

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

15 NOVEMBER 2022

**C1/19/00587/CM - PLANNING APPLICATION FOR THE PURPOSES OF THE PART
RETROSPECTIVE PROPOSED RETENTION OF QUARRY ACCESS UNTIL 31ST
DECEMBER 2025 ON LAND AT PALLETT HILL QUARRY, LEEMING LANE NORTH,
CATTERICK VILLAGE, DL10 7JX
ON BEHALF OF BREEDON NORTHERN
(RICHMONDSHIRE DISTRICT) (CATTERICK 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 part retrospective proposed retention of quarry access until 31st December 2025 on land at Pallett Hill Quarry, Leeming Lane North, Catterick Village, DL10 7JX on behalf of Breedon Northern.
- 1.2 This application is subject to an objection having been raised by a local resident in respect of this proposal on the grounds of noise from quarrying and dirt on highway from vehicle movements and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Pallett Hill Quarry is located 200 metres towards the north-west of Catterick village, where the nearest residential properties are located on the southern boundary of the site, and 200 metres towards the south-east of Catterick Racecourse. The total quarry site area amounts to 61.85ha of which the plant site occupies 9.2ha and the extraction area 52.65ha. The plant site and extraction areas are divided by the A6136.
- 2.2 The quarry site extracts sand and gravel and is split over two sides of the A6136 (Leeming Lane) road. On the southern side of the site there is the plant area and associated development in relation to this, including a wheel wash facility. This side of the site also has a concrete and bagging plant which is currently not operational. North of the road located 350 metres north-west of the entrance to southern entrance to Pallett Hill Quarry, on the adjacent side of Leeming Lane, is the entrance to Bridge Farm, where the larger area of the site is located, along with the new area for extraction.
- 2.3 The extraction area is bounded to the north by the River Swale whilst the eastern boundary is formed by mature woodland planting, restored gravel workings and the River Swale. The southern boundary is formed by a mature woodland screening belt, arable land and the suburban edge of Catterick. To the west, the site is bounded by a mature woodland screening belt and the A6136, the Bridge Farm extraction area with the restored pond area in the south and small further pond to the north.

- 2.4 The plant site is bounded by the Catterick racecourse to the north, the A6136 to the east, and mature woodland screen planting and residential housing to the south. To the west lies former mineral workings, now restored to grassland, agriculture and woodland. Further west lies the A1 motorway. North of the application site there is a waste operation including the operation a mobile crusher and mobile screen for the purpose of recycling and reclamation of land through landfill by disposal of construction, demolition and excavation waste.
- 2.5 Planning Permission for mineral extraction was refused by the County Council in November 1993; however, this was appealed by the applicant and upheld in November 1994. The development allowed the extraction of 4.9 million tonnes of sand and gravel at Bridge Farm until December 2017, with the restoration of the site to a lake and agriculture, and the retention of the existing plant and machinery at Pallett Hill Quarry.
- 2.6 A Section 73 planning application ref. NY/2017/0326/ENV (C1/18/00013/CM) was submitted to the County Council in December 2017 to extend this period and it was determined on 8 March 2022 at the Planning and Regulatory Functions Committee subject to planning conditions and completion of a S106 Legal Agreement.
- 2.7 However, the site access of the quarry was granted under a separate planning permission, ref. C1/15/227A/PA/F, dated 13 March 1997 that has now expired. This current planning application has been submitted to regularise the retention of the site access and extend the period of use to coincide with the period being sought under the Section 73 application ref. NY/2017/0326/ENV (C1/18/00013/CM).
- 2.8 The relevant planning constraints to this application are that it is within the SSSI impact zone for the Swale Lakes. There are also multiple sites of nature conservation interest in the area which are of local to district level importance which include Bolton on Swale Lake SNCI, Catterick Gravel Pits (Complex) SNCI, How Hill Riverside SNCI, Pallett Hill SNCI and Scorton Quarry SNCI. The quarry site is inside the Bedale and Upper Swale Internal Drainage Board Area and within the Environment Agency's Flood Zones 2 and 3 as is within the River Swale flood plain.
- 2.9 A plan showing the application site is attached to this report.

Planning History

- 2.10 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- Planning permission was refused in November 1993 for the extraction of sand and gravel with restoration to a lake and agriculture and retention of the existing processing plant at Bridge Farm, Catterick (ref. C1/15/250/PA/F). The Applicant appealed this decision (Ref. APP/D2700/A/93/231272) and in November 1994 the appeal was allowed.
 - C1/15/227A/PA/F, dated 13 March 1997, Relocation of site access, quarry yard and stock piling area and construction of screening bund. Granted and implemented.
 - C1/13/00295/CM, dated 11 February 2015, Use of land for the siting and operation of a mobile crusher and mobile screen for the purpose of recycling and reclamation of land through landfill by disposal of construction, demolition and excavation waste. Granted and implemented.
 - NY/2016/0141/SCR, dated 19 September 2016, Request for a formal Screening Opinion for extension of sand and gravel extraction operations which was issued stating an Environmental Statement was required with the proposed further application. No scoping opinion was submitted before this proposal was received by the County Planning Authority.
 - C1/18/00013/CM (NY/2017/0326/FUL), awaiting completion of S106 Agreement, Variation of condition No's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7th November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for completion of all mineral operations from 31st December 2017 to 31st December 2024 and the restoration of the site from 31st December

2018 to 31st December 2025. This application was recommended for approval on 8 March 2022 at the Planning and Regulatory Functions Committee subject to planning conditions and completion of S106 Agreement.

