, Hardisty Hill, Blubberhouses;
- 1 High Apprentices, Hardisty Hill, Blubberhouses;
- 2 High Apprentices, Hardisty Hill, Blubberhouses;
- Wood Nook Farm, Hardisty Hill, Blubberhouses;
- Brackenhill, Greenhow Hill Road, Thruscross;
- Chylowen, Greenhow Hill Road, Thruscross;
- Inn View, Greenhow Hill Road, Thruscross;
- Stonecroft, Greenhow Hill Road, Thruscross;
- Wagtails, Greenhow Hill Road, Thruscross;
- Dalestone, Greenhow Hill Road, Thruscross;
- Kyloe, Greenhow Hill Road, Thruscross;
- High House Farm, High House, Thruscross;
- Redlish House, Redlish Road, Padside;
- Tewit Farm, Duck Street Lane, Greenhow Hill;
- High Redlish Farm, Duck Street Lane, Greenhow Hill;
- Duck Street Cottage, Duck Street Lane, Greenhow Hill;
- Hillside Cottage, Duck Street Lane, Greenhow Hill.

5.3 A total of 9 letters of representation have been received raising objections on the grounds of:-

- The site being within Nidderdale ANOB and the current uses at the site is at odds with the setting in the AONB. Increase in activity would be inconsistent with policy relating to AONBs.
- The operation of the asphalt plant causes harmful and noxious emissions to ground water, air and can be hazardous to health and needs to be regulated. Intensification of activity would increase risks and be reckless in a residential, agricultural and environmental sensitive location.
- The lateness of the operating hours being sought is unreasonable given the location of the site near to a village. HGVs would continue to operate after 9pm and travel through the village as late as midnight.
- The HGVs from the quarry do not stick to using the route in the conditions in the original planning permission, the HGVs come through the village and there is no reason why they would not do this during the extended hours as well.
- The extended hours would have a greater impact on surrounding roads and verges, which are already damaged.
- The applicant cannot regulate hauliers once they leave the site, even though they should prevent HGVs leaving the site by other than the haul road they do not. HGVs serving the premises are routinely permitted to exit north, directly to the B3265 and head west in contravention of current planning requirements. If the regulations are loosened in terms of times of operation this would not result in the condition being adhered to more closely. If HGVs were restricted to using the haul road they cannot be forced to turn south, and if they do not turn south they must pass through Greenhow village.
- One of the main hauliers serving the site is based in Hebden, west of Greenhow along the B6265. It is likely that, having made final deliveries, those HGVs would return to Hebden via Greenhow after the 9pm shutdown at the quarry.
- The section of Duck Street Lane between The Loanings and Duck Street Cottage has a history of collapse, and is again showing signs of collapse, allowing an increased use in HGVs would exacerbate the problem.

- The junction of Duck Street Lane and the B6265 is dangerous. Sight lines are obscured by the brow of the hill immediately west of St Mary's Church and there are frequent collisions. HGVs turning left from Duck Street Lane heading west to Hebden are forced to swing out into opposing traffic, the manoeuvre is up hill so negotiation is slow. The junction is not currently lit as the street light was knocked down. It is irresponsible to bring about the intensified use of the junction by HGVs, particularly after dark and in variable driving conditions.
- The residents who would be most affected by the application were not consulted i.e. those that live in the immediate footprint of the quarry.
- No liaison has taken place with the local community in the build up to the submission of the planning application and no meetings are programmed for the future, so not adhering to the S106 agreement.
- There is no valid reason for extending the hours of operation.
- Concerned about noise impact and impact on air quality from HGVs.
- Concerned about additional light pollution.

No letters of support have been received from residents.

6.0 Planning policy and guidance

The Development Plan

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:

- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
- any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.

6.2 The *Development Plan* for the determination of this particular application comprises the following:

- The extant 'saved' policies of the North Yorkshire Minerals Local Plan (1997);
- The extant policies of the Harrogate District Core Strategy (2009);
- The 'saved' policies of the Harrogate Borough Local Plan (2001);
- The Nidderdale AONB Management Plan 2014 - 2019

6.3 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect it is worth noting that the following document contains emerging local policies that are of relevance to this application.

- Minerals and Waste Joint Plan (MWJP) (North Yorkshire County Planning Authority, City of York Council and North York Moors National Park Authority).

6.4 The draft (MWJP) was published in November 2016 for representations, following this an Addendum schedule of proposed changes was consulted on for a period of 7 weeks during the summer of 2017. The MWJP was submitted to the Secretary of State for Communities and Local Government on 28 November 2017 and the Examination in Public (EiP) commenced on the 27 February 2018. At present the plan is still in the examination phase with the hearings having been concluded and with main modifications to be consulted upon. Therefore some weight can be given to the MWJP policies. The most relevant policies in regards to this application are :

- I02 - Locations for ancillary minerals infrastructure
- S05 – Minerals ancillary infrastructure safeguarding
- D01 – Presumption in favour of sustainable minerals and waste development;
- D02 – Local amenity and cumulative impacts
- D03 – Transport of minerals and waste and associated impacts
- D04 – Development affecting the North York Moors National Park and AONBs

6.5 Policy I02 deals with the location of ancillary minerals infrastructure and the asphalt plant comes under this description and the relevant part of the policy states:

- 1) *Development of ancillary minerals infrastructure at active minerals extraction sites and sites producing secondary aggregate will be permitted provided the following criteria are met:*
 - i) *The ancillary development produces a ‘value added’ or complementary product based mainly on the mineral extracted or secondary aggregate produced on the host site; and*
 - ii) *The development would not have significant additional adverse impact on local communities, businesses or the environment; and*
 - iii) *The development would not unacceptably increase the overall amount of road transport to or from the host site; and*
 - iv) *Where the host site is located in the Green Belt the ancillary development is acceptable in accordance with national and local Green Belt policy; and*
 - v) *The development is linked to the overall life of minerals extraction or supply of secondary aggregate at the host site, unless the location is appropriate to its retention in the longer term.*

6.6 Policy S05 deals with the safeguarding of minerals ancillary infrastructure, and so covers the asphalt plant. Since there is no risk of the asphalt plant being affected by other forms of development this policy does not apply on this occasion.

6.7 Policy D01 deals with presumption in favour of minerals and waste development provided it is sustainable and states:
When considering development proposals the Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Authorities will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date then the Authority will grant permission unless:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- Specific policies in the NPPF indicate that development should be restricted such as policies relating to National Parks and AONBs. Where proposals constitute major development in the National Park and AONBs they will be assessed against the requirements for major development in designated areas set out in Policy D04 of this Joint Plan.

6.8 Policy D02 deals with local amenity and related cumulative impacts and states:

1) *Proposals for minerals and waste development, including ancillary development and minerals and waste transport infrastructure, will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space including as a result of:*

- noise,
- dust,
- vibration,
- odour,
- emissions to air, land or water
- visual intrusion,
- site lighting
- vermin, birds and litter
- subsidence and land instability
- public health and safety
- disruption to the public rights of way network
- the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park
- cumulative effects arising from one or more of the above at a single site and/or as a result of a number of sites operating in the locality

Proposals will be expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable.

