

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**26 JULY 2022**

**C6/22/00809/CMA - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITION NO'S 19 & 20 OF PLANNING PERMISSION C6/500/109/F/CMA TO ENABLE ASPHALT OPERATIONS TO CONTINUE UNTIL 21:00 HOURS MONDAY TO FRIDAY 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 C6/500/109/F/CMA to enable Asphalt Operations to continue until 21:00 hours Monday to Friday for a temporary period 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 6 objections having been raised in respect of this proposal on the grounds of residential amenity and highway impact 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 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). The site is not within a flood zone and other than what is already detailed in this paragraph there are no other designated constraints associated with this site.
- 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 Pateley Bridge 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 C6/500/109/F/CMA 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. An Environmental Impact Assessment was carried out as part of the C6/500/109/FCMA application. As part of this application process a Screening Assessment has been carried out on the current proposal which provided the conclusion that an Environmental Statement would not be required as the proposal would not impact on the size of the active quarry, change the activities undertaken within the quarry or result in an increase in the number of HGV's accessing and leaving the site so it was concluded that the proposal would have a less than significant effect on the surrounding area particularly as the proposal is for a temporary extension to working hours for the asphalt plant and associated HGV movements until December 2022.
- 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: -
- C6/19/00523/CMA - 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. Permission granted 23 July 2019.
  - 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/B/CMA – Application for a revised extension to screening bund to the south of the site. Permission granted 12 October 1995.
- 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 relating to this quarry since the last permission was granted in 2019.

### 3.0 The proposal

3.1 Planning permission is sought for the variation of condition no's 19 & 20 of planning permission ref. no. C6/500/109/F/CMA to enable Asphalt Operations to continue until 21:00 hours Monday to Friday for a temporary period 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. The application was logged in the planning register as a section 73A application, which is for retrospective applications, this proposal is not retrospective and will be dealt with as a section 73 (s73) application. Further details regarding s73 applications are detailed in paragraphs 7.1 and 7.2 of this report.

3.2 The location of Pateley Bridge Quarry and associated constraints are detailed in paragraph 2.1 above.

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 2022. The remaining conditions are unchanged and remain applicable for the site. Following 19 December 2022 operations will revert back to the same weekday hours which are currently conditioned under permission C6/500/109/F/CMA.

- 3.4 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. .
- 3.5 The additional hours have been requested by the applicant to enable the asphalt plant to operate at maximum efficiency up until 31<sup>st</sup> December 2022. This increase in operational hours would provide relief to the company's other asphalt plants located in Leeds and Bradford. The reason the application is proposed only to 31<sup>st</sup> December 2022 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 the end of 2022 to free up the reserve of crushed rock currently sterilised by the equipment and site office.

#### **4.0 Consultations**

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 24 February 2022.

- 4.1 **Bewerley Parish Council** – responded on 23 March 2022 and stated that they had no objection to the application.
- 4.2 **Washburn Parish Council** – responded on 15 March 2022 with an objection to the proposal due to the impact it would have on local communities, environment and highways. The main arterial routes south and west from Pateley Bridge Quarry pass through the Parish and the amount of quarry traffic is already a major concern as there has been a number of accidents. The HGV's are travelling along country lanes, in some cases at high speeds, on roads where in places two lorries are unable to pass, where it is dark due to lack of street lighting and with no footpaths, putting other road users in danger. The HGVs cause a great deal of noise intrusion and negative environmental impacts due to emissions, so an extension to the hours of operation would cause further disturbance to the residents and visitors to the rural area and AONB. The HGVs are damaging grass verges with many being churned up and muddy due to HGVs needing to move into the verge to pass safely. Should the County Council consider the extended hours application acceptable the Parish Council would appeal for conditions to be included that balances the economic and environmental issues raised by the

application, and request that all quarry traffic be required to be routed via the flatter less inhabited Meaghill Lane.

- 4.3 **Harrogate Borough Council (Planning)** – responded on 25 March 2022 stating that the judgement as to whether planning harm would arise from the proposal lies with the County Planning Authority. The relevant policies of the development plan and supplementary planning guidance should be taken into account. There are residential properties in the area so the comments and suggested conditions of the Environmental Health Officer should be taken into account to ensure that there is no adverse effect on the living conditions of nearby residents with regard to noise or disturbance.
- 4.4 **Highway Authority** – responded on 1 March 2022 stating that since no accidents have occurred since 2019 the Highway Authority has no objections to the proposed extension of working hours for the asphalt plant on any week day.
- 4.5 **NYCC Heritage - Ecology** – responded on 24 February 2022 stating they had no specific concerns regarding the operating hours of the asphalt plant but did raise concern about whether the greater use of the asphalt plant would result in any net increase in gaseous emissions which might impact the surrounding North Pennine Moors SAC. This concern was passed onto the applicant who responded stating that the application is not about producing more product, but about producing it when it is required. Many road surfacing jobs are done in the evening to lessen disruption to road users and are seeking flexibility to accommodate this. The applicants response was passed to the Ecology Team who welcomed the clarification and stated that they had no concerns regarding the impact of any emissions as these will have been assessed via the original application.
- 4.6 **AONB – Nidderdale** – responded on 8 March 2022 objecting to the proposal stating that the justification for the new application implies that the 2019 plan to revert to normal working hours when the plant has been transferred into a new position within the quarry is not explained in sufficient detail. The application does not contain any data on noise and other potential impacts including the effect on biodiversity and there is no assessment of the impact on the tranquillity. The effect of increased HGV movements is of particular concern.
- 4.7 **Environmental Health Officer (Harrogate)** – responded on 2 March 2022 stating that the site has been operating since 2019 under planning permission C6/1900523/CMA for the variation of hours, which expired on 31<sup>st</sup> December 2021, hence this application. There have been no complaints relating to noise from the site and impact on noise sensitive premises in proximity to the site. It appears that the requested hours of operation will not cause disturbance. However to protect those residents would recommend the following condition be added to those already in existence on planning permission C6/500/109F/CMA.

*'During the permitted working hours of 05:30-07:00hrs the total noise level shall not exceed 42dB(A) free field as recorded at any inhabited property.'*

#### **Notifications**

- 4.8 **County Cllr. Stanley Lumley** was notified on 1 March 2022.