3.0 The proposal

- 3.1 Planning permission is sought for the part retrospective proposed retention of quarry access until 31st December 2025 on land at Pallett Hill Quarry, Leeming Lane North, Catterick Village, DL10 7JX on behalf of the Breedon Northern.
- 3.2 The proposal is for the retention of the existing quarry access road until 2025, the access road permission ref. C1/15/227A/PA/F, dated 13 March 1997 expired on 31 December 2017. The proposal would not change the existing access and would match the proposed extension of time for the time period the application is proposed for the Section 73 application ref. NY/2017/0326/ENV (C1/18/00013/CM).

4.0 Consultations

- 4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 16 August 2019 and the subsequent re-consultation (on 4 October 2022) following the receipt of amended information relating to amended description of the proposal.
- 4.2 **Richmondshire District Council (Planning)** – No response received to date to either of the consultations.
- 4.3 **Environmental Health Officer (Richmondshire)** – A response was received on 23 August 2019 stating no objections in regards to the proposal. A further response was received on 20 October 2022 stating no comments to make.
- 4.4 **Catterick Parish Council** – A response was received on 9 September 2019 stating no objections to the planning application. No response received to date to the re-consultation.
- 4.5 **Swale & Ure Drainage Board** – No response received to date to either of the consultations.
- 4.6 **Historic England** – A response was received on 22 August 2019 stating no comments in relation to the application. A further response was received on 17 October 2022 stating no comments in relation to the application.
- 4.7 **Yorkshire Wildlife Trust** – No response received to date to any of the consultations.
- 4.8 **Highway Authority** – A response was received on 29 August stating no local highway authority objections to the proposed development. A further response was received on 12 October 2022 stating a transport statement submitted refers to an earlier application however the highway authority is still comfortable with the information provided. Further stating *'It has demonstrated that the quarry traffic does operate without any road safety concerns and therefore the Local Highway authority is comfortable that the quarry will operate in this manor. The developer advises that no increase in traffic will occur and therefore the operation of the site will continue at levels that have been experiences over a long period of time until 2025.'* Finally stating that the local highway authority has no objections to the proposed development.
- 4.9 **National Highways** – A response was received on 4 September 2019 stating no objection to the application. A further response was received on 18 October 2022 stating no objection to the application.

- 4.10 **Natural England** – A response was on 23 August 2019 stating no objection to the application. No response received to date to the re-consultation.
- 4.11 **Environment Agency York** – A response was received on 6 September 2019 raising a holding objection to the application due to a lack of information in regards to groundwater. It is noted that the Environment Agency's objection was dealt with under the Section 73 application ref. NY/2017/0326/ENV (C1/18/00013/CM) and the objection was resolved. However, at the time Environment Agency were not reconsulted on this application and therefore no further response received withdrawing the holding objection. Nonetheless, a further response was received on 24 October 2022 stating no objection to the proposal.
- 4.12 **NYCC Heritage – Ecology** – A response was received on 19 August 2019 stating no comments to offer from an ecology point of view. A further response was received on 10 October 2022 stating no ecological comments or concerns to raise.
- 4.13 **NYCC Heritage - Principal Landscape Architect** – A response was received on 30 August 2019 stating no landscape comment or objection. A further response was received on 19 October 2022 stating no landscape objection and recommended a condition is imposed to ensure removal of the access.
- 4.14 **NYCC Arboricultural Officer** – No response received to date to either of the consultations.

Notifications

- 4.15 **County Cllr. Carl Les** – Was notified on 16 August 2019 and further on 4 October 2022 at the time of the re-consultation.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of 3 Site Notices posted on 2 October 2019 (responses to which expired on 23 October 2019). The Site Notices were posted in the following locations: one at the site entrance, one at the bridge farm entrance and one in Bishops Way south of the application site. A Press Notice appeared in the Darlington and Stockton Times on 4 October 2019 (responses to which expired on 18 October 2019).
- 5.2 Due to an update in regards to the dates for the proposed development to take place a further full re-consultation was completed. The proposal has been re-advertised by means of 3 Site Notices posted on 12 October 2022 (responses to which expired on 26 October 2022). The Site Notices were posted in the following locations: one at the site entrance, one at the bridge farm entrance and one in Bishops Way south of the application site. A Press Notice appeared in the Darlington and Stockton Times on 14 October 2022 (responses to which expired on 28 October 2022).
- 5.3 Neighbour Notification letters were sent on 25 September 2019 and the period in which to make representations expired on 16 October 2019. Re-consultation neighbour notification letters were sent on 4 October 2022 and the period in which to make representations expired on 18 October 2022. The following properties were sent a neighbour notification letter:
- 1-12, 14-38, 40, 42-47, 49, 51, 53, 55, 64, 66, 68, 70 Bishops Way, Catterick, Richmond, DL10 7UA;
 - 1-9, 11, 15, 17, 19, 21 St Paulinus Crescent, Catterick, Richmond, DL10 7UB;
 - Catterick Racecourse, Leeming Lane North, Catterick Bridge, Richmond, DL10 7PE;
 - Field House, Leeming Lane North, Catterick Bridge, Richmond, DL10 7PG;
 - Grandstand Cottage, Leeming Lane North, Catterick Bridge, Richmond, DL10 7PF;

