

6. RETROSPECTIVE PLANNING APPLICATION FOR RETENTION OF TWO WIRE SAWS (AND ASSOCIATED LIGHTING COLUMNS) AND RETROSPECTIVE CHANGE OF USE OF LAND FOR THE IMPORTATION OF BLOCKSTONE FOR PROCESSING AT STOKE HALL QUARRY, NEW ROAD, GRINDLEFORD (NP/DDD/0516/0437, NR)

APPLICANT: STANCLIFFE STONE CO. LTD

Site and Surroundings

Stoke Hall Quarry is located to the west of New Road (B6521), approximately 0.6km south west of Grindleford and 0.8km north-west of Froggatt. The site access joins New Road. The site is situated within woodland on the western side of the Derwent Valley opposite Froggatt Edge.

The nearest residential property to the site is Oakwood, which is partially within the boundary of the 1952 planning permission, located just off Eyam New Road. It is approximately 100m from the existing processing sheds.

The site is currently an active quarry extracting gritstone primarily for high quality masonry products sold regionally and nationally, but some walling stone is also produced at the quarry. The permission allows the production of crushed rock aggregates, although very little is produced.

The existing quarry site currently operates under extant planning permission NP/DDD/1108/1008 and under the terms of that permission, extraction should cease by 21 February 2042 and the site is required to be restored by 21 February 2043.

Proposal

This is a retrospective planning application for:

- the retention of two wires saws and associated lighting columns; and,
- retrospective planning permission for the importation of block stone for processing; and,
- change of use of an area of land for the storage of block stone and associated finished products

The actual site area proposed under this application was originally 1.7ha, although this was subsequently reduced to 0.97ha as part of a parcel of amendments to the original submission. The 0.97ha of land which is the subject of this application includes all areas of land, plant and buildings associated with the importation and processing and storage of block stone and associated finished products (the use of the land), and also the land where the wire saws are located (the operational development). These do not currently have the benefit of planning permission, although they are covered by an enforcement notice which allows their retention to 2026.

The 0.97ha red line area does not wholly correspond with the existing Stoke Hall planning permission, and the application does not directly seek to vary existing conditions attached to the existing Stoke Hall Quarry planning permission NPP/DD/1108/1008. The current proposal would not replace the existing permission where there is an overlap in areas, but instead would allow additional development on the same land.

The wire saws occupy an area of 198m² and are situated on, and bolted to, concrete plinths and are accessed from the yard area to the side of the existing saw sheds. The saws are surrounded by low level fencing to a height of 1.5m and lighting heads are mounted on 5m high columns. The lamp heads are fitted with shield cases to direct light and avoid light spill.

Gritstone is processed at the site under the current planning permission. It is proposed that the importation of other mineral (currently largely arising from Dale View Quarry, Stanton in Peak) into the site would be regularised and controlled by this application. Lorries unload in front of the saw sheds and imported minerals are transported around the site by fork lift trucks. Processed products are transported around site by forklift truck and loaded onto HGV's for transport off site. Both unprocessed and processed stone is stored on the site.

Within the submission the applicant states that stone has been imported to the site for processing (and related storage and finishing) for over 30 years, and that a lawful use exists in principle (although no certificate exists, nor has such an application been made). It is on this basis the applicant does not believe that planning permission is required for stone importation and processing. However, officers remain to be convinced on the basis of information provided that any lawful use certificate would be able to be issued describing the current use at the current time, as there has been an increase in importation within the last ten years. An increase from that lesser level could be subject to enforcement action if it constituted a material change of use. Establishing what level of increase/intensification is a material change of use is a matter of fact and degree and there is case law which would support enforcement of relatively small changes and other cases in which very large increases are held not to constitute material changes of use. A certificate which described the lesser level of use would leave considerable uncertainty for both the applicant and the National Park. It is in the light of this that Stancliffe decided, on the advice of officers, to make a planning application.

The applicant identifies that installation of the wire saws would ordinarily fall within the scope of Part 19 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015, and as such, a planning application in this instance is only required as Permitted Development rights were removed by a planning condition on the extant planning permission.

