

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	CMA/4/87
FULL APPLICATION DESCRIPTION:	Temporary use of Witch Hill Quarry, Shadforth for 3 years for the testing of articulated dump trucks
NAME OF APPLICANT:	Caterpillar (Peterlee) Ltd
ADDRESS:	Witch Hill Quarry, Shadforth
ELECTORAL DIVISION:	Sherburn Claire Teasdale Principal Planning Officer Strategic Team
CASE OFFICER:	Tel. 03000 261390 claire.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Introduction

1. Witch Hill Quarry (some 10.5 ha) lies on the magnesian limestone escarpment, approximately 1km west of Thornley, 950m south of Shadforth and 600m north east of Old Cassop. Planning permission for mineral extraction at the quarry was granted in 1947 and 1971. Although last operational in 2005, the quarry has planning permission for mineral extraction (limestone) until 2042. Subject to the submission and agreement of a number of schemes the quarry could recommence operations at any time.
2. The site is bordered by the Road A181 to the south and agricultural fields to the east, north and west. Due to topography and existing screening mounds the site is well screened from public view. The closest public right of way is Bridleway No.6 Shadforth Parish approximately 385m to the west and Footpath No. 8 Shadforth Parish some 420m to the east of the quarry. The Silent Bank (Road Verge) Local Wildlife Site (LWS) is immediately to the south of the site and Shadforth Dene Local Wildlife Site lies 370m to the north east. The closest residential property is Strawberry Hill Farm (some 170m to the north west of the site) incorporating Strawberry Hill Camping and Caravan Park (135m west of the site).

The proposal

3. The application is for the temporary use of Witch Hill Quarry for three years to enable the quarry floor and various gradients afforded by the benches/haul roads formed by the previous mineral extraction, to be used to undertake rigorous testing of upgraded versions of current Caterpillar production models and prototypes of new models of articulated dump truck (ADTs) (ranging in size from 25 tonnes to 45 tonnes) to ensure that they meet the standards and specifications set by Caterpillar.

4. Preparatory works would include the creation of a ramp from the quarry floor up to the next bench using historically extracted material; the installation of a portable building, office/welfare facility; repair of existing fencing where required; refurbishment/replacement of existing site entrance gate with addition of a manually operated security barrier; removal of former quarry weighbridge and subsequent infilling of the pit with onsite material; removal of the frame of a former building, and demarcation of the proposed haul routes using previously excavated stone. Specific areas are identified for car parking and for the parking and maintenance for trucks. Upon cessation of the temporary use the portable building and security barrier would be removed.
5. The testing is designed to replicate normal operations of the trucks to test for endurance, functionality, reliability and safety. The testing would involve the loading and unloading of historically extracted material, using a hydraulic excavator and a wheeled loader, and the running of vehicles through the quarry loaded and unloaded. A truck would be loaded with historically quarried material (no mineral extraction would take place) in the base of the quarry then driven around an identified course. The load would then be dumped back in the base of the quarry and the truck would run unloaded around the course. The cycles are repeated continuously until the trucks have been operated for a sufficient number of hours to meet standards set by Caterpillar and to enable failures to be identified.
6. It is not possible to state how many vehicles would be on site at any one time or for how long. Testing is taking place concurrently at other sites (at Cornforth Quarry in County Durham and sites worldwide) as well and much will depend on how testing progresses at each of these sites. For example, the number and nature of breakdowns would have a bearing on this. However, up to a maximum of four vehicles at any given time would be driven through the quarry at one time and a maximum of 20 trucks would be delivered to the site per week.

Working hours

7. Testing is proposed over 24 hours per day 7 days a week with 4 ADTs operating at one time. Two testing routes are proposed. One for day time (7am to 10pm) that runs on upper and lower benches and one for night time working (10pm to 7am) that is on the lower bench and quarry floor.

Traffic and access

8. The ADTs would be delivered by low loader from the Caterpillar factory in Peterlee with the maximum number of trucks delivered to the site being 20 per week (40 low loader movements per week) via the existing access off the Road A181. A diesel powered steam cleaner for the cleaning of trucks prior to leaving the site is proposed.

Employment

9. 15 people would be based at Witch Hill, 9 would be existing employees, 3 have recently been taken on in anticipation of permission being forthcoming and 3 would be recruited if and when planning permission is granted.
10. This planning application is being reported to the County Planning Committee because it involves major development.

PLANNING HISTORY

11. Planning permission was first granted for quarrying at Witch Hill Quarry in 1947 under an Interim Development Order permission (No.2168) covering the southern half of the quarry. This permission was reviewed under the requirements of the Planning and Compensation Act 1991 (Durham County Council reference IDO/4/2(1)1) and a new schedule of conditions was issued in December 1994.
12. An extension to the quarry was granted in 1971 covering the northern half of the site (Planning Permission No. CA49294). This was subject to review under the requirements of the Environment Act 1995 (Durham County Council reference MRA/4/2) and a new schedule of conditions was issued in December 2000.
13. The Periodic Review of the extant mineral permissions at Witch Hill Quarry under the requirements of the Environment Act 2005 are required to be submitted in December 2015 unless a postponement is applied for and agreed.

PLANNING POLICY

NATIONAL POLICY

14. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
15. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'; The following elements of the NPPF are considered relevant to this proposal:
16. *NPPF Part 3 – Supporting a prosperous rural economy* – Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
17. *NPPF Part 4 – Promoting sustainable transport* – Paragraph 36 states a key tool to facilitate this will be a Travel Plan. All developments which generate significant amounts of movement should be required to provide a Travel Plan.
18. *NPPF Part 4 – Promoting sustainable transport* – Paragraph 32 states all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether: the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
19. *NPPF Part 11 – Conserving and enhancing the natural environment* – requires the planning system to contribute to and enhance the natural and local environment,

including: minimising the impact of new development upon biodiversity; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability (Paragraph 109). Specific mention is made to planning policies should make distinctions between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological networks (Paragraph 113).

20. *NPPF Part 11 – Conserving and enhancing the natural environment* – Paragraph 121 requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.
21. *NPPF Part 11 – Conserving and enhancing the natural environment* – Paragraph 123 requires that planning decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. However, it is also recognised that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

REGIONAL PLANNING POLICY

22. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal.
23. In July 2010 the Secretary of State for Communities and Local Government signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention. The following policies are considered relevant:
24. *RSS Policy 2 – Sustainable Development* – states that planning proposals should support the environmental, social and economic objectives of sustainable development and construction. Of particular relevance to these proposals are objectives to protect and enhance the Region's biodiversity, geodiversity and soil quality; to reduce the amount of waste produced and increase the amount recycled, and to make better use of our resources, including the built fabric.
25. *RSS Policy 6 – Locational Strategy* – states that planning proposals should support and incorporate the locational strategy to maximise the major assets and opportunities available in the north east and to regenerate those areas affected by social, economic and environmental problems. The policy provides that this will be done by various

stated mean which should be delivered by planning proposals. Criteria c of the policy refers to assisting in maintaining a vibrant rural area with a diversified economy.

26. *RSS Policy 7 – Connectivity and Accessibility* – requires the internal and external sustainable connectivity and accessibility of the North East of England, with focus upon the reduction in use of the private motor car and increase in green and sustainable infrastructure. Criteria c and e of the policy refer to minimising the impact of the movement of goods on the environment and ensuring safe transport networks and infrastructure through the implementation of a travel plan.
27. *RSS Policy 11 – Rural Areas* – planning proposals should support the development of a vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the region’s environmental assets by a number of criteria.
28. *RSS Policy 33 – Biodiversity and Geodiversity* – planning proposals should ensure that the Region’s ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels by continuing to promote the protection and enhancement of internationally and nationally important sites and species. Developing habitat creation/restoration projects are also mentioned.

LOCAL PLAN POLICY:

COUNTY DURHAM MINERALS LOCAL PLAN (DECEMBER 2000) [MLP] POLICY:

29. *Policy M14 – Preventing Sterilisation* – states that development within or adjoining or adjoining a mineral consultation area where it would not sterilise significant quantities of potential mineral resources; or it represents infill development within an established built up area; or it is other wise acceptable and no other suitable locations are available; and development would not lead to the sterilisation of high quantity or scarce minerals (in accordance with Policy M18).

CITY OF DURHAM LOCAL PLAN (2004) [CDLP] POLICY:

30. *Policy E7 – Development Outside of Settlement Limits* – advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.
31. *Policy E18 – Sites of Nature Conservation Importance* – seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research.
32. *Policy E22 – Conservation Areas* – seeks to preserve or enhance the character or appearance of Conservation Areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
33. *Policy EMP16 – Employment in the Countryside* – sets out the circumstances in which the Council will support proposals that create employment in the countryside. Specific mention is made to developments involving the extension of an established industrial or business use. When considering proposals for employment use in the countryside the Council must seek to ensure that the proposal would have no unacceptable adverse impact on the character and appearance of the countryside and amenity of nearby residents or other land uses; can be served by roads capable of accommodating any increase in traffic generated by the development; will not be

prejudicial to the promotion and protection of nature conservation interests in accordance with other Plan policies, and will have no adverse impact upon the water environment due to the generation of poor quality waste waters.

34. *Policy T1 – Traffic – General* – states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

(<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=674> (County Durham Minerals Local Plan)

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494> (City of Durham Local Plan and saved policies)

<http://www.strategyintegrationne.co.uk/document.asp?id=887> (Regional Spatial Strategy for the North East)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (National Planning Policy Framework)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Shadforth Parish Council* – is concerned that the testing would be running 24hrs a day, seven days a week. The Council acknowledges that when the quarry was a working quarry, there would be some noise and traffic coming and going but this would be restricted to normal working hours allowing neighbours some peace and quiet outside those hours. The Council does not object to the quarry being used for testing but it does object to the times and days of operation. The Council feels that limiting the hours and days would be beneficial for local residents and businesses and would like to see the times and days kept to a normal working day Monday to Friday.
36. *Highways Authority* – Notes that the quarry has existing permission for use of associated equipment and transport including Articulated Dump Trucks (ADT's). Using the quarry as a demonstration site for ADT's does not cause any concern. The applicant intends to use a left in, left out movement for delivery and dispatch of the ADT's. This arrangement is acceptable. The dual nature of the east bound carriageway will ensure slower moving delivery vehicles can do so safely with general traffic progressing in the off side lane. The dual lane section of carriageway permits slower moving vehicles to be passed whether that be a caravan or ADT trailer. There could be a potential for two slow moving vehicles to be in the nearside lane at the same time (i.e. a ADT Trailer and a caravan). However, the potential frequency of such an occurrence is extremely low and each vehicle would have to adjust their speeds accordingly. Officers do not have any concerns, as the offside lane allows other vehicles to pass. Therefore on Highway grounds the proposal is acceptable.
37. *Environment Agency* – has no objections to the proposed development and no conditions are recommended. It advises the applicant that the Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which it would issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.
38. *Northumbrian Water Limited* – In making its response Northumbrian Water (NWL) assess the impact of the proposed development on its assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. NWL does not offer comment on aspects of planning applications that are outside its area of control. Having assessed the proposed

development against the context outlined above NWL confirms that at this stage it would have no comments to make and there are no Water Mains or Public Sewers within site.

INTERNAL CONSULTEE RESPONSES:

39. *Spatial Policy* – The principal policy under which this application should be determined is the saved Policy EMP16 of the City of Durham Local Plan. On the basis that the proposed development is not minerals development (addressed by criteria 1), criteria 5 appears most directly relevant to the proposed development. In this respect it is noted that paragraph 5.64 of the Local Plan states, “There are, however, certain circumstances when new employment generating development might be appropriate in the countryside.....”. While it is noted that the reasoned justification provides a range of examples of development which could be considered to be applicable and therefore suited or requiring an open countryside location i.e. when there is requirement to be close to a source of raw materials such as mineral processing, or the production of agricultural or forestry products or where it involves the reuse of an existing building, the diversification of an agricultural enterprise or the extension of an established industrial or business use, it is recognised that in preparing Plans, that it is not possible to foresee all likely eventualities. Subject to the proposal being found to be environmentally acceptable in accordance with further criteria in Policy EMP16 it is considered that in policy terms a quarry location would be the most appropriate and indeed the only realistic location for the testing of ADTs. In this respect it is noted that the only current ADT testing facility in County Durham is located at Cornforth Quarry.
40. *Pollution Control* – has no objection to the application. However should permission be granted then recommends conditions relating to: the use of a submitted dust action plan and in the event of a dust complaint, a requirement for the submission of copies of documentation relating to dust management to be made available to the Council upon request; that a maximum of four test trucks using the haul routes be used at any one time; the prohibition of the use of reversing alarms during evening and night time periods; the requirement for independent noise monitoring to be carried out in the event of a complaint, and the recommendation of maximum noise levels for the proposed development. Officers would also like to agree noise monitoring positions in relation to the nearest sensitive receptors at Strawberry Hill Farm and would suggest two or three positions on the boundary of Strawberry Hill Farm and the quarry relevant to noise contours lines on Figure 3 and Figure 4 (Noise contour mapping) of the noise report. Appropriate noise monitoring positions must be representative of identified decibel levels stated on the noise contour map.
41. Pollution Control officers consider that the submitted noise assessment has been undertaken in accordance with the appropriate guidance for such a development (BS5228). The proposed activity is effectively from an open site where articulated dump trucks would be driven round in a quarry, which related directly into the guidance. Officers accept the current proposed noise levels detailed in the submitted report. The justification being that, whilst BS5228 does not provide specific noise levels it does provide guideline values, which relate to various other guidance, also it provides a method of calculation relating to the ambient noise levels and total noise levels. BS5228 give guidance night time values of 45dB and when the relevant values for Witch Hill Quarry are applied an accumulative value of 43dB is established, which corresponds to the lower threshold value.
42. BS5228 also provides guidance concerning other relevant guidance documents which includes the now withdrawn Mineral Planning Statements, which have been replaced by the National Planning Policy Framework and Technical Guidance. Again whilst this guidance is not directly relevant it does give guideline values which the application

generally complies with. Other guidance such as BS8233 and WHO Guideline for Community Noise also suggest <45dB outdoor values for night time noise. If assessed under other methodology the prevailing background noise could be a concern. Generally four articulated dump trucks driving in the bottom of a quarry would increase decibel levels by 6dB. Arguably the number of trucks driving in the quarry could be reduced to three which would result in a decrease in sound pressure by 2dB and two dump trucks by 3dB. The effect of this reduction on the combined resultant noise levels would at best bring noise levels down by 6dB if only one truck was operating in the quarry. When this level compared to the resultant noise level of 41dB, the 6dB decrease would bring the resultant noise level down to 35dB. 31dB is the given background noise level for night time. However, it should be noted lower levels are documented of around 29dB measured background. Therefore it is predicted some noise from the development would be heard from the quarry operating during night time hours and would generally affect the amenity of sensitive receptors.

43. *Ecology* – notes that there is some early successional magnesian limestone flora spread thinly across the whole of the site which has a biodiversity value. However, as the application is limited to only certain areas of the site and most of the emerging vegetation will be untouched then there is no reason to object on ecological grounds. In addition officers can foresee no reason why there should be any effect on the Silent Bank Local Wildlife Site. Although there would be some nocturnal disturbance to wildlife given the nature of the site it would not seem possible to quantify this or to object to the proposal on these grounds.
44. *Landscape* – has no objection to the proposals and considers lighting details can be covered by planning condition.
45. *Design and Conservation* – does not object to the application. It is noted that the site is located on the northern side of Silent Bank within the open countryside between Shadforth, a medieval street green village, to the north and Old Cassop, a small rural hamlet, to the south, both of which are designated Conservation Areas. The closest point of the Shadforth Conservation Area lies approximately 550 metres east where it follows an area of dense woodland at its southern most point; in relation to Old Cassop Conservation Area, this lies approximately 600 metres directly to the west following an existing field boundary here the land drops steeply to the south before rising to a high ridge where the built form lies. The proposed visual impact of the works would be minimal given that they would be carried out below the surface of the surrounding land enclosed by the existing quarry faces with the only real view from the quarry's entrance. Views along silent bank are very restricted due to the high hedges and tree cover along the roadside. In wider views due to the surrounding topography, field boundaries, tree lines etc and the quarries depth views into it are very restricted there is also an amount of vegetation around the quarry which acts as natural screening.
46. The construction of a ramp to access the quarry floor is considered to be acceptable as this would run below ground level and would not be visible from the outside; the installation of a portable building would cause no detrimental harm again given the restricted views but also the temporary nature of the structure. The works would be contained within the defined quarry boundary and elements of this nature are expected to be found within this working environment. Officers consider that there would be no impact upon the character, appearance, significance, setting or views to and from, the nearby designated heritage assets and therefore there are no reasons to object to this application on heritage grounds.
47. *Business Durham* – supports the application made by Sherburn Stone Co Ltd on behalf of Caterpillar Articulated Trucks for the use of the quarry as a test site facility. Caterpillar is a long established employer in Peterlee for over the past 40 years. It

supports in excess of 1000 staff and their families. It is the only manufacturer of articulated trucks by Caterpillar in the world. It maintains this unique position through significant investment in innovation and new product development. It has also invested £10m in the Peterlee facility over the past 2 years. All of Caterpillar's product goes for export thereby contributing to the UK's balance of payments at a time of much needed exports.

48. The use of Witch Hill Quarry is essential to help to maintain Caterpillar's global competitive position. The company requires the flexibility to test over a continuous period to measure how the vehicles perform. Caterpillar's competitors will not be required to test only during office or day shift hours. It is worth highlighting that the site already has an existing planning permission for quarrying until the year 2042.
49. The testing at Witch Hill Quarry will be used to test new products in terms of low emissions and noise levels. In addition this permission will allow for the employment of a further 15 people working 3 shifts.
50. In addition it should be noted that the Department for Business Innovation and Skills awarded Caterpillar an award under the Regional Growth Fund round 3. This is a vote of confidence by the Government in British manufacturing. The award is given to companies in areas to help rebalance the economy. It further reinforces the position of the manufacturing sector in County Durham, and helps to attract other new investment in the County (e.g. Hitachi Rail Europe) demonstrating its strength and depth in manufacturing, innovation and new product development.
51. *Visit County Durham* has commented on the application but advises that it does not have detailed knowledge and understanding of the potential impact of the proposed development. *Visit County Durham* advises that the visitor economy is a valuable part of the overall County Durham economy. In 2011, independent research indicated that the visitor economy contributed £738m and equated to 11,308 FTE jobs. It is identified in the county's regeneration statement as a growth sector and is given high priority because of that.
52. Strawberry Hill Farm is situated in an area of the county that is called the Durham Heritage Coast. This area has seen some of the most significant growth in its visitor economy over the last three years as a result of significant public sector investment in skills development, infrastructure (Seaham marina) and private sector investment in new businesses that serve visitors to the area. Strawberry Hill Farm is one of the businesses that has helped the area increase its appeal to visitors. The statistics for the coast in 2011 are as follows:
 - Economic Impact £105 million up 18% since 2010
 - 3.1million visitors up of 11% since 2010
 - Visitor economy jobs 1,568
 - 201,000, overnight visitors spending £34 million in the economy up 34% since 2010
 - Fastest growing sector overnight stays, non-serviced accommodation such as caravan and camping and self catering.
53. Strawberry Hill Farm is an established business that offers good quality accommodation and is professionally run, providing a relaxing rural escape which is something that the County prides itself on offering. Demand for quality caravan and camping is growing nationally. Recent investigations into future opportunities for further growing the county's visitor economy identify good quality camping as one such opportunity. It should also be noted that the county has limited product for touring caravans and camping and that Strawberry Hill Farm is one business that fills this gap and there is scope for more. The Farm is, therefore, of value to the county as a whole.

54. The owners are engaged in destination management and marketing, being one of very few camping and caravanning proprietors who have invested in destination marketing activity run by Visit County Durham and they have demonstrated their commitment to the destination by investing in their product to achieve a four-star rating and a national Rose Award for caravanning and camping in 2012.

PUBLIC RESPONSES:

55. The application was advertised by site notice and in the local press as part of the planning procedures. Notification letters were sent to a number of individual properties in the vicinity of the site including properties at Old Cassop and the southern part of Shadforth.
56. 2 objections have been received. One being from the owner of Strawberry Hill Farm Camping and Caravan Park who has written a detailed objection. The grounds of objection and concern raised by those objecting to the proposed development are summarised below.

Dust

- Concerns regarding the generation of dust and impact on business.
- Specific comments are made regarding the proposed dust action plan and environmental and work area inspection scheme. These relate to the lack of quantifiable measures and ambiguous wording and consideration that what is proposed is self regulation without any measure of accountability, queries over the dust suppression measures, and ability to manage dust during periods of darkness.
- View that if planning permission is granted then a health and safety risk assessment for the quarry would be required possibility involving the use of ear defenders and air pollution face masks for staff but the owners and occupants of 70 camping pitches (for which planning permission exists) would be disregarded.

Noise

- Noise pollution will destroy the business at Strawberry Hill Farm Caravan Park.
- Queries are raised regarding the reliability and robustness of the submitted noise assessment including the monitoring undertaken and location, the levels recorded, predicted levels and that it does not take into consideration changing seasons.
- That the assessment is inconclusive as it does not include 12 pitches to the east of Strawberry Hill Farm.
- It is considered that further monitoring over 1 year is undertaken prior to determination of the application by two independent companies.
- Adverse impact on the camping and caravan park business given holiday makers are unlikely to want to holiday next to a 24 hour testing site.
- It is queried why it is necessary to test trucks in the middle of the night when noise will travel and cause stress and loss of quality of life to many home. It is queried if a permit would be granted for a night club in Old Cassop and is suspected not. Rural homes have few services compared to towns but the compensation for that is peace and quiet. Please don't allow a large international company to take that away. Durham County Council should put the residents of Durham first.

Traffic and access

- The proposal would be detrimental to highway safety.
- Concerns regarding the suitability and safety of the site access and view that View that the visibility at the quarry entrance onto the A181 is dangerous.
- Traffic on the A181 is far greater now than before.
- Concerns about slow moving vehicles and impacts on stopping distances.
- Issues surrounding vehicles turning in and out of the site.

- Central gap is of concern and safety of users if transporters are using the road.
- There should be no night time street lighting at the quarry entrance that would further reduce visibility.
- Concerns regarding the increase and type of traffic that would use the A181 and in particular Silent Bank.
- Unsuitability of the roads as demonstrated by recent and historic fatalities. Silent Bank and the surrounding roads being from another age when traffic and speeds were both considerably less.

Impact on local business and tourism

- The park was established in 2002 on a former landfill site investing £450k on the site along with tree planting which has encouraged wildlife. Query who would pay compensation for any loss.
- It is stated that the nature of the business is that motorhome and ten campers book one night to evaluate a caravan and camping park based on surrounding, peace and quiet and then decide whether or not stay longer. One night bookings account for 19% of revenue and of this 19%, 76% book additional nights. If the first night is disrupted then no further nights would be booked.
- Social networking sites are important to the business and reviews mentioning noise and night-time disruption would deter visitors thus impacting upon the business and resale value.
- The creation of additional jobs is noted but would be at the cost of jobs at Strawberry Hill Farm Caravan and Camping Park.
- Investment of £450k made in the development of the site query as to who would pay compensation for loss.
- The British Holiday & Homes Parks Association commissioned a report for 2011 that demonstrates that 1 touring pitch generates £2,800 per year in local spend and it is noted that the business has planning permission for 64 touring pitches an licence for 6 caravan holiday homes. The site currently owns 3, all with an English Tourism Council Rose Award for excellence.
- If planning permission is granted there would be a cost to other businesses such as local pubs and restaurants, in local village and in Durham and to nearby tourist attractions.
- Sympathy for neighbours at Strawberry Hill Farm given that they have worked hard to build up their business.
- Specific mention is made to large number of tourists using motor homes from Europe to be near the World Heritage Site.
- If Durham County Council truly want to encourage small business and tourism they need to cater for all - and take this into account.
- Caterpillar is a huge company and although they employ lots of people in the area they are after all owned elsewhere.
- There would be a loss of livelihood and business if the application is approved.
- Acceptance that there is a history of quarrying at the site but view that no precedent exists for the testing of vehicles. Since the use of the quarry ceased in 2005 the successful camping and caravan park has been established which thrives due to the tranquillity and peaceful location in which it is located that brings tourism into County Durham and boosts the economy and local businesses.

Other matters

- The proposed working hours are unsuitable and longer than those permitted by the quarrying permissions and dump trucks would not be working at night.
- A more suitable location could be found that would not destroy local businesses that could extend beyond 3 years. If it is expected that the quality testing is to be successful then an application for more than 3 years would be appropriate.
- That the measurements given for the distance from the quarry are incorrect and the camp site is 85m from the quarry as opposed to 200m.

- Detriment to Old Cassop every time residents venture out.
- Disruption to ecosystems developed over the years.
- General Inadequacies of the planning application
- It is queried why Caterpillar want to be make such a detrimental impact on the business when it already has a facility at Cornforth.
- Development Plan policies refers to planning permission not being granted if there is a significant effect on the amenity of occupiers of neighbouring properties. The proposed development would have a significant effect on the amenity and should therefore be rejected.
- Comments are made regarding the applicant's comments on the conformity with RSS Policies 6, 7, 11, City of Durham Local Plan Policies E7, EMP16, E18 and T1. In addition comments are made regarding City of Durham Local Plan Policy U5.

57. *County Councillors Carol Woods and Maureen Wood (Local Members for Sheburn)* – object to the planning application. The Councillors would like to highlight their serious concerns with this planning application and its effect on the neighbouring business at Strawberry Hill Farm and local residents in neighbouring villages.
58. In relation to the noise issue they note that there is a proposal for the trucks to discontinue the reversing alarms at night. This begs a couple of questions, if it is safe to do this at night presumably it is safer to do it during the day and so perhaps they should be completely discontinued to limit the noise? However, the Councillors think the health and safety implications of discontinuing the reversing alarms should be considered both by Caterpillar and by the Council. It is queried if the Council would be liable if it makes this a condition of the planning application and then someone is injured. It is noted that the quarry already has planning permission for quarrying but that would not take part 24 hours per day and it is considered it would be unreasonable for this application to allow 24 hour working at this site because of the detrimental effect on the adjacent business and residents.
59. The Councillors are concerned with the effect the application will have on the SNCI adjacent to Witch Hill Quarry, this being Silent Bank (Road Verge) Local Wildlife Site and would like to make sure that this has been adequately by the council to make sure that wildlife is protected. The effect of the combination of noise, dust and increased traffic movements would create an extremely difficult working environment for the neighbouring business and local residents and on those grounds the Councillors would be oppose to the application.
60. *Roberta Blackman-Woods MP for the City of Durham* – Considers that the planning application contravenes local and national planning policy in several ways. She objects in the strongest terms due to the traffic implications on Silent Bank and the loss of amenity it would cause nearby residents. The site entry point is not sufficient and could create a road hazard on Silent Bank. Both the noise and the dust effects of the application would have a negative impact on the local area, particularly the nearby Camping and Caravan Park at Strawberry Hill Farm. She strongly urges the Committee to refuse the planning application due to its contraventions with planning policy.
61. In terms of traffic implications issues are raised concerning the access onto the busy A181 in terms of suitability, visibility, safety and stopping distances given the size of vehicles that would be visiting the site. Reference is made to CDLP Policy T1 and that the current traffic and site entry plan is dangerous and could be seriously detrimental to highway safety.
62. With regard to noise implications the MP considers that approval of the application would contravene CDLP Policy E8 relating to change of use applications in rural areas

in relation to buildings. The MP considers that noise emitted from the site would contravene World Health Organisation guidelines as well as guidance in the National Planning Policy Framework. Given that Strawberry Hill Farm is a site for camping, with 20 permitted tent pitches, visitors using the site to camp will be exposed to continuous noise above what is deemed acceptable for sleep. The negative effect to the amenity of residents staying at the Caravan and Camping site at Strawberry Hill Farm is such that the application would contravene planning policy and therefore the Committee must reject the application.

63. Comments are made regarding the effect of dust movement with specific reference to the submitted dust action and adequacy of the measures proposed. It is considered that the dust management programme is reactionary, meaning that dust movement will occur at least for some time until the plan is undertaken and this would negatively affect the amenity of the surrounding area contrary to CDLP Policy U5 and guidance in the NPPF and considers that the would put existing development, most notably Strawberry Hill Farm Camping and Caravan Park, at unacceptable risk of pollution.
64. The MP notes the differences between the permitted working hours for the quarry and the proposed working hours for the proposed development. She notes that the site has not been used as a Quarry since 2005 and there have therefore been eight years during which current amenity levels have settled. She also understands that quarrying would involve a certain level of noise. However, this would only be during day time hours and can therefore be distinguished from the existing planning application. She is of the view that although the application would create ten full time jobs it would also be highly detrimental to the business operating at Strawberry Hill Campsite and Caravan Park contrary to CDLP Policy EMP16.

APPLICANTS STATEMENT:

65. The Articulated Truck operation at Peterlee consists of both product development and manufacturing and is Caterpillar's only plant making these products for markets world-wide. The product development site is currently engaged in designing and validating a complete new range of machines which meet the latest tier of emissions regulations. These regulations require the new products to be available on the market by specific dates in 2013 and 2014 in order to continue to sell in the US, EU and other areas. This is an unprecedented challenge for the group, but clearly central to continuing the success of the business.
66. The Witch Hill facility is required to support this product development effort. It is a vital element of Caterpillar's strategy for maintaining our high standards of quality and reliability as new models are introduced.
67. The recent reduction in workforce numbers on the manufacturing site of the business are a necessary response to fluctuating demand for the existing product. At the same time, new-product engineering activity is at an unusually high level and the Witch Hill development is a reflection of this.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

68. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is

considered that the main planning issues in this instance relate to the principle of the development, the impact upon residential amenity (noise, dust and working hours), landscape and visual impact, conservation interests, biodiversity interests, access and traffic, hydrology and other matters.

Principle of the development

69. Witch Hill Quarry has a long planning history being operational until 2005 and with planning permission until 2042. Subject to the submission and agreement of a number of schemes the quarry could recommence operations within specified working hours. The current operator is Sherburn Stone Company Limited who has stated that although the Company does not intend to recommence operations in the foreseeable future given that it is concentrating its efforts on the production of Magnesian Limestone from Crime Rigg Quarry nearby, it does have long term plans to recommence quarrying operations. The temporary three year use of the site would not interfere with the site operator's short or long term plans for quarrying of the site nor would there any sterilisation of mineral reserves in accordance with MLP Policy M14. No mineral extraction would take place during the 3 year period and this would be secured through condition.
70. Quarries, including Witch Hill when operational, utilise a variety of types of plant, machinery and vehicles in order to prepare the land for extraction, for the winning and working of minerals, the processing of the excavated material and reinstating the site. Articulated dump trucks, along with hydraulic excavators and wheeled loaders, are the type of vehicle that would be used as part of normal quarry operations used for internal haulage of material, although, not necessarily in continuous use. The application site provides an opportunity for such vehicles to be tested in an inactive site, in the environment in which they would be used.
71. Due to Caterpillar's intention to launch a new range of ADTs in the next few years it has a requirement to test prototypes in a number of different environments and to achieve the standards necessary the testing has to be undertaken over a substantial number of hours. Testing currently takes place at Cornforth Quarry where, for health and safety reasons, 4 trucks operate at one time. Given this restriction it would not be possible to accumulate the necessary number of hours at the existing facilities in order to have the range ready for the intended market launch date, hence the need for the additional facility at Witch Hill.
72. Witch Hill Quarry lies in open countryside and is not allocated in the CDLP for any specific use and is shown as white land on the Plan proposals Map. The proposal would result in an extension of an established industrial or business use in that quarrying activities are established at the site. The testing of the ADTs in a location that replicates the working environment and conditions the trucks would be employed in would be an extension of the use of the site for quarry related purposes resulting in the creation of employment opportunities in the countryside in accordance with CDLP Policies E7 and EMP16. The environmental effects of the proposal are considered later in this report.

Residential Amenity

73. Witch Hill Quarry is bounded by agricultural land and the A181. The site is relatively isolated, the nearest residential property being Strawberry Hill Farm (some 170m to the north west) which operates as Strawberry Hill Camping and Caravan Park some 135m west of the site, at its closest point taken from the access road. The approximate distance to the nearest testing operations would be 240m from the residential property and approximately 190m from the edge of the access track into the

caravan park with the pitches being to the west and north of the Farm at varying distances. Smallholdings are located 60m south of the site and at Scribfield Farm 330m west both separated from the site by the road A181. There are properties at Cassop Smithy some 570m to the west. High Croft House is 475m to the east separated by the road U27.17 to Shadforth and other individual properties are more distant and separated by intervening roads.

74. Several years have passed since the quarry was last operational and the impacts of activity at the site felt. CDLP Policy EMP16 requires that when considering employment generating proposals in the countryside the Council must seek to ensure that the proposal would have no unacceptable adverse impact on the amenity of nearby residents or other landuses. The Strawberry Hill Camping and Caravan Park offers holiday accommodation which by its very nature is temporary and not permanent brick built structures and arguably more sensitive to increases in noise levels. The principal affects of working on amenity would be in respect to noise, dust and working hours.

Noise

75. A noise assessment has been carried out as part of the application based on a 'worst case scenario' of the trucks operating at full power all of the time. The noise assessment identifies that the two main sources of noise would be from the mobile plant being tested and noise from static/semi-static plant, such as the excavator and front loading shovel loading the dumptrucks with stone.
76. Monitoring was undertaken between the quarry and Strawberry Hill Farm Camping and Caravan Park in order to establish existing ambient and background noise levels during the daytime (07:00 to 19:00 hours), evening (19:00 to 22:00 hours) and night time (22:00 to 07:00). Predicted noise levels (based on a 'worst case scenario') indicate that during the day predicted noise levels would not be noticeable as the existing ambient noise level would remain unchanged. The assessment accepts that evening operations would have a minor impact upon the ambient noise level raising the noise level by 1dB(A).
77. The assessment concludes that worse case noise levels would create an increase of 3dB(A) at night time. It is noted that in reality this would not be the case as the trucks would only operate at full power for short periods of time and therefore for much of the time the noise levels would be significantly lower than the assessment indicates and the proposed levels would not exceed levels set out in World Health Organised Guidance for Community Noise. In addition the route for night time testing would be restricted to the lower part of the quarry. Mitigation measures are proposed including the avoiding of unnecessary revving of engines; minimising drop heights of quarry material when loading dump trucks; maintenance of haul roads; sequential starting up of plant and machinery; speed restrictions; fitting of silencers to all vehicles and plant, and regular plant maintenance programme.
78. Pollution Control Officers accept the noise assessment submitted but have some concerns regarding its adequacy in terms of the prevailing background noise levels. Officers predict that some noise from the development would be heard from the quarry operating during night time hours. Nevertheless, they accept the resultant ambient noise levels proposed and these can be imposed as maximum levels in a condition and predictions are based on worst case scenarios.
79. The use of 'white sound' reversing alarms would be used during the daytime hours only. A banksman would be employed at night time to ensure that the vehicles manoeuvre safely. The applicant has stated that the use of banksmen in place of

reversing alarms during the daytime when the background noise levels are higher would be inappropriate. It is also considered unnecessary as the higher background noise levels would nullify any adverse impact which might otherwise arise from the use of the alarms. The use of banksmen at night is considered standard practice in the construction industry as lower background noise levels mean that it is both acceptable and desirable in order to avoid potential noise nuisance for local residents, particularly when they may well be sleeping.

80. Through condition the existing quarrying planning permissions limit noise levels as a result of quarrying operations to 55dB(A) L_{Aeq} 1h for normal quarrying operations and to 70dB(A) L_{Aeq} 1h for temporary operations. The proposed noise levels for the testing of ADTs are well below those levels and could be controlled through condition should planning permission be granted. It should be noted that the site has the potential to reopen and it only in recent years that background levels have reduced to current levels. However, the working hours proposed exceed those for the quarrying operations.
81. Pollution Control Officers have no objection to the proposal and propose a condition requiring independent monitoring in the event of a noise complaint. They suggest a limit of four vehicles being tested at one time, prohibition of the use of reversing alarms during evening and night time as well as imposition of specific noise levels for site operations during different times of the day. However, more regular monitoring can be required through condition and would seek to address concerns raised by objectors. Specific noise monitoring locations can be agreed through condition.
82. Having regard to the low ambient noise levels in the vicinity of the site at night time and the worst case scenario there is the potential to cause noise nuisance to the nearest receptors, Strawberry Hill Farm and the Camping and Caravan Park . Although there may be noticeable increases in noise levels at night time it is considered that these would be within acceptable levels based on BS 5228 criteria . In addition the predicted noise levels are based on a worst case scenario and actual levels may be lower. Having considered the impact of the proposed development on residential amenity in terms of noise it is considered that the impacts could be controlled through condition setting limits and requirements to mitigate any unacceptable adverse effects on amenity of nearby residents and other landuses thus according with CDLP Policy EMP16.

Dust

83. Mineral sites give rise to dust issues and it is accepted that the generation of dust can only be minimised and controlled rather than eradicated. Residents can potentially be affected by dust up to 1km from the source, although concerns about dust are most likely to be experienced near to dust sources, generally within 100m, depending on site characteristics and in the absence of appropriate mitigation. The existing planning permissions contain conditions requiring that all reasonable measures be taken to control dust emissions arising from site operation and if measures are not sufficient requires site operations to cease until additional measures are provided and found to be adequate. Dust monitoring is not a requirement of the existing planning permissions.
84. The proposed use of the site for testing vehicles has the potential to generate dust from the traversing of vehicles over the quarry floor and by the loading and unloading of material. A dust action plan has been submitted with the application. It is proposed that daily visual inspections take place at the site boundary to ensure dust management procedures are being implemented. A daily log would be used to record the inspections and any action taken. Measures proposed to suppress dust include

the provision and use of dust suppression equipment; the maintenance of the access and all hard surfaced areas and non-surfaced internal haul roads; regular sweeping; regular maintenance of all vehicles, plant and machinery; care to be taken in loading and unloading of stone from stockpiles to minimise spillages and dust emissions; and the loading of trucks at minimum drop heights to avoid excessive falls and spillage of stone. In addition a speed limit of 15mph can be imposed although maximum speeds are likely to be no more than 12mph. The site has the benefit of a mains water supply but would be supplemented by imported water if necessary.

85. Although operations have the potential to generate dust there are unlikely to be significant adverse effects on the surrounding area and appropriate mitigation measures would be put in place to minimise nuisance both to residents and the adjacent land uses. Pollution Control Officers have no objections to the proposed development in terms of dust subject to conditions relating to adherence to the submitted dust action plan, requirement for production of dust management documentation in the event of a complaint, and limiting the number of vehicles being tested at one time to four. Dust monitoring can be required through condition and would seek to address concerns raised by objectors. Given the mitigation measures proposed it is considered that the proposal would have no unacceptable adverse impact on the amenity of nearby residents and other landuses with regard to dust in accordance with CDLP Policy EMP16.

Working hours

86. The quarrying permissions through conditions include measures to protect local amenity including controls on dust, noise and vibration from blasting as well as working hours. Working hours under one of the permissions permits working 06:00 hours to 19:00 hours seven days a week. The second permits working to 06:00 – 19:00 hours Monday to Friday, 06:00 – 13:00 hours Sunday with no working on Bank or other public holidays.
87. When considering proposals for employment use in the countryside the Council must seek to ensure that the proposal would have no unacceptable adverse impact on the amenity of nearby residents or other land uses. The proposed hours of working are extensive and are in excess of those permitted through permitted quarrying activities given evening and night time working is proposed.
88. The applicant states that the ability to operate 24 hours per day 7 days a week is critical to the operation and is required in order to complete the testing in time to have the products ready for market in late 2014. The applicant is of the view that the submitted noise assessment identified that there was potential issue with regard to the ADTs operating in the upper level of the quarry at night time. As a result it is proposed to restrict the operation to the lower level of the quarry in order to ensuring that the noise associated with the proposed operations will be maintained within acceptable noise limits agreed with Pollution Control Officers. The applicant therefore does not consider that there is any need or reason to amend or restrict the proposed hours of operation. Pollution Control Officers consider that the noise levels proposed would be acceptable.

Landscape and visual impact

89. The site is well screened from view by means of well established hedges and trees along the southern boundary as well as vegetated screening mounds along the northern and western boundaries with intermittent hedges and trees and along the eastern boundary. Restricted views into the quarry can be gained from the site entrance. The proposed testing would take place within the existing quarry below

ground level, approximately 15m in depth in the eastern section and 40m in the western part of the site.

90. Lighting is proposed to illuminate the area around the proposed portable building, this would be mobile lighting towers directed internally and shrouded to prevent glare and spillage from the site. In addition there would be headlights on the vehicles used in times of diminishing light. In accordance with CDLP Policy EMP16 it is considered that there would not be an unacceptable adverse impact on the character and appearance of the countryside. Details of lighting would be required through condition.

Conservation interests

91. The Shadforth Conservation Area lies approximately 550m east of the site and the Old Cassop Conservation Area is approximately 600m to the west. Given the nature of the proposal and the visual impact of the works it is not considered that there would be an impact upon the character, appearance, significance, setting or views to and from, the nearby designated heritage assets. The proposal would not therefore conflict with CDLP Policy E22.

Biodiversity interests

92. The Proposals Map for the CDLP identifies the existence of a Site of Nature Conservation Importance immediately adjacent to Witch Hill Quarry. This is the Silent Bank (Road Verge) Local Wildlife Site (LWS) safeguarded under CDLP Policy E18. The Shadforth Dene Local Wildlife Site (LWS) lies 370 to the north east.
93. Given the nature of the proposed development and location of the LWSs in terms of distance and location especially in the case of the Silent Bank (Road Verge) Local Wildlife Site is not considered that the proposal would be prejudicial to the promotion and protection of nature conservation interests and would not be detrimental to their nature conservation interest and therefore accords with CDLP Policy EMP16 and E18.

Access and traffic

94. Access to the site would be off the existing access off the road A181. No improvements to the existing access are proposed with the exception of the repair or replacement of the existing access gate and new barrier.
95. The ADTs would be delivered by low loader from the Caterpillar factory in Peterlee with the maximum number of trucks delivered to the site being 20 per week (40 low loader movements per week). A traffic management system is proposed whereby trucks being delivered to the site would approach on the eastbound carriageway from the direction of Durham City and trucks dispatched from the site would turn left out of the site and travel in an easterly direction towards Peterlee. This seeks to ensure that no vehicles cross either the east or west bound carriageways when entering or exiting the site via the existing access.
96. Concerns have been raised by objectors regarding the impact on the proposal on highway matters which have been considered by Highway Officers. The approach speeds to the Strawberry Hill Farm access have been measured at 40mph (85%tile 2008). Speeds will increase as a result of the dual section of carriageway east bound, however the gradient is uphill and this is a restricting factor for larger vehicles. Slow moving vehicles in the nearside lane are not uncommon on this stretch of highway. The previous quarry use would have required such operation and the use of Strawberry Farm itself will equally require such operation.

97. Specific comments have been made to the speeds. Officers cannot agree that the 85%tile speed would be 75mph (120kph) as suggested by the objector. Assuming a 85%tile speed of 50mph for vehicles in the nearside lane, a safe stopping distance of 114m would be acceptable. This is easily achievable with forward visibility in the region of 150m. (This has been calculated on a deceleration rate of 3.43m/s which is an acceptable parameter for this type of highway).
98. Officers accept that a transporter will be a slow moving vehicle when entering the quarry site. However, because the highway is dual carriageway throughout this length it will be possible for traffic to overtake any slow moving vehicle in the offside lane.
99. The objector suggests that a transporter will need to cross to the offside lane when leaving the development. This manoeuvre may be possible in the nearside lane, however, should a driver move into the offside lane stopping sight distances are such that vehicles approaching would be able to take appropriate action and reduce speed.
100. Concerns are raised about use of the cross over point (central gap). It is assumed that the cross over point has been established to accommodate vehicles entering and leaving the previous quarry operation. This is not a provision to accommodate 'u' turning traffic. The transporters would be used on a very infrequent basis to deliver plant and the access is to be operated on a left in/ left out basis. There should be no reason for vehicles approaching from the east to turn right into the quarry. Officers agree that this manoeuvre is undesirable and should it be likely the applicant can be conditioned to prevent use in that way. Signage can be required to do this.
101. The traffic generated from the proposal is unlikely to result in any real noticeable change in operating conditions on the local road network and the road is capable of accommodating such vehicles. The proposals would therefore not be detrimental to highway safety, nor would it have a significant affect on the amenity of occupiers of neighbouring property. The proposal therefore accords with CDLP Policies EMP16 and T1.

Hydrology

102. The proposed working area lies on the Magnesian Limestone Aquifer, is within a groundwater vulnerability area and within a Source Protection Zone associated with six public water abstraction boreholes the closest being some 10km to the south east. The site is located within Flood Zone 1 and within the Coal Mining Standing Advice Area. Given the nature of the proposal a Flood Risk Assessment was not considered to be required and was not requested by the Environment Agency. The quarrying planning permissions contain conditions controlling the storage of potentially polluting liquids as well as measures to ensure there are no adverse impacts on adjoining land and water course.
103. The Environment Agency has no objections to the proposal and does not consider the imposition of any conditions necessary. In accordance with CDLP Policy EMP16 the proposal would have no adverse impact upon the water environment.

Other matters

104. Although it is appreciated that the site is an inactive quarry and quarrying may resume at some point in the future, there are concerns with the compatibility of the proposal with the neighbouring Strawberry Hill Camping and Caravan Park. The impact on the adjacent business needs to be balanced against the benefits of the current proposal.

105. For a temporary period of 3 years the current proposal would result in the retention of 12 full time jobs and creation of 3. The proposal would assist in the new-product engineering activity of an international company manufacturing the vehicles in County Durham with further employment in their actual production and contribute to the wider economy both nationally and locally.
106. Strawberry Hill Camping and Caravan Park, established in 2002, has developed in the period since working ceased at the quarry in 2005 and has a four star rating and National Rose Awards. There has been much investment made and there are plans to develop further in that planning permission was granted in 2010 for change of use of 13 touring caravan pitches to provide 15 seasonal static lodges/twin caravan units. The site will make a contribution to the local economy and the concerns expressed by the owner regarding the impact on his business are acknowledged.
107. The noise assessment undertaken indicates that the proposal can operate 24 hours a day 7 days a week within acceptable noise levels. There are no objections from Pollution Control Officers given the predictions are based on a 'worst case scenario' and would be within acceptable guidelines. Conditions can be imposed to control noise levels, to restrict the testing area of the vehicles during night time as well as requiring dust mitigation measures to be put in place. The potential impact of the proposals on the camping and caravan business is of great concern to the site owner and the local Councillors.

CONCLUSION

108. Witch Hill Quarry is a long standing mineral site with a planning history dating from 1947 and 1971 that extends to 2042. Although inactive since 2005, quarrying operations can recommence subject to the submission and agreement by the Council of a number of schemes.
109. The proposed testing of ADTs at an existing quarry is a suitable temporary use given that the vehicles would be tested in an environment in which they would be used, an environment where more extensive operations can take place (such as mineral extraction and blasting). The operator of Witch Hill Quarry has no immediate plans to recommence quarrying and the current proposal would have no adverse impact upon the mineral reserves within the quarry.
110. The applicant has a need for further testing of products sold world wide and it is the nature of the testing that 24 hour working is required to maintain investment in innovation and new product development. The applicant is a significant major employer within the County with a world wide market base..
111. The impact on the adjacent caravan and camping business has been considered. Although there may be a perceptible increase in the noise levels , conditions can be imposed in relation to matters such as noise, dust and traffic movements to provide the requisite environmental protection and control.
112. Given the location of the Local Wildlife Sites it is not considered that the proposal would have an adverse impact upon them nor wildlife in the wider area. Nor would there be adverse impact on conservation interests including the Shadforth and Old Cassop Conservation Areas.
113. The proposal has generated some public interest and representations reflect the issues and concerns of the local resident and business most directly affected by the proposed development. Impacts upon the amenity of nearby residents and landuses

associated with noise and dust would be controlled through the implementation of appropriate mitigation measures and planning conditions. Traffic issues surrounding the proposal have been considered and it is considered that there would be no detriment to the local highway network. Conditions can control the number of HGVs entering the site.

114. The proposal would accord with relevant Development Plan policies and in accordance with core principles of the National Planning Policy Framework the proposal is sustainable economic development that would deliver business needs and respond to wider opportunities for growth in an environmentally acceptable way.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions

Approved documents

1. The development hereby approved shall only be carried out in accordance with the following documents subject to matters subsequently agreed under Condition **.
 - a) Drawing No. NT1223-002 (September 2012) – Location Plan
 - b) Drawing No. NT1223-003 (September 2012) – Application Boundary
 - c) Drawing No. NT1223-004 (July 2012) – Proposed Haul Routes
 - d) Annotated Drawing showing locations for car parking and parking/maintenance area for trucks (date stamped 02 Oct 2012)
 - e) Dust Action Plan submitted with letter from Sherburn Stone to Durham County Council dated 25 September 2012.
 - f) Document entitled 'Noise Assessment Report SS/WHQ/NA/08/12 dated 25 September 2012'.

Reason: To ensure the development is carried out in accordance with the approved documents and ensure a satisfactory form of development having regards to City of Durham Local Plan Policies E7, EMP16, E18, E22 and T1.

2. From the commencement of the development until the expiry of this permission, a copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be on display in the site offices and be made available to all persons with responsibility for the site's management.

Reason: To ensure the development is carried out in accordance with the approved documents and ensure a satisfactory form of development having regards to City of Durham Local Plan Policies E7, EMP16, E18, E22 and T1.

Matters requiring subsequent approval

3. Details of the following shall be submitted to and approved in writing by the Local Planning Authority and be implemented prior to the commencement of the use hereby approved:
 - a. Ramp to be created.
 - b. Any fencing to be erected.
 - c. Gate and security barrier.
 - d. Signage to be erected including signs to advise drivers not to use the cross over point over the A181.
 - e. Illumination to be used on site, designed to avoid light spill into the surrounding countryside.
 - f. Portacabin to be erected.

- g. Demarcation of testing routes as identified on Drawing No. NT1223-004 (July 2012) – Proposed Haul Routes.
- h. Demarcation of parking and maintenance areas as shown on Annotated Drawing showing locations for car parking and parking/maintenance area for trucks (date stamped 02 Oct 2012)
- i. Any areas of hardstanding to be created.

Reason: To ensure the development is carried out in accordance with the approved documents and ensure a satisfactory form of development having regards to City of Durham Local Plan Policies E7, EMP16, E18, E22 and T1.

Commencement

4. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

5. At least seven days notice of the date of commencement of the development shall be given, in writing, to the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the approved documents and ensure a satisfactory form of development having regards to City of Durham Local Plan Policies E7, EMP16, E18, E22 and T1.

Completion

6. The use of the site for the testing or articulated dump trucks shall cease by no later than 3 years from the date of this permission.

Reason: To accord with the terms of the planning permission and to avoid unnecessary delay in the cessation of the use of the site having regards to City of Durham Local Plan Policies E7, EMP16, E18, E22 and T1.

Site working

7. No winning and working of minerals shall take place at the site during the life of this planning permission.

Reason: To ensure the development is carried out in accordance with the approved documents and ensure a satisfactory form of development having regards to City of Durham Local Plan Policies E7, EMP16 and T1.

8. No processing of minerals shall take place on site.

Reason: To accord with the terms of the planning permission and in the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

9. No more than 4 articulated dump trucks shall be tested at one time.

Reason: To accord with the terms of the planning permission and in the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

10. Vehicle parking and maintenance shall only take place in the locations identified on the approved Annotated Drawing showing locations for car parking and parking/maintenance area for trucks (date stamped 02 Oct 2012).

Reason: To accord with the terms of the planning permission and in the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

11. The blue haul route shown on Drawing No. NT1223-004 (July 2012) – Proposed Haul Routes shall only be used during the hours 07:00 to 22:00 hours. The red haul route shown on Drawing No. NT1223-004 (July 2012) – Proposed Haul Routes shall only be used during the hours 22:00 to 07:00 hours.

Reason: To accord with the terms of the planning permission and in the interests of residential amenity having regards to City of Durham Local Plan Policies E7, EMP16.

12. No waste materials or mineral shall be imported to the site.

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of residential amenity having regards to City of Durham Local Plan Policies E7, EMP16, E18, E22 and T1.

13. No burning shall take place at the site.

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of residential amenity having regards to City of Durham Local Plan Policies E7, EMP16, E18, E22 and T1.

14. No activities shall take place at any time on Bank, or other public holidays, save in cases of emergency when life, limb or property are in danger. The Local Planning Authority shall be notified as soon as practicable after the occurrence of any such occurrence.

Reason: In the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

Access and protection of the public highway

15. Vehicular access to and from the site shall only be via the approved site access onto Road A181 as shown on Drawing No. NT1223-003 (September 2012) – Application Boundary.

Reason: In the interests of highway safety having regards to City of Durham Local Plan Policies E7, EMP16 and T1.

16. The site access road shall be kept clear of mud and debris such that no material will be deposited on the public highway.

Reason: In the interests of highway safety having regards to City of Durham Local Plan Policies E7, EMP16 and T1.

17. The total number of heavy goods vehicles associated with the development hereby approved entering and leaving the site shall total no more than 40 per week. A record of all goods vehicles entering and leaving the site shall be maintained by the operator and a certified copy of this record shall be afforded to the Local Planning Authority within 2 working days of such a request.

Reason: In the interests of highway safety having regards to City of Durham Local Plan Policies E7, EMP16 and T1.

Site maintenance

18. From the commencement of the development, until cessation of the use of the site hereby by permitted the following site maintenance operations shall be carried out:

- (a) the maintenance of all fences;
- (b) the maintenance of all the hard surfaced access roads within the site, over which licensed road vehicles operate, clean from mud and ponding;
- (c) the maintenance of external lighting

Reason: To ensure the development is carried out in accordance with the approved documents having regards to City of Durham Local Plan Policies E7 and EMP16.

Noise

19. Noise emitted as a result of the development hereby approved shall not exceed 49dB LAeq, 1Hr during the hours 07:00 to 19:00 (daytime), 47dB LAeq, 1Hr during the hours 19:00 to 22:00 (evening) and 41 dB LAeq, 1Hr during the hours 22:00 to 07:00 (night-time) as measured at locations to be agreed in accordance with Condition 20.

Reason: In the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

20. Monitoring of noise levels shall be undertaken at the site in accordance with a scheme to be agreed in writing with the Local Planning Authority prior to the commencement of the use hereby permitted. Monitoring shall take place during the hours 07:00 to 19:00 (daytime), 19:00 to 22:00 (evening) and 22:00 to 07:00 (night-time), in each case when site equipment is operating normally. The details agreed shall include exact location(s) of noise monitoring points. (The locations of noise monitoring points should be chosen so as to ensure that the possibility of off-site noise affecting measurements is reduced to a minimum.) On request, the operator shall, without undue delay furnish the Local Planning Authority with the particulars of the measurements recorded and the plant and equipment operating on the site at the time.

Reason: In the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

21. No plant or machinery shall be used on site unless it is fitted with an effective silencer and has the doors or cowls of its engine(s) in the closed position. Pumps or generators at semi permanent or permanent locations shall be screened by acoustic barriers where appropriate. Plant shall have acoustic operated reversing warning devices that when they operate are not characterised by any dominant frequency.

Reason: In the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

22. The details of reversing warning devices to be fitted to plant and machinery shall be agreed in advance with the Local Planning Authority and only the approved devices shall be used.

Reason: In the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

23. The use of reversing alarms shall be prohibited during 19:00 to 22:00 (evening) and 22:00 to 07:00 (night-time).

Reason: In the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

24. All plant, machinery and vehicles used in association with the development shall be effectively silenced at all times in accordance with the manufacturers' recommendations.

Reason: In the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

Dust

25. Dust control equipment shall be used at all times to suppress dust on the site arising from all operations. At such times when the equipment provided and the provisions in the approved Dust Action Plan are not sufficient to suppress dust arising from the site, operations shall cease until additional equipment is provided and found to be adequate.

Dust suppression measures employed may include:

- i) the provision of mobile water bowsers and road sweepers;
- ii) the use of dust filters on all fixed plant and machinery;
- iii) a speed limit of 15 mph on all internal haul roads including the access track to the Road A181, with no plant having exhausts pointing downwards;
- iv) watering of haul roads during dry, windy weather conditions;
- v) Mitigation measures listed in Section 6 'Mitigation and Noise Control' of the document entitled 'Noise Assessment Report SS/WHQ/NA/08/12 dated 25 September 2012'

Reason: In the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

26. The Dust Action Plan submitted with the application shall be incorporated into the daily operation of the site. Should complaints of dust be received by the Authority then copies of documentation relating to dust management shall be made available upon request.

Reason: In the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

27. Monitoring of dust levels shall be undertaken at the site in accordance with a scheme to be agreed in writing with the Local Planning Authority prior to the commencement of the use hereby permitted. On request the operator shall, within two working days, furnish the Mineral Planning Authority with the particulars of the measurements recorded.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity having regards to City of Durham Local Plan Policies E7 and EMP16.

28. The portable building, lighting, barrier and signage erected in accordance with Condition 3 shall be removed from the site upon the completion of the use if the site in accordance with Condition 6.

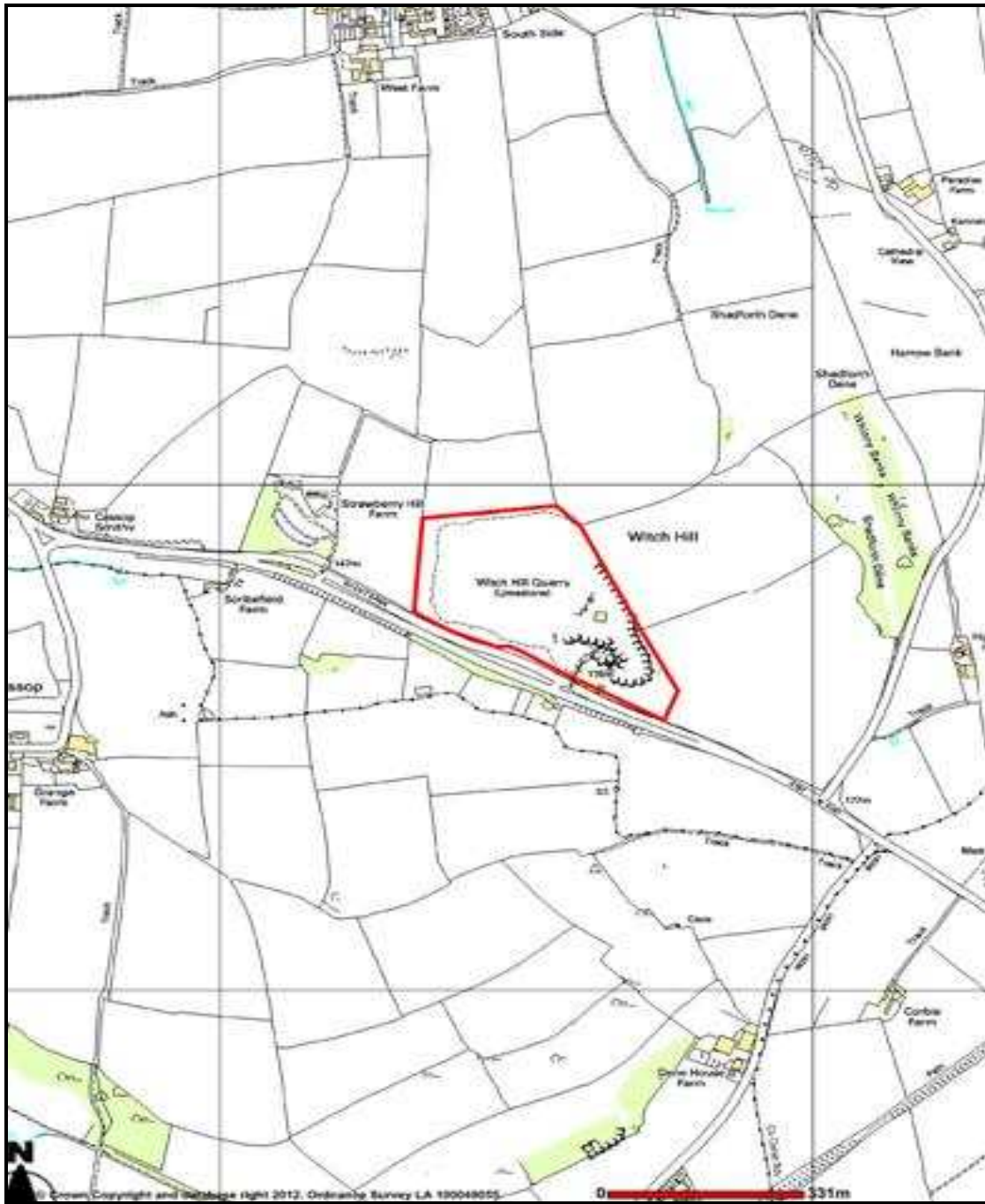
Reason: To ensure the development is carried out in accordance with the approved documents and ensure a satisfactory form of development having regards to City of Durham Local Plan Policies E7, EMP16, E18, E22 and T1.

REASONS FOR THE RECOMMENDATION

- i. The proposed development is considered acceptable having regard to the following development plan policies City of Durham Local Plan Policies E7, EMP16, E18, E22 and T1. In particular the development was considered acceptable having regard to consideration of issues of the principle of the development, the impact upon amenity of nearby residents and other landuses (noise, dust and working hours), landscape and visual impact, conservation interests, biodiversity interests, access and traffic, hydrology and other matters.
- ii. The stated grounds of objection concerning impact on a neighbouring business and tourism, residential amenity, highways matters and biodiversity are not considered sufficient to lead to reasons to refuse the application because the application site is an established quarry whereby activities involving the use of such vehicles is permitted. It is considered that the proposal would not be significantly detrimental to the appearance of the area or to amenity of nearby residents and other landuses (noise, dust and working hours), landscape and visual impact, conservation interests, biodiversity interests, access and traffic, hydrology and can be adequately controlled through conditions and appropriate mitigation measures where necessary.

BACKGROUND PAPERS

- Submitted application forms and plans and subsequent information provided by the applicant.
- National Planning Policy Framework (2012)
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008.
- City of Durham Local Plan (2004).
- Statutory, internal and public consultation responses.



CMA/4/87

Temporary use of Witch Hill Quarry, Shadforth for 3 years for the testing of articulated dump trucks



Planning Services

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Comments

Date October 2012

Scale
Not to scale