- Racecourse Lodge, Leeming Lane North, North Yorkshire, DL10 7PF; and
- The Bridge House Hotel, Leeming Lane North, Catterick Bridge, Richmond, DL10 7PE.

- 5.4 One letter of representation has been received raising objections on the grounds of:
- Noise from quarrying and
 - Dirt on the road through the village by the trucks going to and from the quarry.

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 Richmondshire Local Plan (adopted 2014);
 - Minerals and Waste Joint Plan (MWJP) (adopted 16 February 2022).
- 6.3 Due to the age of the Richmondshire Local Plan policies, they have to be assessed against the more up to date National Planning Policy Framework 2021 (NPPF) to determine whether they are consistent with the NPPF and what weight should be attached to them.

Richmondshire Local Plan (2014)

- 6.4 The Richmondshire Local Plan Core Strategy (adopted 2014) has particular relevance in the determination of this application and the policies most relevant include:
- Policy CP1, Planning Positively;
 - Policy CP3, Achieving Sustainable Development;
 - Policy CP4, Supporting sites for Development;
 - Policy CP7, Promoting a Sustainable Economy.
- 6.5 **Core Policy CP1** advises that a positive approach is required reflecting a presumption of sustainable development, working pro-actively with applicants to find solutions. Wherever possible development should improve economic, social and environmental conditions in the plan area. Further stating planning applications which accord to the local plan policies would be approved without delay unless material considerations indicate otherwise. Where there are no relevant policies the Council would grant permission unless material considerations indicate otherwise, taking into account any adverse impacts which would significant and demonstrably outweigh the benefits when assessed against the NPPF as a whole and secondly specific policies within the NPPF which states developments should be restricted.
- 6.6 This policy is consistent with paragraph 11 of the NPPF in that it aligns with the objectives as referred within Chapter 2 in regards to Achieving Sustainable Development. Therefore full weight can be given to this policy.
- 6.7 **Core Policy CP3**, in part advises that support will be given for sustainable development. Support would be given for sustainable development which promotes the health, economic and social well-being, amenity and safety of the population. The

policy also states support is given for promoting the quality of natural resources including water, air, land and biodiversity minimising the impacts of airborne pollution, with the protection of best and most versatile land. Development should also promote the natural drainage of surface water mitigating the effecting of flash flooding of rivers, drains and draught and promotes the character and quality of local landscapes and the wider countryside. The use and development of land should be assessed against the communities housing, economic and social requirements, with the sustainability and enhancement of the natural and built environment, minimisation of the energy consumption and need to travel also being key factors. Development which would significantly harm the natural and built environment or generate a significant adverse traffic impact without appropriate mitigation would not be permitted.

- 6.8 This policy is consistent with paragraphs 174, 180 and 185 of the NPPF in that it aligns with the objectives as referred within Section 15 Conserving & Enhancing the Natural Environment. Therefore full weight can be given to this policy.
- 6.9 **Core Policy CP4** Supporting Sites for Development states proposals must be of an appropriate scale and nature to secure the sustainability of a settlement from the hierarchy within Policies SP2 and SP3. Proposals should reflect and deliver an effective response to climate change, develop the social and economic needs of the community and is proportionate to the settlement size. Point 2 states the location of any development proposal should be consistent with the Development Plan, and is required to be accessible and well related to existing facilities and within the capacity of existing infrastructure. Point 3 states the development should not impact adversely on the character of the settlement, important views, lead to the loss of or adverse impact on or cause deterioration of important nature conservation, be located in areas of flood risk or contribute to flood risk or cause significant adverse impact on amenity or highways safety.
- 6.10 This policy is consistent with the NPPF in that it aligns with the objectives as referred within paragraph 185 within Chapter 15 (Conserving and enhancing the natural environment). Therefore full weight can be given to this policy.
- 6.11 **Core Policy CP7**, advises that “*support will be given to (those relevant):*
a. the development of employment activities that diversify the current offer in Richmondshire, and in particular those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the resident population; and
b. development which promotes the sustainable growth of the key economic sectors within the area, particularly agriculture, food, military, retail, tourism, leisure and equine enterprises”.
- 6.12 This policy is consistent with the NPPF in that it aligns with the objectives as referred within paragraph 8 of the NPPF. Therefore full weight can be given to this policy.

Minerals and Waste Joint Plan (MWJP) (2022)

- 6.13 The plan was adopted on the 16th February 2022 and is relevant to the determination of this application. The document is a joint local plan between North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority. As the Joint Plan has been produced post-publication of the NPPF, there is no requirement to include herein NPPF-consistency statements in respect of the MWJP policies that follow below. The relevant policies are listed below.