The applicant proposes both weekly and daily caps of HGV movements arising from all development on site (i.e. both the existing permitted winning and working of minerals and the proposed importation and processing of other minerals). This is a measure that is not present within the existing planning permission and would provide a significantly greater degree of control over HGV movements at the site. Details of proposed restrictions on HGV movements that make up part of this application appear in Table 1 later in this report.

Amendments to the Application

Through working with the applicant officers have negotiated several amendments to the original proposal. During the course of the application process the applicant also provided information about the remaining reserves associated with the existing authorised quarry operations which are said to be 398,000 tonnes as at 31/12/2016 (rather than the previous reserve figure of 69,000 tonnes). Although this revision is large, it reflects reassessment of the geology for the applicants Financial Statement and a proper consideration of the volume of gritstone permitted to be extracted as crushed rock aggregate. One consequence of the revised information provided about the existing consented reserves, is that it significantly increased the amount of material available to be won or worked in connection with the already authorised Stoke Hall Quarry. By implication, and on the assumption that Stoke Hall Quarry is fully worked during its operational life until 2042, this increase in existing reserves increases commensurately the HGV movements associated with that authorised extraction. When viewed in the context of a proposed weekly HGV movement cap (as part of this application), it lessens the proportion of HGV movements that would be associated with imported materials for processing at the site.

The amended application proposal (which was re-advertised and consulted upon in March 2017) consisted of:

- A reduced area of land from 1.7ha to 0.97ha for the change of use of the land for importation and storage of imported block stone.

- A commitment to no HGV Movements on Saturday mornings throughout the life of Stoke Hall Quarry.
- A weekly limit of the HGV movements at Stoke Hall Quarry to 80 per week and 20 per day during the period up to the cessation of extraction at Dale View Quarry (2028).
- A weekly limit of HGV movements at Stoke Hall Quarry to 60 per week and 14 per day during the period between the cessation of extraction at Dale View Quarry after 2028 and up until 2042.
- An offer to advance screening and restoration during the operational phases of Stoke Hall Quarry by bringing forward in time the re-profiling of a screen mound and the completion of backfilling broadly as per Phase 1A of the existing approved quarry scheme, and the subsequent planting of that part of the screen mound in accordance with the details on approved drawing number D113138-006C-06B. This advanced restoration and screening would not be required under the existing permission by any specific date and would otherwise be dependent on the pace of working at Stoke Hall, which is currently very slow. This element of the proposal would reduce the visual impact of the quarry from Froggatt Edge during the operational phase of Stoke Hall Quarry. This would be achieved through entering into a Section 106 Agreement with the applicant.
- Finally, a further commitment was offered by the applicant company via email dated 8 June 2017, committing to a cap on imported stone of 6 HGV movements and/or 60 tonnes per week of stone from outside the National Park after cessation of extraction from Dale View (2028). This allowance of 6 HGV movements per week would form part of the overall limits proposed above and would not be additional to them. This element of the proposal would mean that for the final 14 years of life of Stoke Hall Quarry almost all HGV traffic would relate to materials derived from Stoke Hall Quarry itself.

Summary of HGV Movements Current/Proposed

STOKE HALL QUARRY RESERVES 398,000 TONNES Block (As at 31/12/2016)	YEARS OF EXTRACTION REMAINING UNDER PLANNING PERMISSION NP/DDD/1108/1008 25 (Until 2042).
Number of HGV Vehicle Movements associated with remaining reserves 60% block stone (11.5 Tonne Payload)	41,530.44
Number of HGV Vehicle Movements associated with remaining reserves (40% Aggregates/Crushed Rock (19 Tonne Payload)	16,757.90
Total HGV Vehicle Movements associated with existing PLANNING PERMISSION NP/DDD/1108/1008 (blockstone/aggregates/crushed rock)	<u>58,288.34</u>
Total HGV Vehicle Movements PROPOSED under current application NP/DDD/0516/0437 until 2028 (under the 80 Per week cap)	45,760.00
Total HGV Vehicle Movements PROPOSED under current application NP/DDD/0516/0437 from 2028 - 2042 (under the 60 Per week cap)	43,680.00

