

Agenda

Meeting: Planning and Regulatory Functions Committee

**Venue: The Grand Meeting Room,
County Hall, Northallerton**

**Date: Tuesday, 7 February 2017 at
10.00 a.m.**

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Business

1. **Minutes of the Meeting held on 13 December 2016.** (Pages 6 to 21)
2. **Declarations of Interest.**
3. **Public Questions or Statements.**

Members of the public may ask questions or make statements at this meeting if they have given notice of their question/statement to Steve Loach of Democratic Services (*contact details below*) by midday on Thursday 2 February 2017. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

Continued overleaf/...

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes); or
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman, who will instruct anyone who may be taking a recording to cease while you speak.

County Matters

4. **C8/2016/0873/CPO – (NY/2016/0118/ENV) –** A 4.91 hectare extension to the existing sand quarry for the extraction of sand over a period of approximately 6 years at Hensall Sand Quarry, Broach Road, Hensall, North Yorkshire, DN14 0UD
(Pages 22 to 82)
5. **C3/16/01918/CPO – (NY/2016/0194/ENV) -** Members Site Visit - 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
(Pages 83 to 103)

County Council Developments

6. **C6/16/05274/CMA - (NY/2016/0237/73A) -** Retention of prefabricated classroom unit 3408 (131 sq. metres) for a further 6 years at Ripon Grammar School, Clotherholme Road, Ripon, HG4 2DG
(Pages 104 to 117)
7. **(C6/16/03119/CMA – (NY/2016/0129/FUL) -** Erection of a steel storage container (8 sq. metres) at Willow Tree CP School, Wetherby Road, Harrogate, North Yorkshire, HG2 7SG
(Pages 118 to 132)

General

8. **Items dealt with under the Scheme of Delegation** (Pages 133 to 136)
9. **Publication by Local Authorities of information about the handling of planning applications**
(Pages 137 to 148)
10. **Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

PLEASE NOTE

Should it become apparent that the meeting will extend into the afternoon a lunch break will be taken at around 1pm

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)
County Hall
Northallerton

NOTES:

Emergency procedures for Meetings

Fire

The fire evacuation alarm is a continuous Klaxon. On hearing this you should leave the building by the nearest safe fire exit. Once outside the building please proceed to the fire assembly point outside the main entrance. Persons should not re-enter the building until authorised to do so by the Fire and Rescue Service or the Emergency Co-ordinator.

An intermittent alarm indicates an emergency in nearby building. It is not necessary to evacuate the building but you should be ready for instructions from the Fire Warden.

Accident or Illness

First Aid treatment can be obtained by telephoning Extension 7575.

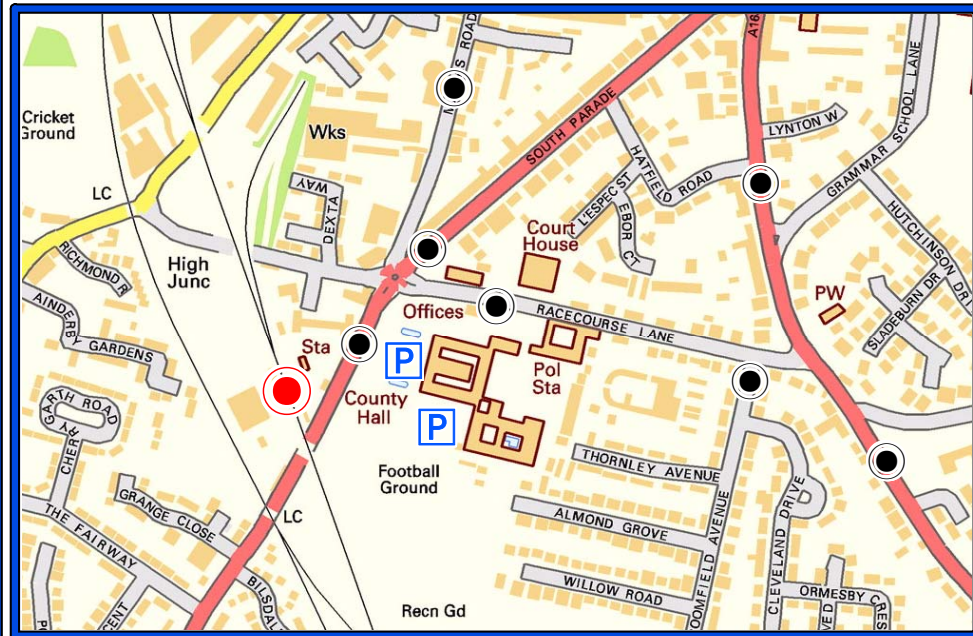
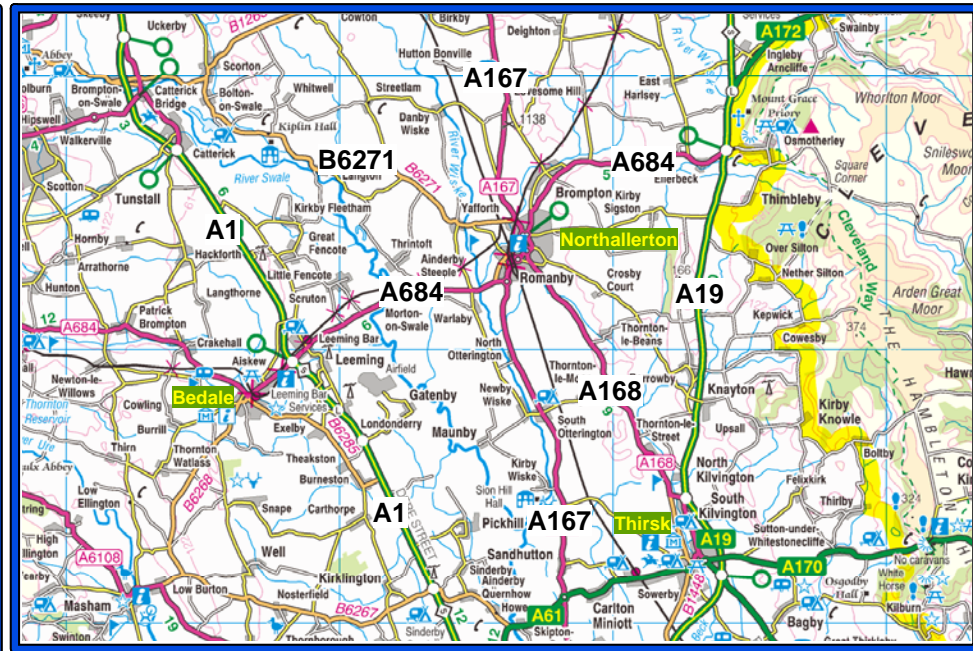
Planning and Regulatory Functions Committee

1. Membership

County Councillors (11)							
	<i>Councillors Names</i>				<i>Political Party</i>		
1	BLADES, David				Conservative		
2	HESELTINE, Robert				Independent		
3	HOULT, Bill				Liberal Democrat		
4	IRETON, David				Conservative		
5	LEE, Andrew (Vice-Chairman)				Conservative		
6	LUNN, Cliff				Conservative		
7	McCARTNEY, John				NY Independent		
8	PACKHAM, Robert				Labour		
9	SOWRAY, Peter (Chairman)				Conservative		
10	TROTTER, Cliff				Conservative		
11	WINDASS, Robert				Conservative		
Total Membership – (11)				Quorum – (3)			
Con	Lib Dem	NY Ind	Labour	Liberal	UKIP	Ind	Total
7	1	1	1	0	0	1	11

2. Substitute Members

Conservative		Liberal Democrat	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	HARRISON-TOPHAM, Roger	1	JONES, Anne
2	WELCH, Richard	2	GRIFFITHS, Bryn
3	PEARSON, Chris	3	
4	JEFFELS, David	4	
5		5	
NY Independent		Labour	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	BARRETT, Philip	1	BROADBENT, Eric
2		2	
3		3	
4		4	
5		5	



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County Hall

Northallerton
North Yorkshire
DL7 8AD



North
Yorkshire County Council

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North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 13 December 2016 at 10.00 am.

Present:-

County Councillors Peter Sowray (Chairman), Eric Broadbent (substitute for County Councillor Robert Packham), David Blades, Bill Hault, David Ireton, Andrew Lee, Cliff Lunn, John McCartney, Cliff Trotter and Robert Windass.

There were 10 members of the public in attendance.

Apologies for absence were received from County Councillors Robert Heseltine and Robert Packham

Copies of all documents considered are in the Minute Book

207 Chairman's Announcement

The Chairman informed the Committee that, at the County Council's Innovation Awards on 8 December 2016, the Award in the Optimising Community Engagement Category had been won by officers involved in the handling of the special meeting of the Committee that considered the fracking application in May 2016. The Chairman, on behalf of the Committee, congratulated those officers involved.

208. Minutes

Resolved -

That the Minutes of the special meeting held on 15 November 2016, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

209. Declarations of Interest

Councillor McCartney referred to the planning application for the erection of a Class B2 wood processing facility, etc., at the former Snaith (Pollington) Airfield, Great Heck, Selby, on behalf of the Stobart Group. He stated that the application site was within his electoral division and he had been contacted by local residents about this. He had been engaging with local residents about this for the last six months as it was a big issue, however, he had an open mind on the application.

210 Public Questions or Statements

The Clerk reported that, apart from the people who had registered to speak in respect of the applications listed below, and who would be invited to do so in consideration of those items, there were no public questions or statements from members of the public.

211. **C8/2016/0008/CPO – (NY/2015/0313/FUL) - Erection of a Class B2 wood processing facility (4930m2), demolition of the existing pellet mill (approx. 2400m2), installation of two existing prefabricated units (both circa 87m2), construction of internal roadways, construction of a vehicle washing facility, construction of hardstanding to create a lorry park for 65 HGV parking bays (7357m2), construction of hardstanding for 80 car and van parking bays (2162m2), amended hours for HGV's and other vehicles entering and leaving the site, construction of 5m high push walls, construction of hard standing (31500m2) for storage and external processing of waste wood, construction of associated plant and equipment, construction of office and welfare building (240m2), construction of surface and sub-surface attenuation ponds and drainage systems, associated boundary treatment, external lighting and landscaping at Former Snaith (Pollington) Airfield, Great Heck, Selby, on behalf of Stobart Group**

Considered -

The report of the Corporate Director - Business and Environmental Services, asking the Committee to determine the above planning application.

The application was being reported to the Committee for determination because it was subject to 104 objections raised by members of the public and the grounds for objection were detailed within section 5 of the report. In addition, the application was subject to objections from Snaith and Cowick Town Council, Eggborough Parish Council, Heck Parish Council, Rawcliffe Parish Council, District Councillor Caroline Fox, District Councillor Debbie White and District Councillor Mary McCartney.

Submissions by objectors

A number of members of the public attended the meeting, having registered to speak against this application. A summary of what they said to the Committee is set out below:-

John Staveley-Churton - Snaith & Cowick Town Mayor

- This application would have a negative impact on residents.
- There were already issues due to the large number of HGVs travelling through the village, which were having a detrimental effect on people's quality of life.
- Pollution was caused as traffic built up, particularly during school times.
- A complaint had been made to East Riding Council.
- Further increases in HGV traffic would be unbearable.
- There would be a cost to the highways budget, as the roads would need to be repaired, given the size of the vehicles using them.
- Safety was also an issue because of the proximity to a residential care home and primary schools.
- The Town Council strongly objected to this application.

David Hughes - Heck Resident

Mr. Hughes showed the Committee a video and made the following comments:-

- The articulated lorries going through the village were causing huge problems.

- The video illustrated HGVs travelling at inappropriate speeds and being inconsiderate by tooting their horns as they passed each other. Residents had to listen all night to lorries beeping and the 30 mph speed limit was being exceeded.
- The video illustrated that the road was unsuitable for this traffic as HGVs needed to mount the pavement when they were passing each other. This was very dangerous.
- There were also issues with the hump bridge, situated over the railway line. An accident could result in the bridge falling onto the railway line.
- The roads were just not fit for vehicles of this type travelling at these speeds.
- There were a large number of vehicle movements and residents had to listen to the noise created by this.
- The video also illustrated serious accidents that had occurred recently involving HGVs. It was just a matter of time before a fatality occurred.

Rachael Bartlett - representing Mrs Laura Watkinson-Teo, Heck

Rachael Bartlett had sent an email, with a number of enclosures, to Members of the Committee, outlining her views, on 12th December 2016.

- To grant this application would not accord with the Development Plan. It needed to be assessed against the Development Plan and material planning considerations.
- There had to be a cut-off point.
- The application should be refused but, if it was to be agreed, better wording of the conditions, reasons and Section 106 Agreement would assist with future monitoring and enforcement.
- A number of objections had been submitted. This Committee could prevent existing problems from getting worse.
- The planning permission previously granted for a solar farm was a more effective use of previously developed land in the countryside that provided renewable energy without the adverse effects of this application – noise, dust, etc.
- There was reference in the report to other industrial sites in the area, but these were approved under a different policy regime.
- It was incorrect to imply that East Riding Council and Selby District Council had no issues in approving similar developments in the area.
- Restrictions on HGV movements, external processing and external storage were being ignored.
- If the existing permission was the reason for supporting the current application, the Committee should be satisfied that the impacts of the new proposal would be less than or equal to the existing permission. Based on current and proposed conditions, this would not be the case
- Key changes included external processing of wood and HGV hours. What had changed, in terms of planning policies or the surrounding area, to justify these controls now being lifted?

- How would the Council control the condition that "almost all" processing would be internal.
- The footpath over the railway bridge was not safe. A previous response to a planning application from Network Rail said that it would be beneficial not to have two HGVs passing at the same time. Therefore, if this application were to be approved, serious consideration should be given to directing all, or a high percentage of, HGV traffic via the eastbound (Pollington) route.

Charles Watkinson, Heck Resident

- Mr. Watkinson informed the Committee that he was the Chief Executive of an engineering company and the owner of a house close to the HGV route.
- He stressed that he was not a moaner and was in favour of developments generally - but not this development.
- A big pile of rubbish had previously self-combusted. Selby District Council and East Riding Council had been informed but took no action until the matter became an issue covered on television.
- The site was not compliant as wood was being processed outside, in contravention of conditions that had been imposed.
- At a Public Consultation Meeting Stobart's had said that there was no problem with dust as grinding took place inside the facility. Stobart's had already requested permission to process wood outside, despite building a plant inside. There were Environment Agency approvals for grinding, but no planning permission existed for processing wood outside.
- In terms of the quantity of waste stored, who was monitoring and enforcing this?
- Stobart's had repeatedly not been accurate in what they had said.
- The World Health Organisation stated that dust could cause serious cancers. It was not innocuous. Dust that had settled in the area was five times the permitted levels.
- The tree planting requirement had not been enforced and only one quarterly traffic report had been submitted. There was no compliance and no enforcement.
- During the site visit by the Committee no wood processing had taken place and the traffic movements of HGVs had reduced from 37 to 24.
- York City Council's Environmental Health Noise Survey had found levels were outside of permitted levels.
- East Riding Council and Selby District Council had objected to the original application.

Submission by the applicant

Mr. Allan Tindall, from Stobart Biomass, addressed the Committee and made the following points:-

- The company was not the famous Eddie Stobart's Haulage – it was a biomass company.

- He was aware of scepticism amongst some members of the community, especially with regard to HGVs.
- The site had been purchased prior to the application and it worked well for the company.
- The company was limited by capacity and export limits.
- The application did not seek to increase the number of HGVs – these would reduce. Yet there was still a negative reaction.
- Much of what had appeared in the press had been misleading. The company had not engaged in a PR fight and had consulted on its proposals. All responses had been considered and the company had been reasonable in its approach.
- All stakeholders would see a benefit if the application were to be granted. Having tramper vehicles on site would reduce empty miles (empty miles is unnecessary movements of unloaded HGVs). These vehicles would not leave and arrive at the same time. Local residents would benefit from reducing empty miles and reduced HGV movements, as this would lead to quieter roads and the County Council would monitor this via a Section 106 Agreement.
- The company could not be held accountable for other vehicles.
- The environmental impact would be monitored via the Local Authority.
- There was nothing contentious in what was being suggested.

Allen Creedy, from Ethical Partnership, advised the Committee that he was a Chartered Town Planner with 35 years experience. He was representing the applicant and made the following points, on their behalf:-

- The application was being recommended for approval by the County Council's officers.
- The application was, essentially, a simple one:-
 - To replace one processing building within another one because the existing one was not fit for purpose.
 - To park overnight the applicants dedicated biomass HGVs on the site.
 - To extend the hours during which HGVs can operate from the site – from 6.00 pm to 7.00 pm on weekdays and from 1.00 pm to 4.00 pm on Saturdays.
- Officers had given examples of modifications made by the company to the original application. They had made material changes based on concerns raised.
- The objectors had focused on videos showing lorry movements but this was not felt relevant, as the concerns related to the public highway.
- The County Council would have more control over the site in terms of the number of HGVs using it and the external processing of wood.
- There would be no increase in the volume of wood being processed and, should permission be granted, this would mean that most of the wood processing would be inside and the external and internal processing areas would be closer together. The County Council's officers were comfortable with this.

- A legal agreement restricted HGV movements. The site was the only site locally where such an agreement existed.
- There was currently no limit on the number of vehicles entering the site. This would alter if planning permission were to be granted, giving the County Council control over the number of vehicles entering and exiting the site.
- Section 7 of the report confirmed that the application was acceptable.
- Section 7.43 of the report stated that discussions had taken place between the company and officers. Mr. Creedy had written to the Chairman about this in a letter dated 8 December 2016. A copy had been sent to all Committee Members and additional copies were circulated at the meeting. He highlighted the fact that the report, at paragraph 7.44, suggested that it was reasonable for an additional clause to be included which would allow for a transitional period that would enable on site operations to continue in line with the extant permissions, whilst the construction period for the development was progressed. This additional clause had not been previously submitted to, or discussed with, the applicant or their legal advisors, who considered that the clause set out in paragraph 7.44 did not meet the prescribed legal tests.
- On the basis of previous discussions, the applicant was prepared to agree to be bound by a Section 106 Agreement that included only those matters set out in paragraph 7.43 of the report.

A Member asked what was the applicant's objection to relinquishing previous permissions on the site. The representative of the applicant responded that there was no objection, but no discussion had taken place and this needed to occur. He was not aware of the additional proposed clause until the report had been published.

A Member sought a legal opinion on this aspect. The representative of the Assistant Chief Executive (Legal and Democratic Services) advised that the County Council was satisfied that an obligation would meet the legal test and was considered to be necessary. However, the exact wording of this would need to be agreed.

A representative of the Head of Planning Services presented the Committee Report, highlighting: the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations; and conclusion and a recommendation. A series of plans, photographs and visual information were presented to complement the Committee Report.

The representative of the Head of Planning Services made the following points, in particular:-

- Further to the published report, a consultation response had been received from Network Rail on 12 December 2016. This had been emailed to Members and the applicant. Network Rail had advised that, with reference to the protection of the railway, they had no objection, in principle, to the development.
- The response stated that it would be beneficial not to have two wide vehicles passing each other over the railway bridge at the same time. They had no objections or concerns as to the proposed development based on the strength and condition of the bridge, but stressed that they would expect the abnormal loads process, as set out in their email, to be followed.
- The presentation had shown the existing, consented and also the proposed site layout situation.

- The site was currently being used for the import of unprocessed wood into the site and export of processed wood chip from the site.
- The application sought permission for:-
 - a replacement building for wood processing;
 - an additional 8 hours working per week during day time, extra hour on an evening until 7.00 pm and until 4.00 pm on Saturday afternoon. There would be no night time HGV movements;
 - formalising on site parking for HGVs and staff associated with the waste management facility;
 - overall reduction in HGV movements, compared to existing permissions – there would be no intensification; and
 - extensive landscaping scheme (to be managed and maintained) would lessen the impact
- The application did not seek to increase the number of HGV movements and did not seek any increase in the tonnage of wood that was processed on the site, which were controlled by permit.
- The site was in an open countryside location, but this was for the reuse of previously developed (brownfield) land comprising former airfield runway which was currently in use as a wood processing facility and was not of high environmental value.
- The application was acceptable, in principle, as a waste management facility for waste wood processing/recycling and had been deemed acceptable by earlier planning permissions.
- Furthermore, the processed wood was feedstock for the generation of renewable energy, in line with planning policy.
- The development was industrial in nature, but suitably located in terms of surrounding land use and industrial style buildings and was considered visually compatible with the local landscape character in terms of scale, height and massing.
- The development would comprise one large building at the northern end of the site as opposed to a number of buildings along the application site, as previously consented. The applicant had stated that if permission was granted it would substitute the two extant permissions.
- With regard to paragraph 7.16 of the report, most of the objections from local residents related to highways.
- At present there were no planning restrictions that limited the importation and storage tonnages for the site or number of HGVs arriving at the site, loaded or unloaded, or leaving unloaded. The only restrictions on the extant permission and legal agreement related to HGVs leaving the site exporting wood products.
- The applicant had explained that as tramper vehicles would no longer need to travel off site to park at Sherburn-in-Elmet, there was a consequential and balancing reduction in the number of HGVs.
- There would be approximately 28,400 HGV movements per year. This was less than the number for the existing consent (30,400 movements per year) and the Section 106 Agreement would, essentially, carry over controls in relation to tonnages and routing, plus a total cap on HGV movements.