#### **5.0 Advertisement and representations**

- 5.1 This application has been advertised by means of 3 Site Notices posted on 1<sup>st</sup> March 2022 (responses to which expired on 23<sup>rd</sup> March 2022). The Site Notices were posted



in the following locations: entrance to haul road joining Duck Street, main entrance to the Quarry and Bewerley Parish Council notice board. A Press Notice appeared in the Harrogate Advertiser on 3<sup>rd</sup> March 2022 (responses to which expired on 17<sup>th</sup> March 2022).

- 5.2 Neighbour Notification letters were sent on 24 February 2022 and the period in which to make representations expired on 17 March 2021. The following properties received a neighbour notification letter:

Bridge Cottage, Blubberhouses, Harrogate. LS21 2NY;  
 1 and 2 Bridge Cottages, Blubberhouses, Harrogate. LS21 2NY;  
 1 and 2 Hardisty Hill, Blubberhouses, Harrogate. LS21 2PJ;  
 Airey Houses, Hardisty Hill, Blubberhouses, Harrogate. LS21 2PJ;  
 Croft Cottages, Blubberhouses, Harrogate. LS21 2PJ;  
 1-2 and 3-4 Croft Cottages, Blubberhouses, Harrogate. LS21 2PJ;  
 High Apprenticies, Hardisty Hill, Blubberhouses, Harrogate. LS21 2PJ;  
 1 and 2 High Apprenticies, Hardisty Hill, Blubberhouses, Harrogate. LS21 2PJ;  
 Wood Nook Farm, Hardisty Hill, Blubberhouses, Harrogate. LS21 2PQ;  
 Brakenhill, Greenhow Hill Road, Thurcross, Harrogate. HG3 4AH;  
 Chyowen, Greenhow Hill Road, Thurcross, Harrogate. HG3 4AH;  
 Inn View, Greenhow Hill Road, Thurcross, Harrogate. HG3 4AH;  
 Stonecroft, Greenhow Hill Road, Thurcross, Harrogate. HG3 4AH;  
 Wagtails, Greenhow Hill Road, Thurcross, Harrogate. HG3 4AH;  
 Dalestone, Greenhow Hill Road, Thurcross, Harrogate. HG3 4AH;  
 Kylne, Greenhow Hill Road, Thurcross, Harrogate. HG3 4AH;  
 High House Farm, High House, Greenhow Hill Road, Thurcross, Harrogate. HG3 4AX;  
 Redlish House, Redlish Road, Padside, Harrogate. HG3 4AL;  
 Tewit Farm, Duck Street Lane, Greenhow Hill, Harrogate. HG3 5JQ;  
 High Redlish Farm, Duck Street Lane, Greenhow Hill, Harrogate. HG3 5JJ;  
 High Redlish Cottage, Duck Street Lane, Greenhow Hill, Harrogate. HG3 5JJ;  
 Duck Street Cottage, Duck Street Lane, Greenhow Hill, Harrogate. HG3 5JH;  
 Hillside Cottage, Duck Street Lane, Greenhow Hill, Harrogate. HG3 5JH.

- 5.3 A total of 5 letters of representation have been received raising objections on the grounds of:-

- Noise from HGV's late into evening unacceptable for residents living close to the road, this would impact on the tranquillity and environment and would affect children's sleep;
- No footpath where houses are, dark evenings will reduce visibility making it more dangerous for pedestrians if there is an increase in HGV movements in the evenings;
- Road is narrow in places making it difficult for HGV's to pass each other;
- HGV's tend to go too fast and there is no limitation on the number of HGV's from the quarry;
- Suggested that Meaghill Lane should be used as part of HGV route rather than Hardisty Hill;

- 5.4 A total of 3 letters with other comments have been received raising points which include:-

- Since consent was given in 2019 have not noticed any impact from the extended working hours;
- Should ensure extended working hours are limited until 31 December 2022 and only be for the asphalt plant;
- There has been damage to verges along Duck Street which have not been repaired which is likely caused by HGV's;

## 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 policies of the Minerals and Waste Joint Plan 2015 - 2030  
The extant policies of the Harrogate District Local Plan 2014 - 2035

Minerals and Waste Joint Plan 2015 - 2030

- 6.3 The Minerals and Waste Joint Plan (adopted in February 2022) has particular relevance in the determination of this application and the policies most relevant include:

- I02 – Locations for ancillary minerals infrastructure;
- 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;
- D06 - Landscape
- D07 – Biodiversity and geodiversity
- D14 – Air quality.

- 6.4 Policy I02 Locations for Ancillary Minerals Infrastructure. The asphalt plant comes under this description and the relevant part of the policy includes criteria which need to be met including producing a 'value added' or complementary product to the mineral being extracted, the development should not have an adverse impact on local communities or the environment, should not unacceptably increase the amount of road transport and be linked to the overall life of the minerals site.

- 6.5 Policy D01 deals with presumption in favour of minerals and waste development provided it is sustainable and states there is a presumption in favour of sustainable development and that 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.

- 6.6 Policy D02 deals with local amenity and related cumulative impacts and seeks to safeguard communities from any unacceptable impacts on amenity of local communities and residents, businesses and users of public rights of way network 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*

- *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*

- 6.7 Policy D03 deals with transport of minerals and waste and any associated traffic impacts and encourages the use of alternatives to road transport where practicable. It permits proposals where road transport is necessary, where there is capacity within the existing network for the level of traffic, and there would not be an unacceptable impact on local communities, businesses or other users of the network or any such impacts can be appropriately mitigated. It also requires safe and suitable access arrangements appropriate to the volume and nature of any road traffic generated and on-site parking and manoeuvring, and requires a transport assessment or green travel plan where significant levels of traffic are created.
- 6.8 Policy D04 deals with development which will affect the North York Moors National Park and AONBs in the Plan area. Part 1 of the policy covers major development and criteria associated with this. Part 2 deals with all other developments and states that they should be consistent with the relevant Management Plan and other development management policies in the MWJP, part 3 deals with development outside designated areas and states that if the development would have an unacceptable harmful effect on the designated area it will not usually be permitted.
- 6.9 Policy D06 deals with landscape and in nationally designated areas aims to provide a very high level of protection, where there would be an unacceptable landscape impact development would not be permitted. Where there may be an adverse impact on landscape, tranquillity or dark night skies there should be a high standard of design and mitigation.
- 6.10 Policy D07 deals with biodiversity and geodiversity and permits proposals where it can be demonstrated, having taken into account mitigation measures, that there will be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites and features, Sites of Importance for Nature Conservation, Sites of Local Interest and Local Nature Reserves, local priority habitats, habitat networks and species, having taken into account any mitigation measures proposed. Further stating development would not be permitted that would result in an unacceptable impact to locally important sites and assets unless it can be demonstrated that the benefits clearly outweigh the nature conservation value or scientific interest and the proposed mitigation or compensatory measure are equivalent to the value of the site.
- 6.11 Policy D14 deals with air quality states that there should be no unacceptable impacts on the intrinsic quality of air and on the management and protection of air quality.