Total Maximum HGV Vehicle Movements PROPOSED under NPP/DDD/0516/0437 (to 2042). (ALL HGV's associated with site).	<u>89,440.00</u>
Difference between proposed and consented over lifetime of site. (Additional total HGV movements)	31,151.66
Maximum additional HGV Vehicle Movements associated with Proposal (Per Year)	1,246.07 per Year
Maximum additional HGV Vehicle Movements associated with Proposal (Per week)	23.96 Per Week
Maximum additional HGV Vehicle Movements associated with Proposal (Per day) (278 working days per year)	4.48 Per day

	PERIOD	HGV MOVEMENTS				
		Daily (Monday to Friday).(Excluding Bank Holidays)	Saturdays (am)	Sundays	Weekly	Annual
Current Limit (Max)	Up to cessation of Extraction at Stoke Hall Quarry (2042)	No limit	No Limit	0	No Limit	<5,143
Proposed Limit	Up to cessation of working at Dale View Quarry 16/09/2028	20 Max Per Day	0	0	80	4,160
Proposed Average	Up to cessation of working at Dale View Quarry 16/09/2028	16	0	0	N/A	N/A
Proposed Limit	Up to cessation of working at Stoke Hall Quarry	14 Max Per Day	0	0	60	3,120
Proposed Average	Up to cessation	12	0	0	N/A	N/A

	of working at SHQ					
--	----------------------	--	--	--	--	--

RECOMMENDATION:

That application NP/DDD/0516/0437 be APPROVED subject to:

- 1. The prior completion of a Section 106 planning obligation whereby the applicant and all those with an interest in the application site formally agree to:**
 - **The Early Restoration of Phase 1A and planting of associated screen mound of Planning Permission NP/DDD/1108/1008 before the end of 2017**
 - **That sawing, processing importation, and storage of stone will only proceed under the provisions of the [new] permission and all operations and the use of the land for the importation/storage/ processing of imported materials will cease no later than 21 February 2042.**
 - **A contribution to signage/markings (a maximum sum of £5,000) at and near the junction of New Road/Main Road, Stoke Hall, Grindleford.**

- 2. Conditions covering the following:**
 - **Hours of operation between 07:00 and 19:00 Monday to Friday and between 07:00 and 13:00 Saturdays.**
 - **Haulage, daily limits of 20 and weekly limits of 80 up to 16 September 2028 and daily limits of 14 and weekly limits of 60 from 17 September 2028 – 21 February 2042**
 - **Limits on imported stone after 2028 to no more than 6 HGV vehicles movements and no more than 60 tonnes per week**
 - **Noise limits**
 - **Control of lighting**
 - **Dust limits**
 - **Limit on height on stored materials to no greater than 2.5 metres**
 - **Annual returns: Provision of records of HGV Movements on an annual basis or upon written request.**
 - **Annual returns: Provision of records of Imported/Exported/Produced materials**
 - **Restoration and aftercare including details to be submitted**

- 3. That authority be delegated to the Head of Law in consultation with the Minerals Team Manager to determine the details of the Section 106 agreement.**

- 4. That authority be delegated to the Minerals Team Manager to approve the final details of the conditions.**

Key Issues

- **Whether the increase in overall vehicle movements over the lifetime of the existing quarry is considered acceptable having regard to the greater degree of control over weekly and daily vehicle movements offered, the certainty of cessation of use in 2042, the enhanced screening and restoration of the quarry during its operational life, and the removal of HGV movements on Saturday mornings.**

- **Whether the siting, location, design, appearance and operational impacts of noise and dust of the wire saws is acceptable in the location.**

- Whether the principle of the change of use of the land for the importation of block stone for processing in the location is acceptable having regard to highway impacts and amenity.
- Consideration of the overall effect of the proposed development upon the character and amenity of the area and whether it would conserve and enhance the valued characteristics of the National Park.