2) *Applicants are encouraged to conduct early and meaningful engagement with local communities in line with Statements of Community Involvement prior to submission of an application and to reflect the outcome of those discussions in the design of proposals as far as practicable.*

6.9 Policy D03 deals with transport of minerals and waste and any associated traffic impacts, it states:

1) *Where practicable minerals and waste movements should utilise alternatives to road transport including rail, water, pipeline or conveyor.*

Where road transport is necessary, proposals will be permitted where:

- *There is capacity within the existing network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not have an unacceptable impact on local communities, businesses or other users of the highways network, or any such impacts can be appropriately mitigated, for example by traffic controls, highway improvements and traffic routing arrangements; and*

- *Access arrangements are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users, where relevant; and*
- *There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.*

Where access infrastructure improvements are needed to ensure that the requirements above can be complied with, information on the nature, timing and delivery of these should be included within the proposals.

- 2) *For all proposals generating significant levels of road traffic, a transport assessment and green travel plan will also be required to demonstrate that opportunities for sustainable transport and travel have been considered and will be implemented where practicable.*

6.10 Policy D04 deals with development which will affect the North York Moors National Park and AONBs in the Plan area and states:

Part 1) – Major minerals and waste development

Proposals for major development in the National Park, Howardian Hills, Nidderdale, North Pennines and Forest of Bowland Areas of Outstanding Natural Beauty will be refused except in exceptional circumstances and where it can be demonstrated it is in the public interest. The demonstration of exceptional circumstances and public interest will require justification based on the following:

- a) The need for the development, which will usually include a national need for the mineral or the waste facility and the contribution of the development to the national economy; and*
- b) The impact of permitting it, or refusing, it upon the local economy of the National Park or AONB; and*
- c) Whether the development can technically and viably be located elsewhere outside the designated area, or the need for it can be met in some other way; and*
- d) Whether any detrimental effect on the environment, the landscape and recreational opportunities, can be moderated to a level which does not significantly compromise the reason for the designation.*

Where there are exceptional circumstances and the proposal is considered to be in the public interest, every effort to avoid adverse effects will be required. Where adverse effects cannot be avoided, harm should be minimised through appropriate mitigation measures. Appropriate and practicable compensation will be required for any avoidable effects which cannot be mitigated.

Part 2) – All other developments

Planning permission will be supported where proposals contribute to the achievement of, or are consistent with, the aims, policies and aspirations of the relevant Management Plan and are consistent with other relevant development management policies in the Joint Plan.

Part 3) – Proposals which impact the setting of Designated Areas

Proposals for development outside of the National Parks and AONBs will not be permitted where it would have a harmful effect on the setting of the designated area.

North Yorkshire Minerals Local Plan 'saved' policies (NYMLP)

- 6.11 The Planning and Compensation Act 1991 placed a duty on each County Council in England and Wales to prepare a Minerals Local Plan. The NYMLP was adopted in 1997 under the 1991 Act. In the absence of an adopted MWJP and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the 'saved' policies continue to form part of the statutory 'development plan' and provide an important part of the current local policy framework for development control decisions for minerals related development.
- 6.12 The 'saved' policies of the North Yorkshire Minerals Local Plan (1997) relevant to the determination of this application are:
- 4/1 – Determination of planning applications
 - 4/13 – Traffic Impact
 - 4/14 – Local environment and amenity
 - 4/16 – Ancillary and secondary operations
- 6.13 'Saved' Policy 4/1 'Determination of Planning Applications', states that: *'In considering an application for mining operations, the Minerals Planning Authority will need to be satisfied that, where appropriate:-*
- (a) the mineral deposit on the application site has been fully investigated;*
 - (b) the siting and scale of the proposal is acceptable;*
 - (c) the proposed method and programme of working would minimise the impact of the proposal;*
 - (d) landscaping and screening has been designed to effectively mitigate the impact of the proposal;*
 - (e) other environmental and amenity safeguards would effectively mitigate the impact of the proposals;*
 - (f) the proposals and programme for restoration are acceptable and would allow a high standard to be achieved;*
 - (g) a high standard of aftercare and management of the land could be achieved;*
 - (h) the proposed transport links to move the mineral to market are acceptable; and*
 - (i) any cumulative impact on the local area resulting from the proposal is acceptable'.*
- 6.14 Criterion a) is supported by paragraph 204 c) of the NPPF which promotes the safeguarding of mineral resources by defining Mineral Safeguarding Areas, these are developed by investigating the viability of the mineral resource and preventing it from being sterilised. Criterion b) and c) are supported by Section 12 – Achieving well designed places, especially paragraph 127 which deals with ensuring developments are suitable for their location. Criterion d) is supported by paragraphs 204 f) and 205 b) which both deal with ensuring there are no unacceptable impacts as a result of the development.
- 6.15 Where criterion e) is concerned, paragraph 205 c) of the NPPF states that when determining planning applications, local planning authorities should *'ensure that any unavoidable noise, dust and particle emissions or vibrations are controlled or mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.'*
- 6.16 With regard to criteria f) and g), Paragraph 205 of the NPPF states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions.

- 6.17 Criterion h) of 'saved' Policy 4/1 does not conflict with the provisions of the NPPF; however, there are differences in the objectives. Criterion h) states that transport links should be acceptable whereas paragraph 102-104 of the NPPF states that improvements to the transport network should be considered, therefore, the NPPF should be given more weight in this instance. Paragraph 108 c) of the NPPF states that *'any significant impacts from the development on the transport network in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*
- 6.18 Criterion i) of 'saved' Policy 4/1 is in compliance with paragraph 205 b) of the NPPF states that in granting permission for mineral development the cumulative effects of multiple impacts from individual sites and/or from a number of sites in a locality should be taken into account.
- 6.19 'Saved' Policy 4/13 'Traffic Impact', states that where rail, waterway or other environmentally preferable modes of transport are not feasible, mining operations other than for coal, oil and gas will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network.
- 6.20 This Policy is consistent with the provisions of paragraph 102-104 of the NPPF which also states that improvements to the transport network should be considered and paragraph 108 c) which states that any significant impacts from the development on the transport network needs to be mitigated to an acceptable degree.
- 6.21 'Saved' Policy 4/14 'Local Environment and Amenity', states that proposals for mining operations and the associated depositing of mineral waste will be permitted only where there would not be an unacceptable impact upon the local environment or residential amenity.
- 6.22 This Policy is considered to be consistent with paragraph 205 of the NPPF. Paragraph 205 states that when determining planning applications, local planning authorities should ensure that there are no unacceptable adverse impacts on the natural environment and human health and should take into account cumulative impacts of a development in a locality.
- 6.23 'Saved' Policy 4/16 'Ancillary and Secondary Operation' states that the Mineral Planning Authority will expect proposals for operations ancillary or secondary to mineral extraction to be sited, designed and maintained so as to minimise the impact on the environment and local amenity, The use of plant, machinery and buildings will be restricted to processes primarily using minerals produced from the site. Permission will normally be limited to the permitted life of the site for mineral extraction.
- 6.24 The Policy is considered to be consistent with paragraph 204 of the NPPF which states that planning policies should set out criteria or requirements to ensure that permitted or proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in the locality.