Minerals and waste supporting infrastructure policies

- I01 Minerals and waste transport infrastructure

Development Management Policies

- D01 Presumption in favour of sustainable minerals and waste development;
- D02 Local amenity and cumulative impacts;

- D03 Transport of minerals and waste and associated traffic impacts.

- 6.14 **MWJP Policy I01** - Minerals and waste transport infrastructure states the use of existing infrastructure would be encouraged and permitted for the transport of minerals, with proposals to require to take account of key sensitives and incorporate the necessary mitigation measures set out in Appendix 1 of the MWJP.
- 6.15 **MWJP Policy D01** - Presumption of sustainable development. The policy states there is a presumption in favour of sustainable minerals 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.
- 6.16 **MWJP Policy D02** - Local amenity and cumulative impacts. The policy seeks to safeguard communities from any unacceptable impacts on the amenity of local communities and residents, businesses and users of the public rights of way network as a result of:
- *noise,*
 - *dust,*
 - *vibration,*
 - *odour,*
 - *emissions to air, land or water,*
 - *visual intrusion,*
 - *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.*

Part 2) states applicants are encouraged to conduct early and meaningful engagement with local communities and to reflect the outcome of those discussions in the design of proposals as far as practicable.

- 6.17 **MWJP Policy D03** - Transport of mineral and associated traffic impacts 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 suitable access and on-site parking and manoeuvring, and requires a transport assessment or green travel plan where significant levels of traffic are created.

Other policy considerations:

National Planning Policy Framework (2021)

- 6.18 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).

- 6.19 NPPF paragraphs 55 - 57 regarding 'planning conditions and obligations' requires local planning authorities to consider if development can be made acceptable by using conditions or planning obligations with planning obligations only used where it is not possible to address impacts through planning conditions. Planning conditions should be kept to a minimum and only imposed where they are met the test for condition and likewise planning obligations must only be sought where they meet all the tests for being necessary to make the development acceptable in planning terms; being directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 6.20 Paragraph 104 within Chapter 9 (Promoting sustainable transport) of the NPPF requires potential impacts on transport networks to be considered from the earliest stages of development proposals (c), and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account including appropriate opportunities for avoiding and mitigating any adverse effects and for net environmental gains (d). Paragraph 110 requires safe and suitable access can be achieved (b), and any significant impacts from development on highway safety can be mitigated (c). Paragraph 111 states *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 6.21 Paragraph 113 within Chapter 9 (Promoting sustainable transport) of the NPPF states development with significant HGV movements would require a travel plan and a transport statement so that the likely impacts can be assessed.
- 6.22 Paragraph 174 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. These include protecting and enhancing valued landscapes including sites of biodiversity, recognising intrinsic character and beauty of the countryside, minimising impacts on and providing net gains for biodiversity, preventing new and existing development to contribute to unacceptable levels of soil, air, water or noise pollution or land instability.
- 6.23 Paragraph 180 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF states the principles including if there is significant harm to biodiversity which cannot be avoided, adequately mitigated or as a last resort compensated for planning permission should be refused. Development which is likely to have an impact on a SSSI should not normally be permitted, with the exception of where the benefits of the development in the location clearly outweighs the impact of the features itself or the broader impacts of SSSI.
- 6.24 Within Paragraph 185 of the Framework it is noted that decision should ensure developments are appropriate for their location taking into account pollution on health, living conditions, the natural environment, and sensitivity of the site and wider impacts of the development. In considering this noise should not have a significant adverse impact on health and quality of life and also limit the impact of light pollution from artificial light on local amenity.
- 6.25 Chapter 17 of the NPPF is about facilitating the sustainable use of minerals. Paragraph 209 states *"it is essential there is sufficient supply of minerals to provide the 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"*.
- 6.26 Paragraph 211 of the NPPF is relevant to the proposed development, which states that *"great weight should be given to the benefits of minerals extraction"*. Minerals extraction should as far as possible be provided outside AONB's and ensure no unacceptable

adverse impact on the natural and historic environment or human health taking into account the cumulative impacts from sites in the locality. Unavoidable noise, dust and particle emissions including blasting vibrations are controlled or mitigated, establishing appropriate noise limits for extraction in proximity to noise sensitive properties. Minerals site should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through appropriate conditions.

- 6.27 Paragraph 213 states that *“Minerals planning authorities should plan for a steady and adequate supply of aggregates”*. This is to be completed through annual Local Aggregate Assessments, using landbanks as a principle indicator of the security of minerals supply and the additional provision required for new aggregate extraction, maintaining landbanks of at least 7 years for sand and gravel and ensuring that large landbanks bound up in very few sites do not stifle completion and calculating and maintaining separate landbanks for any aggregate.

National Planning Practice Guidance (PPG) (2014)

- 6.28 On 6th 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

- 6.29 This section provides guiding principles on how planning can take account of the impact of development on air quality. It states *“Mitigation options where necessary will be locationally specific, will depend on the proposed development and should be proportionate to the likely impact. It is important therefore that local planning authorities work with applicants to consider appropriate mitigation so as to ensure the new development is appropriate for its location and unacceptable risks are prevented. Planning conditions and obligations can be used to secure mitigation”*.

Minerals

- 6.30 This provides planning guidance for mineral extraction and the application process and focuses on the environmental impacts such as noise, dust and quarry slope stability and the importance of high quality restoration and aftercare of mineral sites.

Noise

- 6.31 The PPG confirms the need for noise to be considered in taking decisions on proposed developments having regard to the effects of potential noise from new developments and on existing developments. The (Noise) PPG identifies how local planning authorities should determine the impact or effect of noise by considering the following:
- *“whether or not a significant adverse effect is occurring, or likely to occur”;*
 - *‘whether or not an adverse effect is occurring, or likely to occur’; and*
 - *‘whether or not a good standard of amenity can be achieved’.*
- 6.32 In addition to the above the (Noise) PPG also offers guidance on identifying *“whether the overall effect of noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed effect level for the given situation”*. The (Noise) PPG sets out the observed effect levels as being:
- *“significant observed effect level: this being the level of noise exposure above which significant adverse effects on health and quality of life occur”;*
 - *“lowest observed adverse effect level: this being the level of noise exposure above which adverse effects on health and quality of life can be detected”;* and
 - *“no observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected”.*

- 6.33 The Noise PPG guidance split the mitigation which can be put in place to reduce impact into four categories, these are engineering by reducing the generation of noise at the source, layout optimising the distance between the source and noise sensitive receptor, planning conditions obligations to restrict activities or specify specific levels and finally mitigating the impact on areas like to be affected. A further part of the Noise PPG is in regards to the effect of noise on wildlife, in particular stating consideration needs to be given to the potential effects of noisy development on international, national and locally designated sites of importance for biodiversity.

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 as follows:

Principle of the proposed development

- 7.2 The principle of the proposed development has been established by a number of historical planning permissions, and the existence of the quarry access. The previous planning permission for the quarry site access has expired and therefore this current planning application has been submitted to regularise the retention of the site access and extend the period of use to coincide with the period being sought under the Section 73 application ref. NY/2017/0326/ENV (C1/18/00013/CM). The retention of the site access until 31st December 2025 is needed so that the operation at Pallett Hill Quarry can continue and restoration of the whole site can be achieved.
- 7.3 The NPPF (paragraph 209), recognises that a sufficient supply of minerals to support the country's needs are required with minerals being essential to economic growth. The proposed retention of the site access would facilitate continuous operation and transportation of the minerals, whilst also ensuring the completion of the final restoration scheme for the whole site by 31 December 2025. Furthermore, the continuation of quarrying at Pallett Hill would make contribution towards a sufficient supply of sand and gravel in the region. It is therefore considered that the proposed development is consistent with national planning policy contained within the NPPF (paragraphs 209, 211 and 213) which advise MPAs "*great weight should be given to the benefits of mineral extraction, including to the economy*". The proposal is in compliance with Policies CP1, CP4 and CP7 of the Richmondshire Local Plan Core Strategy due to the promotion of sustainable growth of key economic sectors. The proposal is also in compliance with MWJP Policies I01 and D01 in regards to the use of existing infrastructure and supply of sustainable minerals and waste development. The proposal is also consistent with paragraphs 8 and 11 of the NPPF in securing sustainable development. It is therefore considered that the proposed development is acceptable in principle subject to the consideration of other matters.

Local Amenity, Landscape and Visual Impact

- 7.4 The visual amenity will be largely unaffected by the renewal of permission for the quarry site access road. There are no envisaged changes to how the site operates in terms of mineral operations and there is no increase in activity anticipated as a result of this application. Additionally, the quarry site is subject to noise limit conditions imposed on S73 application ref. C1/18/00013/CM in line with PPG for noise and including a requirement for the operator to produce and implement a scheme to monitor and control noise from the operations which is in line with the PPG for mineral development. As such, it is considered that whilst the current proposal represents the second occasion that the operator has sought to extend the length of time within which the development shall be completed, this is considered unlikely to result in an adverse

impact upon the amenity of local residents living in proximity to the site or to any nearby villages. It is therefore considered to be consistent with the principles of the NPPF paragraph 185 in relation to amenity protection, the guidance on noise contained within the PPG, which seek to ensure that there are no significant effects upon amenity arising from developments, adding further weight in support of this application.