Harrogate District Local Plan 2014 - 2035 (adopted 2020)

- 6.12 Policies contained within the Harrogate District Local Plan require consideration in the determination of this application. The following policies are considered relevant:
- CC1 – Flood Risk and Sustainable Drainage  
 GS6 - Nidderdale Area of Outstanding Natural Beauty (AONB);  
 TI1 - Transport  
 HP4 -Protecting amenity;  
 NE1 - Air quality;  
 NE3 - Protecting the natural environment.



- 6.13 Policy CC1 Flood Risk and Sustainable Drainage states that development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere and need to ensure there is no increase in surface water flow rate run off.
- 6.14 Policy GS6 Nidderdale Area of Outstanding Natural Beauty (AONB) and states that the natural beauty and special qualities of the AONB will be conserved and enhanced. Proposals will only be supported where they do not detract from the natural beauty and special qualities of the AONB and its setting; contribute to the delivery of the Nidderdale AONB Management Plan and support the economic, social and environmental well being of the area or support the enjoyment an understanding of the area.
- 6.15 Policy TI1 Sustainable Transport includes a requirement that developments which will generate significant amounts of traffic are supported by a transport statement or transport assessment.
- 6.16 Policy HP4 Protecting Amenity development proposals should ensure they do not result in significant adverse impacts on the amenity of occupiers and neighbours including overlooking and loss of privacy, overbearing and loss of light and vibration, fumes, odour, noise and other disturbance. Further stating the cumulative as well as individual impacts will be considered.
- 6.17 Policy NE1 Air Quality states that applicants should submit an air quality assessment and/or dust assessment report to identify mitigation measures when development creates significant amounts of traffic as determined through a transport assessment and or air quality modelling specific to the proposal. .
- 6.18 Policy NE3 deals with protecting the environment and states *“Proposals that protect and enhance features of ecological and geological interest and provide net gains in biodiversity will be supported”*. The policy states this will be achieved by demonstrating that significant harm can be avoided, adequately mitigated or compensated for and requiring proposals to make use of opportunities to restore and re-create priority habitats and other natural habitats within development schemes.

Other policy considerations:

National Planning Policy

- 6.19 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 2021)

National Planning Policy Framework

- 6.20 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The overriding theme of 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, in paragraph 8, as that being which fulfils the following three roles: an economic objective; a social objective or an environmental objective. When the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted without delay unless there are clear reasons for refusing the development proposal or any adverse impacts

of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole (paragraph 11).

- 6.21 Paragraph 110 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 111 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.'*
- 6.22 Paragraph 174 within Section 15 (Conserving and enhancing the natural environment) of the NPPF states that planning decisions should contribute and enhance the natural and local environment by ensuring that new and existing development does not create unacceptable levels of soil, air, water or noise pollution. Development should where possible help improve local environmental conditions.
- 6.23 Paragraph 176 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, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*
- 6.24 Paragraph 186 within Section 15 (Conserving and enhancing the natural environment) of the NPPF states that decisions should ensure pollutants should stay within relevant limits, this includes the impact on air quality.
- 6.25 Paragraph 211 of Section 17 (Facilitating the sustainable use of minerals) provides that when determining applications mineral planning authorities should ensure 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)

- 6.26 On 6<sup>th</sup> March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. 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

- 6.27 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

- 6.28 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

- 6.29 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

- 6.30 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-minerals 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

- 6.31 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).

#### Natural Environment

- 6.32 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 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue.
- 7.2 With a Section 73 application the Planning Authority is required to consider only the question of the conditions subject to which planning permission should be granted. This does not prevent the Planning Authority from looking at the wider considerations affecting the original grant of permission, but the permission itself should be left intact. Section 73 enables the Planning Authority to grant permission subject to conditions differing from those subject to which the previous permission was granted or to refuse the application, for example, where there has been a change in policy.
- 7.3 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

- 7.4 The proposal does not involve any additional development on site. The application is 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 weekdays which are Monday to Friday, excluding bank and public holidays.
- 7.5 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 dictate the times work can occur on site and the times HGVs can enter and leave the site.
- 7.6 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 31<sup>st</sup> December 2022. Several residents provided responses in relation to the proposal stating that it was acceptable for the asphalt plant to carry out evening working provided it did not occur past December 2022 as stated in the application details. 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. The proposed draft conditions 3 and 4 in Section 9 cover the extended working hours for the asphalt plant.