- In response to the concerns that the site would be used by non-wood processing related HGVs, it was considered reasonable to control the HGVs that access the site to only those associated with the on-site waste wood processing operation - including empty vehicles - and a Condition had been included to restrict the use of the land in this regard. In addition, the total number of HGVs parked on site and the location of the parking area would be controlled.
- With regard to paragraph 7.21 of the report, there was no planning reason or justification to amend or alter HGV routeing from that previously approved, with both east and west routes to be retained. There had been no Local Highway Authority recommendation or advice to alter the routeing.
- In terms of paragraph 7.29 of the report, relating to noise, a noise monitoring scheme would be conditioned.
- Concerning paragraph 7.32 of the report, which related to dust mitigation, extraction and suppression, the following measures would be put in place:-
 - wheel washing facilities within the trailer park area;
 - a drive through car wash; sheeting of all HGVs;
 - water sprinkling tank and sprinkling facilities for damping down processing areas and stored material;
 - location of the main wood processing facility within a fully enclosed building; on-site haul roads would be concreted and regularly cleaned; and
 - 5 metre high concrete walls and stockpiles to not exceed the height of walls. This would act as a visual screen and reduce dust emissions.
- There would be improved controls via conditions and legal agreement to cover:
 - access to and from site and on site HGV parking would be limited to 65 and only HGVs associated with waste wood management operation. This included “empty” HGVs within the designated area;
 - hours would be controlled. No night time HGV movements into or out of site
 - hardstanding - improved dust and debris control and on site conditions;
 - a new drive through wheel wash for HGVs;
 - the formalisation of parking arrangements for HGVs and staff and visitors;
 - sheeting of HGVs;
 - doors would be closed on the building when processing was taking place;
 - a Dust Management Plan for the extraction in building and suppression;
 - a Landscape Scheme would be improved, with a requirement to manage and maintain;
 - a Lighting Scheme design and hours of operation;
 - a Remediation Strategy - contamination and surface water drainage design;
 - a Fire Prevention Scheme – specifying stockpile size, separation distances, rotation, temperature monitoring, on site fire engine, fire fighting measures.
 - external processing to take place in the designated area only
 - removal of permitted development rights and restrict waste management use to waste wood processing
- A Section 106 legal agreement would cover:-
 - a Haul Route Agreement for HGV vehicles travelling to and from the site;
 - tonnages controlled;
 - a limit on the number of annual HGV movements to and from the site (28,400 per year) previously only export/outgoing HGVs had been controlled;

- a requirement for the operator to maintain and log, weighbridge records, with quarterly reports to be submitted to North Yorkshire County Council, as required by legal agreement, which was standard practice - the onus would be on the operator to submit; and
 - a clause to no longer implement/operate extant permissions
- The items referred to in paragraph 7.43 of the report had been agreed following discussions with the applicant and their agent. However, paragraph 7.44 of the report had not agreed with the applicant and their agent, although the principle of the clause/outcome was considered necessary to control the cumulative impact, particularly in relation to highways impact. The detailed terms would be negotiated, should the application be approved. It was considered fair, reasonable and necessary to make the development acceptable in light of extant, lawfully implemented, overlapping and part constructed/operational permissions.
 - Overall, the proposed controls would be an improvement on those attached to previous consents, in terms of environmental, amenity and highways impact.
 - If permission was refused, there remained an extant permission for waste wood processing with fewer controls on HGV movements - only export HGVs numbers were limited.
 - Wider highway issues, such as the requests for a bypass and the adequacy of the wider highways network and road traffic accidents, as raised by the objectors in their video, were beyond the scope of the application under consideration and may need to be controlled by Traffic Regulation Orders or road layout alterations/improvements applicable to all traffic - not just Stobart Biomass HGVs.
 - In conclusion, the proposal was for the redevelopment and adaptation of a previously developed brownfield land, which had been previously deemed to be an appropriate site for a waste management facility.
 - The development would manage waste up the 'waste hierarchy' from disposal to re-use and divert waste from landfill and produce processed wood for renewable/low carbon energy.

Following the initial presentation, Members raised the following points and issues:-

- Although there was a Condition specifying that there should be a wheel wash facility, there was no Condition stipulating that it be used. This should be added.
- The applicant had stated that there were myths about working on a Sunday and at Bank Holidays. But this is what they had wanted and that is how the myths started.
- The tree planting had not occurred and only one monitoring report had been submitted by the applicant. The representative of the Head of Planning Services advised that, with regard to the tree planting, the extant permissions allowed for a phased development.
- It was difficult to understand why there would be fewer HGVs on site if the application were to be approved.
- Where were the tramper vehicles currently parked? It was confirmed that this is in Sherburn-in-Elmet.

- Where did site tramper HGVs park through the week? The representative of the applicant responded that they would be in various locations, depending where deliveries and collections were scheduled, nationally and locally.
- Paragraph 3.24 of the report says that there are now fewer HGV movements. How was this? The representative of the applicant explained that currently HGVs arrive empty from Sherburn-in-Elmet at the start of the week, load up and leave. They then return at the end of the week, unload and leave to travel to Sherburn-in-Elmet to be parked over the weekend. By allowing parking on site, the 4 movements which take place would be reduced to 2, as HGVs would not need to travel from and to Sherburn-in-Elmet.
- Paragraph 3.19 of the report says there would be fewer movements because off-site parking would not be required. Surely there would be the same number of movements, whether these were from Sherburn-in-Elmet or Heck? The representative of the applicant clarified that the unloaded HGV movements between Sherburn-in-Elmet and the Pollington site (“empty journey”) would be removed.
- Many tramper vehicles would not visit Pollington as they were based nationally rather than at specific sites, so a lot of trampers would be parked at Pollington. Were they related to this application? The representative of the Head of Planning Services confirmed that they would be associated with the site and an overall cap on HGV movements would control highway movements. Empty trips would be included in the total HGV movement cap.
- Condition No. 14 restricted external processing of wood. This had now changed and it seemed the company could do what they liked. The representative of the Head of Planning Services clarified that the previous Condition was in line with what was required when there was a shut down period.
- What enforcement was there in relation to the location of external processing? The representative of the Head of Planning Services advised that if processing was to take place outside the designated area shown on the site layout plan, there would be the power to take enforcement action.
- Was there any reason why opening hours could not be restricted? The representative of the Head of Planning Services responded that it was a question as to whether the Committee felt that an increase of eight hours would be acceptable. Officers considered that it would be acceptable and would not cause any significant adverse effect.
- A Member sought clarification as to why the applicant had objected to the additional clause referred to in paragraph 7.44 of the report. The representative of the Head of Planning Services confirmed that no discussion or negotiation with the applicant had yet taken place. The Member commented that if the Committee granted planning permission, then all three permissions could be implemented and operated which would mean the company could, effectively, do whatever they wished.

In response, the representative of the applicant reiterated that the applicant had not had the opportunity to consider the proposed additional clause at 7.44 of the report. The Pellet Mill had never been brought into operation for the purposes of a Section 106 Agreement signed by Dalkia (who previously owned the site). Therefore, the phasing plan agreed had no timetable. Two extant permissions

had been legally implemented. Paragraph 7.44 was unclear in providing certainty for the applicant. This could affect the operation of the site - now and in the future. The paragraph contained a number of unknowns. The applicant's view was that it was not possible for that Clause to be included in a Section 106 Agreement.

- What was the intrinsic difference between paragraph 7.44 and the existing permission? The representative of the Head of Planning Services said that the key aspect of the current application, compared to the previous two applications, was that there could be a HGV Park, alongside the waste wood processing facility. The cumulative effect was the concern. Officers were attempting to safeguard the village and the site from the cumulative impact of all permissions being implemented concurrently. There should be no objection from the applicant, as they would end up with a better facility (than that now proposed by Stobart's).

The representative of the applicant responded that when permission is granted, the planning authority seeks to contractually oblige the applicant to complete the development within a set period (suggested in paragraph 7.44). This would create a commercial risk to the company and, in its view, did not satisfy the tests of national planning law. Currently, the commercial risks would be unacceptable. Crucially, there had been no discussion on that particular Clause. Therefore, a timetable for development to be completed should not be imposed.

He added that, subject to legal agreement, the applicant would be prepared to give up the previous two consents.

The representative of the Assistant Chief Executive (Legal and Democratic Services) said that the obligations of the Section 106 Agreement, were seeking to deal with the extant permissions on the site. The objective being for the applicant to undertake that, if the new permission was implemented, the extant permissions would be relinquished. A suitable trigger point would need to be agreed with the applicant.

- What would happen if the application was approved and the additional clause referred to in paragraph 7.44 of the report was not acceptable to the company? Would the application fall? The representative of the Assistant Chief Executive (Legal and Democratic Services) advised that if this occurred officers would bring back the application to the Committee for consideration, with reasons for refusal, if appropriate.
- The imposition of 33 Conditions seemed sufficient for this application to be granted.
- In response to a question from a Member, it was confirmed that the types of wood allowed to be received and processed at the site would be controlled by the Environment Permit.
- Was there a better way to enforce conditions than the quarterly monitoring report? The representative of the applicant responded that the request for quarterly monitoring was contained in the Section 106 Agreement. The interpretation of that was that, because the Pellet Mill had never been brought into operation, the request for quarterly monitoring reports was not made.
- A Member expressed concern about the external processing being "as and when required". Why did the company not build a plant of sufficient size? The

site visit on 30 November 2016 had illustrated that there was machinery outside the building to process the wood and there was dust evident. If the wood had been dry, it would have blown all over. The representative of the Head of Planning Services referred to paragraph 3.5 of the report, which said that the applicant required a flexible working option in response to peaks in demand. The view of officers was that external processing was acceptable, but only within the designated area shown on the plan.

- The site visit had illustrated that it could be difficult for vehicles to negotiate the bridge and the Committee had seen how vehicles were mounting the kerb. Network Rail say it is OK, but mention the possibility of traffic control on the bridge, but that would be a matter for the Local Highway Authority. The route from the east seemed to be more straightforward. Had this been considered? The representative of the Head of Planning Services responded that this had been considered, but there was no planning reason for this route to be recommended. The east route passed more residential properties, whilst not having to cross the bridge and had “pinch points” along the route. Therefore, no one route was preferred.
- In response to a question from a Member, the applicant said it was not the case that deliveries to Scotland would be stopped and switched to Doncaster instead.
- Traffic control on the bridge had its merits. Would the Local Highways Authority install traffic lights on the bridge? The Highways Engineer said there were merits to this, but the bridge had not been identified as a high risk and it would, therefore, be unfair on the applicant to impose this.
- The lorries mounting the kerb were a concern. Were officers comfortable with this situation? The Highways Engineer responded that the Road Safety Team examined all routes for risks and any concerns would be picked up. In planning terms, it would not be fair or reasonable to request the applicant to fund traffic control measures.
- The traffic movements looked bad, but it was not up to the Committee to consider matters beyond the scope of this particular application, which it appeared to be doing.

A Member moved that the recommendation in the report be approved, subject to paragraph 7.44 being delegated to officers to agree the trigger point.

The Head of Planning Services suggested that if Members were minded to grant the application, subject to negotiation between officers and the applicant, it should be deferred to enable negotiations and a report back on the outcome of the discussions, for Members to then make their decision.

The Member who moved the motion commented that the applicant needed to know whether the rest of the application was going to proceed. The Head of Planning Services advised that it was normal for in principle approval to be given, subject to a Section 106 Agreement. It was open to Members to approve the application, subject to a Section 106 Agreement and for a further report to be brought to Committee, if this could not be negotiated satisfactorily.

The representative of the applicant confirmed that, if the application were to be approved, the applicant would engage in detailed discussions regarding the Section 106 Agreement.

A Member seconded the Motion. In doing so, he stated that the objectors had some relevant objections, but these were not within the remit of this Committee and needed to be considered elsewhere.

A Member commented that he was uncomfortable with the situation regarding paragraph 7.44 of the report and was concerned about the reluctance of the applicant to accept this. He would prefer the matter be deferred and the outcome of the negotiations brought back to the Committee. The onus was on the Committee to do as much as it could to put safeguards in place if the application was approved. The Member concerned moved an alternative motion that the application be deferred. This was seconded.

A Member suggested the following amendments to the original motion:-

- to remove external processing at any time;
- to reduce hours of operation to 7.00 am to 6.00 pm Monday to Friday and 7.00 am until 1.00 pm on a Saturday; and
- require the use of the wheel wash facility

The mover and seconder of the original motion confirmed that they were agreeable to the proposed additions about reducing the hours of operation and the use of the wheel wash being included, but not the removal of external processing at any time.

The alternative motion, that the application be deferred, was then put to the vote and defeated.

The original motion, including the two amendments, relating to hours of operation and use of the wheel wash facility, was, therefore, that: The application be approved subject to:-

- paragraph 7.44 being delegated to officers and the applicant to reach a reasonable outcome and, if that failed, the application should fail;
- an amended Condition reducing the hours of operation to 7.00 am to 6.00 pm Monday to Friday and 7.00 am until 1.00 pm on a Saturday; and
- an additional Condition requiring the use of the wheel wash facility

On being put to the vote the original motion, as amended, was carried.

Accordingly, it was

Resolved -

That, subject to the following, planning permission be granted for the reasons stated in the report and the Conditions outlined:-

- the issues in paragraph 7.44 of the report (concerning the Section 106 Agreement) being delegated to officers and the applicant to reach a reasonable outcome and, if that fails, the application should fail;
- amend the Condition to reduce the hours of operation to 7.00 am to 6.00 pm Monday to Friday and 7.00 am until 1.00 pm on a Saturday; and
- include an additional Condition requiring the use of the wheel wash facility

- 212. C6/16/00463/CMA – (NY/2016/0021/FUL) - Demolition of the stable building (64 sq. metres) and the replacement with a single storey extension to the School House (64 sq. metres) to provide kitchen and dining facilities at Sharow Church of England Primary School, Berrygate Lane, Sharow, North Yorkshire, HG4 5BJ on behalf of The Corporate Director, Children and Young People’s Services**

Considered -

The report of the Corporate Director - Business and Environmental Services asking the Committee to determine the above planning application.

The application was being reported to the Committee for determination because it was subject to an objection having been raised by Harrogate Borough Council on the grounds of the impact upon a non-designated heritage asset, the design of the replacement building and the location of development.

A representative of the Head of Planning Services presented the Committee Report, highlighting: the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations; and conclusion and a recommendation. A series of plans, photographs and visual information were presented to complement the Committee Report.

There were no material planning considerations to warrant the refusal of this application. It was considered that, the proposed development was compliant with the national and local policies which were currently in force for the area and all other relevant material considerations.

Resolved -

That planning permission be granted subject to the reasons stated in the report and subject to the conditions outlined.

213. C6/16/03735/CMA – (NY/2016/0168/73A) - Retention of prefabricated classroom unit 1323 (68 sq. metres) for a further 6 years at Moorside Infant School, Harrogate Road, Ripon, HG4 1SU on behalf of The Corporate Director, Children and Young People's Services

Considered -

The report of the Corporate Director - Business and Environmental Services asking the Committee to determine the above planning application.

The application was being reported to the Committee for determination because it was subject to an objection having been raised by Ripon City Council on the grounds of the proposal not fitting within the historic landscape of Ripon.

A representative of the Head of Planning Services presented the Committee Report, highlighting: the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations; and conclusion and a recommendation. A series of plans, photographs and visual information were presented to complement the Committee Report.

The representative of the Head of Planning Services outlined the main considerations as follows:-

- Principle of the proposed development: Ripon City Council had asked for a permanent building because of the age of the current unit. However, because of a lack of teaching space on site and the short term need for this unit, its retention was acceptable, in principle.

- Design: This was in a good condition and was not considered to be of poor design. It did not detract significantly from the school site. It was of an appropriate scale to the main school building, so as not to conflict with its style.
- Local Character of the area: The unit was unlikely to enhance the surrounding site or area. The unit was 450 metres south of the Conservation area of Ripon. It was not visually prominent in the area and was screened from the Harrogate Road by the main school building.
- Residential amenity: The raised northern boundary treatment comprised a concrete one metre high wall with a one metre high wooden fence located at the top of it and a 1.5 metre evergreen hedge. The access road to Moorside Junior School lessened the impact of the unit on the area by creating a buffer.

In conclusion, there were no material planning considerations to warrant the refusal of this application for the retention of a prefabricated classroom unit 1323 (68 square metres) for a further six years.

A Member moved that the application should be approved for three years – rather than six years, as recommended in the report. On being seconded, the motion was put to the vote and was defeated.

Resolved -

That planning permission be granted, subject for the reasons stated in the report and subject to the conditions outlined.

214. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services, outlining the County Council performance in the handling of county matters in County Council development planning applications for the period 22 September 2016 to 13 November 2016, inclusive.

The Head of Planning Services advised that the application relating to Malton 4 Wellsite at Kirby Misperton Lane in Great Habton, concerned the installation of a temporary generator and pump as part of a proposal by the Operator, Third Energy, to stimulate gas from Wells. The Pickering Well was part of an initiative to increase gas exploration from Pickering Gas Field.

Information ascertained from other Local Authorities was that, on average, 76% of planning applications were delegated to officers, compared to 86% in North Yorkshire County Council. The 86% figure had been as high as 95% previously. Therefore there was scope for increasing this figure further.

Now that the comparator performance information had been received, the Head of Planning Services advised she would arrange for an amendment to the Constitution to be considered by the Constitution Working Group, which would enable minor applications to be dealt with through her, in consultation with the Chairman and Vice-Chairman of the Committee.

Resolved -

That the report be noted.

215. Publication by Local Authorities of information about the handling of planning applications

Considered -

The report of the Corporate Director - Business and Environmental Services outlining the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 2 (the period 1 July 2016 to 30 September 2016).

Information on enforcement cases was included as an appendix to the report.

The Head of Planning Services stated that:-

- The application from Killerby Sand and Quarry would be considered in the new year.
- Good progress was being made in working through the legacy applications.
- In several cases, there had been a reasonable time period between the application and contact from the applicant, so there should be a decrease in the number of cases, as these would be disposed of within the next few months.

Resolved -

That the report be noted.

216 Urgent Business

The Chairman decided that the following Item be considered as a matter of urgency, in order that the Committee could decide on its approach when meetings last over three hours.

217 Meetings lasting over three hours

The Chairman reported that he had canvassed opinion from Members of the Committee and the consensus was that if meetings ran on beyond three hours the Committee should break for half an hour when three hours had been reached.

Resolved -

That when the Committee has been in session for three hours it should then adjourn for half an hour and that a note to this effect be included on the Agenda for future meetings.

The meeting concluded at 1.10 p.m.

PD

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

7 February 2017

C8/2016/0873/CPO - Planning application for the purposes of a 14.91 hectare extension to the existing sand quarry for the extraction of sand over a period of approximately 6 years on land at Hensall sand quarry, Broach Road, Hensall, North Yorkshire, DN14 0UD on behalf of Darrington Quarries Ltd (Selby District) (Osgoldcross Electoral Division)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for a 14.91 hectare extension to the existing sand quarry for the extraction of sand over a period of approximately 6 years on land at Hensall Sand Quarry, Broach Road, Hensall on behalf of Darrington Quarries Ltd (DQL).
- 1.2 This application is subject to an objection having been raised by a member of the public in respect of this proposal (summarised in paragraph 5.3 of this report) and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Hensall Sand Quarry is located approximately 500m south of the village of Hensall and approximately 8.5km south-south west of the town of Selby. Hensall Sand Quarry is currently operated by Darrington Quarries Ltd for the extraction of sand, predominantly building sand (also sand for use as a soil improver). The quarry presently covers an area of 11.6 hectares and produces circa 90,000 tonnes per annum. At the time of the application (June 2016) it was forecast that there was less than 9 months of reserves remaining at the quarry. The applicant states that a significant proportion of the existing consented reserves have been sterilised due to the site having been undermined from Kellingley Colliery; the ground surface sinking and the water level rising some 2.4m. The proposed development seeks to extend the current minerals working area into land currently in agricultural use (arable & pasture) to access reserves of sand to replace and supplement those sterilised as a result of the existing quarry having being undermined from Kellingley Colliery. The proposed extension site is relatively level, but with some undulation, with levels varying between 8.94m AOD and 6.39m AOD.
- 2.2 The application site is bounded to the north by the Knottingley to Hull railway line and to the east by New Road. The village of Hensall lies to the north of the railway line. Agricultural land borders the site to the west, with the Selby to Doncaster railway line located approximately 700m to the east. The quarry is bounded to the south by the A645 Broach Road, beyond which is agricultural land

intersected by the M62 motorway. To the west of the quarry lies a crossroad intersection between the A645 and two minor roads, Church Lane to the south and Station Road to the north. A number of residential properties, a church and a school are situated close to the intersection and along Station Road. Hensall railway station is situated approximately 100m north west of the quarry boundary. Eggborough Power Station is situated approximately 1.3km to the north west of the quarry.

- 2.3 The nearest residential properties to the application site are the two properties at 'Quarry View' and the Gate House approximately 50-60 metres to the north east of the proposed extension site. The extended quarry would be closer to these properties than at present when extraction is within phase 2. In addition, other nearby properties to the proposed extension site include the bungalow known as 'Blue Pines' located approximately 150 metres to the west of the site and the properties making up the village of Hensall located approximately 140 metres to the north west. The nearest Public Right of Way is no. 35.34/4/1 south of the A645 Broach Road and would not be affected by the application site.
- 2.4 In relation to constraints, the application site does not fall within, or in close proximity to any "sensitive areas" (SSSI, SPA/SAC, RAMSAR, AONB) or Article 1(5) land (Conservation Areas), Listed Buildings or Scheduled Ancient Monuments. The application site is located within Flood Zones 2 and 3 as designated by the Environment Agency, meaning that the site is regarded as having a high probability of flooding. The site is within a Source Protection Zone 3 located on a principal aquifer. The site is also located within a Coalfield Consultation Area.
- 2.5 A plan showing the application site is attached to this report at Appendix A.