Relevant History

1952 – Ministerial Permission for mineral extraction (1898/9/29)

1999 – ROMP determination (NP/DDD/0998/469)

2001 – Regularising application – area to south of quarry for stockpiling of crushed stone/off-cuts (NP/DDD/0501/178)

2008 – Section 73 Application to vary Working Scheme (NP/DDD/1108/1008)

2016 – Enforcement Notice requiring removal of unauthorised wires saws before 21/05/2026 to prevent the operational development from becoming immune from enforcement action.

Consultations (Summarised)

Highway Authority (Derbyshire County Council DCC) – Based on the revised figures provided by the applicant, outlining the reserves that currently remain in Stoke Hall Quarry, and taking account of the restrictions on the levels of material that can be taken from the site annually, the proposals will result in an average additional 4.5 HGV movements per day over the remaining 25 year life of the site.

The Highway Authority has raised concerns regarding the existing junction of New Road and Main Road. These concerns are with regard to the left turn into New Road (vehicles travelling from Bakewell direction towards the site) due to the geometry and levels at the junction. Emerging visibility from New Road onto Main Road is considered appropriate, especially considering the nature of emerging vehicles.

Assuming that the majority of quarry bound traffic will approach and enter the site from the south (vehicles travelling from Bakewell direction towards the site) and will return in the same direction, the additional traffic undertaking this manoeuvre will be a maximum of 2.5 HGV's per day.

On this basis, in the absence of any injury related accidents and taking account of the fact that the current proposals will introduce weekly limits on HGV traffic, which do not currently exist, it is not considered that an objection on highway safety grounds would be sustainable, however the Highway Authority would seek to monitor the operation of the junction and if necessary introduce improvements to the signage/markings; a maximum sum of £5,000 should be secured within any Section 106 Agreement.

The following planning condition should be imposed in the interests of highway safety:

HGV traffic associated with the site shall be restricted in accordance with the levels referred to in the planning application.

Derbyshire Dales District Council EHO – No objection to the proposal and the operation of the wire saws would have a negligible (if any) effect on the nearest noise sensitive receptor. No

noise complaints have been received in respect of the use of the wire saws.

Environment Agency - No objection

Grindleford Parish council – Raise concern with regards to:

- Increased traffic movements by HGV's especially with regards to the junction of the B6001 Main Road and the B56521 Eyam New Road;
- The large number of HGV's approaching the site which swing out into the oncoming side of the carriageway to negotiate the turn;
- HGV's turning out of the site junction onto the B6001;
- If planning permission is to be granted would urge the Planning Authority to strictly limit vehicle movements as per the existing permission;
- To note the concerns expressed by local residents (set out below)

PDNPA Ecology – No objection.

PDNPA Landscape – No objection to the application subject to a planning condition to control the height of any stored material to no greater than 2.5 metres high.

Representations

A total of 20 letters of representation have been received following the consultation and advertisement of the planning application. All letters object to the development, and raise the following concerns:

- Increase in the volume of HGV traffic on rural roads which are used by school children;
- Noise from plant and vehicles operating from the site.
- A reduction in tranquillity.
- Impact upon tourism.
- Object to the retrospective nature of the application.
- Light pollution.
- Proposal would not accord with transport policies.
- Impact on health of diesel fumes from lorries.
- Impact upon recreational use of the area.
- Effect of intensification on the character of neighbourhood.
- Significant increase in importation does represent a change of use.
- Industrialisation, buildings and light pollution.
- Unsuitable highway network for this type of traffic.
- Applicant is arrogant and dismissive of public concern.
- No historic precedent for level of importation proposed.
- Expansion and development of an 'industrial' working practice within the PDNPA.
- Adverse impact on leisure facilities sited adjacent to the quarry.
- Detrimental impact on neighbour/residential amenity and established business viability.
- No need for the development due to other processing facilities on the boundaries of the park in more suitable locations.
- It is policy to reduce traffic and mining operations in the National Park.
- Conflicts with Policy MIN3 which only allows for the working of stone where it meets need for local buildings.
- The increase is not to support or satisfy a local need for the material.
- All processing should not be diverted to the PDNP just because the applicant decided to close Grange Mill.
- Concern regarding the stability of the land at the entrance to the site.
- Concern at the amount of debris that comes from the site in periods of heavy rainfall and feel the operators should be responsible to ensuring that water, sand and debris stay

within the site.