- 7.7 The presence of the asphalt plant within Pateley Bridge Quarry is supported by Policy I02 of the Minerals and Waste Joint Plan (MWJP) as it meets the criteria in section 1 of the policy as it provides a 'value added' product and it is considered that it would not have an adverse effect on the community or environment and would not unacceptably increase the overall amount of road transport. Policy D01 in the MJWP is relevant to the principle of proposed development as it states that Authorities will take a positive approach that reflects the presumption of sustainable development in paragraph 11 of the NPPF when considering development proposals and will work with applicants to find solutions so proposals can be approved wherever possible, unless material considerations indicate otherwise.
- 7.8 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 policies in the Minerals and Waste Joint Plan.
- 7.9 It is considered that the proposed development to vary conditions 19 and 20 of C6/500/109F/CMA 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

- 7.10 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 31<sup>st</sup> December 2022, by which time the new asphalt plant would be built 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. Increasingly 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 31<sup>st</sup> December 2022 has been proposed 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 2022 to release the permitted crushed rock reserves which are located beneath the current 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 2022, the asphalt facilities at Leeds and Bradford are to be considered capable to cater for additional evening and nighttime requirements.
- 7.11 Pateley Bridge Quarry is one of the largest limestone quarries in North Yorkshire. The asphalt plant is an ancillary operation and uses the limestone from the quarry to make the road surfacing material. Therefore the need for the asphalt plant has been identified and is considered acceptable

#### Location



- 7.12 The location of the asphalt plant is within the footprint of Pateley Bridge 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 NPPF makes 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. The asphalt plant is an existing activity on the site and Policy I02 in the MWJP is to be taken into account when ancillary infrastructure is being considered. In terms of the criteria of Policy I02 points which state that a 'value added' or complementary product should be produced and the process would not have significant additional adverse impact on local communities or the environment or unacceptably increase the overall amount of road transport from the host site are relevant. The location of the asphalt site is acceptable in terms of producing a 'value added' or complementary product. The impact on communities and environment and transport need to be given consideration as the proposed extended operating hours may result in some impact under these criteria, this will be considered in the local amenity and highways sections later in the report.
- 7.14 Paragraph 176 in the NPPF states that development within designations such as AONBs should be limited as they have a high protection status and great weight should be given to conserving and enhancing the landscape and scenic beauty. Policy D01 in the MWJP has a bullet point which relates to development in the ANOB stating that where a proposal is considered major development in a designated area it should be assessed against the requirements in Policy D04. Since Pateley Bridge Quarry is a major development, it accords with Policy D01 and the proposal should be assessed against Policy D04. Part 1) of Policy D04 in the MWJP deals with proposals for major development in the AONB, the major development already exists and the proposal would not impact or increase the footprint of the site or the nature of the development 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 this proposal is not classed as impacting the 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*'. The Company who run the quarry work with the AONB and have set up a Management Group and a Liaison Group, as part of a Section 106 agreement, which deals with any issues which arise from the running of the quarry. Part 3) of the policy deals with the impact of proposals outside the National Park could have on the designation, Pateley Bridge Quarry is close to the Yorkshire Dales National Park Boundary but this proposal would not have an unacceptable harmful effect on the setting, and so accords with the policy. As discussed in paragraph 7.17 below, the quarry also provides funding to help maintain and enhance the landscape and biodiversity of the land surrounding the quarry under an extant permission and s106 agreement, this will also provide mitigation for this temporary proposal.
- 7.15 Policy GS6 in the Harrogate District Local Plan Nidderdale AONB and states that proposals will only be supported where there would be no impact on the natural beauty and special qualities of the AONB and its setting. The objectives of the Nidderdale AONB Management Plan should be taken into account and should support the sustainability of the area, both these objectives are taken into account by the objectives include maintaining and enhancing the AONB's natural beauty and improving the condition of the AONB's priority habitats and species. The objectives are met as described in paragraph 7.17 below.

- 7.16 A requirement to be consistent with the AONB Management Plan is mentioned in Policy D04 and Policy GS6, the relevant aims in this instance are L2 Landscape and W2: Wildlife.
- 7.17 The proposal would not increase the footprint or output of Pateley Bridge Quarry and so would not change the current status of the Major Development which has been present for many years. It is proposed, on occasion, to move the timing of the production and transport of asphalt to be in the evening rather than during the day, there would be no increase in the level of production or increase in the number of HGVs, so no increase in emissions. It is considered that the proposal would not have any additional adverse impact on the aims of the Nidderdale AONB Management Plan. It is worth noting that Pateley Bridge 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 who meet 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 £10,000 per annum to the Trust to achieve key aims and objectives of the AONB within the area surrounding the quarry.
- 7.18 This demonstrates the applicant's commitment to contributing to the local community and to the aims and objectives of the AONB. The applicant's 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.
- 7.19 Points ii) and iii) of the MWJP 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. MWJP Policy D04 requires any detrimental effects to the environment to be moderated. On balance it is felt that as the operation of the asphalt plant would be occasional it 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, and the proposal is for a temporary time period up until 31<sup>st</sup> December 2022. 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 change in time range for 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) and flood risk.

- 7.20 The proposal is for the extending the time when asphalt would be produced and transported to be up to 21:00 on weekdays. 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 produces noise and odour, and the HGVs would produce noise, vibration and emissions. These points have been raised as concerns in consultation responses from members of the public and will be considered below.
- 7.21 Nidderdale AONB Joint Advisory Committee objects to this application as they are concerned about the environmental impact of the noise generated by the operation. There is an existing condition on the consent for C6/500/109/F/CMA which would be carried forward if this proposal was permitted and they are detailed as conditions 14, 15, 16 and 17 in Section 9 of this report. Condition 14 specifies the maximum noise levels which would be allowed which is 55 dB(A) free field at any inhabited property, Condition 15 states that if the noise levels in Condition 14 are exceeded then work

must stop immediately, Condition 16 covers the requirement for noise monitoring and Condition 17 requires all plant, machinery and vehicles be fitted with attenuating equipment, Bewerley Parish Council, which covers Pateley Bridge Quarry site stated they had no objection to the application. Harrogate District Council Environmental Health Officer stated that there had been no complaints about the site and impact on noise sensitive premises in proximity to the site. They also stated that as such the requested hours of operation will not cause disturbance, they did suggest an additional condition reducing the noise level even further early in the mornings, but also said that since there had been no complaints the site operators have most likely been abiding by the required levels and it may not be necessary to impose another noise condition. Also, the suggested condition is not relevant to this proposal which is dealing with temporarily extending the working hours in the evening only.