Planning History

- 2.6 There is no planning history directly relevant to the application site although there is planning history relating to the existing quarry relevant to the determination of this application as follows: -
- 2.7 On 16 June 2006 planning permission ref C8/38/196/PA was granted for a new quarry for the extraction of sand with the construction of a new access and the erection of processing plant and equipment. The permission area covers 11.6 hectares, of which 7.67 hectares was consented to be worked for the extraction of 1.26 million tonnes of building sand over 25 years. The permission authorises mineral extraction until 15 June 2031 with restoration to low level agricultural use.
- 2.8 On 20 June 2013 planning permission ref. C8/38/196A/PA was granted for the variation of condition no.10 of planning permission C8/38/196/PA to increase the number of HGV movements associated with mineral extraction activities. The permission expires on the 15 June 2031.
- 2.9 On 20 June 2013 planning permission ref. C8/38/41C/PA was granted for the importation of compost, mixing of compost and sand, stockpiling and exportation of soil material. On 25 March 2015 an application (ref. NY/2015/0108/A30) was received for the approval of details reserved by condition no.4 of planning permission C8/38/41C/PA which relates to a scheme for the storage of materials. The application was not determined and was finally disposed of on 5 July 2016.

The permission was not lawfully implemented and the permission has now lapsed.

- 2.10 On 15 January 2016 the Authority issued a 'Scoping Opinion' ref. NY/2015/0263/SCO in respect of those matters that the County Planning Authority required to be assessed in undertaking an Environmental Impact Assessment (EIA) for the development the subject of this application.
- 2.11 In late November 2016 the applicant informed the County Planning Authority that it was highly likely that current reserves within the existing quarry would be exhausted prior to the determination of the planning application. This is due to a significant proportion of the existing consented reserves being sterilised due to the site having been undermined from Kellingley Colliery; the ground surface sinking and the water level rising. The applicant confirmed at that time there was less than 2 months reserves remaining at the site and *"in order to protect jobs and to continue to serve its existing customers, DQL may have no option but to extend workings into Phase 1 of the proposed development without the benefit of planning permission"*. The applicant states that the Company would not take the decision lightly and acknowledge that such workings would be unlawful and would be open to enforcement action. The applicant provided the Authority with an Interim Working Plan for a 1 hectare area of Phase 1 to generate approximately 50,000 tonnes (sufficient for 6 months production). The applicant confirmed working would be in line with the extant planning conditions applicable to the existing quarry and take into account the results of the EIA and comments received following the consultation exercise on this planning application. Within this part of Phase 1, following discussions with the Environment Agency, the applicant proposes the maximum depth of working would be no lower than the recorded water table plus 1 metre (2.9m AOD). The applicant states that should permission be refused then the area of working would be restored within surplus material from the existing quarry to a depth of 0.3m below pre-working contours. The agent notified the Authority that on 9 January 2017 the applicant commenced working in Phase 1 of the extension area.

3.0 The proposal

- 3.1 Planning permission is sought for a 14.91 hectare extension to the existing sand quarry for the extraction of sand over a period of approximately 6 years on land at Hensall Sand Quarry, Broach Road, Hensall on behalf of Darrington Quarries Ltd. 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:- Landscape and Visual Appraisal, Ecology, Hydrology, Hydrogeology and Land Contamination, Noise and Vibration, Transport, Traffic and Public Rights of Way, Air Quality, Archaeology/Cultural Heritage, Socio-Economic Impacts, Cumulative Impacts and Soil Resources, Conservation and Management.
- 3.2 The area of excavation within the proposed extension site is approximately 13 hectares and contains approximately 600,000 tonnes of sand which would be worked over the period 2017 to 2023 (approx. 100,000 tonnes per annum). In summary the proposed development involves soil stripping and storage; phased extraction and screening of sand; transport of sand to market by road; and phased restoration of the site to agriculture at low level and aftercare.

- 3.3 The working would be in four phases as shown on the Phasing Plan drawing attached to this report at Appendix C. The Phasing Plan shows 30 and 10 metre standoffs from the railway and road respectively. The below table details the proposed working in the extension area:-

Phase	Area ha (active)	Tonnage	Duration (years)
1	4.1	158,361	1.58
2	3.4	120,838	1.21
3	3.7	223,387	2.24
4	1.8	100,443	1.00
Total	13	603,029	6.03

- 3.4 The extracted mineral comprises building sand and soil improver (approx. 50:50 split) which would be exported to designations in North, West and South Yorkshire within a 25km radius of the quarry. It would be transported by HGV (20 tonnes) and there would be a maximum of 40 movements per day.
- 3.5 It is proposed that quarrying and associated operations (processing, HGV movements etc) shall take place between 07.30-17.30 hours Monday to Friday, 07.30-13.00 hours Saturday and no machinery maintenance shall take place except between the hours of 07.30-17.00 Monday to Friday, 07.00 – 15.00 Saturday. There would be no quarrying or associated operations, including machinery maintenance on Sundays or Bank and Public Holidays.

Mineral extraction and processing

- 3.6 It is proposed to use a loading shovel for sand extraction and vehicle loading as with existing operations. The maximum working depth would be 5 metres and above the natural water table and working faces would have a gradient of 1:1. The on-site processing plant will consist of two powered dry screens and no crushing is required. The existing site is equipped with a weighbridge, wheel cleaning equipment and a site office. The existing site access off New Road will continue to be used as would the existing on site infrastructure within the quarry.

Restoration and Aftercare

- 3.7 The applicant proposes phased restoration of the site to agriculture at low level with shallow gradients at the former working faces. The restoration design for the quarry is shown on the drawing attached to this report at Appendix D and the phased approach would allow for the early return of the site to agriculture.
- 3.8 The proposed restoration would reinstate internal field boundaries, agricultural land use, but not the original ground levels. It is anticipated that the final height of the agricultural land would be approximately 4m below current levels. The landscape features along the northern, eastern and southern boundaries ('gappy' hedgerows) would be strengthened through planting.
- 3.9 There would be 300mm of topsoil and subsoil spread across the site as part of restoration (40,978m³). Following placement, the topsoil would be cultivated and drilled. The early establishment of a grass sward would prevent erosion and encourage soil improvement through plant rooting. A suitable grass mixture is proposed as follows:

Type	Kg/ha
Perennial Ryegrass (Parcour)	10
Perennial Ryegrass (Contender)	10
Timothy (S48)	4
Creeping Red Fescue (S59)	2
Wild Clover	1
Total	27

- 3.10 The applicant has confirmed that once the 12 months of groundwater monitoring has been completed a materials balance will be calculated (material for infilling) and the final depth of working of the quarry established and then a Restoration Masterplan submitted for consideration. The applicant has confirmed that the Masterplan will show the integration between the existing quarry and the extension area together with biodiversity enhancements.
- 3.11 The restored landform would be subject to aftercare management for a 5 year period. It is proposed that soil samples are taken at the restoration stage to assess the fertiliser requirements. The scheme will address such matters as establishment and maintenance of crops, soil testing to determine fertiliser requirements, works to alleviate any residual compaction and drainage.

Employment

- 3.12 The application details state that the quarry extension will safeguard two full-time jobs and help safeguard a further five allied jobs in haulage and support services.

4.0 Consultations

- 4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on 20 July 2016 and the subsequent re-consultation on 16 December 2016 following the receipt of further/amended information comprising a letter from Agent dated 13 December 2016, tree, bat & reptile surveys, tree protection plan, landscape plans phases 1 & 2 and draft planning conditions. As required by the Regulations, notification of the Secretary of State (National Planning Casework Unit) of the planning application was undertaken on 18 July 2016.
- 4.2 **Selby District Council (Planning)**- has not responded to the initial consultation or the reconsultation.
- 4.3 **Selby District Council (Environmental Health)**- responded on 9 August 2016 and requested further information and clarification on noise and air quality. The EHO recommends that in light of the noise assessment only considering day time operations that any permission given includes a condition to limit operation to daytime only. The EHO also highlighted the effect of the poor weather on the background noise measurement recorded in April 2016.
- 4.3.1 The EHO responded to the re-consultation on the further/amended information on 10 January 2017 and notes the proposal to allow machinery maintenance to be carried out after 13:00 on a Saturday so requests that the hours of operation condition specifies that such maintenance is not audible at the boundary of noise sensitive properties.

- 4.3.2 The EHO advises that as recommended in the Governments guidance on planning for mineral extraction that Mineral Planning Authorities should aim to establish a noise limit through a planning condition. The guidance recommends that the levels should not exceed the background noise level by more than 10 dB(A) or a maximum of 55dB(A) LAeq where the previous requirement would impose unreasonable burdens on the mineral operator.
- 4.3.3 The EHO states *“In this case the noise levels taken during the monitoring in November 2016 included contributions from the operation of the quarry itself and, therefore, not considered to be representative of the background noise level. NB the guidance definition of the Background noise level: The A-weighted sound pressure level of the residual noise at the assessment with no operation occurring at the proposed site, defined in terms of the LA90,T”*.
- 4.3.4 The EHO states that because the quarry was operational all day and it was, not possible to monitor when the quarry was on a break then background levels have not been determined and hence levels to populate such a condition cannot be determined. The EHO states *“The proposed Condition suggests that a scheme should be agree to control and monitor noise. I would question the relevance of monitoring noise if levels have not been set”*. In response the applicant’s noise consultant has explained that the noise monitoring and modelling were carried out in accordance with the relevant planning practice guidance for mineral development. This guidance states that mineral planning authorities should take account of the prevailing (existing/current) acoustic environment. As the quarry has been operational for a number of years it should legitimately be considered as part of existing acoustic environment.
- 4.3.5 With regard to air quality the EHO is in agreement with a scheme to control and monitor dust from the operations.
- 4.4 **Environment Agency-** responded on 3 August 2016 and requested further information to fully assess the potential impact on groundwater. It was recommended that 12 months of groundwater level information is provided (derived from trial pits).
- 4.4.1 The EA state that the series of measures to be used to prevent and deal with spillages of hazardous substances should also include suitable secondary containment. The EA highlight that there is no consideration whether the proposed extension may result in the generation of silt and clay and if this will impact on groundwater quality. This should be considered and a risk assessment should be provided with any necessary mitigation measures to prevent impact to groundwater quality.
- 4.4.2 With regard to flood risk the EA state that provided the proposed development is carried out in accordance with the submitted Flood Risk Assessment they have no objections.
- 4.4.3 The EA wrote to the Authority on 24 November 2016 and stated that following their initial comments dated 3 August 2016 a meeting was held with the applicant and agent regarding the potential groundwater issues and a proposed two staged approach to collecting outstanding information.

- 4.4.4 The EA confirm that the applicant's proposals have been reviewed and in general the EA accept the two stage approach outlined. Stage 1 indicates that groundwater level monitoring data will be collected for a period of 12 months. During this time excavation above the water table of phase 1 could occur. Stage 2 indicates that the groundwater level information will be used to establish and inform the future depth of working in relation to the water table in the second and subsequent extension phases.
- 4.4.5 The EA confirmed that they have no objection to the application subject to the inclusion of planning conditions, requiring the submission and subsequent agreement of further details relating to groundwater level monitoring proposals for each phase of the site, the excavation working depths, an updated conceptual site model and risk assessment and a construction environmental management plan for the working and restoration phase.
- 4.4.6 The EA responded to the re-consultation on the further/amended information on 30 December 2016 and state that they have reviewed the draft conditions and have no comments to add. The EA have reviewed the letter submitted by the Agent dated 13 December 2016 and recommend that it is read in conjunction with the EA response letter dated 24 November 2016 which contains an outline of the agreed staged approach.
- 4.5 **Natural England-** responded on 2 August 2016 and acknowledges that the proposed extension includes some 4.7hectares of 'best and most versatile' (BMV) agricultural land in the Agricultural Land Classification (ALC) system. Natural England state that in view of the area and ALC grading of land affected they do not wish to comment in detail on the soils and reclamation issues arising from this proposal, but make the following points:
- 1) In accordance with Schedule 5, Part 1, Para 4 (1) of the 1990 Act, Natural England confirms that it would be appropriate to specify agriculture as an afteruse.
 - 2) To ensure that the site working and reclamation proposals meet the requirements for sustainable minerals development, the proposals should be carefully considered against current Minerals Planning Practice Guidance, particularly section 6 on restoration and aftercare of minerals sites.
 - 3) Defra's Good Practice Guide for Handling Soils provides detailed advice on the choice of machinery and method of their use for handling soils at various phases.
 - 4) More general advice for planning authorities on the agricultural aspects of site working and reclamation can be found in the Defra Guidance for successful reclamation of mineral and waste sites.
- 4.5.1 Natural England highlight that the Authority should assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
- local sites (biodiversity and geodiversity)
 - local landscape character
 - local or national biodiversity priority habitats and species.

- 4.5.2 Natural England state that their Standing Advice on protected species should be applied in this instance and also that there may be opportunities to incorporate biodiversity enhancements into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.
- 4.5.3 Natural England responded to the re-consultation on the further/amended information on 4 January 2017 and state that *“the advice provided in the previous response (2 August 2016) applies equally to this additional information, although we made no objection to the original proposal”*.
- 4.6 **Yorkshire Water Services Ltd-** responded on 5 August 2016 and highlight that the site is within a Source Protection Zone 3. However, YW is satisfied that the proposed quarry extension is unlikely to have a significant negative impact on groundwater and the public water supply abstraction boreholes at Heck, provided that the procedures and mitigation measures outlined in the Environmental Statement are put in place as stated.
- 4.6.1 Yorkshire Water responded to the re-consultation on the further/amended information on 18 January 2017 and state that they are fully supportive of the groundwater monitoring methodology that has been agreed with the Environment Agency, and the subsequent conditions set out by the Environment Agency in their letter dated 24 November 2016. Yorkshire Water trust that the agreed approach will minimise any potential risks to groundwater, and YW public water supply boreholes.
- 4.7 **Network Rail-** responded on 10 August 2016 and state that in order to safeguard the railway a number of conditions and informatives should be included on any permission granted. These cover safe stand offs from the railway (relating to extraction, buildings, material storage, plant and machinery and tree planting), the maintenance of a stable quarry face adjacent to the railway boundary, a safe lighting scheme (to avoid dazzle hazard) and a restriction on the nature of any imported backfill material (inert only).
- 4.8 **Coal Authority-** responded on 22 July 2016 and confirmed that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area and there is no requirement for a Coal Mining Risk Assessment. The Coal Authority requests that their Standing Advice is included within the Decision Notice as an informative note to the applicant in the interests of public health and safety.
- 4.8.1 The Coal Authority responded to the re-consultation on the further/amended information on 20 December 2016 and reiterated the above comments.
- 4.9 **NYCC Heritage – Ecology-** responded on 20 July 2016 and made interim comments noting that whilst the ecology survey and assessment is generally sound and in accordance with the current standards full comments can only be made once the bat activity and reptile surveys have been submitted prior to determination.
- 4.9.1 The County Ecologist requested clarification on the number and status of mature trees on the site, where these are and which will be either lost or affected by the development.

- 4.9.2 The County Ecologist requested information on the biodiversity value and how many mature trees will be lost, how any remaining trees will be protected and what mitigation/compensation is proposed for those trees lost – for example replacement trees.
- 4.9.3 The County Ecologist also noted that the biodiversity enhancements should be shown on a restoration/landscape masterplan.
- 4.9.4 The County Ecologist responded to the re-consultation on the further/amended information on 10 January 2017. The County Ecologist confirmed that the reptile survey has been carried out in accordance with current standards and best practice and that it did not find evidence of reptiles using the site and as such no further surveys or mitigation are proposed. The County Ecologist considers that the site restoration will provide suitable habitat for reptiles in the future.
- 4.9.5 The County Ecologist has considered the bat activity survey which was carried out in addition to the bat roost assessment and is of the view that this level of survey work is sufficient to understand the impact associated with the proposed development. The County Ecologist notes that the results found that bat activity across the site is relatively low, with most activity found along the eastern boundary and states *“The timing of the arrival of bats to the site suggests that bats are roosting outside of the development site; this reinforces the conclusion that the mature trees within the site do not currently support roosting bats”*.
- 4.9.6 The County Ecologist highlights that the trees due to be felled do hold features that could support roosting bats in the future and since the trees may not be immediately felled, the County Ecologist recommends that prior to their removal the trees are checked for roosting bats and where necessary following this check the trees are section felled with the timber left on the ground for a short period following the felling. This should be secured by condition.
- 4.9.7 The County Ecologist comments that the mature trees to be lost as part of the development are not considered commonplace in the local landscape and whilst not designated as a habitat of principal importance, the presence of these features indicates that these trees do have ecological value and suitable avoidance, mitigation and as a last resort compensation should be incorporated into the proposals. The County Ecologist acknowledges that the proposals include new tree planting and installation of bat boxes as enhancement measures; but it is still not clear how these features link into the overall restoration of the existing and new site, since a restoration plan covering the wider area has not been provided. The County Ecologist requests conditions to cover pre-felling checks of trees for roosting bats and tree and vegetation removal outside of the nesting season and also an overall restoration plan for the site, which clearly identifies mitigation and enhancement measures for nature conservation.
- 4.10 **NYCC Heritage - Principal Landscape Architect-** responded on 17 August 2016 and confirmed no objections in principle to the extension of the existing quarry as it would not affect a nationally or locally designated landscape, and subject to mitigation would not have a significant adverse effect on the wider landscape.

- 4.10.1 However, the County Principal Landscape Architect states that *“Further quarrying would have an irreversible local impact (not just a temporary change as stated in paragraph 5.1 of the Environmental Statement) through removing historic landscape features and creating an artificial landform. In addition, the local context for the development is a landscape in declining condition, due to agricultural intensification and the cumulative effects of sand quarrying, which the current proposals would exacerbate”*.
- 4.10.2 The County Principal Landscape Architect requested further information and clarification in relation to the retention of five existing mature trees for their landscape and historic value, the future water table and drainage so an agricultural after use can be ensured, advance phased planting and a final restoration masterplan.
- 4.10.3 The County Principal Landscape Architect requests conditions to cover a soil resource plan, a scheme of mitigation including advance planting and also standard conditions covering the submission of a detailed scheme for phased restoration and management for agricultural and nature conservation uses and aftercare.
- 4.10.4 The County Principal Landscape Architect responded to the re-consultation on the further/amended information on 11 January 2017 and, in summary, states *“whilst there are no landscape designations affecting this site, some aspects of the development continue to conflict with the aims of local planning policy. Further clarification is also required on standoffs for protective fencing and soil storage and on restoration phasing for the quarry as a whole”*.
- 4.10.5 The County Principal Landscape Architect observes that the protective fencing around the trees will be visually intrusive and consideration should be given to a more visually acceptable fencing type e.g. a robust agricultural fence erected before any earthmoving takes place. It is also recommended that consideration is given to a more generous and consistent standoff for the protective fencing, to include space for access for hedgerow maintenance.
- 4.10.6 The County Principal Landscape Architect is satisfied with the proposed pre-development mitigation but requests more information on the ‘further mitigation’ planting and how it would form part of the final restoration scheme. The County Principal Landscape Architect highlights that at present the drawing does not show how the existing quarry would relate to final contours or internal restoration features, so it is not possible to determine its effectiveness without a whole quarry plan.
- 4.10.7 The County Principal Landscape Architect states that *“From the landscape perspective an amended scheme which retains the mature Oak trees and the former watercourse/ditch that forms a field boundary within the site would be much preferred”*. The County Principal Landscape Architect observes that *“the trees, particularly tree no 4 as shown on the Tree Location Plan dated October 2016, have landscape and historic landscape value in an area that has been otherwise greatly modified and would make a significant visual contribution to any restoration scheme, as well as contributing to screening during the operational period”*.

- 4.10.8 The County Principal Landscape Architect accepts that the final restoration contours cannot be determined before planning permission is granted due to the uncertainties over groundwater levels but recommends that an initial conceptual masterplan for the whole quarry is provided *“in order to demonstrate an overall effective approach to restoration including gradients of slopes, planting and biodiversity enhancement”*. As referred to in paragraph 4.10.6 above the County Principal Landscape Architect states that the existing restoration proposals for the existing quarry will need to be amended to show integration with the quarry extension.
- 4.10.9 On 17 January 2017 the County Principal Landscape Architect made further comments following the applicant’s confirmation that two tree groups would be retained on New Road as a compensatory measure for the features to be removed to allow mineral extraction (Drawing ref HQL-H-101 ‘Tree Retention Plan’ dated Jan 2017). The County Principal Landscape Architect states *“This provides a good nucleus for a future larger copse containing trees of mixed ages, which can be expanded further as part of the restoration scheme. Despite the relatively small footprint of the copse and hedgerow it will provide good screening, which can be further increased by advance planting, and it will make a significant visual contribution to the restored landscape, and local landscape character”*.
- 4.10.10 The County Principal Landscape Architect accepts that a restoration masterplan should be submitted within 18 months of the grant of planning permission in light of the requirement for the applicant to first complete 12 months of groundwater monitoring as required by the Environment Agency. The County Principal Landscape Architect supports the proposed advanced and post extraction planting and has confirmed that the compromise to retain identified tree groups is accepted.
- 4.11 **NYCC Heritage – Archaeology-** responded on 9 August 2016 and acknowledged that the principal archaeological resource identified consisted of Iron Age and Romano-British field enclosures, with some evidence for structures and domestic activity. The County Principal Archaeologist states that *“These almost certainly continue into Phase 3 of the proposed extension as comparable features have been mapped from aerial photographs. Phases 1, 2 and 4 of the proposed extension also have potential for further later Prehistoric and Roman landscape features, which based on the results of the earlier recording appear to extend in all directions. Early prehistoric activity was also noted in the form of three Neolithic pits. Features of this date are very rare in this area”*.
- 4.11.1 The County Principal Archaeologist agrees with the applicant that features identified in the previous fieldwork are of regional significance and would not preclude development. The County Principal Archaeologist states that *“The phased strip, map and record exercise appears to have worked well in recording the archaeological features at the existing quarry”* and agrees with the recommendation that this methodology should be extended into the current area and that a condition is attached to any permission granted to secure the implementation of such a scheme of archaeological mitigation recording.
- 4.11.2 The County Principal Archaeologist responded to the re-consultation on the further/amended information on 22 December 2016 and confirmed that the previous advice dated 9 August 2016 remains valid. The County Principal

Archaeologist has also been notified by the applicant's archaeologist that work has commenced in part of phase 1 (referred to in paragraph 2.11 of this report) and that archaeological investigations form part of that work.

