

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

7 February 2017

**C3/16/01918/CPO - Planning Application for the purposes of the erection of a Green Energy Facility (6,342 sq. metres) (energy from waste via gasification), office reception building (91 sq. metres), substation & switchroom (39 sq. metres), air cooled condenser (195 sq. metres), installation of a weighbridge, earthworks, 20 car parking spaces, extension to internal access road, landscaping and associated infrastructure, including a local connection via underground cable (340 metres) to the 11kv grid via a proposed substation at land south of Knapton Quarry/landfill as well as an underground connection (option 1: 5.26 km and option 2: 8.25km) to the 66kv grid via the primary substation at Yedingham on land to the south of Knapton Quarry landfill site, Knapton, YO17 8JA
on behalf of Knapton Green Energy (Tetragen (Knapton UK) Ltd & NCG Estates) (Ryedale District) (Thornton Dale and the Wolds Electoral Division)**

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To consider a recommendation for a site visit in respect of a planning application for the erection of a Green Energy Facility (6,342 sq. metres) (energy from waste via gasification), office reception building (91 sq. metres), substation & switchroom (39 sq. metres), air cooled condenser (195 sq. metres), installation of a weighbridge, earthworks, 20 car parking spaces, extension to internal access road, landscaping and associated infrastructure, including a local connection via underground cable (340 metres) to the 11kV grid via a proposed substation at land south of Knapton Quarry/Landfill as well as an underground connection (Option 1: 5.26 km and Option 2: 8.25km) to the 66kV grid via the primary substation at Yedingham on land to the South of Knapton Quarry Landfill Site, Knapton, YO17 8JA on behalf of Knapton Green Energy (Tetragen (Knapton UK) Ltd & NCG Estates).
- 1.2 Members are advised that this report it is not the substantive report for the purpose of the determination of the planning application. This report enables Members to be appraised of the detail of the application and the outcome of consultation and public engagement in the application and will facilitate Members' understanding of the application in advance of any potential visit to the application site should Members resolve to undertake such a visit prior to any subsequent determination of the application.
- 1.3 As this application is the subject of unresolved objections, in accord with the County Council's adopted Officers' Scheme of Delegation within Schedule 4 of the Constitution, the application will be brought before Members of this Committee for determination at a future meeting.

1.4 A summary of the objections received is contained within paragraph 5.4 of this report.

2.0 Background

Site Description

- 2.1 The application site lies on the Yorkshire Wolds approximately 10 kilometres to the east of Malton and south of the A64 Malton to Filey trunk road. The application site is 4 hectares of land to the south of the former quarry and active landfill which is a long established 10 hectare site on the north facing, downhill slope with Knapton Wood at a higher level to the south. Knapton Quarry Landfill site currently receives 75,000 tonnes of active waste per annum which is deposited within the existing landfill cells. The site also receives circa 25,000 tonnes of waste which is recycled. The site access road is off the A64 and runs in a north-south direction uphill to the site entrance to the landfill and waste transfer station.
- 2.2 The application site is undeveloped greenfield agricultural land in an open countryside location on the north facing scarp of the Yorkshire Wolds on the southern flank of the Vale of Pickering. The dominant land use of the surrounding area is open farmland and woodland. The site falls within an Area of High Landscape Value as defined by the Ryedale Local Plan (2013). The application site itself is not located within, or immediately adjacent to a wetland, coastal zone, mountain and forest area, nature reserve and park, a designated area (such as SSSI, SPA/SAC, RAMSAR, AONB), a densely populated area or a landscape of historical or cultural significance. The site has potential for some archaeological significance.
- 2.3 The villages of West and East Knapton are to the north west, Wintringham to the south-west and West Heslerton to the east. There are no residential properties within close proximity of the application site. The nearest residential properties are beyond Knapton Wood approximately 750 metres to the south east. A caravan and camping site is also located approximately 850 metres to the south-east.
- 2.4 Public bridleway number 25.81/15/1 is approximately 500 metres to the west and public bridleway number 25.81/24/1 runs 250 metres to the south of the application site (separated by Knapton Wood). The Wolds Way National Trail runs in an east-west alignment which at its closest point is approximately 290 metres to the south of the application site (also separated by Knapton Wood).
- 2.5 The site lies in flood zone 1 (low risk) and located on the Chalk (Principal aquifer) but is close to the boundary with the Speeton Clay Formation (unproductive strata). The site is not located within a Source Protection Zone and there are no licensed abstractions in the vicinity.
- 2.6 A plan showing the application site is attached to this report at Appendix A.

Planning History

- 2.7 There is no planning history applicable to the proposed development site aside from a 'Screening Opinion' (ref. NY/2016/0085/SCR) that was issued by the Authority on 20 July 2016 under Regulation 5 of the Town and County Planning (Environmental Impact Assessment) Regulations 2011. The 'Screening Opinion' stated that the proposed Green Energy Facility has the potential to have significant impacts upon the environment and therefore any future planning application for the development should be accompanied by an Environmental Statement.

- 2.8 The planning history of the adjacent former quarry/active landfill and waste a management site is of relevance and is summarised in the following paragraphs.
- 2.9 Having lain dormant for a number of years Knapton Quarry recommenced working in 1966. The planning history for the site shows that permission ref. P/939 was granted for extraction in October 1966 and permission ref. P/939A was granted for extraction in June 1970. The applicant and operator at the time was R R Butler.
- 2.10 On 16 December 1976 planning permission ref. C3/114/12 was granted for the erection of building for the manufacture of concrete products at Knapton Quarry. The applicant and operator at the time was Knapton Gravel Co.
- 2.11 On 18 April 1979 planning permission ref. C/3/114/12A/PA was granted for the tipping of waste (inert) at Knapton Quarry. The applicant and operator at the time was R R Butler.
- 2.12 On 13 April 1984 planning permission ref. C3/114/12C was granted for extraction and tipping at Knapton Quarry. The applicant and operator at the time was B Doughty.
- 2.13 On 12 September 1984 planning permission ref. C3/114/12D was granted for tipping at Knapton Quarry. The applicant at the time was B Doughty.
- 2.14 On 8 February 1988 planning permission ref. C3/114/12E was granted for a building at Knapton Quarry. The applicant at the time was Knapton Quarry and Skip Hire.
- 2.16 On 27 March 1991 planning permission ref. C3/114/12F/FA was granted for an extension to the existing quarry and restoration of the whole site to agriculture by landfill operations. The applicant and operator at the time was Ray Owen Waste Disposals. The permission authorised the disposal of non hazardous domestic, commercial and industrial waste in engineered landfill containment cells.
- 2.17 On 3 February 1998 planning permission ref C3/97/00706 was granted for the demolition of an existing building and construction and operation of a waste transfer and recycling centre at Knapton Quarry, East Knapton. The applicant and operator at the time was Owen Environmental Services.
- 2.18 On 7 January 2002 planning permission ref. C3/114/12G/FA was granted for an extension to the existing chalk quarry with restoration by infilling at Knapton Quarry until 14 March 2035 (Condition 2 on the planning permission). The planning permission includes 49 planning conditions. The applicant and operator at the time was Ray Owen Waste Disposal. This is the permission the subject of this application.
- 2.19 On 18 September 2003 planning permission ref. C3/02/01200/CPO was granted for the demolition of an existing building and construction of a new building for the purposes of the operation of a waste transfer and recycling centre at Knapton Quarry and Landfill site, East Knapton. The permission has been implemented and the waste transfer and recycling centre is operational. Condition 4 on the permission authorized the vehicular movement of waste or soils to or within the site only between 0730 and 1730 hours Mondays to Fridays and 0730 and 1300 hours Saturdays with no working on Sundays or Bank and Public Holidays. The applicant and operator at the time was F D Todd & Sons Ltd.