- 7.22 Policy D02 in the MWJP is relevant and states that there should not be any unacceptable impacts on local amenity including as a result of noise, odour, emissions to air and water and site lighting. Criteria ii) of Policy I02 in the MWJP states that there should not be any significant adverse impact as a result of the development. Policy HP4 of the Harrogate District Local Plan states that there should not be any adverse impact on amenity including noise, fumes and vibration. In terms of air quality Policy D14 in the MWJP states that proposals will be permitted provided there is no adverse impact on air quality, and Policy NE1 in the Harrogate District Local Plan states that an Air Quality Assessment should be submitted if a proposal would create significant amounts of traffic. Paragraph 174 e) of the NPPF states that development should not produce unacceptable levels of air, water or noise pollution. Paragraph 211 c) of the NPPF states that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed and appropriate noise limits for extraction in proximity to noise sensitive properties are established. 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 points to consider is if the proposal materially alters the light levels outside the development. In terms of flood risk Pateley Bridge Quarry is not within a flood risk zone and the proposal will not cause an adverse effect on watercourses or increase surface water flow rate run off as there is no change in the operations on site apart from the time of operation, therefore it is considered that the proposal accords with Policy CC1 of the Harrogate District Local Plan.
- 7.23 Under the proposal the asphalt plant would not be operating every night, Condition 5 in Section 9 of the report limits the number of HGVs operating between 18:00 and 21:00 to be 100 per year. On the days the asphalt was required in the evening there would be less produced during the day, so the same amount would be produced but at a different time, so the overall number of HGVs would not increase so there would be no increase in emissions and therefore no greater impact on air quality. It is not expected to be an increase in the level of dust from the proposal as any dust generated tends to be from the extraction process which will not occur during the extended hours of operation. As detailed in paragraph 7.20 there would be no change in the lighting timings at the quarry as they would continue to be turned off at 21:00. The evening production and transport would be time limited by condition until 31 December 2022. Noise monitoring reports are regularly submitted under planning permission C6/500/109/F/CMA.
- 7.24 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 potential noise of HGVs passing the residential properties on Hardisty Hill. Paragraph 010 Reference ID: 30-010-20190722 of the PPG details how the potential adverse impact of noise can be addressed and this includes using

planning conditions to restrict activities allowed on site at certain times and/or specifying permissible noise levels. 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 at the request of the County Planning Authority as detailed in Condition 16 in Section 9 of the report. There have been no complaints raised relating to the operation of the quarry and asphalt plant during the current permitted hours and on the occasions when evening working occurred in the past in terms of noise, local or environmental amenity. The objections in terms of amenity are based on the potential noise which could be generated by the HGVs on the highway network. Policy D02 of the MWJP and paragraph 174 of the NPPF state that there should not be unacceptable increase in noise and D14 of the MWJP and NE1 of the Harrogate District Local Plan states that there should not be an adverse impact on air quality. As detailed in paragraph 7.21 there would be conditions included on the permission, if granted, which would control the noise levels on the quarry site. There would also be a condition limiting the number of HGV movements between 18:00 and 21:00 to 100 per year and the permission is for a temporary period until December 2022 so in terms of this proposal there would be limited impact on amenity for a short period of time. Therefore on balance it is considered that the impact of the proposal on local amenity would be acceptable.

#### Highways matters- Traffic and transport

- 7.25 The application includes a variation of condition 20 of the planning permission ref. no. C6/500/109/F/CMA which relates to HGV movements from Pateley Bridge Quarry. 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, this is secured by the inclusion of Condition 7 in Section 9 of this report.
- 7.26 Washburn Parish Council and several residents who live on or near Hardisty Bank objected to the proposal due to the noise from the HGVs and speed at which they travel along the route to the A59. They stated that due to the lack of footpaths and street lighting where the residential properties are along the route the extending of working hours up to 21:00 would increase the risk of accidents for other road users in the evenings. The noise from HGVs has been addressed in the amenity section above. The Parish Council and some residents suggested changing the route for the HGVs so that rather than pass the residential properties on Hardisty Bank Meaghill Lane should be used to access the A59 as fewer residential properties down that road.
- 7.27 The Highway Authority responded with no objection as they had no record of any accidents occurring since 2019. Following the suggestion by a Parish Council and some residents regarding changing the haul route to Meaghill Lane they were asked to provide their view on this, the Highway Authority stated that Hardisty Bank is used at present and appears to have a good safety record. The suggestion of Meaghill Lane is not unreasonable as fewer dwellings along this road so it is likely that road safety could be improved and traffic noise for the residents of Hardisty Bank would be improved. However, the Highway Authority would look to the applicant to review the junctions of Hardisty Bank and Meaghill Lane and the junctions to the A59. The applicant was asked to consider the objections and the views of the Highway Authority, they responded by saying that the turning onto the A59 from the Hardisty Hill junction is much safer than the Meaghill Lane one, with more space and visibility, which is important for slow vehicles joining a major road; even more so when turning right, crossing the carriageway to head to the west. The junction from Meaghill Lane to the A59 is harder to turn out of as the effective space to do so is much reduced for a large vehicle. Both junctions have been used but the one at Hardisty Hill is much preferred for safety reasons. The Applicant has confirmed that any HGVs leaving the asphalt plant between 18:00 and 21:00 which need to travel in a easterly direction to wards



Harrogate and Knaresborough in order to make deliveries will travel along Meaghill Lane in order to gain access to the A59. In the previous permission (C6/19/0533/CMA) granted for extending the hours to 21:00 the quarry operator agreed to limit the number of HGV movements between 18:00 to 21:00 to 100 times per year, and they have agreed for this condition to be carried over for this proposal, it is included as Condition 6 in Section 9 of this report.