- The PDNPA should have taken action before this point to prevent block stone being imported to the site.

Main policies relevant to the proposal

Applicability of policies in the Core Strategy – major development

The 'Glossary and Abbreviations' in the Core Strategy states:

The definition of major development is set out in the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006. This clarifies that "major development" means development involving any one or more of the following:

- a) the winning and working of minerals or the use of land for mineral-working deposits;*
- b) waste development;*
- c) the provision of dwelling houses where:
 the number of dwelling houses to be provided is more ;or
 the development is to be carried out on a site having an area of 0.5 hectares or more and is not known whether the development falls within paragraph (c)(1);*
- d) development carried out on a site having an area of 1 hectare or more.*

However, more recent case law has determined that whether development is 'major' is a matter of planning judgement in each case and the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 cannot be relied on as a definition. Consideration must be made of whether the development would have significant impacts on the valued characteristics of the National Park and impacts on the locality such that the development is considered to be major development. Consideration of the likely impacts of the development is set out in this report. However, the scale, setting, location and impacts of the proposal are not overall considered to be so significant that the development should be considered 'major' in policy terms.

National Planning Policy Framework

As a material planning consideration in planning decisions, the NPPF (the Framework) recognises the special status of National Parks and the responsibility of National Park Authorities, as set out in the National Parks and Access to the Countryside Act 1949 (as amended). In line with the requirements of primary legislation, paragraph 14 of the NPPF recognises that in applying the general presumption in favour of sustainable development, specific policies in the NPPF indicate that development should be restricted, for example, policies relating to National Parks.

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection to National Parks in relation to landscape and scenic beauty, reflecting primary legislation. Further guidance and information, including an explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010.

For minerals specifically, the NPPF (paragraph 144) states that when determining planning applications local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of land-banks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, Scheduled Monuments and Conservation Areas;
- ensure no unacceptable adverse impacts on the natural and historic environment, human health, and take into account the cumulative effect of multiple impacts from individual

- sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

Development Plan policies

Relevant Core Strategy (2011) policies: GSP1, GSP2, DS1, L1, MIN1, T1.

Relevant Local Plan (2001) 'Saved' policies: LM1, LM9, LT9.

The Core Strategy (CS) general spatial policies provide overarching principles for spatial planning in the National Park. They relate closely to the delivery of National Park purposes to ensure that the valued characteristics and landscape character of the area are protected.

Policy GSP2 states that the opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, with proposals needing to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. The requirement to ensure that development respects, conserves and enhances all valued characteristics of the site and buildings that are the subject of a proposal is set out in policy GSP3 and the policy requires assessment of a range of factors, including impact on access and traffic levels. Policy GSP4 requires that the Authority considers the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

The overall development strategy (Policy DS1) for the Peak District National Park indicates what types of development are acceptable in principle in settlements and in the countryside.

Core Strategy policy L1 seeks to conserve and enhance valued landscape character and other valued characteristics of the National Park. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on such sites.

CS policy T1 aims to deter traffic beyond that which is necessary for the needs of local residents, businesses and visitors and identifies that traffic can harm the valued characteristics of the National Park through noise and gaseous emissions, disturbance and visual intrusion. It further states that cross-park traffic will be deterred and impacts of traffic within environmentally sensitive locations will be minimised.

Saved Local Plan policy LM1 seeks to assess and minimise the environmental impact of mineral development and states that mineral development will not be permitted unless adverse impacts on the valued characteristics and amenity of the area can be reduced to the minimum practicable level or eliminated. Particular attention will be paid to various factors, including nuisance and general disturbance to the amenity of the area (including that caused by transport and the method and duration of working), risk and impact of pollution potential, harm to landscape, nature conservation, surface and groundwater, land stability, built environment/cultural heritage features, recreational interests and recreational interests.