- 4.12 **NYCC Arboricultural Officer-** has not responded to the initial consultation or the reconsultation.
- 4.13 **Highway Authority-** responded on 28 July 2016 and noted that the existing level of vehicles accessing the site is very similar to the proposed levels of approximately 40 HGVs per day. The LHA acknowledge that this level of use should not have a great impact on either existing traffic flows on New Road or A645 County Road. However the LHA would not wish to see flows from the site exceed this figure. The LHA also acknowledge that the visibility at the existing access meets their design standard requirements. The LHA recommend the inclusion of conditions restricting access to the site to only via the existing access, the incorporation of precautions to prevent the deposit of mud on the highway and the establishment of on-site parking and storage areas during construction (Note: not applicable in light of no construction proposed).
- 4.14 **Highways England-** responded on 10 August 2016 and acknowledge that the extension would be a "like for like" continuation from the existing quarry. Highways England state that *"it is not considered that the application will have an adverse impact on M62 Junction 34 or any other part of the SRN utilised by the trips arriving or departing from the development. This conclusion is based primarily on the proposals being a continuation of an existing industrial activity which will not significantly intensify the level of traffic generation, if at all, as a result of the application. We therefore advice offer no objection and allow the development to come forward"*.
- 4.15 **Hensall Parish Council-** responded on 10 January 2017 to confirm that the Parish Council do not wish to comment on the application.
- 4.16 **Shire Group Internal Drainage Board (Danvm Drainage Commissioners)-** has not responded to the consultation.

Notifications

- 4.17 **County Councillor John McCartney-** was notified by letter on 20 July 2016.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of six Site Notices posted on 25 July 2016 (responses to which expired on 15 August 2016). The Site Notices were posted in the following locations: the site entrance off New Lane, Station Road (2), Field Lane (2) and Heck Lane. A Press Notice appeared in the Selby Times/Post on 4 August 2016 (responses to which expired on 18 August 2016).
- 5.2 A total of 38 Neighbour Notification letters were sent on 22 July 2016 and the period in which to make representations expired on 12 August 2016. The following properties received a neighbour notification letter:

1. ONE ACRE, LONG LANE, GREAT HECK, GOOLE
2. WOOD COTTAGE, LITTLE HECK, GOOLE

3. 47, SNAITH ROAD, HENSALL, GOOLE
4. 51, SNAITH ROAD, HENSALL, GOOLE
5. 45, SNAITH ROAD, HENSALL, GOOLE
6. 41, SNAITH ROAD, HENSALL, GOOLE
7. 49, SNAITH ROAD, HENSALL, GOOLE
8. 43, SNAITH ROAD, HENSALL, GOOLE
9. QUARRY VIEW, HECK LANE, HENSALL, GOOLE
10. THE GATE HOUSE, HECK LANE, HENSALL, GOOLE
11. 7, STATION ROAD, HENSALL, GOOLE
12. STATION ROAD, HENSALL, GOOLE
13. 8, STATION ROAD, HENSALL, GOOLE
14. WINDYRIDGE, STATION ROAD, HENSALL, GOOLE
15. 4, STATION ROAD, HENSALL, GOOLE
16. BLUE PINES, WEELAND ROAD, HENSALL, GOOLE
17. ROCHE VILLA, STATION ROAD, HENSALL, GOOLE
18. 1, STATION VIEW STATION ROAD, HENSALL, GOOLE
19. STATION HOUSE, STATION ROAD, HENSALL, GOOLE
20. 3, STATION VIEW STATION ROAD, HENSALL, GOOLE
21. 1, SPRING GARDENS, HENSALL, GOOLE
22. 6, SPRING GARDENS, HENSALL, GOOLE
23. SPRINGFIELD HOUSE, STATION ROAD, HENSALL, GOOLE
24. JORLANDA, STATION ROAD, HENSALL, GOOLE
25. BRIARWOOD, STATION ROAD, HENSALL, GOOLE
26. 7, SPRING GARDENS, HENSALL, GOOLE
27. CHESTNUTS, STATION ROAD, HENSALL, GOOLE
28. OAKWOOD, STATION ROAD, HENSALL, GOOLE
29. 5, SPRING GARDENS, HENSALL, GOOLE
30. 2, SPRING GARDENS, HENSALL, GOOLE
31. PARK HOUSE, STATION ROAD, HENSALL, GOOLE
32. LAVENDER HOUSE, STATION ROAD, HENSALL, GOOLE
33. SWALEDALE, STATION ROAD, HENSALL, GOOLE
34. 3, SPRING GARDENS, HENSALL, GOOLE
35. 4, SPRING GARDENS, HENSALL, GOOLE
36. ROSEDALE HOUSE, STATION ROAD, HENSALL, GOOLE
37. WILLOWDENE, STATION ROAD, HENSALL, GOOLE
38. THE VALE, STATION ROAD, HENSALL, GOOLE

5.3 Representations (14 in total) have been received from one member of the public and the location of the objector is shown on the plan attached to this report at Appendix B. The representation states the individual occupies the Parish field which forms part of the proposed extraction area (within Phase 3) and is the agricultural land used for pasture defined by a drain along its west and south sides. The individual states that over the past 35 years, with the benefit from “established occupancy”, and with permission from the Parish Council, two stables and storage barns have been constructed and two containers installed together with fencing and gates. The representations raise objections on the following grounds:-

- *“It would appear that no provision for my presence is to be catered for in this Planning Sand Quarry Extension”.* The individual’s occupation of the field and activities of looking after and studying horses, cats and local wildlife would come to an end if permission is granted.

- *“Darrington Quarries has no access to the field and have no rights to remove any oak trees, hedges and the like from the field” and “all the oaks are in my possession and cannot be removed without my permission. The oaks are of great value and should be preserved”.*
- The parish field has been used for grazing or producing hay for over 30 years all seed has been retained before cutting to encourage and retain meadow plant life which encourage a vast variety of insect, butterfly and moth which live throughout the seasons’. 30 years of nurturing and encouraging this unique area of grass land meadow would be lost. A vital source of food for visiting birds, sand martins. The large variety of flying insects would be lost.
- The parish field supports wildlife of many kinds (Bat, Dear, Stoat, Weasel, Rabbit, Mice, Voles and Moles, Hedgehog, Fox, Dormouse) numerous species of birds and also reptiles (Adder, Grass, Smooth Snakes Common Toad, Slow worm).
- The bat and reptile surveys are considered to be unprofessional, totally irresponsible and inaccurate. The low activity findings of the submitted bat survey are not accepted and is in contrast to the individuals own observations.
- Cats were introduced to counter the rat population rising from the adjacent drain. The colony of feral cats which was introduced to keep the rat and rabbit population to the minimum is well established and the colony would be totally disorientated should they be moved. The cats have been subject to harassment recently.
- What is the need for an extension to the sand quarry? If the existing quarry has a 25 year life as originally presented to the Planning Authorities in its previous application why are we now being presented with a further application so soon?
- The area and existing quarry is affected by mining subsidence and if this is a reason to extend the quarry it is *“questionable and ill advised - as the real problem lay with and directly pointed at, the mining authority - who administered the subsidence and this should not be at the cost and destruction of Hensall – and its well established countryside, trees, meadows, hedgerows and wildlife”.*
- *“The Water table; in the adjacent field to the proposed development towards the railway this field is under water during the winter and late spring, this is shown in the crop-marks in the maze - indicating that the water settled at field level – an indicator that the water table is very high in winter and above ground. The highspeed railway embankment was reinforced to counter this problem. During the Gowdall floods this field became one large lake and the water came within 100yards of plot 3. And the boundary ditch around the Parish field plot 3 became flooded, further indication that water will drain from adjacent land into the proposed development. In addition plots 1 and 2 of the current field holds water at its lowered level after subsidence to mining and before I cannot remember one year that it has not held water during the winter and late spring. A further indicator that the water table is high and would allow drainage into the proposed development. Surface water from all roads and domestic premises’ around the existing and proposed development runs into*

the development adding a further problem of water drainage in the area and lifting the water table within the sand quarry both existing and proposed”.

- *“Pollution: any contaminates from road, rail, adjacent land fill quarry, domestic surface water drainage and overspill from septic tanks would eventually end up in the quarry pond, and at its proposed new lower level be nearer were water is and could, be drawn for domestic use”.*
- Noise disturbance to cats and wildlife from quarrying
- *Access to the field is “becoming increasing impossible during the day” with vehicles parked on both sides of the road, the road is regularly blocked and “it is becoming a very dangerous area to drive”.*
- Mud on the road and dust
- There are too many sand quarries in the area. The quarry should be closed and restored.
- *“This Planning application should be rejected completely on all accounts and is of a significant impact to the landscape of Hensall it is not a necessity. It represents a noise, traffic, environmental, wildlife hazard- and blot on the landscape”.*

5.4 In accordance with Regulation 22 of the Town and County Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regs 2011) following the receipt of further/amended environmental information relating to the Environmental Statement (as listed in paragraph 4.1 of this report) the County Planning Authority re-publicised the application by way of six Site Notices posted 4 January 2017 (responses to which expired on 25 January 2017) and a Press Notice which appeared in the Selby Times/Post on 5 January 2017 (responses to which expired on 26 January 2017). In addition the member of the public who had made representation to the Authority objecting to the application was notified of the further environmental information/amended documents and the further comments received are included in the summary above.

6.0 Planning policy and guidance

National Planning Policy

6.1 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:

- National Planning Policy Framework (NPPF) (published March 2012)

National Planning Policy Framework (NPPF)

6.2 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied.

6.3 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development

stating its approach as *“making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same”*. The Government defines sustainable development as that which fulfils the following three roles:

- **An economic role** – development should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- **A social role** – development supporting strong, vibrant and healthy communities; and,
- **An environmental role** – development that contributes to protecting and enhancing the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

6.4 The NPPF advises that when making decisions, development proposals should be approved that accord with the Development Plan and when the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this framework indicate development should be restricted.

6.5 This national policy seeks to ensure that there are positive improvements in people’s quality of life including improving the conditions in which people live, work, travel and take leisure.

6.6 Paragraph 32 within Section 4 (Promoting sustainable transport) of the NPPF states that plans and decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; 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 limits 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.

6.7 Paragraph 58 within Section 7 (Requiring good design) of the NPPF identifies 6 objectives that planning policies and decisions should aim to ensure that new developments:

- *“function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;”*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*

- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
 - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
 - *are visually attractive as a result of good architecture and appropriate landscaping.”*
- 6.8 Within Section 11 of the NPPF it is clear that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.
- 6.9 Paragraph 109 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity. It should also prevent new and existing development from contributing to being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 6.10 Paragraph 112 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”*.
- 6.11 Paragraph 118 within Section 11 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. Paragraph 118 states: *“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles (inter alia): if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*.
- 6.12 Paragraph 120 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that to prevent unacceptable risks from pollution, decisions should ensure that the development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.13 Paragraph 121 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that *“Planning policies and decisions should also 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;

- *land under Part IIA of the Environmental Protection Act 1990; and after remediation, as a minimum, land should not be capable of being determined as contaminated*
- *adequate site investigation information, prepared by a competent person, is presented”.*

- 6.14 Paragraph 122 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that *“In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”.*
- 6.15 Paragraph 123 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that *“Planning policies and 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;*
 - *recognise 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; and*
 - *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”.*
- 6.16 Paragraph 128 within Section 12 (Conserving and enhancing the historic environment) of the NPPF states that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.*
- 6.17 Chapter 13 of the NPPF is titled ‘Facilitating the Sustainable Use of Minerals’. Within Chapter 13 it states at paragraph 142 that minerals are *‘essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are*

a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation'. Furthermore, when determining the application consideration needs to be given to the bullet points in Paragraph 144 of the NPPF relevant to the proposed development, which states that “When determining planning applications, local planning authorities should (inter alia):

- Give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances”.

6.18 Within Chapter 13 at paragraph 145 it states that “Minerals planning authorities should plan for a steady and adequate supply of aggregates by (inter alia):

- using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;
- ensuring that large landbanks bound up in very few sites do not stifle competition; and
- Calculating and maintaining separate landbanks for any aggregate material of a specific type or quality which have a distinct and separate market”

National Planning Practice Guidance (NPPG) (2014)

6.19 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (NPPG) web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

- **Air Quality**
This section provides guiding principles on how planning can take account of the impact of development on air quality. It states *“Mitigation options where necessary will be locationally specific, will depend on the proposed development and should be proportionate to the likely impact. It is important therefore that local planning authorities work with applicants to consider appropriate mitigation so as to ensure the new development is appropriate for its location and unacceptable risks are prevented. Planning conditions and obligations can be used to secure mitigation”*.
- **Minerals**
This provides planning guidance for mineral extraction and the application process and focuses on the environmental impacts such as noise, dust and quarry slope stability and the importance of high quality restoration and aftercare of mineral sites. With regard to landbanks it states *“There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need.”*

With regard to minimising dust emissions from minerals sites the guidance states *“Where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment study, which should be undertaken by a competent person/organisation with acknowledged experience of undertaking this type of work”*. It identifies 5 key stages to a dust assessment study:

- establish baseline conditions of the existing dust climate around the site of the proposed operations;
- identify site activities that could lead to dust emission without mitigation;
- identify site parameters which may increase potential impacts from dust;
- recommend mitigation measures, including modification of site design
- make proposals to monitor and report dust emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.

The guidance also sets out appropriate noise standards as follows:

“Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90, 1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90, 1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property”.

The noise guidance states that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work (soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance) where it is clear that this will bring longer-term environmental benefits to the site or its environs.

With regard to restoration and aftercare the guidance states:

“The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include:

- *an overall restoration strategy, identifying the proposed after use of the site;*
- *information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is taking place;*
- *where the land is agricultural land, an assessment of the agricultural land classification grade; and*
- *landscape strategy. Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer term capability, though the proposed after-use need not always be for agriculture”.*

- **Natural Environment**

This section explains key issues in implementing policy to protect biodiversity, including local requirements. It reiterates that *“the National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution”.*

- **Noise**

This section advises on how planning can manage potential noise impacts in new development. In terms of decision taking on planning applications it states that Authorities should take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved. It also states that *“neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development”.*

- **Water supply, wastewater and water quality**

This advises on how planning can ensure water quality and provides guidance on how development can indirectly affect water bodies. The impacts upon water quality will depend on the location and character of the proposed development. The guidance acknowledges that there are likely to

be options for mitigating the impact and mitigation should be practicable and proportionate to the likely impact.

The Development Plan

6.20 Notwithstanding that the abovementioned national planning policy is a significant material consideration, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the Development Plan consists of policies contained within a number of planning documents. These documents include:

- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
- any planning policies contained within Development Plan Documents adopted under the Local Development Framework regime.

6.21 The Development Plan for the determination of this particular application comprises the following:

- The 'saved' policies of the North Yorkshire Minerals Local Plan (1997);
- The extant policies of the Selby District Core Strategy Local Plan (2013); and
- The 'saved' policies of the Selby District Local Plan (2005).

6.22 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect, it is worth noting that the following document contains emerging local policies that are of relevance to this application:

- Minerals and Waste Joint Local Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).

6.23 The draft MWJLP was published in November 2016 for representations. At the current stage, it would not be appropriate to give any significant weight to this emerging document in respect of the development proposed in this planning application. However, it is noted that the application site is an 'allocated' site (ref. MJP22) and is listed in draft Policy M08 (Meeting building sand requirements) as one of the sites for building sand allocation. Within the draft MWJLP it states *"This site is consistent with the broad geographical approach to the supply of aggregates (Policy M01) and the provision of sand and gravel (Policy M02, M03 and M04) and could contribute to meeting requirements for the supply of sand over the Plan period (Policy M08) as evidence, including from the adjacent existing quarry, indicates that there is a suitable resource in this location. No major issues have been raised by statutory consultees in respect of local amenity, landscape, biodiversity, historic and water environments which indicate any significant conflict with other relevant policies in the Plan. Although there are development requirements which have been identified through the Site Assessment process which would need to form part of the development proposals for any subsequent planning application, no overriding constraints have*

been identified at this stage through the site assessment process to indicate that the site could not be developed and operated in an acceptable manner”.

- 6.24 The NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out of date because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations which local planning authorities should take into account from the day of its publication.
- 6.25 If, following the 12 month transitional period given to local planning authorities to ensure compliance of their Local Plans with the NPPF, a new or amended plan has not been adopted, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (paragraph 215 of the NPPF). The closer the policies in the plan to the policies in the NPPF the greater the weight that may be given.
- 6.26 Therefore, relevant policies within the NPPF have been set out above and the relevant ‘saved’ policies within the North Yorkshire Minerals Local Plan (1997) and the Selby District Local Plan (adopted 2005) are outlined and the degree of consistency with the NPPF is considered. This exercise is not applicable to the policies contained within the ‘Selby District Core Strategy Local Plan’ (adopted 2013) as the Local Plan Strategy is a post-NPPF adoption and has been deemed to be in compliance with the general aims of the NPPF.

North Yorkshire Minerals Local Plan ‘saved’ policies

- 6.27 The Planning and Compensation Act 1991 placed a duty on each County Council in England and Wales to prepare a Minerals Local Plan. The North Yorkshire Minerals Local Plan was adopted in 1997 under the 1991 Act. In the absence of an adopted MWJLP and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the ‘saved’ policies continue to form part of the statutory ‘development plan’ and provide an important part of the current local policy framework for development control decisions for minerals related development.
- 6.28 The ‘saved’ policies of the North Yorkshire Minerals Local Plan (1997) relevant to the determination of this application are:

- Policy 4/1 - Determination of Planning Applications;
 - Policy 4/6a - Nature Conservation and Habitat Protection – Local;
 - Policy 4/10- Water Protection;
 - Policy 4/13 - Traffic Impact;
 - Policy 4/14 - Local Environment and Amenity ;
 - Policy 4/18 – Restoration to Agriculture;
 - Policy 4/20 – Aftercare; and
 - Policy 5/1 – Sand & Gravel Landbanks
- 6.29 ‘Saved’ Policy 4/1 ‘Determination of Planning Applications’, states that:
“In considering an application for mining operations, the Minerals Planning Authority will need to be satisfied that, where appropriate:-

- (a) *the mineral deposit on the application site has been fully investigated;*
- (b) *the siting and scale of the proposal is acceptable;*

- (c) *the proposed method and programme of working would minimise the impact of the proposal;*
- (d) *landscaping and screening has been designed to effectively mitigate the impact of the proposal;*
- (e) *other environmental and amenity safeguards would effectively mitigate the impact of the proposals;*
- (f) *the proposals and programme for restoration are acceptable and would allow a high standard to be achieved;*
- (g) *a high standard of aftercare and management of the land could be achieved;*
- (h) *the proposed transport links to move the mineral to market are acceptable; and*
- (i) *any cumulative impact on the local area resulting from the proposal is acceptable”.*

6.30 The NPPF does not mention the matters raised in points a), b), c), d).

6.31 Where criterion e) is concerned, Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should ensure that any unavoidable emissions or vibrations are controlled or mitigated (if it is not possible to remove them at source).

6.32 With regard to criteria f) and g), Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary.

6.33 Criterion h) of ‘saved’ Policy 4/1 does not conflict with the provisions of the NPPF; however, there are differences in the objectives. Criterion h) states that transport links should be acceptable whereas paragraph 32 of the NPPF states that improvements to the transport network should be considered, therefore, the NPPF should be given more weight in this instance.

6.34 Criterion i) of ‘saved’ Policy 4/1 is in compliance with paragraph 144 of the NPPF. Paragraph 144 states that in granting permission for mineral development the cumulative effects of multiple impacts from individual sites and/or from a number of sites in a locality should be taken into account.

6.35 ‘Saved’ Policy 4/6A ‘Nature Conservation and Habitat Protection – Local’, states that in making decisions on planning applications, the Mineral Planning Authority will protect the nature conservation or geological interest of Local Nature Reserves and of other sites having a nature conservation interest or importance, and will have regard to other wildlife habitats.

6.36 This Policy is consistent with paragraph 109 of the NPPF. Paragraph 109 states that that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.

6.37 ‘Saved’ Policy 4/10 ‘Water Protection’, states that proposals for mining operations and the associated depositing of mineral waste will only be permitted where they would not have an unacceptable impact on surface or groundwater resources. Paragraph 143 of the NPPF states that when preparing local plans, local planning

authorities should set out environmental criteria, in line with policies in the NPPF, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the flow and quantity of surface and groundwater and this policy is compliant with paragraph 143 of the NPPF.

- 6.38 'Saved' Policy 4/13 'Traffic Impact', states that where rail, waterway or other environmentally preferable modes of transport are not feasible, mining operations other than for coal, oil and gas will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network.
- 6.39 This Policy is consistent with the provisions of paragraph 32 of the NPPF which also states that improvements to the transport network should be considered.
- 6.40 'Saved' Policy 4/14 'Local Environment and Amenity', states that proposals for mining operations and the associated depositing of mineral waste will be permitted only where there would not be an unacceptable impact upon the local environment or residential amenity.
- 6.41 This Policy is considered to be consistent with paragraph 144 of the NPPF. Paragraph 144 states that when determining planning applications, local planning authorities should ensure that there are no unacceptable adverse impacts on the natural environment and human health and should take into account cumulative impacts of a development in a locality.
- 6.42 'Saved' Policy 4/18 entitled 'Restoration to agriculture' is considered relevant to the determination of this application as the proposal is for the site to be restored to agriculture once operations have ceased. The policy states, 'Where agriculture is the intended primary after use, the proposed restoration scheme should provide for the best practicable standard of restoration. Such restoration schemes should, where possible, include landscape, conservation or amenity proposals provided that these do not result in the irreversible loss of best and most versatile land'.
- 6.43 The NPPF states within Paragraph 144 that planning authorities should 'provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary'. It is considered that 'saved' Policy 4/18 is therefore consistent with the NPPF and should be afforded full weight in the determination of this application.
- 6.44 'Saved' Policy 4/20 'After-care', states that planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity (including nature conservation) will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified after-use. Normally this requirement will run for a period of five years following restoration. Additionally, where forestry and amenity (including nature conservation) after-uses are proposed, the Mineral Planning Authority may seek to secure longer term management agreements.
- 6.45 This Policy is considered to be consistent with paragraph 144 of the NPPF. Paragraph 144 states that when determining planning applications, local planning

authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

6.46 'Saved' Policy 5/1 'Sand and Gravel Landbanks' states that *"The County Council will identify three landbanks for calculating sand and gravel provision, as follows:-*

- a) Sand and gravel (Northwards);*
- b) Sand and gravel (Southwards); and*
- c) Building sand.*

In determining which of the landbanks for sand and gravel a site falls within, the County Council will take into account the geographical location of the site and the likely external markets for the material."

6.47 This Policy is considered to be consistent with Section 13 (paragraph 145) of the NPPF which sets out that the landbank for sand and gravel reserves should be maintained at a minimum of 7 years supply.

Selby District Core Strategy (2013)

6.48 The Selby District Core Strategy is the long-term strategic vision for how the District will be shaped by setting out a number of broad policies to guide development. The policies relevant to the determination of this application are:

- SP1 - Presumption in Favour of Sustainable Development
- SP13 - Scale and Distribution of Economic Growth
- SP15 - Sustainable Development and Climate Change
- SP18 - Protecting and Enhancing the Environment
- SP19 - Design Quality

Policy SP1: Presumption in Favour of Sustainable Development

6.49 Policy SP1 of the Selby District Core Strategy states *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date (as defined by the NPPF) at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted'.*

SP13: Scale and Distribution of Economic Growth

6.50 Policy SP13 of the Selby District Core Strategy states that "Support will be given to developing and revitalising the local economy in all areas", with the most relevant considerations for this application being as follows:

C. *Rural Economy*

In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example:

1. *The re-use of existing buildings and infrastructure and the development of well-designed new buildings;*
 2. *The redevelopment of existing and former employment sites and commercial premises;*
- D. *In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity”.*

Policy SP15: Sustainable Development and Climate Change

6.51 Policy SP15 of the Selby District Core Strategy relates to Sustainable Development and Climate Change and specifically Part B is of relevance to this application, and states (inter alia):

“B. Design and Layout of Development

In order to ensure development contributes toward reducing carbon emissions and are resilient to the effects of climate change, schemes should where necessary or appropriate:

- d) *Protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise biodiversity to contribute to climate change mitigation and adaptation;*
- e) *Include tree planting, and new woodlands and hedgerows in landscaping schemes to create habitats, reduce the ‘urban heat island effect’ and to offset carbon loss;*

Policy SP18: Protecting and Enhancing the Environment

6.52 Policy SP18 of the Selby District Core Strategy seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. A number of points within Policy SP18 are of relevance to the proposed development, as follows:

“The high quality and local distinctiveness of the natural and man-made environment will be sustained by (inter alia):

1. *Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance...*
3. *Promoting effective stewardship of the District’s wildlife by:*
 - a) *Safeguarding international, national and locally protected sites for nature conservation, including SINCS, from inappropriate development.*
 - b) *Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site*
 - c) *Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate...*
7. *Ensuring that new development protects soil, air and water quality from all types of pollution”.*

Policy SP19: Design Quality

- 6.53 *“Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside.*

Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design. Both residential and non-residential development should meet the following key requirements:

- a) Make the best, most efficient use of land without compromising local distinctiveness, character and form.*
- b) Positively contribute to an area’s identity and heritage in terms of scale, density and layout;*
- c) Be accessible to all users and easy to get to and move through;*
- d) Create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts;*
- e) Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate;*
- f) Promote access to open spaces and green infrastructure to support community gatherings and active lifestyles which contribute to the health and social well-being of the local community;*
- g) Have public and private spaces that are clearly distinguished, safe and secure, attractive and which complement the built form;*
- h) Minimise the risk of crime or fear of crime, particularly through active frontages and natural surveillance;*
- i) Create mixed use places with variety and choice that compliment one another to encourage integrated living, and*
- j) Adopt sustainable construction principles in accordance with Policies SP15 and SP16.*
- k) Preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.*
- l) Development schemes should seek to reflect the principles of nationally recognised design benchmarks to ensure that the best quality of design is achieved”.*

‘Saved’ Policies of the Selby District Local Plan (2005)

- 6.54 Notwithstanding the adoption of the Selby District Core Strategy Local Plan in 2013, referred to above, some of the policies in the existing Selby District Local Plan (adopted in 2005 and saved in 2008 by Direction of the Secretary of State) remain extant. As these policies pre-date the adoption of the NPPF, weight can be afforded to them depending on their consistency with the NPPF. Those of relevance to this application and the weight that can be attached to them are discussed in turn below. The ‘saved’ policies considered relevant to the determination of this application are:

- ENV1- Control of Development
- ENV2 - Environmental pollution and Contaminated land
- ENV21- Landscaping Requirements
- ENV28 - Other Archaeological Remains
- T1- Development in Relation to the Highway network
- EMP9 - Expansion of Existing Employment Uses in the Countryside

'Saved' Policy ENV1- Control of Development

- 6.55 This policy states that "...development will be permitted provided a good quality of development would be achieved" and sets out a number of points which the District Council will take account of in considering proposals for development:
- 1) The effect upon the character of the area or the amenity of adjoining occupiers;
 - 2) The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking;
 - 3) The capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure;
 - 4) The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping;
 - 5) The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area;
 - 6) The extent to which the needs of disabled and other inconvenienced persons have been taken into account;
 - 7) The need to maximise opportunities for energy conservation through design, orientation and construction; and
 - 8) Any other material considerations".
- 6.56 It is considered that limited weight can be attached to 'saved' Policy ENV1 as the NPPF makes clear that the effects of pollution on the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account. However, with regards to transport, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and, therefore, only limited weight may be given in this instance.

'Saved' Policy ENV2 - Environmental pollution and Contaminated land

- 6.57 This policy states that
- A) *Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences.*
 - B) *Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary".*
- 6.58 This Policy is generally considered to be compliant with Section 11 of the NPPF.

'Saved' Policy ENV21 – Landscaping Requirements

This policy states that

- A) *Where appropriate, proposals for development should incorporate landscaping as an integral element in the layout and design, including the*

retention of existing trees and hedgerows, and planting of native, locally occurring species.

B) The District Council may make tree preservation orders, impose planting conditions, or seek an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure the protection and future maintenance and/or replacement of existing trees, hedgerows and proposed new planting”.

6.59 This Policy is generally considered to be compliant with Section 11 of the NPPF.

‘Saved’ Policy ENV28- Other Archaeological Remains

6.60 This policy states that

- “(A) Where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application.*
- (B) Where development affecting archaeological remains is acceptable in principle, the Council will require that archaeological remains are preserved in situ through careful design and layout of new development.*
- (C) Where preservation in situ is not justified, the Council will require that arrangements are made by the developer to ensure that adequate time and resources are available to allow archaeological investigation and recording by a competent archaeological organisation prior to or during development”.*

6.61 This Policy is generally considered to be compliant with paragraph 128 of the NPPF.

‘Saved’ Policy T1- Development in Relation to the Highway network

6.62 ‘Saved’ Policy T1 of the Selby District Local Plan (2005), states that development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer. It is considered that ‘saved’ Policy T1 is consistent with the NPPF and should be given full weight in the determination of this application. This is because the objectives in the NPPF state that improvements to the transport network should be considered.

‘Saved’ Policy EMP9 - Expansion of Existing Employment Uses in the Countryside

6.63 This policy states that *“Proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map, will be permitted provided:*

- 1) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;*
- 2) The nature and scale of the proposal would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests;*
- 3) The proposal would achieve a high standard of design, materials and landscaping which complements existing buildings; and*
- 4) Proposals involving expansion onto adjoining land would not result in the loss of best and most versatile agricultural land and the site would be well related to existing development and well screened and/or landscaped”.*

6.64 This Policy is generally considered to be compliant with the NPPF and it is therefore considered that this Policy can be afforded full weight.

7.0 Planning considerations

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 also requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The main considerations in this instance are the appropriateness of the proposal in relation to the abovementioned planning policy framework and in particular the principle of the development considering need and the landbank and also the effect upon local amenity (noise, vibration and air quality), landscape and visual impact, ecology, flood risk and the water environment, archaeology and heritage, highways and railway infrastructure, impact upon soils and agricultural land and site restoration and aftercare.

Principle of the proposed development (need and the landbank)

- 7.2 The acceptability of the extraction of sand from the Hensall area has been established by a number of historical planning permissions at various sites within the locality. For the planning application under consideration the applicant has identified a workable reserve of 600,000 tonnes of building sand on land adjacent to an established sand quarry. The proposed extension would benefit from the presence of existing infrastructure (weighbridge, offices, site access) in place at the quarry before it is removed and the land fully restored. The proposed extension to this established quarry would reduce the requirement for new quarry sites to be developed in more “sensitive areas” to meet requirements for building sand and would result in continued employment at the site through the safeguarding of jobs.
- 7.3 The NPPF (paragraph 142), recognises that *“minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, building, energy and goods that the country needs.....”* and in paragraph 145 encourages MPA’s to plan to maintain a 7 year landbank for sand and gravel (including building sand).
- 7.4 The draft MWJLP states that there is an estimated shortfall for building sand (balance between permitted reserves at 1 January 2016 and total requirement to 31 December 2030) of 0.9 million tonnes. It states that *“Requirements for building sand during the Plan period can be met through the release of reserves on specific sites put forward for consideration, which contain an estimated 2.5mt of reserves and therefore would also be sufficient to maintain a 7 year landbank of building sand at 31 December 2030”*. As highlighted in paragraph 6.23 of this report the proposed extension at Hensall Quarry is listed as one of the building sand sites (ref. MJP22) ‘allocated’ in draft Policy M08 (Meeting building sand requirements).
- 7.5 The concerns of the member of the public in relation to need are noted. The amount of building sand needed to meet requirements over the Plan period is relatively small, however, the NPPG indicates that *“There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank ...”*

- 7.6 The proposed extension would release a viable reserve (600,000 tonnes) which would make an important contribution towards the supply of building sand in the County and to the main markets in the sub region. Furthermore it is important to note that there are permitted mineral reserves within the existing quarry that have been sterilised prior to the deposit being fully worked as a result of the site having been undermined from Kellingley Colliery. Therefore given that the landbank calculation predates the depletion of the existing reserves at Hensall Quarry the actual landbank is likely to be significantly less.
- 7.7 Landbanks are an important aspect of Government policy to ensure continuity of supply of minerals and support economic growth and provision of infrastructure. The contribution the extended quarry would make towards a sufficient supply of building sand and also employment in the Region is consistent with national planning policy contained within the NPPF (paragraphs 142, 144 & 145) which advise MPAs to “*give great weight to the benefits of mineral extraction, including to the economy*” as well as policy SP13 of the Selby District Core Strategy Local Plan (2013) and ‘saved’ policy EMP9 of the Selby District Local Plan (2005) in terms of employment and the promotion of sustainable growth of key economic sectors. However, any potential adverse impacts on the environment and amenity arising from the proposed extension need to be considered in detail and the main considerations are addressed in the subsequent sections of this report.
- Local amenity (noise and vibration)
- 7.8 Chapter 9 of the ES focuses on noise and vibration impacts. The assessment considers the likely noise levels generated by plant undertaking extraction and processing operations and heavy goods vehicle movements at the nearby noise-sensitive residential receptors. The assessment has been made against noise limits derived from the measured background noise levels in the area. Due to the nature and method of the mineral extraction adverse effects from vibration are not anticipated.
- 7.9 The assessment included the recording of background noise levels in April 2016 at five noise monitoring locations which comprise the nearest residential properties on all sides of the proposed extension area. In response to the comments made by the EHO the applicant repeated background noise monitoring during November 2016 at the same monitoring locations but in calmer weather conditions.
- 7.10 It is accepted that surface mineral workings have the potential to generate noise due to the use of heavy plant (wheeled loading shovel and HGVs). It is noted that the design of the quarry extension area incorporates stand offs from operational areas, phased working and soil stripping to allow for screening bunds (up to 3m high) along the perimeter of the working area. In addition the extraction operations take place at depth and behind the working face and all mobile plant would use broadband (white sound) reverse warning systems.
- 7.11 The assessment shows that the worst-case noise levels generated by temporary operations such as soil stripping and screen mound construction operations, would remain within the absolute noise limit of 70dB LAeq,1hr stipulated in the PPG and a condition shall be included on any permission given to confirm that limit.
- 7.12 The assessment shows that worst case predicted noise levels would result in a minor exceedance of the noise limits for short periods of time during the

operational phase (day time) at the nearest residential receptors to the north-east (Quarry View +5dB) and west (Blue Pines +1dB and Station Road +2dB).

- 7.13 The comparison of the monitoring results shows that the background noise levels measured in November 2016, during relatively calm conditions, are greater than those measured in April 2016. This would result in noise limits being set at the maximum of 55dB LAeq,1hr at all locations when derived in accordance with the guidance contained in the National Planning Policy Framework Planning Practice Guidance relating to Minerals.
- 7.14 For the majority of the time the noise level from the quarry would have no adverse noise impact but on occasion, at identified receptors, may rise to have a low level of effect. The assessment shows that there would be no significant adverse noise impact on the amenity of residents at the nearby receptors.
- 7.15 The observations of the EHO are noted but it is considered that the noise monitoring and modelling has been carried out in accordance with the relevant planning practice guidance for mineral development. Furthermore records indicate that there have been no complaints regarding noise from the existing quarry.
- 7.16 It is considered that if permission is granted it should be subject to noise limit conditions in line with planning practice guidance for mineral development together with a requirement for the operator to produce and implement a scheme to monitor and control noise from the operations.
- 7.17 In light of the above it is considered that the unavoidable noise from the site can be controlled and mitigated to minimise the impact in compliance with paragraph 144 of the NPPF and 'saved' policies 4/1(c&e) and 4/14 of the NYMLP (1997), policy SP19 of the Selby District Core Strategy Local Plan (2013) and 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan (2005).

Local amenity (air quality)

- 7.18 Chapter 11 of the ES assessed air quality. With regard to exhaust emissions from HGVs the proposed development would generate fewer than 100 Annual Average Daily Traffic (AADT) and is not located within an Air Quality Management Area (AQMA) and therefore does not require air quality assessment. The existing and proposed operations at the site do not generate odour and therefore the main air quality issue in relation to the proposed development is dust. The applicant's assessment has focused on dust from the extraction of minerals, restoration and landscaping and the transport of materials (via HGV).
- 7.19 The nearest residential receptors are Heck Lane Gate House and Quarry View approximately 50m from mineral extraction areas (Phase 2) and all other potential receptors are considered remote in terms of dust nuisance impacts. The applicant acknowledges that there is the potential for dust nuisance to occur for the nearest properties, particularly during bund creation. However, it is considered that this risk may be adequately mitigated by robust operational controls. Effective operational management and mitigation of the extraction and restoration phasing would ensure that this risk is also low. In summary the dust control measures that should be employed are set out below:
- if necessary, internal roads/tracks will be sprayed with water using a bowser when conditions are dry and dusty and operations are close to receptors;

- all extracted material will be loaded directly to the screener/conveyor;
 - Where bunds are created with extracted material, these will be seeded/covered as soon as practicable;
 - A wheel cleaning facility will be in place at the site;
 - vehicle speeds on internal roads/tracks will be limited;
 - dust monitoring procedures will be put in place which include:
 - inspection sheets to monitor haul roads daily; and
 - a system that would capture complaints such as dust.
- 7.20 The applicant states that the environmental design and mitigation measures are considered to be sufficient for the proposed development however the specific mitigation measures can be set out in a detailed Dust Management Plan to be submitted and agreed (under condition) should permission be granted.
- 7.21 With regard to air quality the EHO has no objections and is in agreement with the proposed scheme to control and monitor dust from the operations which would be secured by condition.
- 7.22 The potential for dust generating sources have been recognised and assessed and there have been no objections raised by the District EHO. The impacts are predicted to be negligible and therefore insignificant and it is considered that the dust can be sufficiently controlled and mitigated to minimise the impact in compliance with paragraph 144 of the NPPF, 'saved' policies 4/1(c&e) and 4/14 of the NYMLP (1997), policies SP18 and SP19 of the Selby District Core Strategy Local Plan (2013) and 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan (2005).
- Landscape and visual impact
- 7.23 Chapter 5 of the ES assesses the landscape and visual impact of the proposed extension. The proposed extension site is currently agricultural land and set within a relatively flat landscape that is primarily composed of farmland. The extension area comprises four fields defined by tree lined hedgerows, a ditch and a road connecting from New Road to the existing quarry. The largest field is arable and extends along the northern boundary (Phases 1 & 2). Three further fields, including two arable and one pastoral extend south aligned by New Road.
- 7.24 The proposed development, during the operational phase, would involve soil stripping, extraction and screening of sand, transporting sand to market by road and phased restoration and would alter the character and appearance of the landscape on a temporary basis. This would result in the loss of field patterns and trees and vegetation within the extension area.
- 7.25 Whilst the site and surrounding land is predominately in agricultural use the landscape character is dominated by man-made features comprising Eggborough Power Station, the road and rail network and quarrying.
- 7.26 Views are not available to the vast majority to the north of the application site owing to isolated landform and built form, and to the west views are primarily screened by vegetation and built form. Significant portions to the south and east would also receive no view because of a combination of elements obscuring the site. The phased working indicates that stripped soils would be stored in bunds (grassed) of up to 3 metres in height along the perimeter of working in each phase which would provide screening of the excavation work. The nearest

receptors include 'Quarry View', 'Blue Pines', a small number of properties within Hensall and upon Broach Road, and parts of New Road. The views experienced from these receptors are all glimpsed, most are at distance and all are entirely consistent with those seen within the vicinity. Views of the site from the M62, Broach Road and two railway lines would be possible but limited and the extended quarry would be seen at speed, obliquely and as a small part of a scene composed of various land uses.

- 7.27 A detailed advance planting mitigation scheme has been prepared to help screen the site and is shown on Landscape Plan Phase 1 drawing ref LL01. A further landscape mitigation planting scheme has also been prepared which will be implemented progressively as soils from the soils storage bunds are removed and replaced on the prepared restoration profile and the detail is shown on Landscape Plan Phase 2 drawing ref LL02. The proposed restoration would reinstate internal field boundaries, agricultural land use, but not the original ground levels. It is anticipated that the final height of the agricultural land would be approximately 4m below current levels. The landscape features along the northern, eastern and southern boundaries ('gappy' hedgerows) would be strengthened through planting.
- 7.28 The County Principal Landscape Architect has stated a preference for the existing trees around the parish field (boundary formed by ditch) to be retained as whilst they do not fall within any formal designation or protection they are considered by the County Principal Landscape Architect to be of landscape and historic value.
- 7.29 The applicant confirmed that extraction within Phase 3 would require the removal of the existing planting within that area and it would be impractical to retain the trees. The retention of that portion of phase 3 would result in a peninsula of sand plus side batters extending westward into the quarry which would sterilize a considerable volume of material. Furthermore, in terms of restoration, the unworked peninsula of sand would create an incongruous landform which would be difficult to farm effectively.
- 7.30 Following further consideration and discussion the applicant proposed a compromise involving the retention of two tree groups on New Road as a compensatory measure for the features to be removed to allow for the completion of mineral extraction within Phase 3. The trees proposed to be retained are shown on the 'Tree Retention Plan' drawing ref HQL-H-101 (dated Jan 2017) attached to this report at Appendix F. In response the County Principal Landscape Architect accepts that *"This provides a good nucleus for a future larger copse containing trees of mixed ages, which can be expanded further as part of the restoration scheme. Despite the relatively small footprint of the copse and hedgerow it will provide good screening, which can be further increased by advance planting, and it will make a significant visual contribution to the restored landscape, and local landscape character"*.
- 7.31 The retained trees and hedgerows would be protected, prior to soil storage, with appropriate standoffs and fencing to ensure that sensitive areas are protected from vehicles, plant and equipment.
- 7.32 The County Principal Landscape Architect supports the proposed advanced and post extraction planting and has confirmed that the compromise to retain identified

tree groups is accepted. In terms of policy compliance, it is considered that the proposed landscape screening would protect the environment and residential receptors from potential landscape and visual impacts and it is considered that the proposed development is in accordance with the NPPF and 'saved' policies 4/1 and 4//14 of the NYMLP (1997), policies SP15, SP18 and SP19 of the Selby District Core Strategy Local Plan (2013) and 'saved' policies ENV1 and ENV21(a) of the Selby District Local Plan (2005).

Ecology- Biodiversity, habitats, nature conservation and protected species

- 7.33 Chapter 6 of the ES assesses the ecological impacts of the development and is accompanied by surveys for protected species. The proposed extension would result in the loss of vegetation including mature trees of ecological value and there is potential for impacts upon bats and birds. The applicant states that the effect can be appropriately mitigated through avoidance measures during the construction, operational, and restoration phases. In addition the proposed retained and additional trees would be incorporated throughout the screening buffers of the operational quarry and along the boundaries of the restored site to provide biodiversity enhancements.
- 7.34 A restoration masterplan encompassing mitigation and biodiversity enhancement will be produced once the final restoration contours etc for the whole site have been determined. The County Ecologist also requests conditions to cover pre-felling checks of trees for roosting bats and tree and vegetation removal outside of the nesting season and also an overall restoration plan for the site, which clearly identifies mitigation and enhancement measures for nature conservation.
- 7.35 It is considered that subject to securing the proposed mitigation through the inclusion of a planning condition the development would preserve the sites of nature conservation interest and protected species and in the restoration planting has the potential to enhance biodiversity in the area. It is therefore considered that the development would be in accordance with paragraphs 109 and 118 of the NPPF and comply with 'saved' policies 4/1(c) and 4/6a of the NYMLP (1997), policies SP15 and SP18 of the Selby District Core Strategy Local Plan (2013) and 'saved' policy ENV1 of the Selby District Local Plan (2005).