- 7.28 Policy D03 of the MWJP is one of the key policies to be taken into consideration for this proposal. 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 MWJP states that there should not be an unacceptable increase in overall road transport. Policy TI1 of the Harrogate District Local Plan requires that any development which would generate significant amount of traffic require a transport statement or transport assessment. Paragraph 110 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 111 of the NPPF states that if a development would have an unacceptable impact on highway safety then it should be refused. The PPG states that local planning authorities must make a judgement about whether a development would generate a significant amount of traffic.
- 7.29 The route which will 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 normal operating hours. The movement of asphalt would on occasion be in the evening rather than just during the day but the quantity per day would not increase. The quarry operator has agreed to limit the number of HGVs leaving the site to 100 per year during the extended working times, and HGVs with destinations going east towards Harrogate and Knaresborough will use Meaghill Lane to access the A59, so limiting the impact on residential amenity and highway safety on the route to the A59. Some programmes of roadworks are carried out in an evening when there would be less traffic on the highway, so asphalt is required to meet these requirements. The proposal for extending the hours of the asphalt plant would be temporary until the end of December 2022 or until the new asphalt plant at Pateley Bridge Quarry is operational, whichever is the soonest.
- 7.30 The proposal only deals with HGV movements between 18:00 and 21:00, not during the normal working hours. The extended working would not be every day, just as and when the asphalt would be required in the evening. The overall number of HGVs per day would not increase but would be spread over a longer period of time so there would be no additional HGVs from the quarry on the highway network which has capacity for the current number of HGVs. Also the number of HGVs during the extended hours would be limited to 100 per year as secured by Condition 6 in Section 9 of the report. This is consistent with the requirements for Policies D03 and I02 of the MWJP in terms of highway capacity, and since the number of HGVs will not increase as transport statement/assessment would not be required so accords with Policy TI1 of the Harrogate District Local Plan. Concerns have been raised regarding the potential adverse impact of HGVs on the residential amenity and safety of residents living on or near Hardisty Hill during evening working at the quarry. There are no street lights or footpaths where the properties are and there would be lower visibility in the evenings especially in autumn and winter. Some residents have stated that they have not noticed any impact from the extended working hours previously approved. Part of Policy D03 of the MWJP states that traffic should not have any adverse impact on local communities and other highway users and paragraph 110 of NPPF states that any impact on the highway should be mitigated. The use of Meaghill Lane by HGVs



heading east will reduce the impact on residential amenity on Hardisty Hill where there are more residential properties.

- 7.31 In terms of highway considerations it is considered that there would be no overall increase in HGV numbers over a day, but some of the HGVs transporting asphalt may move to working between 18:00 and 21:00 on some occasions. There have been no recorded accidents since 2019, when the previous temporary permission for evening working was approved, the current proposal is for a temporary period until 31<sup>st</sup> December 2022 and would not be extended. It is recognised that the HGV movements in the evening could have an adverse impact on the residents living on the haulage route in terms of noise and road safety, so the limiting of movements to 100 per year during the extending hours of working will limit the impact on residents and highway safety. The suggested alternative route of Meaghill Lane has been looked at but due to the junction of where Hardisty Hill meets the A59 being wider with greater visibility it is considered that this route is preferable on safety grounds, although the applicant has stated that HGVs delivering to the east during the hours of 18:00 and 21:00 will use Meaghill Lane to access the A59. The proposal does not go against Policies D03 and I02 of the MWJP or paragraphs 110 and 111 of the NPPF as the highway has capacity for the HGVs and the impact on residents will be limited due to the fact that the evening transport of asphalt will be occasional and for a limited time up to the end of December 2022.

Biodiversity, habitats, nature conservation and protected species

- 7.32 The screening assessment carried on in relation to this proposal concluded that an Environmental Statement was not required on this occasion as the proposal would not involve an increase of the footprint of the quarry or increase the amount of rock or asphalt generated. Pateley Bridge Quarry is located within Coldstones Grassland SINC and has a SAC, SPA and SSSI nearby. Policy D06 of the MWJP deals with landscape issues and states there should be a high level of protection in designated areas. Policy D07 of the MWJP states that proposals will be permitted where, having taken into account any proposed mitigation measures, there will be no unacceptable impacts on biodiversity or geodiversity. Policy NE3 of the Harrogate District Local Plan states that 'proposals that have a positive impact on ecology and biodiversity will be supported. The proposal would not result in additional asphalt being made, just extend the times when it would be permissible to make and transport it, therefore there would be no increase gaseous or dust emissions as detailed in paragraph 7.23. The County Council Ecology team did not have any concerns with the proposal. The AONB objected to the proposal on the grounds that this is the second proposal for extending operating hours and the application does not contain any information on noise or the potential impact on biodiversity. In terms of the impact on landscape and biodiversity the applicant submits an annual report which identifies landscape and ecological maintenance and management work which has been carried out during the previous year and also includes details of any proposed maintenance and management work to be undertaken within the next year, this is secured by a s106 agreement attached to the extant permission C6/500/109/F/CMA. The management works are overseen by a Management Group which is made up of representatives from Hanson, North Yorkshire County Council and the AONB. As mentioned in paragraph 7.17 Hanson pay an annual fee to the Trust and Management Committee to help pay for work to achieve the aims and objectives of the AONB on land surrounding the quarry. Therefore it is considered that suitable mitigation is provided to off-set the adverse impacts of the quarry on nearby biodiversity and so accords with Policies D06 and D07 of the MWJP and Policy NE3 of the Harrogate District Local Plan as it is considered that there would be no significant impact on the natural environment from this proposal. On balance the proposal is considered acceptable as it does not increase the adverse impacts.

## 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 who were satisfied that the temporary amended hours would not cause any adverse impact on local residents. Objections received from the Nidderdale AONB Joint Management Committee and some residents related to noise and potential impact from HGVs on the highway network. On balance it is considered that as the asphalt plant would be operating during the extended hours on limited occasions, up to a maximum of 100 occasions, and for a temporary period, until December 2022, there would be limited impact on local residents and the local environment and supported by local and national policies so is considered acceptable.
- 8.2 On balance, with no objection from the Highway Authority and the extended working would only take place for a temporary time period until the end of December 2022 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..
- 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 2022. The extended hours are only being supported due to the fact that it is for a temporary period only.
- 8.4 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies I02, D01, D02, D03, D04, D06, D07 and D14 of the MWJP and policies CC1, GS6, T11, HP4, NE1 and NE3 of the Harrogate District Local Plan which comprise the Development Plans 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 an 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 an 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 2022 Policies I02, D01, D02, D03, D04, D06, D07 and D14 and Policies CC1, GS6, HP4, T11, NE1 and NE3 of the Harrogate District Local Plan 2020; and
- vi. The proposal is for a temporary period until 31<sup>st</sup> December 2022.

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

Conditions:

1. This permission is permitted for a temporary time period until 31<sup>st</sup> December 2022.

*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 28 January 2022 and the following approved documents and drawings:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
	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
	July 2010	Dust Management 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:  
0530 to 2100 hours Mondays to Fridays  
0530 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 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.*

6. 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.*

7. 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.*

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 2022.

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.