- 2.20 On 6 June 2008 planning permission ref. C3/08/00235/CPO was granted for the erection of a building for the pre-treatment of waste prior to final disposal and provision of new weighbridge at Knapton Quarry, Knapton. The application also included the provision of new weighbridge facilities and improved circulation around the access to the site. The applicant and operator at the time was F D Todd & Sons Ltd. The permission has been implemented insofar as the weighbridge has been constructed however the permitted extension to the existing building has not yet been constructed.
- 2.21 On 30 September 2009 planning permission ref. C3/09/00833/CPO was granted for the variation of condition 4 of Planning Permission C3/02/01200/CPO to allow for extended hours of operation of the Waste Transfer and Recycling Building on land at Knapton Quarry Landfill Site, East Knapton, Malton. Condition 3 on planning permission ref. C3/09/00833/CPO authorises vehicular movement of waste or soils to or within the site only between 0730 and 2200 hours Mondays to Fridays and 0730 and 1600 hours Saturdays and Sundays. The applicant and operator at the time was F D Todd & Sons Ltd.
- 2.22 On 24 November 2016 planning permission ref. C3/12/00997/CPO was granted for the variation of condition No. 3 of planning permission reference C3/114/12G/FA to allow for revised final restoration details at Knapton Quarry Landfill, East Knapton, Malton. The planning permission authorises infilling with imported waste until 14 March 2035 and restoration of the land by 14 March 2037. The landfill operator states that they are expected to stop receiving landfill waste in 2017. Landfill restoration works will continue at the site. The permission requires that the landfill site is restored to a long term biomass cropping and permanent woodland after use. The permission is subject to a Section 106 legal agreement dated 23 November 2016 in relation to long term restoration management and aftercare (25 years).
- 2.23 The extant permissions for the adjacent site are references C3/12/00997/CPO (landfill), C3/08/00235/CPO (pre-treatment of waste building & weighbridge) and C3/09/00833/CPO (waste transfer and recycling building). The planning permissions for the pre-treatment of waste building & weighbridge and the waste transfer and recycling building include conditions which only permit the use of the buildings until the completion of the associated tipping operations after which they shall be removed and the land restored.

3.0 The proposal

- 3.1 Planning permission is sought for the erection of a Green Energy Facility (6,342 sq. metres) (energy from waste via gasification), office reception building (91 sq. metres), substation & switchroom (39 sq. metres), air cooled condenser (195 sq. metres), installation of a weighbridge, earthworks, 20 car parking spaces, extension to internal access road, landscaping and associated infrastructure, including a local connection via underground cable (340 metres) to the 11kV grid via a proposed substation at land south of Knapton Quarry/Landfill as well as an underground connection (Option 1: 5.26 km and Option 2: 8.25km) to the 66kV grid via the primary substation at Yedingham on land to the South of Knapton Quarry Landfill Site, Knapton, YO17 8JA on behalf of Knapton Green Energy (Tetragen (Knapton UK) Ltd & NCG Estates).
- 3.2 The application is accompanied by an Environmental Statement that reports on the results of the EIA and assesses the significance of any potential impact of the proposed development in relation to the following:- Socio-Economic Issues, Landscape Visual Impact, Air Quality and Odour, Noise, Archaeology & Cultural

Heritage, Traffic and Transportation, Ecology, Ground Conditions and Flood Risk and Hydrology.

- 3.3 The proposed Green Energy Facility (GEF) would be a single purpose built building comprising a waste reception hall, gasification plant and steam turbine generation equipment. An air cooled condenser for recovering water from the steam generation process is proposed adjacent to the south west corner of the GEF building.
- 3.4 The GEF building would measure 56 metres in width and 109 metres in length and would have a stepped roof design (curved): the higher part to accommodate the gasification plant area and the lower being the waste reception area. The roof height over the gasification plant reaches a maximum height of 23 metres. The roof height over the waste reception area bay reaches a maximum height of 13.5 metres. The building would also accommodate a 1 metre diameter emissions stack with an overall height of 33m. The applicant states "*The building will be faced predominantly in rain screen cladding, in a range of mid grey and dark green colours selected to integrate the building with the local environment. Other materials, e.g. timber cladding provide some visual relief and interest to the building*". Please refer to Appendices C & D.
- 3.5 The air cooled condenser would have a gross external area of a maximum of 200 square metres. It would be 10 metres in width and 20 metres in length and would reach a maximum height of 21 metres.
- 3.6 Within the northern portion of the Site a new small substation and reception/weighbridge building is proposed. The reception/weighbridge building will control the incoming and outgoing traffic and provide an office, meeting room and welfare facilities for staff and visitors. A visitor car park will be located adjacent to the reception building. The waste reception/weighbridge building will have a gross external area of 91.2 square metres and extend to 5.5 metres in height. 5.7m by 16m in size and reach a maximum height of 5.5 metres. This building, like the main GEF building, would have a curved roof design and similar materials.
- 3.7 The electricity generated by the GEF will be transmitted to the local 11kV grid via a substation at the Site and then to the local area grid (66kV) at the existing Yedingham Primary Substation (1 km south of the village of Yedingham and 3.4km north east of the Site).The application details show two potential cable route options to connect the Proposed Development to the Yedingham Primary Substation. Option 1 is to lay the cable to the east along the verge of the A64 before directing it north along the verge of the Malton Road (B1528) and south at Yedingham along station road to the substation itself. Option 2 is to lay the cable in a western direction along the verge of the A64 before directing the cable north along the verge of Station Road to the substation.
- 3.8 In addition 20 car parking spaces are proposed, 10 of which are located within the southern portion of the Site adjacent to the GEF. 10 are located within the northern portion of the Site adjacent to the reception/weighbridge building.
- 3.9 The proposed GEF would receive and consume circa 65,000 tonnes of non-recyclable, primarily non-fossil fuel derived, waste ('Fuel') per annum from the adjacent sorting and treatment facilities at the Knapton Quarry. In order to supply the 65,000 tonnes of Fuel to the GEF it is estimated that Knapton Quarry will receive around 80,000 tonnes of source waste material per annum. This waste will go through a pre-treatment process at Knapton Quarry where recyclable materials such as glass and metals will be extracted. These recyclable materials will leave the Knapton