Harrogate District Core Strategy 2009

- 6.25 Policies contained within the Harrogate District Core Strategy 2009 require consideration in the determination of this application. The following policies are considered relevant for consideration in the determination of this application:
- EQ2 – The Natural and Built Environment and Green Belt.
- 6.26 The policy acknowledges that there is ‘exceptionally high quality natural and built environment’ in the Harrogate District and this will be given a level of protection appropriate to its international, national and local importance.
- 6.27 This policy is consistent with Chapter 15 of the NPPF which deals with conserving and enhancing the natural environment.

Harrogate District Local Plan 2001 ‘saved policies’

- 6.28 Policies contained within the Harrogate District Local Plan require consideration in the determination of this application. The following policies are considered relevant for consideration in the determination of this application:
- C1 – Conservation of the AONB
- 6.29 The policy aims to protect the Nidderdale AONB with priority being given to the ‘conservation of the natural beauty of the landscape’. Development which would have a significant adverse impact on the landscape will not be permitted, and wherever possible should be located in or adjacent to existing settlements. Development in the open countryside will be permitted where it ‘contributes to the local economy’. Proposals for large scale development in the open countryside will not be permitted unless: proven to be in the national interest; and incapable of being located outside the AONB, and; the environmental impact has been fully assessed and if acceptable any adverse effects will be minimised.
- 6.30 This policy is consistent with chapter 15 of the NPPF, especially paragraph 172 which covers AONBs specifically.

Nidderdale AONB Management Plan 2014 – 2019

- Policies contained within the Nidderdale AONB Management Plan 2014 - 2019 require consideration in the determination of this application. The following policies are considered relevant for consideration in the determination of this application:
- Policy L4
 - Policy LW1
- 6.31 Policy L4 states ‘*resist applications for planning permission for major development, and applications for smaller scale development that conflict with the purposes of designation in and adjacent to the AONB boundary.*’ Policy LW1 states ‘*Work closely with established and new businesses to ensure that changing practices, and plans for growth and expansion, increase business viability and have a positive effect on the AONB.*’ According to the Management Plan ‘*The primary purpose of the AONB designation is to conserve and enhance natural beauty. In pursuing the primary purpose account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.*’

Other policy considerations:

National Planning Policy

- 6.32 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published July 2018 revised 19th February 2019)

National Planning Policy Framework

- 6.33 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

- 6.34 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development as that which fulfils the following three roles:
- a) ***'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;***
 - b) ***a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and***
 - c) ***an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'***

- 6.35 Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- i.) *'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii.) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*

- 6.36 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.

- 6.37 Paragraph 108 within Section 9 (Promoting sustainable transport) of the NPPF states that when considering specific applications for development, it should be ensured that *'safe and suitable access to the site can be achieved for all users'; 'any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree'*. Paragraph 109 of the same section states *'Development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe'*. Paragraph 111 of this section states

'All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'

- 6.38 Paragraph 172 within Section 15 (Conserving and enhancing the natural environment) of the NPPF states that *'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. ...The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of :*
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) the cost of, and scope for, developing outside the designated area, or, meeting the need for it in some other way; and*
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*
- 6.39 Paragraph 203 of Section 17 (Facilitating the sustainable use of minerals) states *' It is essential that there is a sufficient supply of minerals to provide infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.*
- 6.40 Paragraphs 204 and 205 of Section 17 make a point of ensuring that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in the locality.

National Planning Practice Guidance (PPG) (2014)

- 6.41 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource (Published 29th November 2016, updated 9th May 2019). This was accompanied by a *Written Ministerial Statement* which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -
- Air Quality
 - Light Pollution
 - Minerals
 - Traffic
 - Natural Environment
 - Noise

Air Quality

- 6.42 The PPG explains ‘*Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor.*’ It goes on to state ‘*When deciding whether air quality is relevant to a planning application, considerations could include whether the development would: Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads.*’

Light Pollution

- 6.43 In terms of light pollution the PPG states that one of the points to consider is if the new development or major change to an existing one materially alters the light levels outside the development. The PPG also states that lighting schemes could be turned off when not needed to reduce any potential adverse effects.

Noise

- 6.44 The PPG states that mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:
- give rise to a significant adverse effect;
 - give rise to an adverse effect; and
 - enable a good standard of amenity to be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Minerals

- 6.45 The PPG states that mineral resources are defined as natural concentrations of minerals or, in the case of aggregates, bodies of rock that are, or may become, of potential economic interest due to their inherent properties. They make an essential contribution to the country’s prosperity and quality of life. Planning for the supply of minerals has a number of special characteristics that are not present in other development:
- minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited. This means that it is necessary to consider protecting minerals from non-mineral development and has implications for the preparation of minerals plans and approving non-mineral development in defined mineral safeguarding areas;
 - working is a temporary use of land, although it often takes place over a long period of time;
 - working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated;
 - since extraction of minerals is a continuous process of development, there is a requirement for routine monitoring, and if necessary, enforcement to secure compliance with conditions that are necessary to mitigate impacts of minerals working operations; and
 - following working, land should be restored to make it suitable for beneficial after-use.

Traffic

- 6.46 The PPG states that Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis (i.e. significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility).

In determining whether a Transport Assessment or Statement will be needed for a proposed development local planning authorities should take into account the following considerations:

- the Transport Assessment and Statement policies (if any) of the Local Plan;
- the scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a Transport Assessment or Statement);
- existing intensity of transport use and the availability of public transport;
- proximity to nearby environmental designations or sensitive areas;
- impact on other priorities/strategies (such as promoting walking and cycling);
- the cumulative impacts of multiple developments within a particular area; and
- whether there are particular types of impacts around which to focus the Transport Assessment or Statement (e.g. assessing traffic generated at peak times).

Natural Environment

- 6.47 The PPG points out that Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 17A of the Norfolk and Suffolk Broads Act 1988 and section 85 of the Countryside and Rights of Way Act 2000 require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes. National Parks and Areas of Outstanding Natural Beauty management plans do not form part of the statutory development plan, but may contribute to setting the strategic context for development by providing evidence and principles, which should be taken into account in the local planning authorities' Local Plans and any neighbourhood plans in these areas. National Parks and Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues.