Reason  
*For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans.*

11. 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.*

12. 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).*

13. 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.*

14. 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.*

15. In the event that the noise level specified in Condition 14 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 14.

Reason

*To minimise the adverse impact of noise generated by operations in the interests of amenity.*

16. 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. Additional noise monitoring will take place during the extended hours the asphalt plant is working as part of the routine quarterly monitoring. 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.*

17. 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. 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.*

18. 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.*

19. 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*

20. 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.*

21. 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.*

22. 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.*

23. 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.*

**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 not 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.*

K BATTERSBY

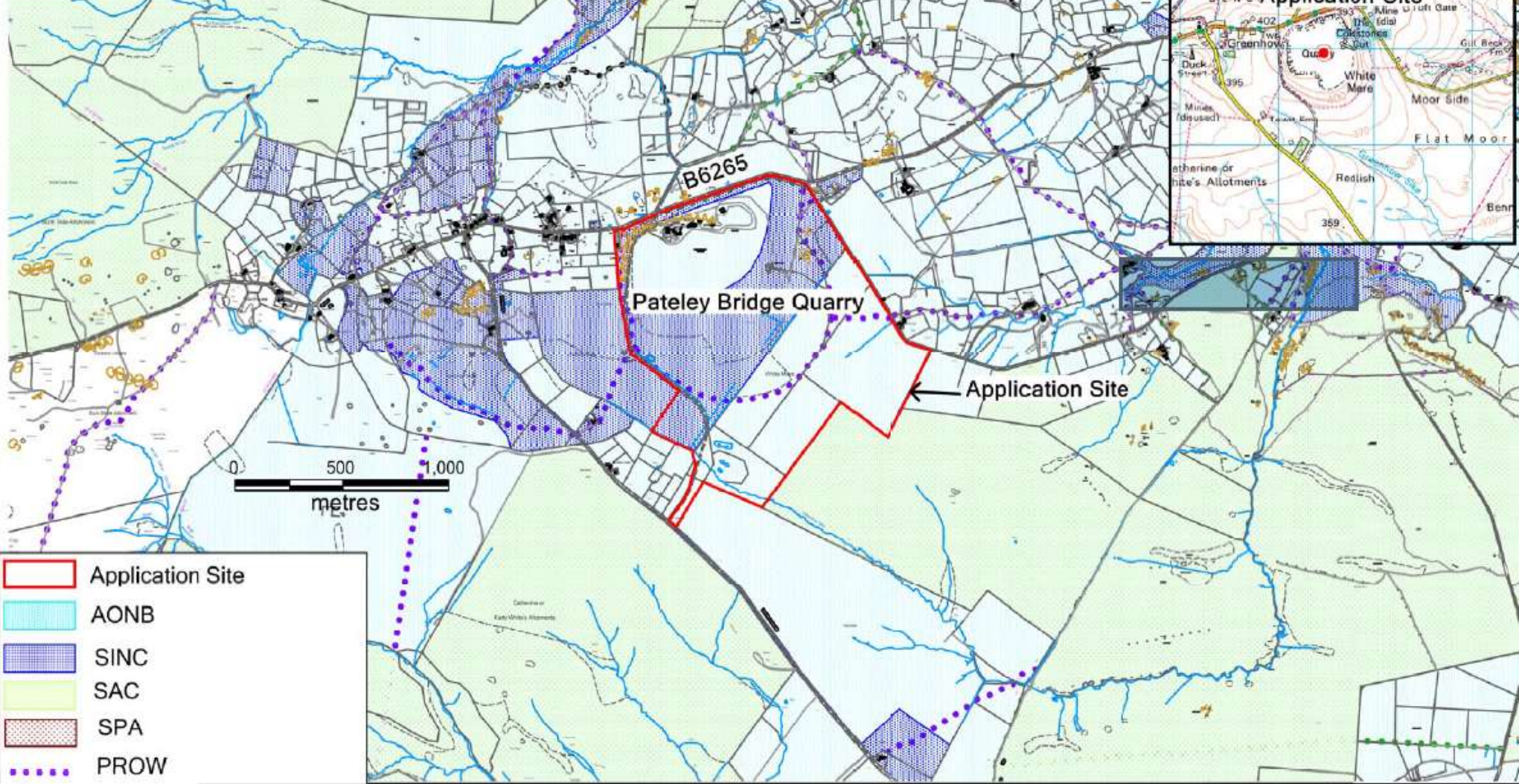
Corporate Director, Business and Environmental Services  
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: C6/22/00809/CMA. No (NY/2022/0029/73) registered as valid on 28 January 2022. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