Quarry site as part of the ongoing waste sorting operations at Knapton Quarry. The sorted waste will then be passed through shredders to ensure the RDF is of optimal consistency before being delivered to the GEF. The GEF would produce 8 MW of electricity equivalent to powering circa 16,000 homes a year. The GEF will be designed to be “CHP-ready” i.e. to be easily re-configured to supply heat to match local demand. The Applicants are currently exploring the potential to transmit surplus renewable heat and energy generated by the facility to local energy intensive businesses including the nearby Maltings.

- 3.10 The application states that *“The Proposed Development represents a more efficient and environmentally sustainable method of disposing of non-recyclable waste than existing operations or other currently available alternatives”*. The GEF will accept waste primarily from many of the same sources as are currently accepted into Knapton Quarry (excluding the municipal, residential and food waste fractions currently comprised in the landfill waste stream) but will be delivered using a reduced number of dedicated vehicles with higher payload capacities.

Traffic

- 3.11 It is proposed that an average of ten 44 tonne HGVs, with a typical payload of 24 tonnes per day will deliver the non-recyclable waste to Knapton Quarry for treatment (20 arrivals and departures per day). Following pre-treatment an internal vehicle will move the Fuel to the GEF. These vehicles will not enter the public highway and are only associated with onsite operations. In addition to the above it is anticipated that there will be a further 10 two way movements per day associated with cars for staff and visitors arriving at the Site. The traffic generated by the proposed development is set out in the table below:

Type of Trip	Average
Number of vehicle movements / working day delivering non-recyclable waste to Knapton Quarry	20
Estimated payload of delivery vehicles	24 tonnes
Estimated number of non-waste vehicles / working day	10
Total vehicle movements / working day	30
<i>Vehicle movement definition. Egress = 1 movement, ingress = 1 movement</i>	

Hours of operation

- 3.12 It is proposed that the facility will receive waste into the reception building during the following hours: Monday to Saturday: 0630 to 1830 and Sunday: 0900 to 1730. No deliveries shall be made outside these hours including Bank Holidays and Public Holidays. The applicant states that *“In order to ensure the facility operates 24 hours a day the GEF will store up to three day’s supply of Fuel within the waste reception area of the GEF building”*.

Landscaping

- 3.13 The applicants’ state that the material extracted during the creation of the development platform will be used to remodel the landform, particularly within the eastern portion of the Site. The applicant states *“It is anticipated that there will be a balance of material between cut and fill operations. The earthworks design and woodland planting together will provide screening and break up the outline of the building when viewed from key vantage points. The landform has been sensitively designed to reflect the existing landscape character. Planting will comprise*

predominantly native species that will filter views to the development and over time assimilate the building into the landscape. The proposed landscape design will also create a range of new habitats including woodland, hedgerows, chalk grassland, and ponds/wetlands that will significantly increase the biodiversity of the area". The applicants also state *"The landform design and associated planting will reinforce existing screening of the GEF by landform and woodland. Where there is little natural screening at present (i.e. predominantly from the east) the proposed landform design and woodland planting will provide a screen to the lower half of the building and associated external areas. As woodland planting matures the screening effect of the landscape proposals will increase"*.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 29 November 2016.

- 4.1 Ryedale District Council (Planning)-** responded on 5 January 2017 and state that their comments are focussed on the siting, scale and design of the proposed building and its impact upon the landscape. Ryedale District Council (Planning) highlight that the application site is located within the Yorkshire Wolds Landscape Character Area, designated as an Area of High Landscape Value. The response makes reference to the requirements of policies SP13 (Landscapes) and SP20 (Generic Development Management Issues) of the Ryedale Plan.
- 4.1.1** The response states that the scale and height of the proposed building represents a significant building in this particular location and within Ryedale and that there are only limited examples of buildings in Ryedale that have heights of 23m notwithstanding the building also having components reaching 33m in height.
- 4.1.2** Ryedale District Council (Planning) state that *"The site is located on the Yorkshire Wolds rising escarpment, giving rise to public viewpoints to the south from the A64 and beyond. There will also be views of the proposal across the Vale of Pickering from settlements and viewpoints on and adjacent to the A170 and from the rising land within the North York Moors. In addition there are reservations about the impact of the proposal upon the network of public footpaths to the east and south of the application site. It is considered that the introduction of the proposed development will not be consistent with the special scenic qualities of the landscape and be contrary to Policy SP13 of the Local Plan Strategy. Although it may be possible to partly mitigate some of this impact through a carefully considered landscaping scheme"*. Ryedale District Council (Planning) also state that *"Furthermore, the scale of the proposed activity in this currently undeveloped rural area will give rise to a significant change in the character and appearance of the area"*.
- 4.1.3** In summary Ryedale District Council (Planning) state that there are significant concerns regarding the scale of the proposed building and its impact upon the landscape and it is considered to be contrary to the requirements of policies SP13 and SP20 of the Ryedale Plan. Ryedale District Council (Planning), do however, acknowledge that there could be significant benefits associated with the scheme and that it is for NYCC to weigh the above comments in the overall planning balance.
- 4.2 Environmental Health Officer (Ryedale)-** responded on 5 January 2017 (observations contained within Ryedale District Council (Planning) response) with comments on air quality and noise.