7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are

Principle of the proposed development

- 7.2 The principle of the proposal does not involve any additional development on site. The application is simply requesting a temporary change in the timings of the existing works at the asphalt plant which is already operational on site; the proposal is to temporarily extend the working hours of the asphalt plant and HGV movements associated with the asphalt plant from 18:00 hours to 21:00 hours on normal weekdays.

- 7.3 There are conditions under planning permission C6/500/109/F/CMA which currently regulate the timings of workings of the coating (asphalt) plant and crushing and screening plant on site and movements of HGVs, these conditions are:
- 19. Except with the prior written approval of the County Planning Authority neither the coating plant nor the secondary crushing and screening plant shall be operated except between the following hours:
0530 to 1800 hours Mondays to Fridays
0530 to 1530 hours Saturdays
Except with the prior written approval of the County Planning Authority neither the coating plant nor the secondary crushing and screening plant shall be operated on Sundays or Bank Holidays.*
- 20. Except with the prior written approval of the County Planning Authority no heavy goods vehicle shall enter or leave the quarry except between the following hours:
0600 to 1800 hours Mondays to Fridays
0600 to 1530 hours Saturdays
Except with the prior written approval of the County Planning Authority no heavy goods vehicle shall enter or leave the quarry on Sundays or Bank Holidays.*
- 7.4 The proposal is to vary these conditions to temporarily extend the weekday hours so they can operate after 18:00 up to 21:00 on week nights if required. The extension to the working hours for the asphalt plant and HGV movement is to be temporary up to the 31st December 2021. The main considerations in the determination of this application are whether the additional operation of the asphalt plant and additional movement of HGVs later in the evening would have any adverse impact on the local environment and residential amenity of the area.
- 7.5 Policy S05 in the emerging Minerals and Waste Joint Plan is not applicable on this occasion, as this application does not affect the safeguarding of the asphalt plant. Policy D01 in the emerging Minerals and Waste Joint Plan is relevant to the principle of proposed development as it states that Authorities will take a positive approach when considering development proposals and will work with applicants to find solutions so proposals can be approved wherever possible, unless material considerations indicate otherwise.
- 7.6 Saved Policy 4/1 of the Minerals Local Plan is relevant to the principle of proposed development, the points (a) to (g) have been dealt with under the planning permission this variation of condition is linked to which is C6/500/109/F/CMA. The points (h) and (i) are relevant to this proposal which state that the transport links to move the mineral and the cumulative impact on the local area need to be acceptable.
- 7.7 Paragraph 11 of the NPPF requires that when making decisions development proposals that accord with the development plan should be approved without delay. The proposal is supported by 'saved' policies in the Mineral Local Plan and emerging policies in the Minerals and Waste Joint Plan along with the local plans which apply to Harrogate Borough.
- 7.8 It is considered that the proposed development does not conflict with any national or local policy but other factors will now be considered in terms of the potential impact of the proposal on local requirements.

Need

- 7.9 The need for the additional production of asphalt is based on the company's requirement to enable the existing asphalt plant to operate at maximum efficiency until the 31st December 2021, when the asphalt plant would be relocated within the current footprint of the site and the operating hours would revert back to being no later than 18:00 for both the asphalt plant and associated HGV movements. It is the intention of the application to ease pressure on the company's other asphalt operations in Leeds and Bradford for this period of time to allow maintenance and repair operations to take place. Increasing highway authorities are undertaking roadworks in the evenings or through the night to lessen the impact on residents and businesses, so there is a greater requirement for asphalt to be available for these times. In this case the date of 31st December 2021 has been selected as all the processing plant, which includes the asphalt plant and crushing and screening plant, on site along with the site office would be relocated in 2020/2022 to release the permitted crushed rock reserves which are located beneath these structures and alongside the existing processing plant, office and associated equipment. The proposed relocation of the plant has already been approved under planning permission C6/500/109/F/CMA, which includes the conditions 19 and 20 which this application is proposing to vary. Once the new asphalt plant and other new structures are operational the current asphalt plant and other structures would be dismantled. After 2021 the asphalt facilities at Leeds and Bradford are to be considered capable to cater for additional evening and night-time requirements.
- 7.10 The applicant stated that the asphalt produced at Pateley Bridge Quarry would be in addition to the asphalt produced at Leeds and Bradford and would only be produced when the additional quantities are required, in the evening but not every evening. The operation of the asphalt plant would be 'ad-hoc', some weeks it would be one to two nights and other weeks four to five nights as demand requires. The concerns of the residents who have made responses were provided to the applicant and as a result they have committed to only operating the extended hours on a set number of occasions per year, this would be conditioned to 100 occasions per year, which would average out at 8 times a month.
- 7.11 The proposal is supported by paragraph 203 of the NPPF which supports the supply of minerals to provide infrastructure, which is the role of asphalt as used for roads.

Location

- 7.12 The location of the asphalt plant is within the footprint of Pateley Bridge or Coldstones Quarry, the quarry and asphalt plant has been operational for a number of years and is within Nidderdale AONB which is a special designation which needs to be taken into account. The nearest village is Greenhow which is 300m to the west of the quarry.
- 7.13 The Nidderdale AONB Joint Advisory Committee is concerned about the environmental impact of the noise generated by the operation of the plant and by HGV traffic associated with the plant stating that increasing the volume of production in a nationally designated landscape is incompatible with national and local policy.

- 7.14 The asphalt plant is an existing activity on the site and Policy I02 in the emerging MWJP is designed to be taken into account when new ancillary infrastructure is being considered. In terms of the criteria of Policy I02 points i) *'the ancillary development produces a 'value added' or complementary product based mainly on the mineral extracted or secondary aggregate produced on the host site;* and ii) *'the development would not have significant adverse impact on local communities, business or the environment'* iii) *'the development would not unacceptably increase the overall amount of road transport to or from the host site'* and v) *'the development is linked to the overall life of the minerals extraction or supply of secondary aggregate at the host site, unless the location is appropriate to its retention in the longer term'*, are relevant. The asphalt site is acceptable in terms of criteria i) and v). Criteria ii) and iii) need to be given consideration as the proposed extended operating hours may result in some impact under these criteria.
- 7.15 The point in Policy D01 in the emerging MWJP relating to the ANOBs is not relevant as although Pateley Bridge Quarry itself is an established major development located in Nidderdale AONB, this specific application is minor in nature as it is a variation of condition and does not increase the footprint of the site or alter the nature of the development. Under Policy D04 in the emerging MWJP as the application only relates to extending the hours of operation of one of the sites operations and not all the activities on site, therefore is not classed as major development, Part 1) of Policy D04 is not applicable, Part 2 is applicable which states *'Planning permission will be supported where proposals contribute to the achievement of, or are consistent with, the aims, policies and aspirations of the relevant management Plan and are consistent with other relevant development management policies in the Joint Plan'*.
- 7.16 'Saved' Policy 4/16 in the Minerals Local Plan 1997 supports the location of ancillary or secondary minerals infrastructure on existing sites, and they should have minimal impact on the on the environment and local amenity.
- 7.17 'Saved' Policy C1 of the Harrogate District Local Plan 2001 aims to protect Nidderdale AONB. Development which would have a significant adverse impact on the landscape will not be permitted, and wherever possible should be located in or adjacent to existing settlements. Policy EQ2 in the Harrogate District Core Strategy 2009 aims to protect the exceptionally high quality natural and built environment. Policy L4 of the Nidderdale AONB Management Plan 2014 – 2019 aims to resist applications which conflict with the designation of the AONB and Policy LW1 of the same document encourages the AONB to work with businesses so will have a positive effect on the AONB.
- 7.18 The quarry has been operational for a number of years and is an established part of the local economy. The applicant has set up a liaison committee with local residents and the County Council aims to meet twice a year to discuss operational issues. A Trust and Management Committee has also been set up under the obligations of the s106 agreement for permission C6/500/109B/PA, where Hanson pays a sum of £10,000 per annum to the Trust to achieve key objectives of the AONB within the area surrounding the quarry. The key objectives are
- i) Retention and enhancement of habitats species and landscape features, the creation of habitats, buffer areas and other appropriate landscape features; the restoration and where possible, connection and linkages of and to existing habitats and landscape features; monitoring of existing, restored, newly created and translocated habitats and landscape features.
 - ii) Successful implementation of relevant targets and objectives within the Nidderdale AONB Management Plan and Harrogate Biodiversity Action Plan;