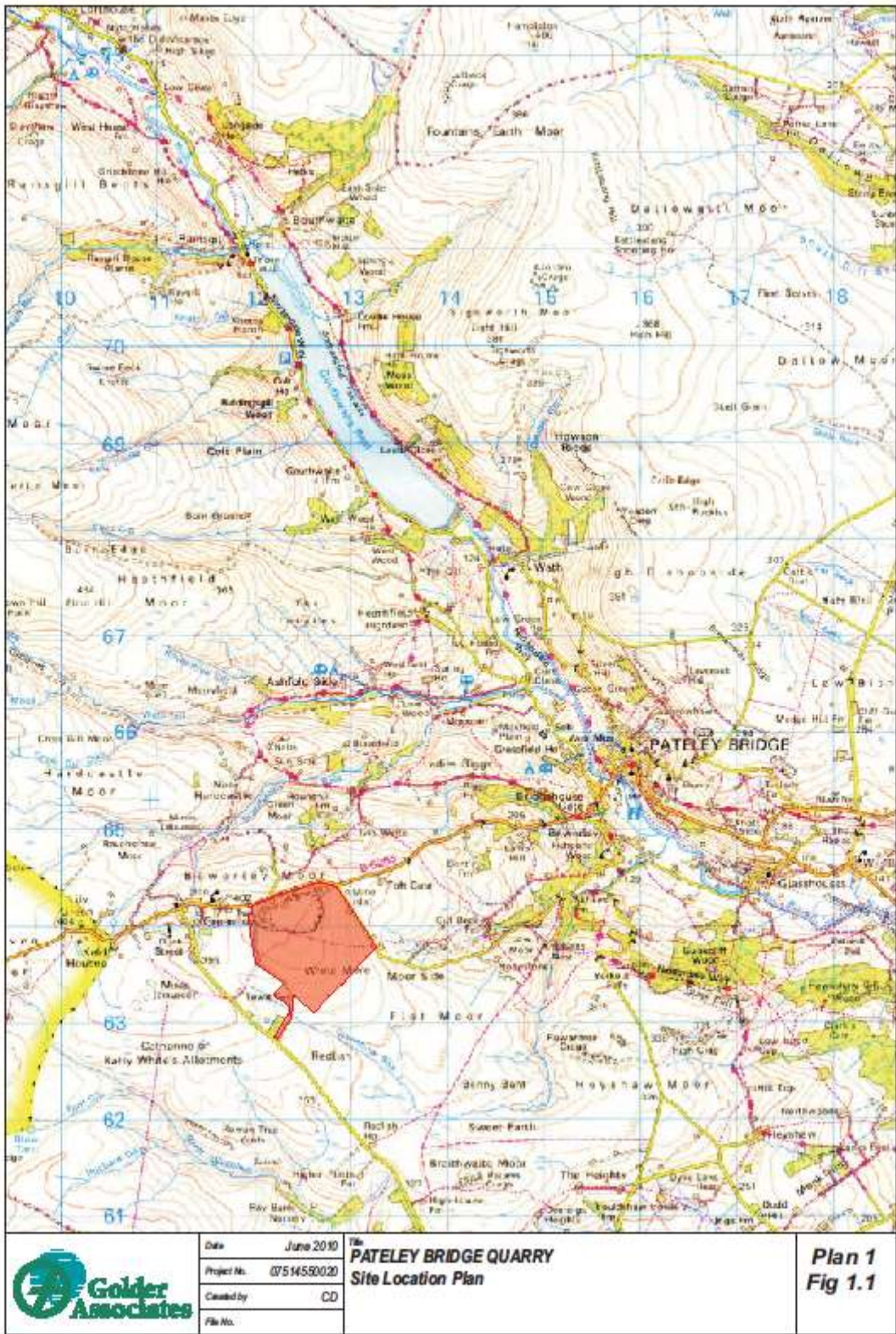
Author of report: Joan Jackson

# Pateley Bridge Quarry (Coldstones) Constraints Map

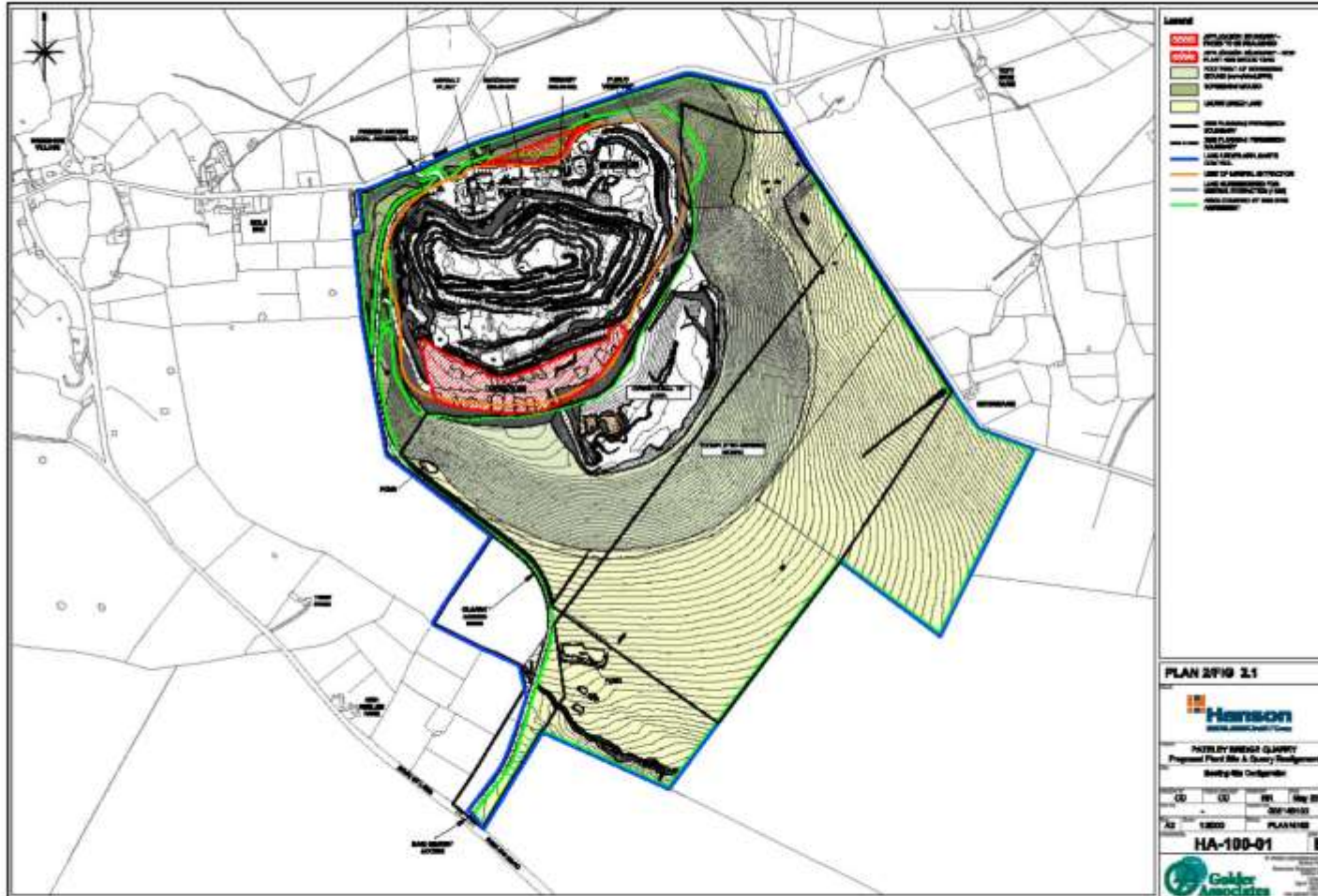


Constraints Map





Location Plan



Detailed configuration plan