Policy LM9 is concerned with ancillary mineral development and states that it will be permitted provided there is a close link between the industrial and mineral development because the material to be used is produced mainly on-site.

It is considered that there is no significant conflict between policies in the development plan and the more recently published National Planning Policy Framework because both sets of documents seek to promote sustainable economic development in rural areas which conserve

and enhance the valued characteristics of the National Park.

Assessment

Principle of Development

The main consideration in the determination of this application is whether the proposed use is in principle acceptable and whether change of use of the land can be accommodated without an unacceptable adverse impact on the character, appearance and enjoyment of the area, and on the surrounding highway network and whether the scale, design and location of the wire saws is acceptable.

The proposal is located within an existing mineral working site and whilst it is accepted that minerals can only be worked where they are found, the importation and processing of material is something which can occur at any site. The applicant has stated that without the importation of materials to the site it would no longer be viable and the jobs of 25 members of staff would be put at risk. Whilst there is no requirement for the development to be situated in this location, the applicant considers that the site would not be viable without this development. Policy DS1 states that mineral working is acceptable in the countryside outside of settlements, and whilst this proposal is not for mineral working, the winning and working of minerals will continue on site alongside the imported mineral processing. The proposal can therefore be considered to be in broad conformity with policy DS1, especially having regard to the limited impact of the development on the countryside and its finite timeframe.

Historic Importation

The applicants, within their supporting documentation, have stated that the importation of block stone to Stoke Hall Quarry for processing has taken place at some level for in excess of 30 years, and as such, whilst they do not believe that they require an application for the change of use. However, following officers' concerns about the level of use the applicant has submitted the application.

The submission states that between 2011 and 2015 there was an increase in the importation of material, from 1190 imported tonnes (103 loads) in 2011 to 20729 tonnes (1803 HGV loads) in 2015. Importation of materials for processing is not permitted under the existing planning permission. The applicant has stated that the importation has occurred for in excess of 30 years, although it has not been demonstrated that it is has been continuous or to the level currently being experienced.

Whilst a lawful use certificate (if sought) could describe the level of use that has been consistent for a 10 year period, an increase from that level does not necessarily constitute a breach of planning control unless the increase is so significant that it constitutes a material change of use. Given the complexities of applying the case law to the available evidence there is uncertainty for both the applicant and the Authority about what would constitute a material change of use. If a lawful use certificate was successfully sought for the importation, this would establish a right in perpetuity and it would not set an absolute limit of what volume of material could be imported and thus what level of traffic movements would arise.

Wire Saws

The second part of the development seeks permission for the retention of two wire saws and associated lighting. As the wire saws are operational development, an enforcement notice was served on 31 October 2016 in order to prevent the wire saws becoming lawful by virtue of being on the site for in excess of 4 years. The notice requires that the saws be removed by 21 February 2026; this reflects the limited impact of the saws themselves but removes the risk of permanence through immunity. The saws require planning permission as the extant planning

permission removes all permitted development rights for the site. The reason given is in order to protect the valued characteristics of the National Park.

The siting, scale, design and location of the wire saws and associated lighting within the existing processing area is considered acceptable and does not unduly impact on the site or surroundings and would accord with DS1 and GSP1 of the Core Strategy. The noise levels from the saws at the nearest residential property are within acceptable limits and this can be controlled by condition; this is in accordance with policy LM1. It is considered that a condition would be required to ensure removal of the wire saws following completion of the extraction and processing on site and that restrictions are imposed on operating hours.

Impact of the Importation

Amenity Impacts – Noise and Dust

In terms of noise and dust, the proposal would have little impact above that caused by the permitted winning and working of minerals on the site. The hours of operation, noise limits, and other amenity controls would be the same, there are no cumulative impacts in this respect. Any impacts of the development on the locality will be for a limited period and are considered preferable to any lawful use certificate that may be sought which could lead to development in perpetuity. In this respect the development is in accord with policy LM1.