- iii) Emphasis to be placed up Sites of Importance for Nature Conservation and the dry stone wall resource due to the effects of the proposed extension to the screen bund upon them.
- 7.19 This demonstrates the applicant's commitment to contributing to the local community and to the aims and objectives of the AONB. The applicants Landscape Architect produces an annual report which identifies what has been done over the past year to help biodiversity and also what is proposed for the following year and this illustrates that the objectives of the Management Trust are being met and so off sets the adverse impact of the quarry operations.
- 7.20 The NPPF and PPG make the point that minerals can only be worked where they are found which dictates where sites can be located, this also dictates where any ancillary operation associated with a particular site can be located as well, which is within the footprint of the site boundary.
- 7.21 Points ii) and iii) of the emerging Policy I02 states that the development should not have a 'significant additional adverse impact' on local communities or the environment or unacceptably increase the overall amount of road transport to or from the host site. Emerging Policy D04 requires any detrimental effects to the environment to be moderated. Saved Policy 4/16 states that the ancillary activity should have minimal impact on the environment and local amenity. Initially the applicant stated that the extended hours would be 'ad-hoc' varying from 2 to 3 times a week up to 5 times a week. Since then the applicant has stated that they would accept a condition being placed on the permission of limiting the use of the extended hours to 100 occasions per year, averaging out at 8 times a month. On balance it is felt that this number of occasions would not have a significant adverse impact on the designation of the AONB, local communities or the local environment and the increase in road transport to and from the site would be acceptable. The applicant has taken steps to try and minimise the impact of the additional working on local amenity and residents by limiting the number of occasions when it would occur and also factoring in that this application is for a temporary time period up until 31st December 2021. Since this application is a variation of condition of an existing permission the mitigation provided by the original permission also applies to this application. This proposal is aiming to provide a limited increase in asphalt production over a limited time period therefore it is considered reasonable to allow the additional activity.

Local amenity (noise, vibration, light pollution) and air quality (emissions, odour and dust)

- 7.22 The asphalt plant is proposed to stop working at 20:00 and the extra time up to 21:00 would be used to load the HGVs and close the site. Lighting is currently turned off at 21:00 hours, and the extended operation of the asphalt plant would not change this. By its nature the asphalt plant produces noise and odour, and the HGVs would produce noise, vibration and emissions. These points have all been raised as concerns in consultation responses from members of the public.
- 7.23 Nidderdale AONB objects to this application as they are concerned about the environmental impact of the noise generated by the operation. The County Councillor for the area has no objection to the application, he states that there is very little noise/light pollution from the plant and the operations would stop at a reasonable hour. Bewerly Parish Council, which covers Pateley Bridge Quarry site and the addresses that would be most affected by the later operation of the asphalt plant, stated they had no objection to the application. Some of the local residents have raised specific concerns regarding emissions and the increase in activity at the

asphalt plant they which they consider would increase the risks to air quality, health and the environment. Harrogate District Council Environmental Health Officer stated that there had been no complaints about the site and the amended hours for a period of 3 years would not cause adverse impact on local residents and the conditions can be amended between Monday and Friday to cease at 21:00 for the temporary period up until 31st December 2021.

- 7.24 Policy D02 in the emerging MWJP is relevant and states that there should not be any unacceptable impacts on local amenity including as a result of in terms of noise, odour, emissions to air and water and site lighting. Criteria ii) of Policy I02 in the emerging MWJP state that there should not be any significant adverse impact as a result of the development. 'Saved' Policy 4/14 of the Minerals Local Plan 1997 deals with local environment and amenity, it states that proposals for mining operations will only be permitted where there would not be an unacceptable impact on the local environment or residential amenity. Policy EQ2 in the Harrogate District Core Strategy 2009 supports the protection of the high quality natural and built environment in the Harrogate District depending upon its international, national and local importance. Paragraph 204 of the NPPF makes a point of ensuring that there are no unacceptable adverse impacts on the natural or historic environment, and to take into account the cumulative effects of multiple impacts for individual sites and paragraph 205 states that when determining applications great weight should be given to the benefits of mineral extraction. The sections in the PPG which are relevant to this proposal are air quality, light pollution, noise, minerals, traffic and the natural environment. In terms of air quality the focus is on whether there is a significant increase in traffic volumes or speed, in terms of light pollution one of the point to consider is if the proposal materially alters the light levels outside the development.
- 7.25 The proposed asphalt plant would not be operating every night; this would lessen the impact on the local community. The number of occasions that is proposed where the site would be operational between 18:00 and 21:00 would be no more than 100 in any calendar year this further lessens the impact on the local community and environment. The Environmental Health Officer, local Parish Council and County Councillor have not raised any concerns regarding amenity. The AONB were concerned about the impact of the extended hours on the tranquillity of the area, and some residents raised concerns regarding noise and environmental impact. The applicant has agreed to commit to the undertaking of additional noise monitoring during the extended hours, when operations are taking place, as part of the routine quarterly monitoring. There have been no issues raised relating to the operation of the quarry during the current permitted hours in terms of noise, local or environmental amenity. Therefore on balance it is considered that the impact of the proposal on local amenity would be acceptable.

Highways matters - Traffic and transport

- 7.26 The application includes a variation of condition 20 of the Planning Application C6/500/109/F/CMA to allow the additional movement of HGVs between 18:00 and 21:00 to enable the transport the asphalt which is produced under the change in hours under condition 19. HGVs would only be allowed to exit the site using the private haul road which exits onto Duck Street Lane, as they do currently, and they will only be allowed to turn left and follow the road to where it joins the A59, so would not go through Greenhow Village.