- 4.2.1 With regard to air quality the EHO notes the applicant's proposals for odour mitigation and the adoption of Standard Operating Procedures. The EHO notes that the processes will be regulated by the Environment Agency and they will have to ensure that the application can achieve all regulatory air quality objectives or their own other specific pollutant environmental limit values, in addition to the control of odours.
- 4.2.2 With regard to noise the EHO notes that the development would operate 24 hours a day and therefore it is critical that the proposed development does not cause noise issues to nearby surrounding sensitive receptors. The EHO states that this is particularly important at the sensitive evening and night times as the road traffic on the A64 reduces significantly on a night time.
- 4.2.3 The EHO notes that the applicant's noise consultant acknowledges that at this stage the number and physical size of significant sources is unknown and therefore notional point source limits are proposed which are then converted to an overall sound power limit at the site. The EHO states that *"in the absence of manufacturers noise data and information regarding the proposed buildings' acoustic properties, noise limits at the surrounding residential receptors were used to derive at source noise limits"*.
- 4.2.4 In noting that the applicant relies on BS4142 in order to derive suggested receptor noise levels and relies on the reduction of a partly open window to give a reduction of 10-15dbLA the EHO states *"Due to the issue of having an absence of manufacturer's noise data and information regarding the proposed buildings acoustic properties or the number and size of noise sources, there is some logic in using this approach as a starting point in designing the facilities to achieve a certain acoustic standard. The approach is however too simplistic for dealing with this application and setting planning conditions based on these levels. The proposed development will have a number of sources of noise. The levels are likely to fluctuate depending on temperature, loading etc. There is no assessment of any anticipated tonal characteristics that maybe audible. The suggested Receptor Noise Limits are in some cases still significantly higher than the measured existing background noise levels e.g. the proposed Receptor Noise Limit for Position 3 (West Wold Farm and Wolds Way Caravan and Camping site) is 12dbLA above the background. The reduction afforded by a partially open window will be of no relevance to a person camping at the site"*.
- 4.2.5 The EHO recommends consideration of pre commencement conditions to cover the submission, approval and implementation of a Noise Impact Report and Construction Environmental Management Plan.
- 4.3 **North York Moors National Park-** has not responded.
- 4.4 **NYCC Heritage - Ecology-** responded on 12 December 2016 and confirmed that the Ecological Impact Assessment has been carried out in accordance with current standards and guidance and that it is not expected that there will be any direct impacts arising from the development. The County Ecologist also recommends that cable route Option 1 is pursued as this has the least impact on ecological features.
- 4.4.1 The County Ecologist states that *"Possible indirect effects may occur as a result of disturbance to bat foraging habitat, in the form of lighting and noise, however the Environmental Statement predicts that these impacts will be minimal, provided that mitigation measures proposed for woodland and hedgerow protection and a sensitive lighting plan are adhered to. These should be secured by condition"*.

4.4.2 The County Ecologist also recommends the inclusion of conditions to cover a pre commencement check for badgers, a survey of vegetation prior to removal during nesting bird season and also the submission of a Biodiversity Enhancement and Management Plan (BEMP) as recommended within the applicant's Environmental Statement.

4.5 **NYCC Heritage - Principal Landscape Architect-** responded on 22 December 2016 and sets out in detail comments on the Landscape and Visual Impact Assessment (LVIA) and highlights queries and requests for further information. In summary the Principal Landscape Architect states that the application cannot be supported in terms of landscape for the following reasons:-

“There is conflict with planning policy on landscape. In particular the proposal conflicts with NPPF 14 in that it does not accord with the Local Plan (specifically Ryedale Local Plan Strategy Policy SP13), and it conflicts with National Planning Policy Framework (NPPF) paragraph 17 as the proposal does not respect the intrinsic character and beauty of the countryside. It is also not in accordance with NPPF paragraphs 58 and 109.

There is further conflict with national and local policy in that while the proposed development site is adjacent to a landfill site (soon to be restored to rural land uses), it is not within or adjacent to 'previously used land' under the National Planning Policy Framework definition. The permanent and irreversible nature of the proposed development is in contrast with the temporary nature of the existing landfill and waste transfer and composting operations, which are only permitted for the lifetime of the landfill operation which is due to cease in 2017, followed by an estimated 4 years of restoration to rural land uses. The proposed buildings, associated vehicle movements, noise and lighting would perpetuate indefinitely this area of disturbance within the Wolds landscape. There are no restoration proposals to return the land to its original contours and rural land uses, should the proposed use come to an end. The incremental loss of tranquility, including urban intrusion, loss of dark skies, and traffic noise, is an issue. In the Minerals and Waste Local Plan (Publication Stage) Knapton Quarry is only safeguarded for composting, and the duration would be limited by the current terms of planning permission”.

4.6 **NYCC Heritage - Archaeology-** responded on 12 December 2016 and acknowledged that the submitted geophysical survey has identified a number of features of archaeological interest within the proposed development area and the significance of these features is not currently understood. The County Archaeologist states that *“The Vale of Pickering and Yorkshire Wolds are rich in archaeological remains, particularly for the prehistoric and Roman periods. These remains can include high status finds such as Bronze Age and Iron Age burial mounds and settlements of the Roman and Anglo-Saxon periods”.*

4.6.1 The County Archaeologist notes that the applicant's Environmental Statement indicates that archaeological trial trenching is required to fully characterise the significance of the anomalies visible in the geophysical survey. The County Archaeologist supports the proposal for trial trenching and recommended that this takes places prior to a planning decision being made rather than being carried forward as a condition of consent.

4.6.2 With regards to the cable connections the County Archaeologist supports the recommendation for archaeological monitoring during installation.

- 4.6.3 In response the applicant has requested that consideration is given to the trial trenching being secured by a pre commencement condition as an alternative to completing the trial trenching pre determination due to costs and the timescales for the project potentially effecting the viability of the development.
- 4.6.4 The County Archaeologist encourages the provision of trial trenching prior to determination if at all possible and highlights that *“If trial trenching is carried forward as a (pre commencement) planning condition this could expose the developer to an unknown level of risk and cost, particularly if archaeological remains are found to be extensive, complex and include sensitive features such as human remains or well-preserved organic deposits. The extent of archaeological mitigation necessary if such deposits are present could potentially reduce the viability of the development”*. If a conditioned approach is adopted the County Archaeologist recommends conditions requiring the submission of an WSI prior to the commencement of development and *also a scheme of archaeological investigation evaluation and assessment of any archaeological remains within the application area.*
- 4.6.5 The applicant acknowledges the risk and states that the below-ground archaeology within the application site is relatively well-understood based on the 2014 geophysical survey and desk-based assessment. The applicant states that *“As stated in the desk based assessment and the ES chapter, it is unlikely that the archaeology will be of greater than low/local to moderate/regional significance which means that it could be dealt with by appropriate mitigation in the form of an archaeological investigation (the nature of which - watching brief or full excavation - will depend on the results of the trial trenching). As such it is less important to carry out trial trenching pre-determination”*.
- 4.7 **Scampston Parish Council-** has not responded.
- 4.8 **Heslerton Parish Council-** has not responded.
- 4.9 **Wintringham Parish Council-** has not responded.
- 4.10 **Highway Authority-** responded on 9 December 2016 and note that the existing access complies with their design standards for visibility splays. The LHA highlight that the access for the site is off the A64 trunk road which is under the control of Highways England who should be consulted as they oversee the operation of the road. The LHA confirm that they have no objections to the application.
- 4.11 **Highways England-** responded on 13 December 2016 and confirms no objection on the grounds of highways traffic and transportation impact should the Council wish to grant consent.
- 4.11.1 With regard to traffic Highways England state *“It is clear that in the short term the existing landfill and recyclables are around 100,000 tonnes which is greater than the proposed GEF. Although there is an increase in staff the overall level of traffic generation is unlikely to be higher than the existing facility”*.
- 4.11.2 With regard to road safety and the accident data provided by the applicant Highways England states *“It can be concluded that the existing operation of the landfill site does not give rise to highways safety issues, as such there is no reason to believe that the proposed use, which will generate similar or lower levels of traffic, will give rise to a highway safety issue”*.

- 4.12 **Environment Agency-** responded on 5 January 2017 and confirmed no objections to the proposed development. The Environment Agency acknowledge and welcome the fact that the proposed facility would result in non-recyclable waste being moved up the waste hierarchy away from landfill to energy recovery.
- 4.12.1 The Environment Agency states that *“The applicant will need to demonstrate that the proposed use of bottom ash as a restoration material within the adjacent landfill will be suitable for this use. The proposal indicates a novel treatment (by vitrification) of the fly ash. This process will also need to be controlled by us under the environmental permitting process. There would also need to be an agreed option for the proper end point deposit of the treated fly ash material”*.
- 4.12.2 The Environment Agency strongly support the use of rainwater harvesting to meet the water needs on site and the recycling of the water used to raise steam. The Environment Agency also confirm that the site lies in flood zone 1 (low risk) and therefore have no comments to make on flood risk.
- 4.12.3 The Environment Agency confirm that the development will require an Environmental Permit and that the Environment Agency do not currently have enough information to know if the proposed development can meet their requirements to prevent, minimise and/or control pollution. The applicant should be aware that a permit may not be granted. A permit will only be granted where the risk to the environment is acceptable. The Environment Agency highlight that they advise that there is parallel tracking of the planning and permit applications to allow any issues to be resolved if possible at the earliest stages and this would avoid the potential need for any amendments to the planning application post-permission.
- 4.12.4 The Environment Agency notes that the applicant has chosen not to parallel track the applications and as a result are not able to offer detailed advice or comments on permitting issues impacting upon planning. The Environment Agency response includes guidance to the applicant on pollution control, CHP requirements, energy efficiency requirements, groundwater protection, land contamination and water resources (abstraction licence).
- 4.13 **Fire and Rescue Service-** has not responded.
- 4.14 **Natural England-** responded on 13 December 2016 and confirmed that the proposal is unlikely to affect any statutorily protected sites or landscapes and refer to their Standing Advice for protected species.
- 4.15 **Yorkshire Water Services Ltd-** responded on 1 December 2016 and confirmed that a water supply can be provided under the terms of the Water Industry Act, 1991. The response also confirms that this proposal is in an area not served by the public sewerage network and the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.
- 4.16 **NYCC SUDS Officer-** has not responded.
- 4.17 **Historic England-** responded on 15 December 2016 and state that the application has not provided the assessment of significance of heritage assets as required by the NPPF and as a consequence it is not possible to understand the impact of the scheme on the significance of heritage assets or establish the public benefit balance and therefore the application should not be determined. Historic England drew

particular and specific attention to Scampston Hall and Gardens and stated that 'this is a complex heritage site with multiple designations'. Historic England state that it will be important to demonstrate that the contribution setting makes to the historic park and garden has been understood through the identification of key viewpoints.

- 4.18 **Thornton IDB**- has not responded.
- 4.19 **NYCC Public Rights of Way Team**- responded on 13 December 2016 and request the inclusion of an informative on any permission granted which requires that *“No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development”*.
- 4.20 **Health & Safety Executive**- has not responded.
- 4.21 **Civil Aviation Authority**- has not responded.
- 4.22 **Ministry of Defence Safeguarding Organisation**- has not responded.
- 4.23 **National Grid (Plant Protection)** - has not responded.
- 4.24 **Northern Powergrid (Yorkshire)** - has not responded.
- 4.25 **NYCC Strategic Policy and Economic Growth Team**- have not responded.

Notifications

- 4.26 **County Cllr. Janet Sanderson**- was notified by letter.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of eight Site Notices posted on 1 December 2016 (responses to which expired on 22 December 2016). The Site Notices were posted in the following locations: at the site entrance and in the villages of West Knapton (2), East Knapton (2), Wintringham (2) and West Heslerton (1). A Press Notice appeared in the Malton Gazette & Herald on 7 December 2016 (responses to which expired on 21 December 2016).
- 5.2 A total of 22 neighbour notification letters were sent on 29 November 2016 and the period in which to make representations expired on 20 December 2016. The following properties received a neighbour notification letter:

1. WEST WOLD FARM, WEST KNAPTON
2. BARN COTTAGE, WEST KNAPTON
3. EAST FARM, WEST KNAPTON
4. HARTSWOOD LODGE, EAST KNAPTON
5. HARTSWOOD BUNGALOW, EAST KNAPTON
6. MILL GRANARY, EAST KNAPTON
7. MILL BARN, EAST KNAPTON
8. MILL HOUSE, EAST KNAPTON
9. HARTSWOOD FARM, EAST KNAPTON
10. BARN COTTAGE, KNAPTON WOLD ROAD, MALTON
11. EAST FARM, KNAPTON WOLD ROAD, MALTON
12. WOLDS WAY LAVENDER, SANDY LANE, WEST KNAPTON

13. ST EDMUND'S CHURCH, MAIN STREET, EAST KNAPTON
14. KNAPTON HALL COTTAGE, MAIN STREET, EAST KNAPTON
15. FLAT 1 KNAPTON HALL, MAIN STREET, EAST KNAPTON
16. ELM TREE FARM, MAIN STREET, EAST KNAPTON
17. CORNER FARM, MAIN STREET, WEST KNAPTON
18. WHITE COTTAGE, EAST KNAPTON
19. MILL GRANGE, EAST KNAPTON
20. SOUTH FARM, KNAPTON WOLD ROAD
21. WOLDS WAY CARAVAN & CAMPING, KNAPTON WOLD ROAD
22. KNAPTON HALL, MAIN STREET, EAST KNAPTON

5.3 A total of 24 letters of representation have been received of which 18 raise objections to the proposed development and 6 are in support. The approximate locations of the objectors and supports are shown on the plan attached to this report at Appendix B.