Flood risk, drainage and the water environment

- 7.36 Chapters 7 & 8 of the ES assess hydrology, flood risk and hydrogeology. The site is within Flood Zone 3b which is land considered to be at 'high' risk of fluvial flooding, and is considered to be 'functional floodplain'. A FRA has been produced which has reviewed flood risk to the site from all sources, including; tidal (sea), fluvial (river), surface water flooding, groundwater flooding, sewer flooding, and infrastructure failure (ponds, lakes etc.). As such, fluvial flooding has been identified as the primary source of flooding to the site. The FRA recommends the following measures to mitigate fluvial flood risk:
- setting any welfare facilities +600mm above external levels.
 - anchoring any welfare facilities to the ground.
 - preparing a Flood Evacuations and Management Plan (FEMP) for the wider quarry.
- 7.37 The FRA found that the site was at risk of secondary flooding sources, which include; surface water and groundwater flooding. The applicant states that flooding from secondary flooding sources will be further mitigated through the adoption of a surface water management strategy. This would be incorporated

into an Environmental Management Plan for the working and restoration phases which would be secured by planning condition.

- 7.38 There is a land drain located within the middle of the site, and a larger network of land drains located approximately 100m to the east of the site. The land drain exits the site along the eastern boundary via a circular culvert. The onsite land drain terminates to the east of New Road. There is no connectivity to the wider land drainage network, which exists to the east of the site. As such, there will be no impact on the sedimentation, flow rates, discharge volumes or contaminants entering any watercourse.
- 7.39 The loss of floodplain as a result of the development would be negligible within the wider floodplain both spatially and temporally, and therefore there will be no requirement for floodplain compensation. Given the nature of the proposed development within Flood Zone 3b, and the surface water management strategy suggested, then the proposed development poses no significant risk to surface water resources within the area.
- 7.40 The concerns of the member of the public in relation to the water table and pollution are noted and it is the case that the proposed extension site is within a Source Protection Zone 3 and the nature of the hydrogeological conditions renders the geology and hydrogeology vulnerable to contamination. The permeable superficial deposits are classified as a secondary aquifer and are underlain by the Sherwood Sandstone, a principal aquifer used for potable water supply.
- 7.41 The applicant has recognised that further groundwater data is required in line with advice from the Environment Agency in order to determine the natural variations in the water table. This would comprise 12 months of borehole monitoring to provide a definitive picture of fluctuations in water table levels and allow for a permanent depth of working to be agreed and in the short term the applicant proposes maximum depth of working would be no lower than the recorded water table plus 1 metre (2.9m AOD). The applicant states that as the working will not be sub-water table, no silt or clay will enter the groundwater and there is therefore no need to produce a risk assessment or propose mitigation measures.
- 7.42 The Environment Agency and Yorkshire Water have no objections to the application and it is considered that it would not give rise to any significant or unacceptable adverse impacts upon the water environment subject to the working being progressed in a phased manner and in accordance with the details approved under condition (depth of working informed by borehole monitoring) and complies with the NPPF and 'saved' policy 4/10 of the NYMLP (1997), policy SP19(g) of the Selby District Core Strategy Local Plan (2013) and 'saved' policy ENV2 of the Selby District Local Plan (2005).

Archaeology and heritage

- 7.43 Chapter 12 of the ES (Archaeology/Cultural Heritage) confirms that the proposed development would not impact upon any designated heritage assets or their settings. In light of previous archaeological excavations associated with previous phases of quarrying at this location it is considered that the extension area has the potential to provide evidence of undesignated assets in the form of Neolithic, Iron Age and Romano-British activity.

- 7.44 The County Principal Archaeologist acknowledges that the principal archaeological resource previously identified consisted of Iron Age and Romano-British field enclosures, with some evidence for structures and domestic activity. The County Principal Archaeologist agrees with the applicant that features identified in the previous fieldwork are of regional significance and would not preclude development. The County Principal Archaeologist states that *“The phased strip, map and record exercise appears to have worked well in recording the archaeological features at the existing quarry”* and agrees with the recommendation that this methodology should be extended into the current area and that a condition is attached to any permission granted to secure the implementation of such a scheme of archaeological mitigation recording.
- 7.45 In light of the above, it is considered that the impact of the proposal upon cultural heritage assets will be fully assessed and appropriate mitigation included in accordance with policy set down in respect of undesignated heritage assets within the NPPF and in compliance with ‘saved’ Policy ENV28 of the Selby District Local Plan (2005).

Highways

- 7.46 Chapter 10 of the ES details the existing traffic conditions and highway characteristics and assesses the potential impacts of the proposed development. The mineral would continue to be extracted on a phased basis and traffic generated by the quarry would be based on an output of 100,000 tonnes per annum which is slightly higher than the average extraction tonnages for the past three years of 99,580 tonnes. During the past three years monthly export tonnages have ranged from a low of 3,197.34 in December 2013 to a high of 12,800.96 in March 2015.
- 7.47 The applicant states that the HGVs movements generated by the quarry will be very similar to existing and equates to approximately 104 accessing and 104 exiting the site per week or a total of 38 trips per day over a proposed 5.5 day working week. Based on an assumed 8 hour working day the predicted number of two way trips is approximately five per hour.
- 7.48 The quarry access off New Road would remain unchanged and HGV traffic would continue to turn right out of the quarry and use the New Road/A645 junction where visibility in both directions is clear.
- 7.49 The destination of the sand extracted from Hensall is predominately West and North Yorkshire. The routes taken by HGVs will remain the same as at present. HGVs travelling north would use the A1(via M62) or the A19 (towards Selby & York) and HGVs travelling west would use the A645 Weeland Road or the M62.
- 7.50 The Local Highway Authority (LHA) and Highways England acknowledge that the proposal represents a continuation of the existing levels of HGV traffic and that it would not have an adverse impact on the highway network. Whilst the concerns of the member of the public are noted there are no objections from either consultee subject to the inclusion of conditions restricting access to the site to only via the existing access and the incorporation of precautions to prevent the deposit of mud on the highway. A standard condition was also requested by the LHA for the establishment of on-site parking and storage areas during construction however due to the nature of the development, that of mineral

extraction, there is no construction phase and the condition is not considered relevant in this instance.

- 7.51 In light of the above it is considered that the traffic generated can be accommodated and will not have an unacceptable impact on highway safety, capacity or amenity and complies with 'saved' policies 4/1(h) and 4/13 of the NYMLP (1997) and 'saved' policies T1 and ENV1 of the Selby District Local Plan (2005).

Railway infrastructure

- 7.52 The application site is bounded to the north by the Knottingley to Hull railway line and the proposed development would involve mineral working closer to the railway line than at present. The design of the phased mineral extraction includes a 30 metre wide working stand off from the railway line as shown on the 'Phasing Plan' drawing ref DQL/H/02 dated June 2016.
- 7.53 Network Rail have been consulted and have confirmed 30 metres to be the required stand off and, in order to further safeguard the railway, have requested that a number of conditions and informatives be included on any permission granted. These cover safe stand offs from the railway (relating to extraction, buildings, material storage, plant and machinery and tree planting), the maintenance of a stable quarry face adjacent to the railway boundary, a safe lighting scheme (to avoid dazzle hazard) and the restriction on the nature of any imported backfill material (inert only). In light of the above it is considered that the quarry extension will not have an unacceptable impact on the safe operation of the adjacent railway line and the design complies with policy SP19(g) of the Selby District Core Strategy Local Plan (2013).

Soils and agricultural land use

- 7.54 Chapter 15 of the ES comprises an assessment of soil resources, their conservation and management including an ALC assessment. The proposed quarry extension would result in the temporary loss of 14.91ha of agricultural land. The ALC assessment (soil classification grades 1-5) has found that approximately 4.7ha is Grade 3a and 9.3ha is Grade 3b with the remaining Grade 4 or unsurveyed. Therefore 31% of the proposed extension area is classified as "Best and Most Versatile" (BMV) land (Grade 3a) which is land within phases 1, 2 and 4 of the proposed extension area and shown on the ALC Map contained at Appendix E of this report. At the time of the application the fields were drilled with winter barley, winter wheat and grass.
- 7.55 The national planning policy on BMV land is to steer development away from high quality agricultural land. As acknowledged in the PPG it is the case that minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited.
- 7.56 Natural England have not raised an objection to the loss of BMV land but have provided guidelines for consideration. Due to the nature of the proposal there cannot be any direct mitigation to prevent the temporary loss of 14.91ha of agricultural land. The mitigation takes the form of phased restoration to agriculture and also by minimising damage to soils through adopting good practice in soil stripping, handling, storage, replacement and aftercare to ensure

that restoration is to the highest standard possible. As a result there would be no permanent loss of agricultural land but the BMV land would be downgraded on the agricultural land classification.

- 7.57 The restoration scheme is a continuation of that previously considered acceptable for the existing quarry. There would be 300mm of topsoil and subsoil spread across the site as part of restoration (40,978m³). There have been no objections raised through the EIA process nor this application to the principle of the restoration and after use scheme. The proposed extension would provide a secure supply of sand to support the landbank referred to in paragraph 145 of the NPPF and paragraph 144 which advises planning authorities to give great weight to the economic benefits of the mineral extraction. In conclusion whilst the loss of BMV land is not consistent with the principles of paragraph 112 of the NPPF the economic benefits of mineral extraction and the security of supply in the Plan area (paragraphs 144 & 145 of the NPPF) combined with the after use outweighs the loss of the 4.7ha of best and most versatile agricultural land.
- 7.58 It is considered that the absolute loss of the BMV land is relatively small and that through the implementation of a series of mitigation measures the site overall can be restored to a productive agricultural use. The inclusion of standard conditions relating to soil stripping, handling, storage and replacement will be attached to any permission granted along with a condition requiring the annual submission of a Soil Resource Plan to allow the Authority to monitor soil handling operations throughout the life of the permission.
- 7.59 In light of the above it is considered that there is no conflict with 'saved' policies 4/1(f&g) and 4/18 of the NYMLP (1997) or policies SP18 and SP19 of the Selby District Core Strategy Local Plan (2013).

Restoration and aftercare

- 7.60 The applicant proposes phased restoration of the site to agriculture at low level. The phased working proposes that approximately 1m of topsoil and subsoil is stripped from each phase and temporarily stored in bunds aligning the edges of the phase. The sand extraction would then occur to an approximate depth of circa 4m. The stored topsoil would then be removed from the bunds and replaced in preparation for continued agricultural use. The final height of the agricultural land would be approximately 4m below current levels. The ditches lost during the process of extraction would not be replaced as part of the land restoration. The land would revert to farmland and the internal field boundaries and patterns would be restored and reinforced, using mixed native hedgerow to demarcate fields with continuous lines, with occasional specimen trees.
- 7.61 It is noted that the proposed restoration would restore internal boundaries, and agricultural land use, but not ground levels. The landscape features along the northern, eastern and southern boundaries would be strengthened through planting and vegetation quality would improve in contrast to the 'gappy' hedgerows at present. In the long term this would increase both the landscape and biodiversity value of the site.
- 7.62 The applicant has confirmed that once the 12 months of groundwater monitoring has been completed in line with the Environment Agency's requirements a materials balance can be calculated (material for infilling) and the final depth of working of the quarry established and then a Restoration Masterplan submitted

for consideration. The applicant has confirmed that the Masterplan will show the integration between the existing quarry and the extension area together with biodiversity enhancements. This shall be secured by condition and shall require the submission of the Masterplan within 18 months of the grant of planning permission.

7.63 The restored landform would be subject to aftercare management for a 5 year period. The scheme will address such matters as establishment and maintenance of crops, soil testing to determine fertiliser requirements, works to alleviate any residual compaction and drainage. Once agricultural requirements have been assessed and the Restoration Masterplan approved a detailed scheme shall be submitted under the terms of a planning condition attached to any permission granted.

7.64 It is therefore considered that the restoration on the site can be achieved to a high standard and would be subject to aftercare management and complies with the NPPF and 'saved' policies 4/1(f&g), 4/18 and 4/20 of the NYMLP (1997).

Other matters

7.65 It should be noted that the correct notices have been served by the applicant on landowners and tenants under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and any private legal issues between the landowner and tenant relating to occupation of land are not material to the consideration of this planning application.

8.0 Conclusion

8.1 The proposal represents a significant extension to the existing quarry but does not seek to increase the annual output tonnage from the quarry, alter established working practices or amend the overall restoration scheme. The proposal would ensure the continued supply of sand to market in line with national policy and guidance on maintaining adequate landbanks. There has been a loss of a significant proportion of consented reserves within the existing quarry due to coal mining subsidence but the proposed development identifies reserves within the extension area that can be extracted without unacceptable harm and this would avoid the unnecessary early closure of the quarry and sterilisation of the identified mineral resource.

8.2 The development is supported in principle and consideration has been given to the location and scale of the quarry extension, the methods of working and proposed mitigation and it is concluded that it would not result in the development having an unacceptable impact upon landscape character, heritage assets, ecology, local amenity, the water environment or highways. It is considered that any adverse impacts can be adequately mitigated by way of Conditions. There are no material planning considerations to warrant the refusal of this application for a 14.91 hectare extension to the existing sand quarry for the extraction of sand over a period of approximately 6 years.

9.0 Recommendation

9.1 For the following reasons:

- i. The development is in accordance with 'saved' policies 4/1, 4/6a, 4/10, 4/13, 4/14, 4/18, 4/20 and 5/1 of the North Yorkshire Minerals Local Plan (1997), the policies of the Selby District Core Strategy Local Plan (2013), the 'saved' policies of the Selby District Local Plan (2005) and overall is consistent with the NPPF (2012);
- ii. The proposal does not conflict with the abovementioned policies as it is considered that the existing highway network is capable of handling the volume of traffic generated by the development, the visual impact of the proposed development can be mitigated through condition, the environmental impacts of the proposed development can be controlled by condition, the impact on neighbouring residential properties can be mitigated and adverse impacts are outweighed when considered against the existing infrastructure, markets and employment at the site along with the final completion of restoration proposals and there are no other material considerations indicating a refusal in the public interest; and
- iii. The imposition of planning conditions will further limit the impact of the development on the environment, residential amenity the transport network and restoration and aftercare and

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

Commencement, Duration and Definition of Development

1. The permission hereby granted authorises the extraction of minerals only until (6 years from the date of grant of Planning Permission). The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with condition numbers 32, 33 and 34 before that date or within such longer period as may be approved in writing by the County Planning Authority.

Reason: To reserve the right of control by the County Planning Authority to ensure restoration of the land with the minimum of delay in the interests of amenity.

2. The development hereby permitted shall be carried out in accordance with the application details dated 24 June 2016 and the 'Approved Documents' as listed at the end of this Decision Notice together with the conditions attached to this Decision Notice which shall in all cases take precedence or in accordance with such other details as may be subsequently approved in writing by the County Planning Authority.

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

Limitations to Development

3. No other minerals, waste or other material shall be stored within or imported to the site.

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

Access

4. Access to the site shall be via the existing access and no other access shall be used. The access road from the site to the public highway shall be kept clean and in a safe condition. The access road shall be maintained in a good standard of repair, free of potholes for the life of the operations.

Reason: In the interests of highway safety, amenity and safeguarding the local environment.

Archaeology

5. No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the County Planning Authority. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. Community involvement and/or outreach proposals
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.No development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition.

Reason: The site is of archaeological interest.

Traffic

6. All HGV's visiting/leaving the quarry shall do so via New Road and Broach Road (A645) to the south. All HGV's leaving the site will turn right.

Reason: In the interests of highway safety.

7. The total number of HGV vehicle movements associated with the mineral extraction shall not exceed 210 per week.

Reason: In the interests of highway safety and amenity.

Safety

8. Excavation of the quarry shall take place in accordance with details contained in drawing number DQL/H/02 to ensure sufficient standoff from the public highway and railway, any resulting embankment shall have a maximum gradient of 1 in 3 to the horizontal and shall be maintained in a stable condition. The stand off between excavations and the railway boundary shall be maintained at 30 metres and no overburden or soils shall be tipped or any buildings erected or haul road operated within 15 metres of the railway boundary. All plant and machinery must be so positioned and used to prevent the accidental entry onto railway property of such plant, machinery or loads attached thereto, in the event of failure.

Reason: In the interests of safety

Vehicle Cleaning Facilities

9. Within 3 months of the date of planning permission details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site shall be submitted to and approved in writing by the County Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be kept available and in full working order until such time as the County Planning Authority agrees in writing to their withdrawal.

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Hours of Operation

10. No quarrying or associated operations shall take place except between the following times 07.30-17.30 hours Monday to Friday, 07.30-13.00 hours Saturday and no machinery maintenance shall take place except between the hours of 07.30-17.00 Monday to Friday, 07.00 – 15.00 Saturday. Machinery maintenance carried out after 13:00 on a Saturday shall not be audible at the boundary of noise sensitive properties. No quarrying or associated operations, including machinery maintenance, shall take place on Sundays or Bank and Public Holidays.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity

Noise and Dust

11. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment which shall be regularly maintained. Where earthmoving plant is operating in proximity to residential properties, non-audible reverse or white noise warning alarm systems shall be deployed.

Reason: In the interests of amenity

12. The equivalent continuous noise level due to operations at the quarry during day time hours (0700-1900) shall not exceed the background noise level (LA90) by more than 10dB(A) at any residential premises. Measurements shall be hourly LAeq measurements and be corrected for the effects of extraneous noise.

Reason: In the interests of amenity.

13. In the event that any noise levels specified in Condition 12 are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps taken to attenuate the noise level to ensure compliance with the provisions of Condition 12.

Reason: In the interests of amenity.

14. Notwithstanding the noise limits imposed within Condition 12 a temporary daytime noise limit of up to 70 dB(A) LAeq,1hour (free-field) at any residential premises is permitted for up to 8 weeks in a calendar year to facilitate essential

site preparation and restoration work such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance.

Reason: In the interests of amenity.

15. Within 3 months of the date of planning permission the site operator shall submit details of the scheme to control and monitor noise from the operations for approval in writing by the County Planning Authority in consultation with the District Environmental Health Officer. Thereafter the approved control measures shall be implemented and maintained in accordance with the approved scheme. The scheme should cover the following matters:
 - a) the necessity for equipment to have audible reversing sirens shall be investigated and where possible, in relation to health and safety consideration, be replaced with visual or white noise alarms.
 - b) mitigation measures as detailed in Chapter 9 of the ES submitted on the 28th June 2016.
16. The operator shall monitor noise levels due to operations at the quarry and background noise levels as requested in writing by the County Planning Authority and shall forward the details of the monitoring to the County Planning Authority within 14 working days of carrying out the monitoring.

Reason: In the interests of amenity.

17. Steps shall be taken to ensure that the site is operated at all times, and in particular during periods of high winds, to minimize dust emissions.

Reason: In the interests of amenity.

18. Within 3 months of the date of planning permission the site operator shall submit details of the scheme to control and monitor dust from the operations for approval in by the County Planning Authority in consultation with the District Environmental Health Officer. Thereafter the approved control measures shall be implemented and maintained in accordance with the approved scheme. The scheme should cover the following areas and should cover the whole of the site use from soil stripping to restoration:
 - a) vehicles leaving the site carrying materials <3mm to be sheeted.
 - b) on occasions when weather conditions are causing dust to be carried beyond the site boundary and mitigation measures cannot prevent this, operations giving rise to the dust generation shall cease. The operations shall not re-start until the weather conditions change or further mitigation measures can be taken to prevent dust emissions across the site boundary.
 - c) any overburden removed from the surface and stored on the site shall be protected from wind exposure until it has been exposed to water spray or rainfall and a crust has been formed.
 - d) the storage of sand on site.
 - e) mitigation measures as detailed in Chapter 11 of the ES submitted on the 28th June 2016.

Reason: In the interests of amenity.

19. In the event that an assessment of dust emissions in accordance with the details submitted under Condition No. 18 indicates that additional control measures are required to minimise emissions, proposals for such measures shall be submitted in writing to the County Planning Authority. The measures subsequently approved in writing by the County Planning Authority shall be implemented within such period as may be required by the County Planning Authority.

Reason: In the interests of amenity.

Drainage and Pollution

20. Throughout the period of working, restoration and aftercare the operator shall:
- a) shall not impair the flow or render less effective drainage onto and from adjoining land,
 - b) provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there shall be no pollution or other defined adverse effect on watercourses by the approved operations.

Reason: To prevent damage and pollution to ground water resources, watercourses and off-site drainage including that of agricultural land

21. Any facilities for the storage of oils, fuels, chemicals other potential pollutant shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund. The floor and walls of the bunded areas shall be impervious to both water and oil. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of watercourses, aquifers and the soil resource.

Site Maintenance

22. From the commencement of development until completion of aftercare, the operator shall make and maintain stock-proof the perimeter hedges, fences, and walls. Where the site boundary does not coincide with an existing hedge, fence or wall, the operator shall provide and maintain stock-proof fencing where necessary until completion of aftercare.

Reason: To protect the welfare of livestock kept within the permitted site and on adjoining agricultural land.

23. All undisturbed areas of the site and all topsoil, subsoil, soil making material and over burden mounds shall be kept free from agriculturally noxious weeds. Cutting, grazing or spraying shall be undertaken, as necessary, to control plant

growth and prevent the build-up of a seed bank of agricultural weeds or their dispersal onto adjoining land.