- 7.27 The County Councillor for the area stated that an increase in HGV traffic movement should not be excessive, providing they use road access and egress avoiding the use of the road to Greenhow Hill to Pateley Bridge whenever possible. The Highway Authority have indicated they are satisfied with the information provided and have no objections to make from a highways point of view.
- 7.28 Thruscross Parish Meeting objected to the application and were especially concerned about the movement of HGVs along Greenhow Hill Road over the Stone House crossroads and past residential properties between the crossroads and My Love Lane.
- 7.29 Several local residents have also raised concerns about the increase in HGVs and the extended hours for the movement of the HGVs. One of the main points raised by several residents is that the HGVs do not currently just use the private haul road and head down to the A59, but some returning empty HGVs are currently routed through Greenhow Village. If the hours are extended there is concern that the HGVs would come through the village later into the evening. One of the main hauliers serving the site is based in Hebden, west of Greenhow along the B6265 and it is likely that once the final deliveries are made after 21:00 the HGVs might return to Hebden via Greenhow. The route the HGVs would take if come through Greenhow is to turn left at the junction of Duck Street Lane and the B6265, comments have been made that this junction has poor sight lines, the HGVs sometimes have to pull across the road into the opposite lane to turn west and it is poorly lit as the lamp post has been knocked down.
- 7.30 The applicant and Highway Authority were made aware of the objections raised in relation the HGV movements and the applicant is willing have conditioned the number of times the extended working takes place to 100 per calendar year. The applicant confirmed that extra HGVs would use the haulage route currently used along the private haul road to Duck Street Lane where the HGVs will turn left and follow this road until they reach the A59. The applicant has stated that the gate at the other access to the site, which is directly onto the B6265, would be locked at 18:00 so this route cannot be used. The applicant has also reached an agreement with the haulier based in Hebden that when their HGVs return to Hebden after if working during the extended evening hours they would do so by a route which would not involve going through Greenhow village except in exceptional circumstances such as working in Pateley Bridge or Glasshouses which are close to Greenhow village.
- 7.31 The main concern of Thruscross Parish Meeting is the safety of the school children who are picked up at the Stonehouse crossroads and residents, some of whom are elderly, who live on the haulage route, especially in the local bungalows. Thruscross Parish Meeting agreed that the only way the Parish objection would be removed is if there was a speed reduction of lorries passing through Thruscross village, either a voluntary one controlled by Hanson's or a statutory one imposed by the Highway Authority.
- 7.32 The comment relating to the suggested speed reduction was provided to the Highway Authority and the applicant for consideration. The Highway Authority stated that it would be unlikely that the Local Highway Authority would impose a 40 mph speed limit at this location due to the environment. The Highway Authority suggested that the quarry could offer training to their drivers to slow vehicles down through the village. The applicant has taken steps to encourage safe and considerate driving by the HGV drivers by issuing a 'Haulier Induction' flier to all HGV drivers who access the site and have also produced a poster which is erected in the site office to make

drivers aware of the need to take extra care at specific locations along the route through Thruscross to the A59.

- 7.33 Paragraph 108 of the NPPF states that the access to the site should be safe and suitable and any impacts on the highways network can be mitigated to an acceptable degree. Paragraph 109 of the NPPF states '*Development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.*' The PPG states that local planning authorities must make a judgement about whether a development would generate a significant amount of traffic.
- 7.34 Policy D03 of the emerging MWJP is one of the key policies to be taken into consideration. The policy states that development will be permitted where there is capacity in the existing road network for the level of traffic proposed, and the traffic will not have an unacceptable impact on the local communities or other users of the highway network, or if any impact does occur it is appropriately mitigated. Criteria iii) of Policy I02 in the emerging MWJP states that there should not be an unacceptable increase in overall road transport. 'Saved' Policy 4/13 of the Minerals Local Plan states that mining operations would only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network.
- 7.35 The route which would be used by the HGVs once they leave the haul road is the one which is used during the current working hours of the site. There would only be one part of the site operational after 18:00 so the number of HGVs exiting the site onto the designated route would be less than during the normal operating hours so the route would have capacity to deal with the number of HGVs between 18:00 and 21:00, which is estimated to be no more than 15 HGVs per evening. The quantity of additional HGVs which would visit the site during the extended hours is low, averaging 5 per hour. It is therefore considered that a travel plan or transport assessment is not required and the proposed increase in road traffic would be acceptable.

8.0 Conclusion

- 8.1 The temporary extended hours of working of the asphalt plant did not raise any objections from the Environmental Health Officer were satisfied that the temporary amended hours would not cause any adverse impact on local residents. On balance it is considered that as the asphalt plant would be operating during the extended hours on limited occasions and for a temporary period there would be limited impact on local residents and the local environment and so is considered acceptable.
- 8.2 On balance, with no objection from the Highway Authority, and measures put in place by the applicant regarding routing of HGVs, limiting the number of occasions the extended hours would be used, and measures put in place to encourage HGV drivers to drive with care, it is considered that the temporary extended hours for HGV movements would not cause an 'unacceptable' impact on the highway or residential amenity as the number of HGVs per evening is low, the HGV drivers would be encouraged to drive safely and the occasions where the extended working would take place would be conditioned and the extended working would only take place for a temporary time period until the end of December 2021.

- 8.3 There are no material planning considerations to warrant the refusal of this application for the Variation of Condition No's 19 & 20 & of Planning Permission Ref. C6/500/109/F/CMA to enable Asphalt Operations to continue until 21:00 hours Monday to Friday only until 31 December 2021. The extended hours are only being supported due to the fact that it is for a temporary period only and would be unlikely to receive planning permission past this date.
- 8.4 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

9.0 Recommendation

9.1 For the following reason(s):

- i. the proposal is a variation of existing planning conditions through the previous grant of planning permission.
- ii. the proposed variation in conditions 19. and 20. of C6/500/109/F/CMA would not have a significant impact on the residential amenity or local environment.
- iii. the proposed variation in conditions 19. and 20. of C6/500/109/F/CMA would not have a significant adverse impact on the local highway network
- iv. the proposed variation in conditions 19. and 20. of C6/500/109/F/CMA would not have a significant impact on the designation of the AONB
- v. the proposed variation in conditions 19. and 20. of C6/500/109/F/CMA is consistent with the principles of the NPPF, PPG and in compliance with Minerals and Waste Joint Plan Policies, 'saved' Policies of the North Yorkshire Minerals Local Plan (1997), Policies of the Harrogate District Core Strategy 2009 and 'saved' Policies of the Harrogate District Local Plan 2001.
- vi. The proposal is for a temporary period until 31st December 2021.