The importation and processing of stone will take place within the existing processing area and involves no lateral extension of the site. There will be no adverse effect on ecology or any cultural heritage interests in accordance with policy LM1.

It is considered that the proposal accords the NPPF which states that to prevent unacceptable risks from pollution decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account. As can be noted from the above consultation responses, the Environmental Health Officer has not objected to the development.

Landscape

The importation itself will have no impact on the landscape and the proposal would not introduce new buildings into the landscape. The storage of block has the potential to cause a negative landscape impact but this can be controlled by condition and is acceptable to the Authority's Landscape Architect.

The proposal also includes the benefit of the restoration of phase 1A of the quarry by the end of 2017. Under the current planning permission this would otherwise take place at the commencement of phase 3, but there is no time periods linked to the phasing. Working at Stoke Hall is currently progressing slowly and this may leave phase 1A unrestored for some time. There is sufficient material available on the site to achieve the restoration of this phase. The guaranteed restoration of this phase in the short term offers significant landscape benefits, particularly from Froggatt Edge as the overall extent of the quarry workings will reduce.

This restoration is an enhancement of the landscape of the national park in the short term. This is in accordance with policies GPS1, GPS2, and MIN1.

Employment

The applicant has stated within their submission documents that the proposal is important to protect the jobs of 25 members of staff at the site and enables the operator to provide a wider range of products to meet customer requirements. Objectors to the development have cited that

alternative locations for the processing of the material have closed and as such the processing has been transferred to the application site. Officers are unable to comment on these concerns of residents as the applicant has not provided this information, however, the provision of employment is not a material consideration which overrides the need to conserve and enhance the National Park.

Highways

The current planning permission for winning and working of stone at Stoke Hall Quarry (determined under the ROMP provisions) does not have any explicit limits on HGV movements, the only control is an annual limit of 20,000 tonnes of block stone and an annual average of 10,000 tonnes, measured over a 3 year period or 15,000 tonnes in any one calendar year for unprocessed graded stone or crushed stone. In terms of vehicle movements on any given day or week, this leaves considerable uncertainty about peaks of HGV movements, as all the permitted reserve could theoretically be exported in as short a period of time as is practicable on a campaign basis, which would cause considerable impacts for those periods. Of course, this would also leave the remainder of any year with no HGV impacts (though extraction could continue on the site). It is considered that the amenity of the locality is compromised by this lack of certainty and control, given the absence of a daily and weekly HGV limit on the HGV movements at the site, and that the imposition of a daily and weekly HGV cap would provide considerable benefits.

As can be seen from the information in Table 1, the total maximum projected HGV movements associated with the existing extant planning permission is 58,288 (for the avoidance of doubt, a vehicle that enters, then leaves the site is classed as 2 vehicle movements). The total maximum number of HGV movements associated with the proposal under consideration is 89,440 (a little over a third increase over the lifetime of the quarry until 2042). On the basis of 278 working days in a year, this equates to just under 4.5 additional HGV movements per day associated with the development proposal. Also, as part of the proposal, after 2028 there would be a substantial drop in the importation of materials to the site, ensuring that the importation of materials cannot be prioritised over the winning and working stone from Stoke Hall Quarry for the remaining 14 years of the site's life.

The increase set out above is also based on the current approved levels of HGV movements associated with the winning and working of stone at Stoke Hall Quarry. What is not included in this baseline is the additional and unknown level of movements which would arise in relation to the lawful use is likely to exist at some level. The level of vehicle movements that could be associated with this is difficult to quantify for the reasons already set out, but would exist in perpetuity.

The development is considered to offer considerable benefits in terms of certainty of daily numbers of vehicle movements associated with both the importation and the stone quarried on site, and in terms of the development being for a limited period of time.