- 7.5 It is noted that an objection has been received on the grounds of noise from the quarrying, however, this application currently under consideration solely relates to the retention of the site access. Consideration in relation to noise was undertaken in the determination of the S73 application ref. C1/18/00013/CM. Furthermore, this application has also been subject to consultation with the Richmondshire District Council Environmental Health Officer (EHO) and the District EHO has raised no objection to the proposal. Additionally, the proposal under the S73 application ref. C1/18/00013/CM does not alter the previously approved hours of operation, maximum noise levels or any other operational processes/practises, with the annual output from the site also not increasing. Furthermore, the mitigation measures in place through bunding and the mature tree planting between the plant site and the residential properties is considered sufficient to safeguard residents from any unacceptable impacts from the quarry site.
- 7.6 In light of the above it is considered that predicted noise levels arising from the development at the quarry site would remain within acceptable limits as defined in national planning guidance and the unavoidable noise from the site can be controlled and mitigated to minimise the impact. The proposal is therefore considered to be in compliance with the amenity protection elements of Policy CP3(c) of the Richmondshire Local Plan Core Strategy. It is also considered to be in compliance with MWJP Policy D02 in relation to noise which seeks to safeguard communities and residents from unacceptable impacts from noise.
- 7.7 With regard to the impacts on local air quality from traffic emissions it is noted that the application does not propose an increase in HGV traffic above the existing level and the traffic generated is not considered to be significant in terms of the air quality impact. The potential for dust generating sources have been recognised and assessed and there have been no objections raised by the District EHO. Furthermore, this application seeks the retention of existing site access rather than the formation of a new site access. It is therefore considered that the retention of the site access would not result in additional dust impacts as there would be no construction works required in relation to the site access. It is noted that there would be potential dust arising from the quarrying operation and vehicle movements; however, consideration in relation to dust has been undertaken in the determination of the S73 application ref. C1/18/00013/CM and mitigation measures put in place to ensure there are no significant effects. It is therefore considered that the dust can be sufficiently controlled and mitigated to minimise the impact in compliance with MWJP Policy D02 in regards to local amenity and cumulative impacts which seeks to safeguard communities and residents from unacceptable impacts in regards to dust. It is also considered to be in compliance with Policy CP3(c&e) of the Richmondshire Local Plan Core Strategy in regards to local amenity and is consistent with paragraph 211 of the NPPF.
- 7.8 In regards to visual impact, there are no objections from the County Council's Principal Landscape Architect and overall, there are no significant landscape or visual effects predicted as a result of the continued operation of the site for a further extended period. Additionally, it is not considered that the extension of time until 31st December 2025 for the retention of the site access would significantly alter the impact of the site which has been an established part of the visual landscape for over 20 years. Furthermore, it is considered that there is considerable screening to the quarry site on both the plant site and the extraction site and therefore the extension of time for the retention of site access would allow minerals extraction and restoration of the quarry to be completed.

It is therefore considered that the screening could protect the environment and residential receptors from potential landscape and visual impacts. The proposed retention of the site access would not result in any adverse impact upon the character of the area, and is considered consistent with the principles of the NPPF as outlined within paragraphs 174, 180, 185 and 211, PPG Guidance for the Natural Environment and in compliance with Policies CP3(j) and CP4(a) of the Richmondshire Local Plan Core Strategy.

Highways Matters

- 7.9 This proposal confirms that there would be no changes to the volume, method and direction of traffic flows. The ES for the S73 application, ref. C1/18/00013/CM, included a Transport Assessment (Chapter 8) of the impact of continued quarrying on various transport matters, including access only from Leeming Lane, sheeting of vehicles and HGV noise attenuation. This assessment has also been submitted for the current application for the retention of the quarry site access. The assessment confirms that there would be no changes to the volume, method and direction of traffic flows, with an average of 76 HGV vehicle movements per day at the site. The Highway Authority has not objected to the proposed retention of site access as the proposed development for the S73 application, ref. C1/18/00013/CM, would not increase HGV movements above those already permitted for the quarry site and therefore the proposal for both applications i.e. the S73 application, ref. C1/18/00013/CM, and this application would not have a detrimental impact on the highway network. There are also existing wheel washing facilities on the existing quarry site and a mobile road sweeper, which are proposed to remain. Based upon the information and assessment made within the supporting Transport Assessment, the comments made by the Highway Authority and recommended mitigation, it is considered that the proposed development would not have a detrimental impact upon the highway network. Therefore, it is considered that the proposed development is compliant with the principles of the NPPF as outlined within paragraphs 104, 110 and 111 and the highway network elements of Policies CP3 and CP4 of the Richmondshire Local Plan Core Strategy.
- 7.10 It is acknowledged that an objection has been received on the ground that there is dirt on the road through the village by the trucks to and from the quarry. However, both the Highway Authority and National Highways have assessed the application and have not raised objection to the proposal. Additionally, the County Council has not had any complaints regarding mud or debris on the road from the site other than in the objection. Furthermore, the existing conditions which restrict HGV access to only via the existing access; require the access road to be kept clean and in a good condition; and the implementation of precautions to ensure HGVs leaving the site do not deposit mud or debris on the public highway shall be carried forward with any grant of planning permission (recommended Conditions 4-10 within Section 9.0 of this report refer).
- 7.11 The proposal relates to the existing infrastructure which receives support within MWJP Policy D03 which encourages the use of existing infrastructure and permitted transport of materials. The policy also states proposals for road transport is permitted, where necessary, when there is capacity within the existing network and there would be no unacceptable impact on local communities and businesses. Furthermore, this application would not lead to a material increase in traffic generation over that previously considered acceptable. The planning permission relating to the quarry combines operational controls and mitigation measures in order to ensure that the quarry operations are acceptable in terms of highways and transport and, where relevant, it is proposed to carry those controls forward with any grant of planning permission. In light of the above, it is considered that the traffic generated can be accommodated and would not have an unacceptable impact on highway safety, capacity or amenity. The proposal is considered to be in compliance with MWJP Policy D03 regarding transport and associated traffic impacts and Policy CP4(e) of the Richmondshire Local Plan Core Strategy.