That, **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

Conditions:

1. This permission is permitted for a temporary time period until 31 December 2021.

Reason: To limit the impact of the extended operation of the asphalt plant and associated HGV movement on residential amenity.

2. The development hereby permitted shall be carried out in accordance with the application details dated 21 January 2019 and the following approved documents and drawings:

| <u>Ref.</u> | <u>Date</u> | <u>Title</u> |
|----------------|---------------|----------------------------------|
| | 5 April 2017 | Location Plan |
| Plan 1 Fig 1.1 | June 2010 | Site Location Plan |
| HA-100-01 B | May 2010 | Existing Site Configuration Plan |
| C175/140 | February 2019 | Existing Site Context Plan |

Reason: To ensure that the development is carried out in accordance with the application details.

3. The permission hereby authorises the additional operation of the asphalt coating plant between the hours 18:00 to 21:00 Monday to Fridays. Therefore the asphalt coating plant shall only be allowed to operate between the following times:
0600 to 2100 hours Mondays to Fridays
0600 to 1530 hours Saturdays

Reason: To ensure that the development is carried out in accordance with the application details.

4. The permission hereby authorises the additional movement of HGVs transporting asphalt between the hours 18:00 to 21:00 Monday to Fridays. Therefore the HGVs transporting asphalt shall only be allowed to operate between the following times:
0600 to 2100 hours Mondays to Fridays
0600 to 1530 hours Saturdays

Reason: To enable to transport of the asphalt produced between 18:00 and 21:00

5. The main Duck Street Lane access shall be the only means of HGV access and exit during the hours of 18:00 and 21:00, and the HGVs will turn left onto Duck Street lane and follow this route to the A59.

Reason: To minimise the impact of the HGVs on the residents of Greenhow Village and to use the established route for HGV traffic.

6. The operation of the asphalt plant between the hours of 18:00 and 21:00 shall ONLY be carried out on 100 occasions per year. The site operator shall keep a record of the dates the asphalt plant operates during the hours of 18:00 and 21:00 and supply the list to the Planning Authority on a quarterly basis.

Reason: To minimise the impact of the asphalt plant on the local residents.

7. The movement of HGVs between the hours of 18:00 and 21:00 may ONLY be carried up to on 100 occasions per year and on days when the asphalt is operational during the hours of 18:00 and 21:00, a record of the number of HGVs visiting the site during these hours will be provided to the Planning Authority on a quarterly basis.

Reason: To minimise the impact of the HGVs on the local residents.

8. A sign shall be erected at the junction of the haul road and Duck Street stating 'After 18:00 all HGVs must turn left' and this sign will be removed after 31 December 2021.

Reason To ensure that all HGVs leaving the site after 18:00 use the agreed route and do not go through Greenhow village.

9. All permitted quarrying operations shall be carried out in accordance with the Planning Application and Environmental Statement dated July 2010 for permission C6/500/109/F/CMA except as these are varied by the requirements of the planning conditions and except as may be otherwise approved in writing by the County Planning Authority.

Reason For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and in accordance with 'saved' Policy 4/1 of the North Yorkshire Minerals Local Plan (1997).

10. The main Duck Street quarry access road shown on application Drawing No HA-100-01 B (dated May 2010) shall be maintained in a good state of repair free from potholes and surfaced in bituminous macadam throughout the life of the development.

Reason In the interests of highway safety in accordance with 'saved' Policy 4/13 of the North Yorkshire Minerals Local Plan (1997).

11. The main Duck Street access shall be the only means of HGV access to the site, save for:-
- (i) traffic travelling to and from Pateley Bridge/Upper Nidderdale along the B6265;
 - (ii) vehicles delivering minerals within the Yorkshire Dales National Park
 - (iii) in cases of emergency;
 - (iv) as otherwise may be approved in writing by the Mineral Planning Authority.

Reason In the interests of highway safety and safeguarding the local environment in accordance with 'saved' Policies 4/13 and 4/14 of the North Yorkshire Minerals Local Plan (1997).

12. Precautions, including if necessary, the provision of wheel cleaning facilities, shall be taken and maintained to ensure that all vehicles leaving the site are in a clean condition, such that no dirt and/or mud are deposited on the public highway by vehicles travelling from the site.

Reason In the interests of highway safety and safeguarding the local environment in accordance with 'saved' Policies 4/13 and 4/14 of the North Yorkshire Minerals Local Plan (1997).

13. During the permitted working hours the free field Equivalent Continuous Noise Level shall not exceed 55 dB(A) free field as recorded at any inhabited property.

Reason To minimise the adverse impact of noise generated by operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).

14. In the event that the noise level specified in Condition 12 is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in compliance with the requirements of Condition No 12.

Reason To minimise the adverse impact of noise generated by operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).

15. During the period of active quarry operations and restoration, noise monitoring shall be carried out on a regular basis in accordance with the Noise Monitoring Scheme submitted with the application unless otherwise approved by the County Planning Authority. Between these surveys additional monitoring shall be carried out at the request of the County Planning Authority. All results shall be available for inspection on request by the County Planning Authority.

Reason To minimise the adverse impact of noise generated by operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).

16. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment, which shall be regularly maintained. Except with the prior written approval of the County Planning Authority only vehicles fitted with 'white noise' reverse warning alarm systems shall be used in mineral loading earth moving and grading operations.

Reason To minimise the adverse impact of noise generated by operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).

17. Dust shall be controlled in accordance with the mitigation measures set out in the application details dated July 2010 to minimise the emission of dust from the site. In the event that the operator is informed by the County Planning Authority that a complaint has been received, additional control measures shall be implemented including, when necessary; the temporary cessation of dust generating activities, within such period as may be required by the County Planning Authority.

Reason To minimise the adverse impact of dust generated by operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).

18. All vehicles transporting asphalt from the quarry shall be securely sheeted.

Reason To minimise the adverse impact of dust generated by operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).

19. Any oil or liquid chemical storage tanks shall be located within a bund having a capacity of not less than 110% of the largest tank or the combined tank volume if a number of tanks are interconnected. The floor and walls of the bund shall be impervious to water and the stored liquid and all inlet, outlet and vent pipes and gauges shall be agreed in writing by the County Planning Authority for the disposal of any contaminated water within the bund.

Reason For the protection of the water environment in accordance with 'saved' Policy 4/10 of the North Yorkshire Minerals Local Plan (1997).

20. All oil or chemical storage containers/drums including any such waste materials shall be stored in a compound with an impervious base with the floor constructed in such a manner that the contents of the largest container/drum are retained in the event of a spillage. All waste materials such as oils, solvents, slurries or chemicals shall be disposed of at a site licensed to receive such materials.

Reason For the protection of the water environment in accordance with 'saved' Policy 4/10 of the North Yorkshire Minerals Local Plan (1997).

21. A copies of the all planning permission and any agreed variations, together with all the approved plans, shall be kept at the site office at all times.