Reason: To prevent a build-up of weed seeds in the soil that are harmful to agriculture.

Buildings and Structures

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any other order revoking and re-enacting that Order), prior to the erection of any plant or buildings at the site full details shall be submitted to the County Planning Authority for their written approval. No plant or buildings shall be erected except in accordance with details approved in writing by the County Planning Authority.

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

Depth of Working

25. No mineral extraction in any phase of the site shall take place until detailed groundwater level monitoring proposals for each phase of the site have been submitted to and approved in writing by the County Planning Authority. The detailed proposals shall include:

- a) details of the timescales and frequency over which monitoring shall take place;
- b) details of the location of monitoring wells and measures to protect the wells throughout the monitoring period;
- c) a programme for an update of the conceptual site model and risk assessment using data from the groundwater level monitoring;
- d) a methodology for establishing and agreeing interim working levels within each phase and the final basal quarry datum levels.

The groundwater level monitoring proposals shall be carried out in accordance with the approved scheme.

Reason: To increase the understanding of the groundwater regime of the site and to protect groundwater because the site is located on a principal aquifer and within a source protection zone.

26. Excavation shall be carried out in accordance with the working depths agreed under condition number 25.

Reason: To protect controlled waters.

27. An updated conceptual site model and risk assessment shall be submitted to and approved in writing by the County Planning Authority in accordance with the programme agreed under part (c) of condition number 25. Any necessary contingency measures arising from the monitoring and updated conceptual site model assessment, including those arising from any new receptors, any groundwater level changes and the identification of any pollution emanating from Hensall Quarry shall be implemented in full and maintained in accordance with the approved conceptual site model and risk assessment.

Reason: To protect controlled waters

28. Within 3 months of the date of planning permission the site operator shall submit a Construction Environmental Management Plan for the working and restoration phase for approval in writing by the County Planning Authority. The Construction Environmental Management Plan must set out written details of the measures for the management of surface water, including an assessment of the risks to controlled ground and surface waters and measures to mitigate such risks, including pollution incident control; and any other matters that the County Planning Authority reasonably requires. The measures set out in the Construction Environmental Management Plan for each phase must be implemented as approved.

Reason: To protect controlled waters. The plan should consider production of silty water, especially during wet weather. Care should be especially focused in areas next to excavations / sub surface ground works to avoid potential release of sediment fines to the water environment.

Protected Species

28. Trees and vegetation which may support nesting birds should not be removed during the bird nesting season, which is generally taken to be 1st March to 31st August.

Reason: in order to prevent disturbance to nesting birds which are protected by the Wildlife and Countryside Act 1981 (as amended).

29. Prior to any felling of trees identified as having potential to support roosting bats the tree(s) must be checked for roosting bats by a suitably qualified ecologist. Where necessary, following this check, the trees shall be section felled with the timber left on the ground for a short period following the felling.

Reason: This is to ensure that bats have not moved into the trees in the interim period between survey and felling.

Advance planting

30. Advance planting as detailed on drawing number LL01 shall be carried out within the first planting season (November to March) following the date of planning permission and shall be protected and maintained throughout the duration of the operational period, and thereafter as part of restoration aftercare.

Reason: In the interests of visual amenity and to assist in absorbing the site back into the local landscape.

Restoration – Final Landform

31. Within 18 months of the date of planning permission a restoration masterplan for the area covered by this planning permission and that area of land covered by planning permission reference C8/38/196A/PA shall be submitted for approval by the County Planning Authority: The masterplan shall detail the landform and details of mitigation and enhancement measures. Thereafter the Quarry which is the subject of both planning permissions shall be restored in accordance with the approved masterplan.

Reason: In the interests of visual amenity and to assist in absorbing the site back into the local landscape.

Restoration – Planting and Seeding

32. The site shall be restored progressively and managed for agriculture and nature conservation purposes in accordance with the restoration masterplan which is the subject of condition number 32, and drawing number DQL/H/03. Planting as detailed on drawing number LL02 and the restoration masterplan shall be carried out in accordance with the schedule on the restoration masterplan. The planting shall be protected and maintained throughout the duration of the operational period, and thereafter as part of restoration aftercare.

Reason: In the interests of visual amenity and to assist in absorbing the site back into the local landscape.

Restoration – Aftercare and Management of Planting

34. Within 3 months of the date of planning permission the following details shall be submitted for the written approval of the County Planning Authority:

- details of protective fencing and stand offs for existing and new planting;
- details of maintenance during the 5 year aftercare period, including, weed control, fertiliser applications, remedial pruning, replacements; and making good failures with the seeded areas.
- details of management post aftercare, covering a period of 5 years after the cessation of the aftercare period.

Thereafter planting and wildflower areas shall be managed and maintained in accordance with the approved scheme or in accordance with such other scheme as may be subsequently approved in writing by the County Planning Authority. Planting shall be protected against damage, failures shall be replaced during the subsequent planting season and planted areas managed in accordance with the rules and practice of good forestry during the period of this permission and thereafter for a period of five years from the completion of the development.

Reason: In the interests of visual amenity and to assist in absorbing the site back into the local landscape.

General Conditions on Soils

35. All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with Chapter 15 of the ES submitted on the 28th June 2016 except as modified by this schedule of conditions.

Reason: To prevent loss or damage of soil, or mixing of topsoil with subsoil; or subsoil with overburden; or mixing of dissimilar soil types.

36. Topsoil and subsoils shall only be stripped when they are in a dry, friable and unfrozen condition.

Reason: To prevent damage to soils by avoiding movement whilst soils are wet or excessively moist and as such does not meet the defined criteria.

37. With the exception of soil stripping in order to create the initial excavation area following stripping all topsoils, subsoils and soil making materials shall where possible be utilized for restoration; where this is not reasonably practicable they should be stored.

Reason: Directed replacement of soil without storage is normally beneficial.

38. All topsoil and subsoil shall be permanently retained on site and used in restoration in accordance with ES submitted on the 28th June 2016.

Reason: To prevent loss of soil needed for restoration and offset shortfalls of soil by utilizing suitable geological material and to ensure the development.

39. No plant or vehicles shall cross any area of unstripped topsoil or subsoil, stored soil, respread soil or ripped ground except where such trafficking is essential and unavoidable for the purposes of undertaking permitted operations. At all times when topsoil or subsoil remain unstripped or respread on any working phase, the essential trafficking routes shall be marked in such a manner as to give effect to this condition.

Reason: To prevent unnecessary trafficking of soil by heavy equipment and vehicles as this may damage the soil

Soil Stripping

40. Topsoil and subsoil shall each be stripped separately to their full depth, taking care that they do not mix.

Reason: To prevent the loss of soil and minimize damage to soil structure during storage.

Storage of Soils

41. All topsoil and subsoil shall be stored in separate mounds which do not overlap. Such mounds:

- i. shall be located in the positions identified on drawings number DQL/H/02 and DQL/H/03;
- ii. shall not exceed 3m in height for topsoil;
- iii. shall be constructed with a minimum of soil compaction necessary to ensure stability and so shaped as to avoid collection of water in surface undulations;
- iv. shall have a minimum 3.0m stand-off which shall be undisturbed around storage mounds.

Reason: To prevent the loss of soil and minimize damage to soil structure during storage.

42. All storage mounds that will remain in situ for more than 3 months, or over winter, shall be seeded with a low maintenance wildflower mix and managed in accordance with a scheme to be submitted to, and approved by, the County Planning Authority before soil stripping and storage mound construction is due to commence.

Reason: To protect mounds from soil erosion, prevent build-up of weed seeds in the soil and remove vegetation prior to soil replacement.

43. Within 3 months of completion of soil handling operations in any calendar year, the County Planning Authority shall be supplied with a Soil Resource Plan showing:

- a) the area stripped of topsoil and subsoil;

- b) the current location of each soil storage mound (topsoil and subsoil identified separately); and
- c) the quantity, height, gradient and nature of material in each storage mound.

Reason: To facilitate soil stock-taking and monitoring of soil resources

Replacement of Soils

44. Restoration shall be carried out in accordance with drawing number DQL/H/03 or as may be subsequently varied by information submitted under condition 32 and overburden shall be replaced and leveled so that:

- a) after replacement of topsoil and subsoil and after settlement, the contours conform with those detailed on the restoration masterplan to be submitted in accordance with condition 32; and
- b) there is satisfactory site and surface drainage, the fields being free from ponding and capable of receiving an effective artificial under-drainage system; and
- c) agricultural machinery is not unduly restricted, erosion is minimized and gradient does not exceed 7 degrees.

Reason: To ensure adequate surface drainage and to enable an effective under-drainage scheme to be installed. Excessive slopes increase risk of soil erosion, and also hinder use of agricultural machinery.

45. Prior to respreading of subsoil or topsoil, the upper 500mm of the surface shall be where compacted, ripped at a spacing of 500mm or closer to remove materials capable of impeding normal agricultural and land drainage operations including mole ploughing or subsoiling. Stones, materials and deleterious objects which exceed 200mm in any dimension and occur on the surface of the ripped and loosened ground shall be removed from the site or buried at a depth of not less than 2 metres below the final pre-settlement contours. The County Planning Authority shall be notified when this condition has been fulfilled and given at least 2 working days to inspect the area before further restoration of this part is carried out.

Reason: To reinstate and treat overburden, soil making materials, subsoil and topsoil so as to provide 1.2 metres depth of material that is free from objects that will seriously impede cultivation, subsoiling or installation of underdrainage. Also to fissure compacted layers of soil so as to facilitate drainage and plant root growth.

46. Subsoil shall be:

- a) only spread onto ground upon completion of the works required by condition 45;
- b) spread in layers not exceeding 450mm in thickness, to a depth equal to that stripped, unless agreed otherwise in writing by the County Planning Authority.

Reason: To restore subsoil to the best potential condition.

47. Only low ground pressure machines should work on re-laid topsoil or subsoil to replace and level topsoil. Wherever practicable topsoil shall be lifted onto subsoil by equipment that is not standing on either re-laid topsoil or subsoil.

Reason: To avoid compaction of the topsoil and upper subsoil.

48. Topsoil shall be carefully and evenly respread to a depth equal to that stripped.

Reason: Minimum depth specified to safeguard land quality.

49. The respread topsoil shall be rendered suitable for agricultural cultivation by ripping and loosening:

- a) to provide loosening equivalent to a single pass of a single tine spacing of 500mm or closer,
- b) to full depth of the topsoil plus 100mm,
- c) and any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

Reason: To remove compaction and lift stone to the surface for removal.

50. The County Planning Authority shall be notified in writing within 2 days of completion of the works described in condition 49 and given an opportunity to inspect the completed works before the commencement of any cultivation operations.

Reason: To provide sufficient notice for site inspection.

51. Any area of the site which is affected by surface ponding or by local settlement caused by the approved operations shall be re-graded to resolve the problem, if required by the County Planning Authority. Topsoil, subsoil and other overburden moved in the course of re-grading shall not be mixed and shall be handled and replaced in accordance with the above conditions.

Reason: To deal with differential settlement when required.

Agricultural Aftercare

52. All areas delineated as Agricultural/Amenity Grassland on the restoration masterplan to be submitted in accordance with condition 32 shall undergo agricultural aftercare management for a 5 year period. The date for the aftercare period commencing in a phase shall be first agreed in writing with the County Planning Authority on completion of restoration in that phase.

Reason: To bring the land to the required standard for agricultural use.

53. Before the end of March and every subsequent year during the aftercare period the mineral operator shall provide the County Planning Authority, with a detailed annual programme, for written approval by the County Planning Authority this shall include;

- a) a record of aftercare operations carried out on the land during the previous 12 months;
- b) proposals for managing the land in accordance with the rules of good husbandry including planting, cultivating, seeding, fertilizing, draining, watering or otherwise treating the land for the forthcoming 12 months.

Reason: To bring the land to the required standard for agricultural use.

54. Before the end of April of every year during the aftercare period, unless the County Planning Authority agrees otherwise in writing, a site meeting shall be arranged by the mineral operator, to which the County Planning Authority should be invited, to discuss the restoration and aftercare of the site in accordance with the scheme submitted under Condition number 53. This meeting shall be attended by the person(s) responsible for undertaking the aftercare steps.

Reason: To allow inspection and appraisal of the site to ensure its rehabilitation to agriculture within the aftercare period, and to ensure that a suitable regime of agricultural husbandry is pursued. This will be achieved by assisting the soil structural development, preventing damage to soils and installing the infrastructure (eg. underdrainage) necessary to bring land to the required standard for agriculture.

55. Aftercare operations shall be carried out in accordance with the submitted aftercare scheme.

Reason: To ensure that a suitable regime of agricultural husbandry is pursued This will be achieved by assisting the soil structural development, preventing damage to soils and installing the infrastructure (eg. underdrainage) necessary to bring land to the required standard for agriculture

Abandonment

56. In the event of extraction of mineral ceasing on the site for a period in excess of 12 months before the completion of the development hereby permitted, a revised scheme of restoration and landscaping shall be submitted to the County Planning Authority for written approval within 6 months of the cessation. The approved scheme shall be implemented in accordance with a programme to be included in that scheme.

Reason: To ensure restoration is undertaken as soon as practicable in the interests of amenity

Annual Meeting

57. Every 12 months from the date of this permission or at such other times as may be agreed in writing with the County Planning Authority, a review of the previous year's landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from the schemes approved under Conditions 32 and 34 and a revised scheme shall be submitted to the County Planning Authority for approval providing for the taking of such steps as may be necessary to continue the satisfactory landscaping, working, restoration and aftercare of the site including the replacement of any tree or shrub which may have died, been removed or become seriously damaged or diseased. Thereafter all such works shall be carried out in accordance with the approved schemes.

Reason: To secure an orderly and progressive pattern of working of the site.

Record of Planning Permission

58. A copy of the planning permission and any agreed variations, together with all the approved plans, shall be kept available at the site office at all times.

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

Informatives

Network Rail

1. Lighting

The site operator should ensure that the lighting scheme at the site does not present a dazzle hazard to train crew, and also that any coloured lighting does not conflict with the railway signalling system. The lighting scheme for the site must be submitted to Network Rail for prior approval.

2. Restoration

Only inert spoil shall be used as the backfill material. In the event that biodegradable waste is imported to the site, Network Rail will hold the operator responsible for the escape of hazardous landfill gas or leachate which may affect railway operations or the safety of the public.

It would be preferable for deciduous trees and pines not to be planted close to the operational railway.

3. Liaison

Network Rail shall be notified of any significant alteration to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, and nature of any waste materials.

Coal Authority Standing Advice (to be inserted in Decision Notice)

Approved Documents

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
---	24/06/16	Application Form & Annex
---	04/06/2016	Environmental Statement and Appendices
---	May 2016	Planning Supporting Statement
DQL/H/01	June 2016	Site Location and Planning Application Boundary
DQL/H/02	June 2016	Phasing Plan
DQL/H/03	June 2016	Restoration Phasing
DQL/H/04	June 2016	Proposed Restoration Levels
FCC/H/Gen/DRH	13/12/16	Letter from Tireil Consulting (addendum to ES)
---	16/01/17	Email from Tireil Consulting
SHF.516.001.EC.R.003	07/10/16	Reptile Survey
SHF.516.001.EC.R.004	12/10/16	Bat Activity Survey produced by Enzygo Ltd.

SHF.516.001.EC.R.005	12/10/16	Tree Survey
TC01	12/12/16	Tree Constraints (Protection)
LL01	08/12/16	Landscape Plan Phase 1
LL02	08/12/16	Landscape Plan Phase 2
HQL-H-101	January 2017	Tree Retention Plan

**Statement of Compliance with Article 35(2) of the Town and Country Planning
(Development Management Procedure) (England) Order 2015**

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

DAVID BOWE

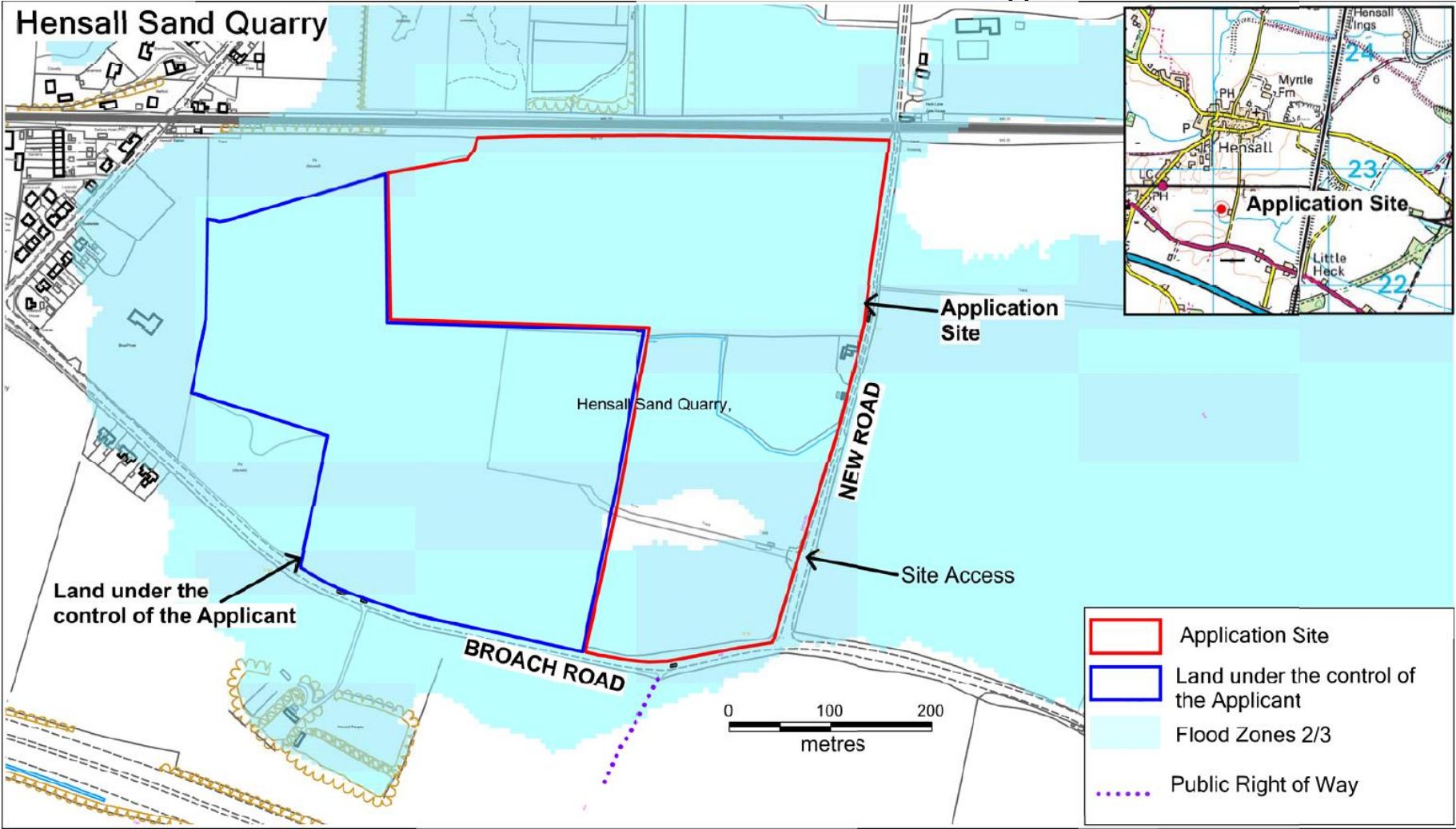
Corporate Director, Business and Environmental Services
Trading Standards & Planning Services

Background Documents to this Report:

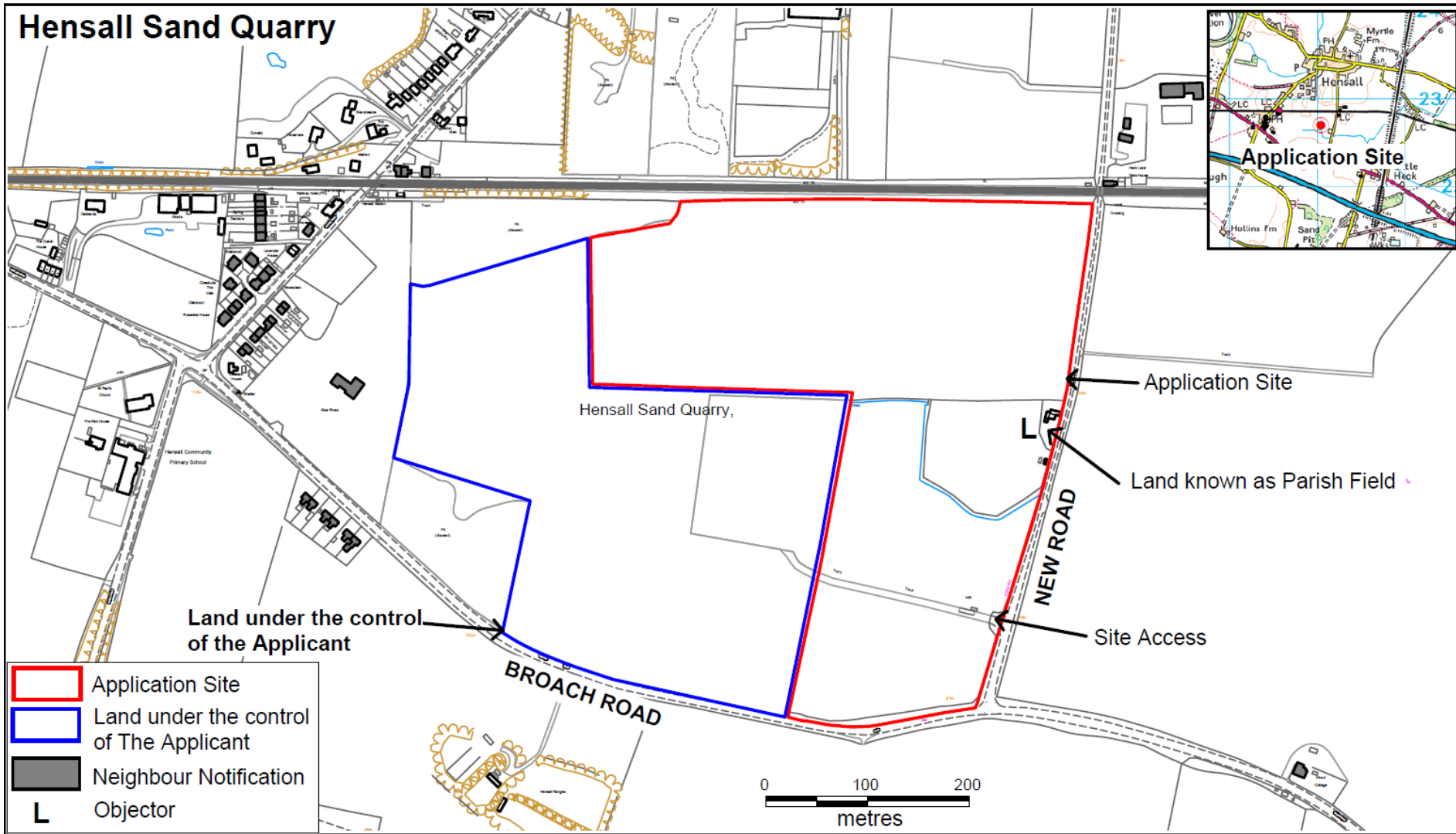
1. Planning Application Ref Number: C8/2016/0873/CPO (NY/2016/0118/ENV) registered as valid on 15 July 2016. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Alan Goforth