- 7.12 It is noted that a number of conditions were imposed upon planning permission ref. C1/15/250/PA/F, dated 10 November 1993 for the quarry site to limit the impact of vehicle movements generated by the site on the surrounding highway network and upon local amenity, including HGV movements. It is proposed the same conditions are attached to this permission in regards to HGV movements are limited to 80 per day (40 in and 40 out), which is Condition no. 8 in the draft schedule of conditions within Section 9.0 of this report. Other such measures included restrictions on the permitted hours of working; the inclusion of measures to prevent the deposit of material on the highway network and the sheeting of vehicles. Additionally, relevant conditions from planning permission ref. C1/15/227A/PA/F, dated 13 March 1997 for the quarry site access in regards to removal of site access and restoration, visibility splays not obstructed; vehicle wheel washing facilities etc. is recommended to be carried forward should permission be forthcoming. It is considered appropriate that the conditions relating to further highway controls, imposed on the previous planning permissions for the quarry site including the site access which is now expired, are also brought forward. This would ensure that the proposed development does not result in any adverse impacts upon the local highway network in line with the principles of the NPPF paragraphs 104, 110 and 113 in relation to sustainable highway networks, and the highway protection elements of Policy CP4 of the Richmondshire Local Plan Core Strategy; all of which seek to ensure that vehicle movements generated by developments are both capable of being accommodated by, would not have an adverse effect upon the local highway network or prejudice the safety of the highway, adding further weight in support of this application.
- 7.13 For the reasons detailed above, notwithstanding the comments made by the objector to the application, it is considered that the proposal would not have an adverse impact upon the local highway network, which is capable of continuing to accommodate the proposed vehicle movements. Furthermore, it is considered that the impact upon the highway network is unlikely to be exacerbated by the retention of existing site access and therefore is acceptable. It is therefore considered that the proposed development is consistent with the NPPF and in compliance with MWJP Policy D03 and Policy CP4 of the Richmondshire Local Plan Core Strategy in regards to the highway safety.

8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the part retrospective proposed retention of quarry access until 31st December 2025.
- 8.2 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 development is in accordance with Policies CP1, CP3, CP4 and CP7 of the Richmondshire Local Plan Core Strategy (2014), Minerals and Waste Joint Plan policies I01, D01, D02 and D03 and overall is consistent with the NPPF (2021);
- ii) The principle of the proposed development has been established through previous grant of planning permissions;
- iii) The proposed development would not result in an adverse impact upon local amenity, visual or otherwise;
- iv) The proposed development would not have an adverse impact upon the highway network; and

- v) The imposition of planning conditions would further limit the impact of the development on the environment, residential amenity, the transport network and restoration and aftercare.

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

Conditions:

1. The permission hereby granted authorises the retention of quarry access until 31 December 2025. The quarry access road shall be removed and restored by 31 December 2025, in accordance with the Final Restoration Masterplan Plan Ref. P1/1413/10/6, dated September 2020, submitted for the adjoining mineral extraction site, application ref. C1/18/00013/CM dated 12 December 2017.

Reason: To reserve the rights of control by the County Planning Authority to ensure the restoration of the site in the interests of amenity.

2. The development hereby permitted shall be carried out in accordance with the application details dated 27 September 2022 (as amended) and the following approved documents and drawings:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
0719/P7/PLTHILL/1 LOC Rev A	Aug 2019	Location Plan
0719/P7/PLTHILL/2 SIT Rev A	Aug 2019	Site Plan – Part 1
0719/P7/PLTHILL/2 SIT Rev A	Aug 2019	Site Plan – Part 2
0819/P7/PLTHILL/3A	Aug 2019	Access Topographical Survey
No Ref.	Not dated	Chapter 8 – Transport Assessment

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

3. The use of the site access hereby permitted, including the movement of plant and heavy good vehicles, shall take place except between the following times:
07.00 to 18.00 Monday to Friday;
07.00 to 13.00 Saturdays;
13.00 to 18.00 Saturdays (plant maintenance operations only);
And at no times on Sundays, Bank or Public Holidays.

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

4. No vehicular access shall be gained to the plant site west of Leeming Lane except via the existing access onto Leeming Lane.

Reason: In the interests of highway safety.

5. Visibility splays providing clear visibility of 4.5 metres x 160 metres measured down the centre line of the access road and the nearside channel line of the major road shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

6. Existing gates shall be kept a minimum distance of 20 metres back from the carriageway of the existing highway and shall open into the site for the duration of the development.

Reason: In the interests of highway safety.

7. Provision shall be made to prevent surface water from the site discharging onto the existing highway.

Reason: *In the interests of highway safety.*

8. The total number of vehicles carrying waste to the site must not exceed 80 per day (40 in and 40 out). Records of the number of HGV movements per day shall be maintained and made available to the County Planning Authority on request.