5.4 The reasons for objection are summarised as follows:-

- Use of greenfield land in rural location and area of high landscape value
- Visual, odour, noise, wildlife and light pollution impacts
- 24/7 operation
- Traffic
- The screening provided by the wood to the south cannot be relied upon
- 33 metre stack would be an eyesore
- huge industrial building in a very prominent position will detract from the landscape value
- Impact upon tourists particularly those using nearby caravan and camping site
- Impact upon users of nearby bridleways and the Wolds Way National Trail
- No alternative sites have been considered
- No specific requirement for industrial building to be site at Knapton Quarry
- Comparisons between existing levels and proposed levels for both traffic and pollution are not a justified comparisons as landfilling ends in early 2017. As such, the proposal should consider and compare with future expected levels, i.e. when the existing landfill operation has ceased.
- Waste recycling facilities should be deferred until the draft Minerals and Waste Joint Local Plan has been adopted.
- Evidence of the proposed technology being flawed and unproven and applicant should demonstrate it is financially viable
- Limited information on the handling of the by products from the Gasification process and its subsequent effects.
- visual assessment inaccurate claims that it wont be visible from the residential properties in the vicinity but the development site can be seen from various aspects of Mill Grange.
- building cannot be screened sufficiently well due to the slow growing nature of trees on Wold soil.
- HGV traffic is routed through the small village of Rillington.

5.5 The reasons for support are summarised as follows:-

- Make good use of waste and the investment will provide jobs
- Traffic would be less than existing
- Any traffic concerns are outweighed by potential green and economic benefits
- Impressive layout of the new plant and the 'green' technology

- Vast improvement on the odour producing landfill site and methane gas must be flared off at present.
- broaden our energy mix and which will increase our local generative capacity
- location suitable in terms of landscaping, visual protection and distance from neighbouring habitation
- Positive for future of North Yorkshire

6.0 Planning policy and guidance

6.1 The planning policies and guidance relevant to the consideration of this planning application are as summarised as follows:-

National Planning Policy

- National Planning Policy Framework (NPPF) (March 2012)
 - Section 1- Building a strong, competitive economy
 - Section 3- Supporting a prosperous rural economy
 - Section 4- Promoting sustainable transport
 - Section 7- Requiring good design
 - Section 8- Promoting healthy communities
 - Section 10- Meeting the challenge of climate change, flooding and coastal change
 - Section 11- Conserving and enhancing the natural environment
 - Section 12- Conserving and enhancing the historic environment
- National Planning Policy for Waste (NPPW) (October 2014)

National Planning Practice Guidance (PPG) (2014)

6.2 The guidance relevant to the consideration of this application is contained within the following sections: -

- Air Quality
- Climate Change
- Conserving and enhancing the historic environment
- Design
- Environmental Impact Assessment
- Land Stability
- Light Pollution
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Renewable and low carbon energy
- Waste
- Water supply, wastewater and water quality

The Development Plan

6.3 The extant 'saved' policies of the North Yorkshire Waste Local Plan (2006) considered most relevant are:

- 4/1 – Waste Management Proposals;
- 4/3 – Landscape Protection;
- 4/18 – Traffic Impact;
- 4/19 – Quality of Life;
- 4/20 - Open Space, Recreation and Public Rights of Way;

5/1- Waste Minimisation;
5/3 – Recycling, sorting and transfer of industrial, commercial and household waste; and
5/10 – Incineration of Waste.

6.4 The emerging policies contained within the draft

6.5 The extant policies of the Ryedale Plan- Local Plan Strategy (2013) considered most relevant are:

SP13 - 'Landscapes';
SP14 - 'Biodiversity';
SP16- 'Design';
SP17 - 'Managing Air Quality, Land and Water Resources';
SP18- 'Renewable and Low Carbon Energy';
SP19 – 'Presumption in Favour of Sustainable Development'; and
SP20 – 'Generic Development Management Issues'.

7.0 Planning considerations

7.1 Whilst the principal planning considerations in the determination of the application are not a matter for inclusion in this particular report which seeks solely to convey to Members as much information as is reasonably possible to facilitate consideration of deciding whether to undertake a formal Committee Site Visit, it is felt helpful to Members to outline below the principal material planning considerations envisaged at this point in time in the processing of this application.

7.2 The principal material planning considerations, therefore, include, inter alia:

- the principle of the development;
- location and impact upon greenfield agricultural land in the open countryside;
- design, siting and scale;
- landscape and visual impact;
- noise and air quality;
- nature conservation and habitat protection;
- cultural heritage and archaeology;
- transport, traffic and accessibility;
- the water environment and site drainage;
- access and recreation;
- cumulative impacts; and
- socio-economic impact.

7.3 The applicant is aware of the comments arising from consultation and, in accordance with Regulation 22 of the Town and County Planning (Environmental Impact Assessment) Regulations 2011, intends to submit further/amended environmental information relating to the Environmental Statement for consideration prior to the determination of the application.

8.0 Conclusion

- 8.1 With the purpose of this Report being to seek Members' consideration to conducting a formal Site Visit in respect of this application, it is considered necessary to provide the basis upon which the recommendation is founded.
- 8.2 The County Council's adopted Planning Code of Good Practice explains that the decision to undertake a formal Committee Site Visit may arise in a circumstance of a Member requesting a visit, a Committee resolution to visit having received a substantive report for consideration before them or an Officer recommendation prior to determination of the application by the Committee.
- 8.3 The Code draws attention to a formal Committee Site Visit only being likely to be necessary *"if the scale or impact of a proposed development is difficult to understand from the plans and any supporting material including photographs taken by Officers, or if a proposal is particularly contentious"*.
- 8.4 In light of the significant scale of the proposed development in both spatial extent (footprint over 6,000 square metres, 23m high building and 33m high stack), the amount of waste material to be managed at the site (approximately 80,000 tonnes per annum) and the location of the proposed development (hillside location on the north facing scarp of the Yorkshire Wolds on the southern flank of the Vale of Pickering), it is considered that the application is 'caught' by this first scenario in the extract from the Code above.
- 8.5 As such, it is considered both reasonable and wholly appropriate that a formal Committee Site Visit is conducted; thereby allowing for:
- the appraisal of Members of the Planning Committee of potential visual and amenity impacts of the development from both short and long distances;
 - Members to gain an understanding of the proximity of the proposed development in the context of nearby sensitive receptors;
 - an appreciation of the topography of the land and landscape features both pertaining to the application site itself and the surrounding area; and,
 - views of the adjacent landfill and waste transfer operations, the existing access and road network (A64).
- 8.6 Whilst every endeavour will be made at the point in time of the determination of the application to provide Members of the Committee with photomontages and presentational material to gain an appreciation and understanding of the application site and the context in which it is situated, it is considered that in this particular instance, such materials will not be able to fully and comprehensively fulfil that which may be gained by the conduct of a formal Site Visit.
- 8.7 In conclusion, it is therefore considered that the scale and sensitivity of the proposed development warrants consideration of conducting a formal Committee Site Visit.

9.0 Recommendation

9.1 That Members:

- (i) consider and subsequently resolve to undertake a formal Committee Site Visit prior to the determination of this application at a future meeting of the Planning and Regulatory Functions Committee.

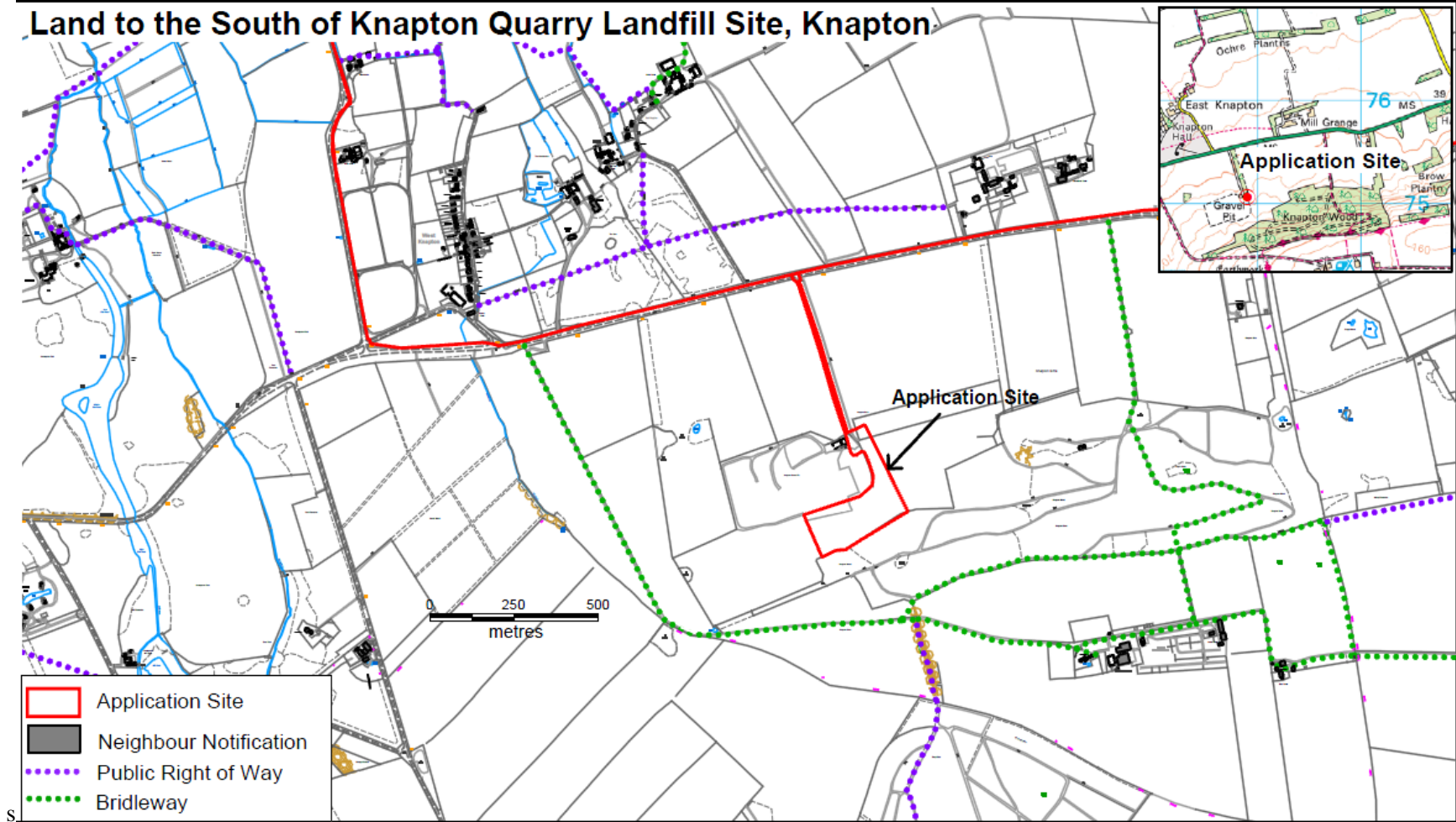
DAVID BOWE
Corporate Director, Business and Environmental Services

Background Documents to this Report:

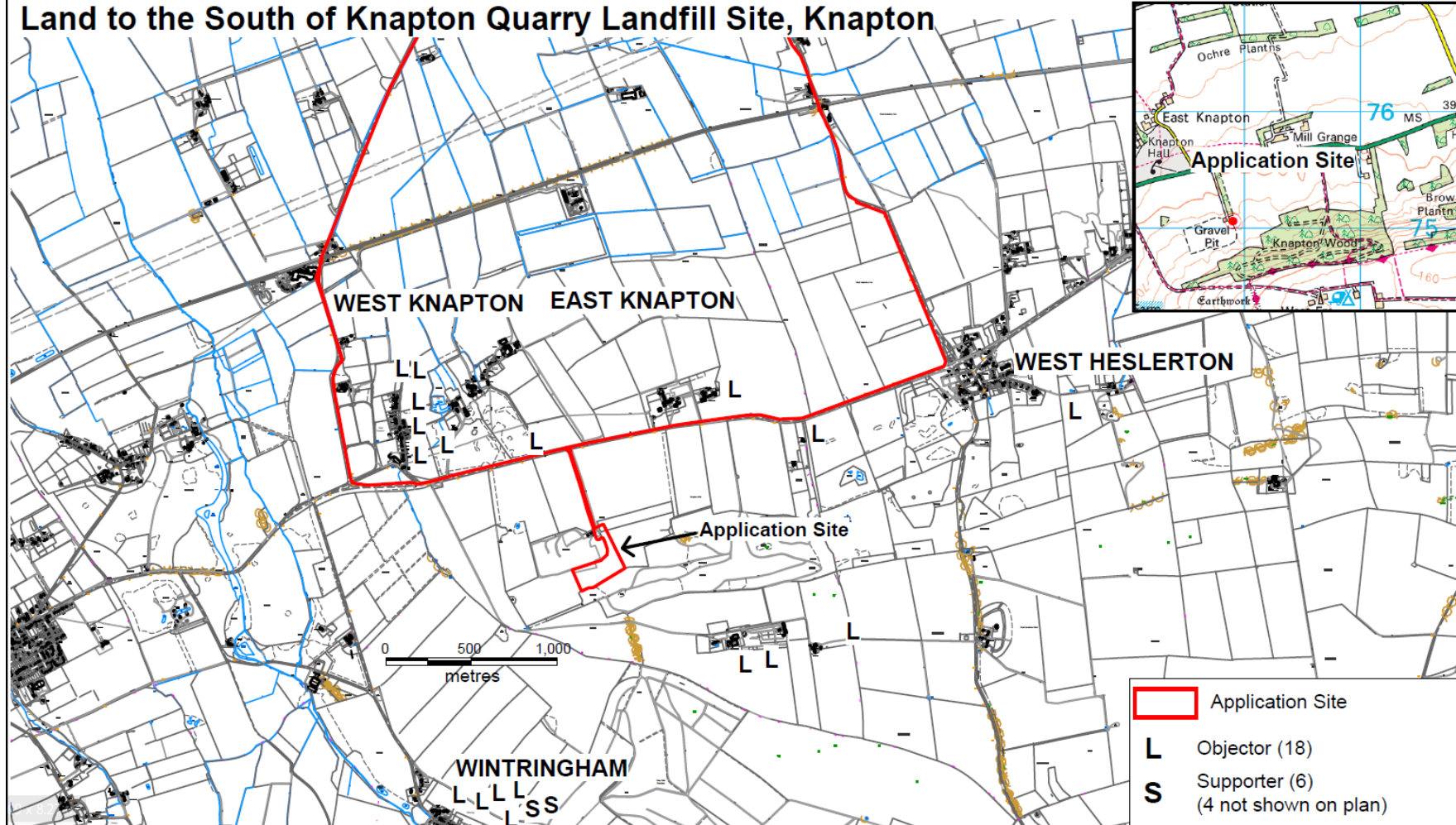
1. Planning Application Ref Number: C3/16/01918/CPO (NY/2016/0194/ENV) registered as valid on 14 November 2016. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Alan Goforth

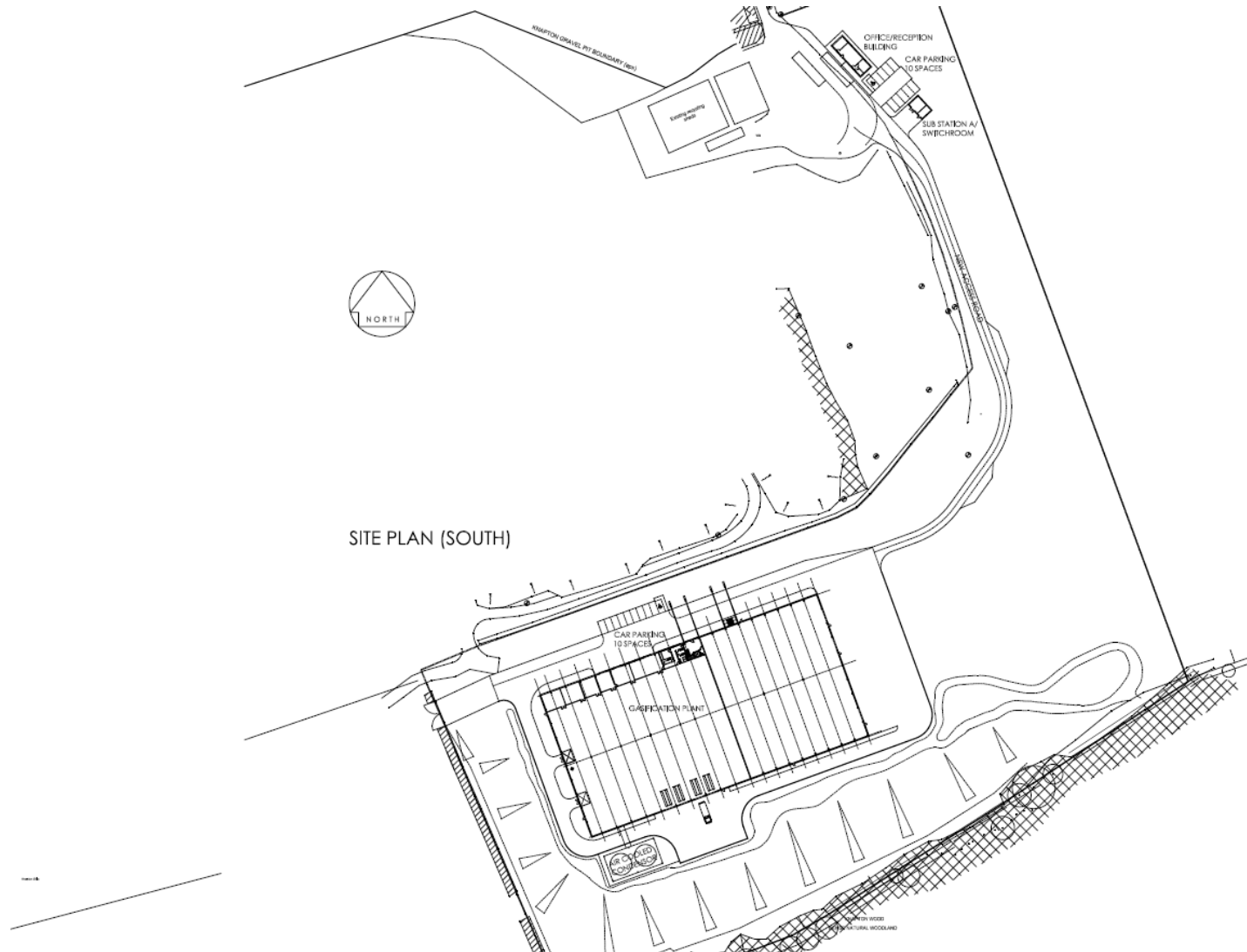
Appendix A - Site Location and constraints



Appendix B - Site Location and representations



Appendix C - Proposed Site Plan (extract)



Appendix D - Visualisation of GEF facility