Reason To ensure that site personnel are aware of the terms of the planning permission so as to secure an orderly and progressive pattern of working and a high standard in restoration in accordance with 'saved' Policy 4/1 of the North Yorkshire Minerals Local Plan (1997).

22. There shall be no de-watering or interruptions to ground or surface water flows at the site.

Reason In order to protect the water environment, in accordance with saved policies 4/1 and 4/10 of the North Yorkshire Minerals Local Plan (1997)

Informatives

1. Additional noise monitoring will take place during the extended hours the asphalt plant is working as part of the routine quarterly monitoring.
2. The HGVs which remove asphalt from the asphalt plant during the hours of 18:00 to 21:00 will not return through Greenhow village when returning to their base in Hebden, except in exceptional circumstances.
3. The Environment Agency has advised that if there is a possibility that land affected by contamination is located beneath the existing plant site, this will need to be assessed in line with the guidance outlined in Planning Policy Statement 23 and the Environment Agency Land Report 11 (CLR11); Model Procedures for the Management of Land Contamination.
4. Natural England has advised that there is evidence of creeping Thistle within the re-vegetated screen mound, constructed under the 2005 planning permission. There is concern that this could harm the nearby SSSIs if thistle seeds reach the SSSIs in greater volume. Natural England has therefore advised that thinning the topsoil layer on the screen bund and other areas around the quarry would facilitate the establishment of acid grassland while also reducing the abundance of thistles. Creeping Thistles are classed as an injurious weed under the 1959 Weed Act and it is therefore the duty of the landowner to control them. Spot treatment and weed wiping with an appropriate herbicide will also control thistles without affecting other plant species.
5. The Coal Authority has advised that in the interests of health and safety, the presence of mine entries in the vicinity of the quarry, dating from previous lead mining activities in the area, should be taken into account in carrying out the existing quarrying activities at the site.

Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

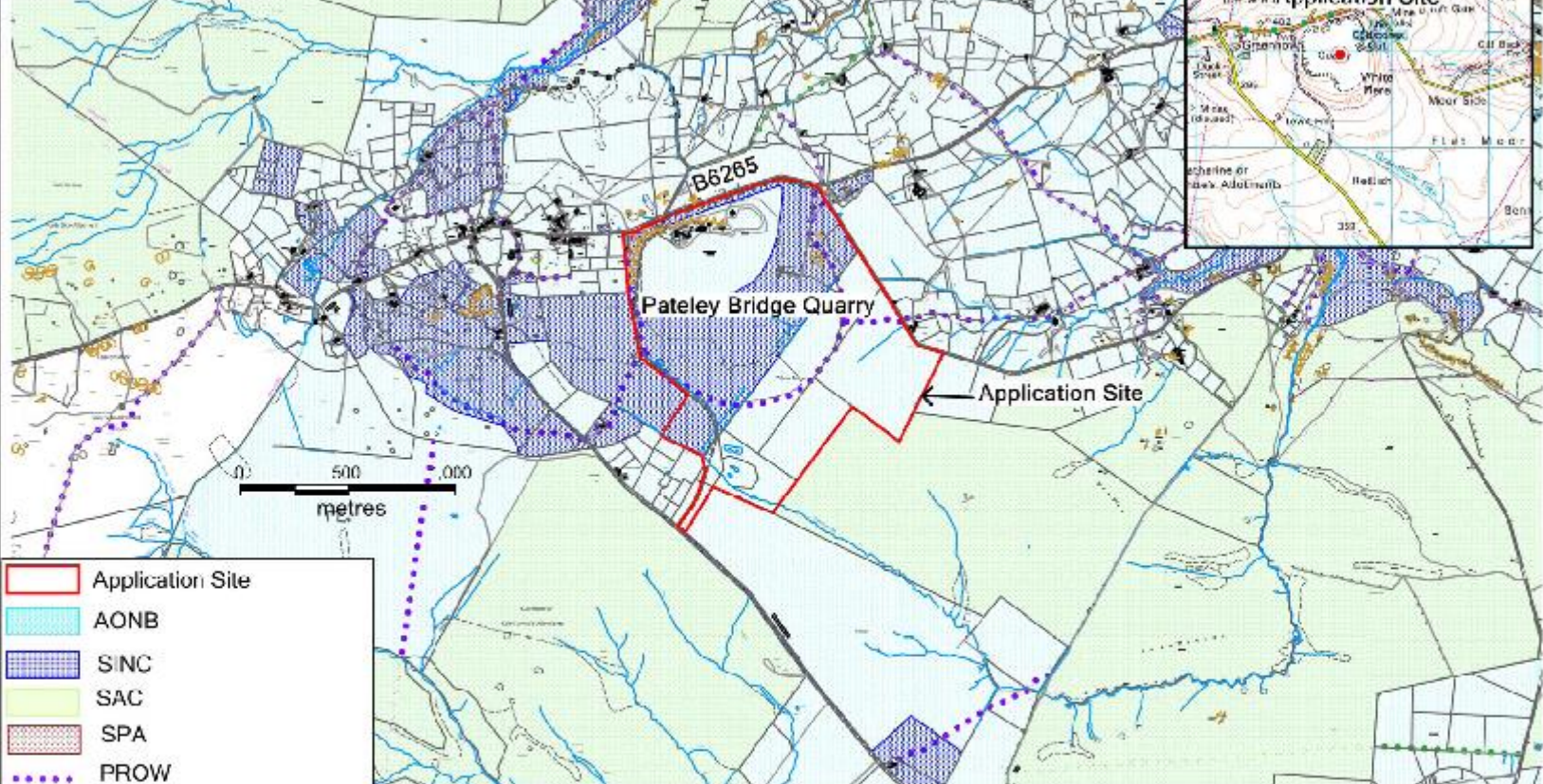
DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Joan Jackson

Background Documents to this Report:

1. Planning Application Ref Number: C6/19/00523/CMA Ref . NY/2019/0016/73A registered as valid on 21 January 2019. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://www.northyorks.gov.uk/view-planning-applications-decisions-and-submit-comments>
2. Consultation responses received.
3. Representations received.

Pateley Bridge Quarry (Coldstones) Constraints Map



- Application Site
- AONB
- SIN
- SAC
- SPA
- PROW

Application No : C4/19/00523/CMA

Title: Variation of Condition No's 19 & 20 & of Planning Permission Ref. C6/500/109/F/CMA to enable Asphalt Operations to continue until 21:00 hours Monday to Friday until 31 December 2021 at Pateley Bridge Quarry (Coldstones), Greenhow Hill, Pateley Bridge, Harrogate.

| | |
|---|--|
|  | Business & Environmental Services North Yorkshire County Council County Hall, Northcliffe, Harrogate, North Yorkshire. DL7 8AH |
| Scale : 1:25 000 Date : May 23 19 File name : Pateley Bridge Compilation & Analysis : JJJR | |

© Crown copyright. All rights reserved. North Yorkshire County Council 100017946 2019