Reason: *In the interests of highway safety.*

9. Vehicle wheel washing facilities at the site shall be kept in place in full working order and available for use whilst the site is operational. All vehicles involved in the transport of waste or finished products from the site shall be thoroughly cleaned before leaving the site so that no mud or waste materials are deposited on the public highway.

Reason: *In the interests of highway safety and amenity.*

10. All vehicles involved in the transport of mineral to and from the site shall be securely sheeted or otherwise enclosed in such a manner as to prevent dust blowing from materials and to ensure no materials may be spilled onto the public highway.

Reason: *In the interests of highway safety to prevent material being spilled onto the public highway and protect the amenities of the area.*

11. A copy of the planning permission and any agreed variations and approved details and schemes and programmes for the purposes of the conditions, together with all the approved plans shall be kept available at the site office at all times throughout the operational life of the site and restoration and made known and available to managing and supervising staff on the site.

Reason: *To ensure that site personnel are aware of the terms of the planning permission.*

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.

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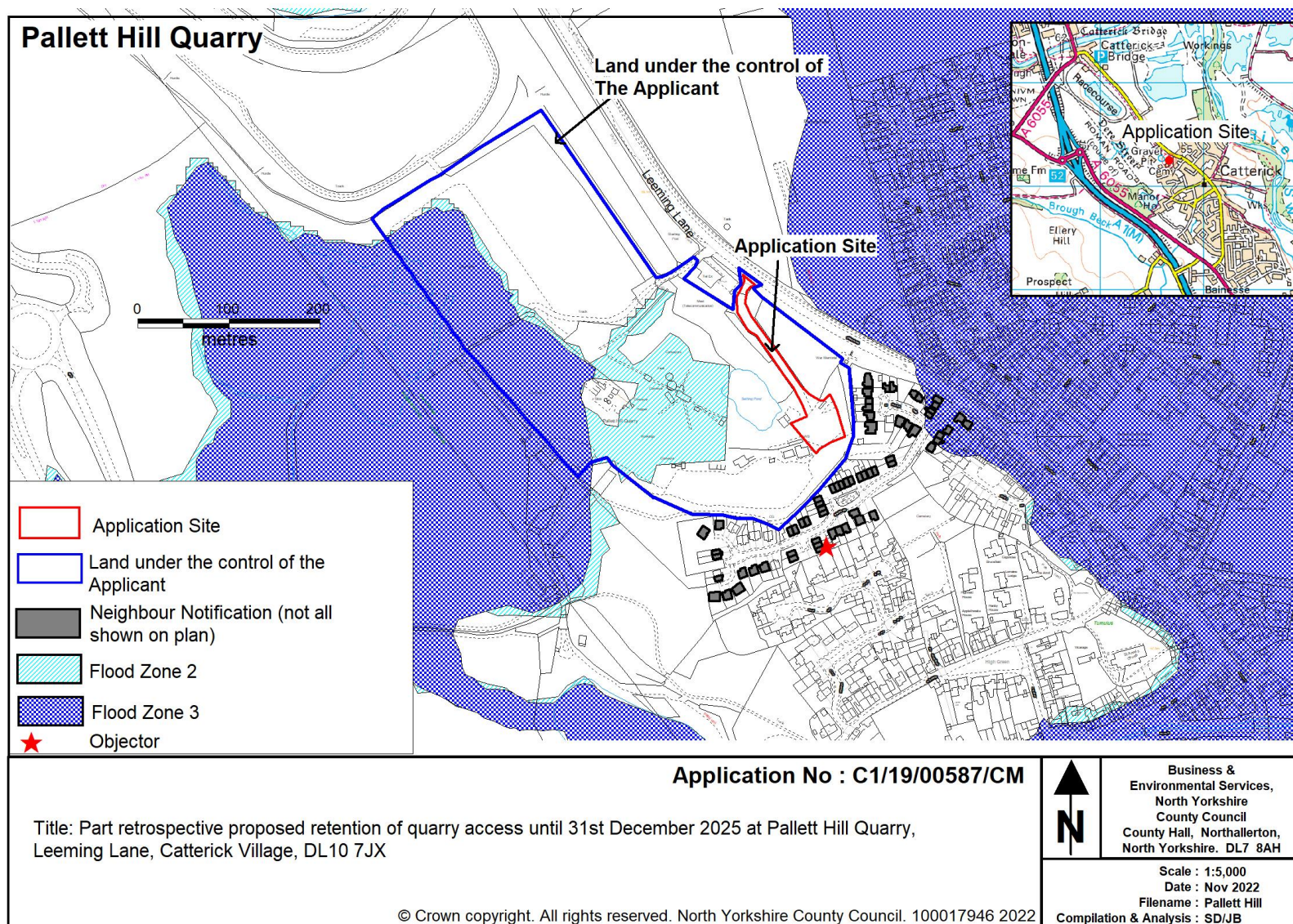
Corporate Director, Business and Environmental Services
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: C1/19/00587/CM (NY/2019/0130/FUL) registered as valid on 14 August 2019. 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: Sukaina Devraj

Committee Plan



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