Concerns have been raised by local residents that HGVs accessing and exiting from the site are required to traverse over the oncoming carriageway in order to make the required manoeuvre into and out of the site. The Highway Authority has previously raised this as a concern in relation to the proposal. However, upon the provision of further information which clarified the reserves of materials associated with the existing permitted quarry (and therefore the associated level of HGV movements that would arise), coupled with reduced proposed weekly and daily limits of HGV movements, the Highway Authority does not maintain its objection.

Policy LT9 states that development requiring access by heavy goods vehicles in excess of 7.5 tonnes GLW will not be permitted where the site is not readily accessible from the Strategic or Secondary Road Network. The site entrance is located on the Secondary Road Network and the proposal is therefore in accordance with this policy.

Policy T1 of the local plan seeks to reduce the impacts of traffic on environmentally sensitive locations. Whilst the proposal would see an increase in vehicle movements during the lifetime of the site and at a location sensitive to local residents, it is not considered that this increase is unacceptable or would have a detrimental impact upon the highway network. A refusal of planning permission on these grounds could not be sustained.

It is not considered that the proposal would have a detrimental impact on the safe operation of the highway network in this location. The proposal would provide a safe and suitable access in accordance with the requirements Core Strategy policies T1, and LT9.

Ancillary Development

Policy LM9 specifically refers to ancillary minerals development and sets out that ancillary development will be permitted where (i) the material to be used should be mainly produced on site and (ii) that ancillary uses should cease with the quarrying operations.

The wire saws will be used to process both imported stone and that worked at the quarry. The vehicle movements proposed mean that at least around a third of vehicle movements taking place overall will be for imported stone, however, because of the nature of the proposal the applicant could theoretically choose to import more stone than a third (until 2028 when a limit on imported stone would apply). However, in this case, if less stone was worked from the quarry and more stone imported it would simply mean less mineral would be extracted over the life of the quarry – this is a business decision for the operator. The amenity impacts of the development would remain unchanged in terms of vehicle movements and processing, but the quarrying impacts would reduce. While the proposal is not necessarily in accordance with the first part of LM9, the impacts of the development are not increased by this. The proposal does include that the importation and processing would end at the same time as the mineral permission and this is in accord with the policy in that respect.

Alternatives

Concern has been raised by some residents that the applicant has not provided a review of alternative locations where the material could be processed, and does not state why this block stone needs to be transported to this particular site. The applicant has, however, provided sufficient detail within the application which identifies why the development is being sought in this location and that information forms part of the overall assessment of the development.

Further, an alternative to the proposal is likely to be the applicant seeking a lawful use certificate for the development which has significant uncertainty attached to it and if granted may allow importation to carry on indefinitely. This alternative could have greater impacts on the valued characteristics of the National Park that would remain in perpetuity.

Other matters

Local residents have raised concern regarding the stability of the land at the entrance to the site; however, this proposal would not impact on the stability of the land.

Further concern has been raised at the amount of debris that comes from the site in periods of heavy rainfall and local residents believe that the operators should be responsible for ensuring that water, sand and debris stay within the site. The currently proposal would not change the flood risk situation relating to the site, and as such, these concerns are not material to the case. Officers have contacted the applicant and are trying to arrange a meeting between local residents and the applicant in order to try to negotiate a solution to this issue.

Conclusion

The proposal increases vehicle movements from those that could be carried out solely from quarrying; however, the vehicle movements that could arise from the quarrying plus any lawful use is an unknown figure and includes risks of possible increases and the importation and processing continuing in perpetuity. The proposal offers the landscape benefits of early restoration of phase 1a, daily limits of all HGV movements from the site, and the certainty of the cessation of all development on the land in 2042.

The proposal would not have an unacceptable impact on the special qualities of the National Park and would not have a net detrimental effect on the character and amenity of the locality, taking into account the issues surrounding lawful use and the existing permitted use of the site for the winning and working of minerals. It is not considered that the development would have an unacceptable impact with regards to noise, dust, landscape or highways impact, and as such, on balance, the proposal is in accordance with the NPPF and the Authority's development plan policies.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil