

UPDATE

Committee Date: 15 December 2022

Planning application nos.

SL/2021/0626 & SL/2021/0630

Haweswater Aqueduct Resilience Programme (HARP)

1.0 Working hours

Discussion

- 1.1. As explained in the main Committee reports on today's agenda, the Yorkshire Dales National Park Authority has received a separate planning application from United Utilities for that part of the Swarther section of HARP that comes under its control as local planning authority. YDNPA's application has been registered under reference S/10/18. Officers from YDNPA and SLDC have been working closely on the Swarther section of HARP to ensure a consistency in approach. As a result, insofar as appropriate, the recommended obligations and conditions on applications S/10/18 (YDNPA) and SL/2021/0630 (SLDC) are essentially the same.
- 1.2. YDNPA's Planning Committee resolved to approve its application last week, accepting for the most part the recommended planning obligations and conditions. However, it did give officers delegated authority to negotiate with United Utilities a reduction to the proposed working hours to further mitigate the impact on local amenity, amending the relevant condition accordingly. YDNPA's Members suggested working hours of 0730 – 1800 Monday to Friday and 0830 – 1300 on Saturdays, a reduction from the recommended 0700 – 1900 Monday to Friday and 0700 – 1300 on Saturdays.

- 1.3. Officers from both authorities have pursued this matter further and United Utilities, has now agreed the reduced working hours, albeit on the understanding that this would not affect the arrival and departure of shift workers. That is not an unreasonable position; the main benefit from reducing the working hours will be to limit the impact of HGV movements. Officers at YDNPA have confirmed that they now intend to grant planning permission incorporating the reduced working hours set out above.

Recommendation

- 1.4. As a result of this further negotiation, and to, ensure that any separate planning permissions issued by YDNPA and SLDC remain consistent, it is recommended that the proposed working hours condition on each of the two applications on today's agenda is amended as follows:

SL/2021/0626

Condition (16): Other than tunnelling and essential above-ground activities within the Tebay Road and Kinn Road compounds to support tunnelling operations, no other work associated within the construction phase of the development hereby approved (excluding the connection phase) shall occur outside the hours of 0730 – 1800 Monday to Friday or 0830 – 1300 on Saturdays, nor at any time on bank holidays, and then only during daylight hours unless working by artificial light is essential. Any artificial lighting must be installed and operated in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority. For the avoidance of doubt, there shall be no deliveries to, or export of waste from, the two compounds by HGVs outside of the hours prescribed above.

Reason: In the interests of safeguarding the amenity of the area in accordance with Policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the Development Management Policies Development Plan Document.

SL/2021/0630

Condition (18): Other than tunnelling and essential above-ground activities within the Beela and Stangana compounds to support tunnelling operations, no other work associated within the construction phase of the development hereby approved (excluding the connection phase) shall occur outside the hours of 0730 - 1800 Monday to Friday or 0830 – 1300 on Saturdays, nor at any time on bank holidays, and then only during daylight hours unless working by

artificial light is essential. Any artificial lighting must be installed and operated in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority. For the avoidance of doubt, there shall be no deliveries to, or export of waste from, the two compounds by HGVs outside of the hours prescribed above. Nor shall there be any work on the construction of the off-site highway works outside of these hours.

Reason: In the interests of safeguarding the amenity of the area in accordance with Policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the Development Management Policies Development Plan Document.

2.0 Environment Agency comments (SL/2021/0626)

- 2.1. The final comments from the Environment Agency for application SL/2021/0626 (dated 14 April 2022) have been omitted from the report in error. They are published online, but have been appended in full to this update for Members' convenience.
- 2.2. The Environment Agency has been closely involved in HARP from its inception and every one of its residual concerns are covered by a condition or an obligation in the recommendation, based upon wording the Environment Agency has provided.