Appendix A - Site Location and constraints



Appendix B - Site Location and representations



Appendix C - Phasing Plan



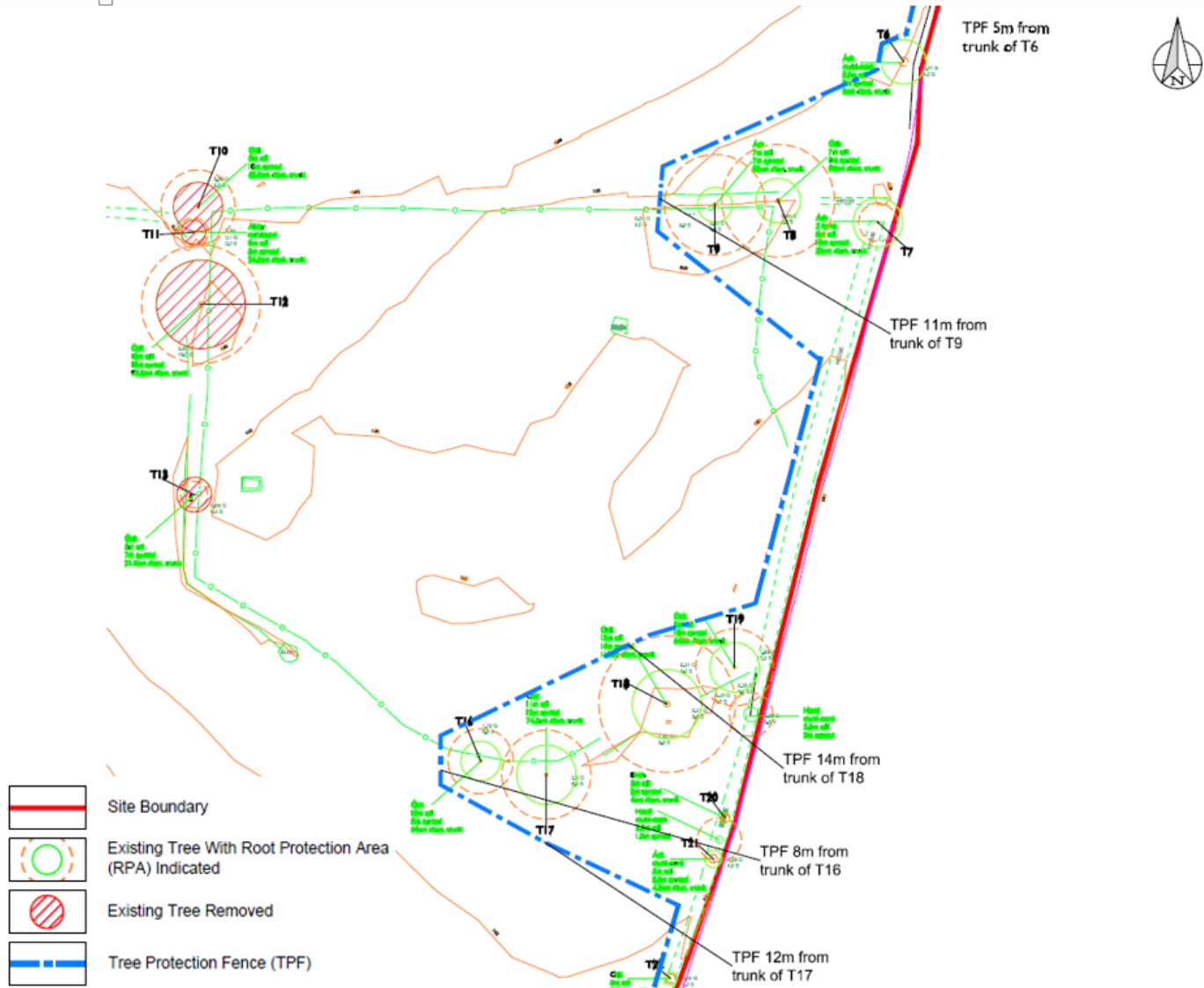
Appendix D - Restoration Phasing Plan



Appendix E - ALC Map



Appendix F - Tree Retention Plan



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 comprehensive 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.

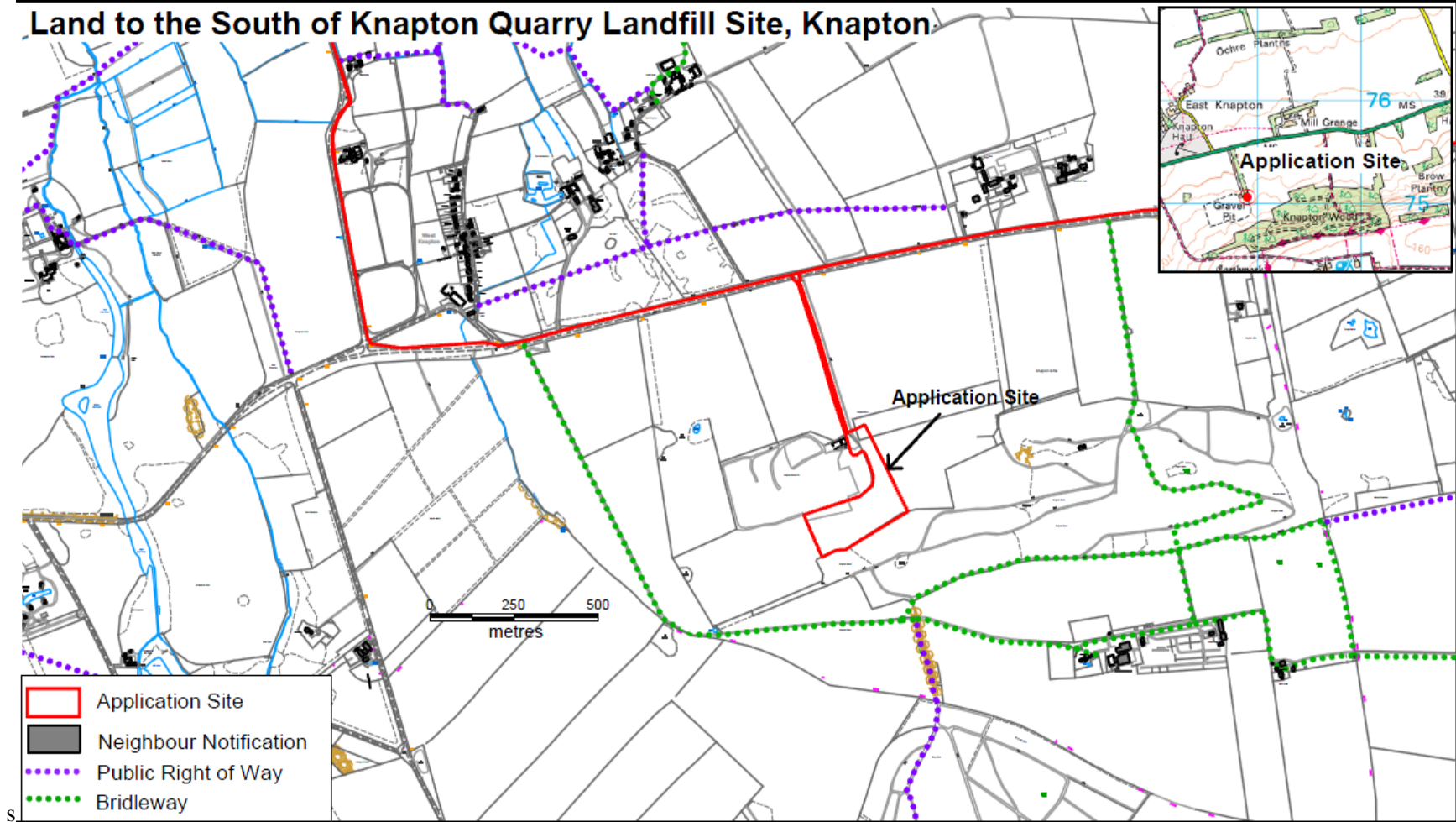
DAVID BOWE
Corporate Director, Business and Environmental Services

Background Documents to this Report:

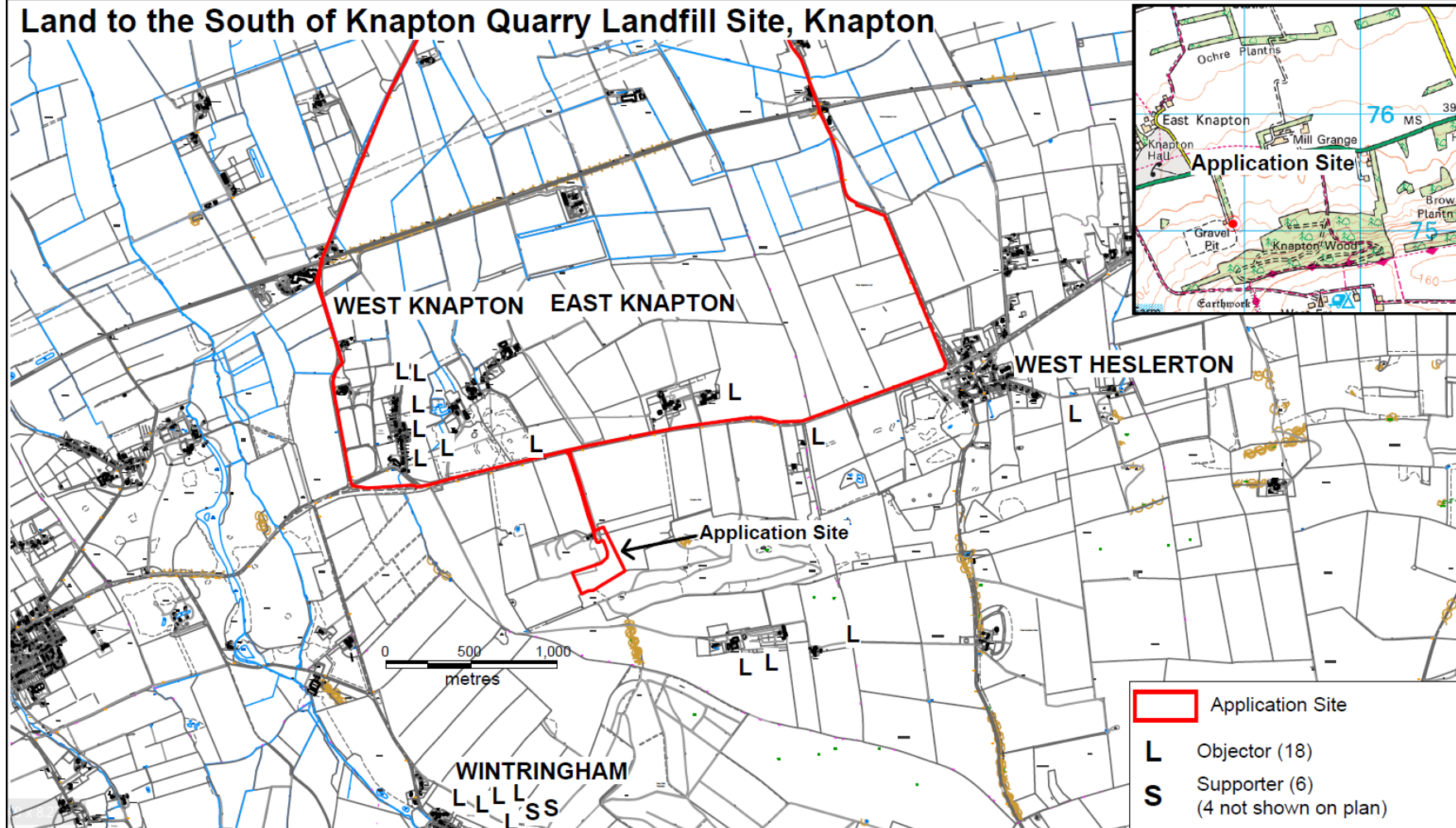
1. Planning Application Ref Number: C3/16/01918/CPO (NY/2016/0194/ENV) registered as valid on 14 November 2016. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation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

Author of report: Alan Goforth

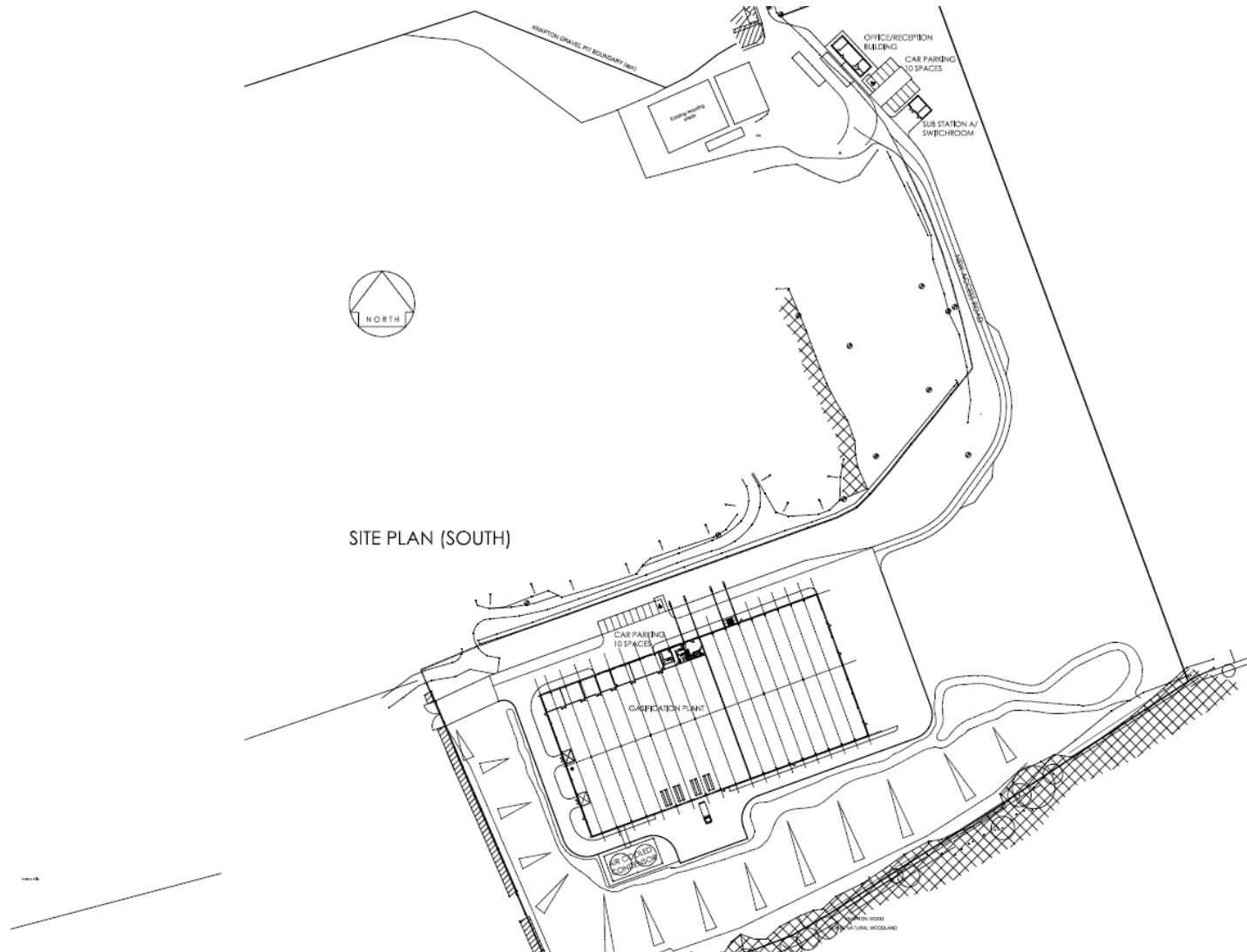
Appendix A - Site Location and constraints



Appendix B - Site Location and representations



Appendix C - Proposed Site Plan (extract)



Appendix D - Visualisation of GEF facility



North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

7 February 2017

C6/16/05274/CMA – Planning application for the purposes of the retention of prefabricated classroom unit 3408 (131 square metres) for a further 6 years on land at Ripon Grammar School, Clothholme Road, Ripon, HG4 2DG on behalf of the Corporate Director, Children and Young People’s Services (Harrogate District) (Ripon North Electoral Division)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the retention of prefabricated classroom unit 3408 (131 square metres) for a further 6 years on land at Ripon Grammar School, Clothholme Road, Ripon, HG4 2DG on behalf of the Corporate Director, Children and Young People's Services.
- 1.2 This application is subject to an objection having been raised Ripon City Council on the grounds of the time period the unit has been in situ, the justification of the need for the unit and that the prefabricated structure does not fit well into the landscape within the historic landscape of Ripon.
- 1.3 Therefore, the application is reported to this Committee for determination.

2.0 Background

- 2.1 A plan showing the application site is attached to this report. (Appendix A)

Site Description

- 2.2 Ripon Grammar School is located towards the west of the city of Ripon. The school has a site area 12.53 hectares with the main school building located towards the west of the school site.
- 2.3 Located towards the east of the site are grassed playing fields and towards the south is a cricket pitch. The boundary of the school site consists of a 2 metre high deciduous hedge towards the north, and 1.50 metre high red brick wall towards the south and west.
- 2.4 The nearest residential properties to the application site are on Kirkby Drive (No.s 34 and 57) and Ash Grove (No.s 5, 7 and 9) are approximately 30 metres north and 75 metres west respectively. These buildings are bungalows and two storey buildings constructed from red brick and the pitched roofs are covered with slate. Located towards the east of the school site is the public

highway of Ash Grove, to the north is Kirkby Drive and towards the south is Clothholme Road.

- 2.5 There are no planning constraints relevant in determination of this application, however the edge of the Ripon Conservation is located approximately 375 metres to the east of the application site and the listed building of the south west block of Ripon Grammar School (Grade II) is approximately 50 metres to the south of the application site.

Planning History

- 2.6 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- The prefabricated classroom Unit 3408 was installed on site on 27 August 1993. The most recent renewal of temporary planning permission for prefabricated classroom unit 3408 expired on 27 November 2016 (Decision Notice ref: - C6/31/608/BF/CMA, dated 7 December 2010).
- 2.7 The planning condition the subject of this application is:

Condition:

The permission hereby granted is valid only until 27 November 2016 and the building shall be removed from the site before that date with the ground reinstated to its condition prior to the development hereby authorised having taken place.

Reason:

The building is constructed with temporary materials and the County Planning Authority wish to review the position at the end of the stated period to ensure the building has been satisfactorily maintained, presents an acceptable appearance in the interests of the visual amenities of the area, and no firm plans exist for its permanent replacement.

3.0 The proposal

- 3.1 Planning permission is sought under Section 73A of the Town and Country Planning Act 1990 for the retention of prefabricated classroom unit 3408 (131 square metres) for a further 6 years on land at Ripon Grammar School, Clothholme Road, Ripon, HG4 2DG on behalf of the Corporate Director, Children and Young People's Services.
- 3.2 The most recent renewal of temporary planning permission (Decision Notice ref: - C6/31/608/BF/CMA, dated 7 December 2010) related to two prefabricated classroom units 3408 and 3411, however, it has been confirmed by a site visit that Unit 3411 has been removed from the school site.
- 3.3 Prefabricated classroom unit 3408 is located 3 metres from the northern boundary of the site with the existing school complex to the south and east. The unit measures 15.2 metres (length) x 8.6 metres (width) x 3.3 metres (height). The unit has timber clad walls with a dark brown finish (BS08B29) and a flat grey/green mineral felt roof. The unit has a temporary permission which expired on 27 November 2016.

- 3.4 The school currently has 888 students on roll (May 2016), with a forecast of 920 students (2020/21) against a net capacity of 932. It is stated within the Design and Access Statement, dated 21 November 2016 that *'This unit is required to provide technology classrooms for the school curriculum'*.
- 3.5 Wording for proposed condition as varied is:

Conditions:

1. The permission hereby granted is valid only until 27 November 2022 and the building shall be removed from the site before that date with the ground reinstated to its condition prior to the development hereby authorised having taken place.

Reasons:

1. The building is constructed with temporary materials and the County Planning Authority wish to review the position at the end of the stated period to ensure the building has been satisfactorily maintained, presents an acceptable appearance in the interests of the visual amenities of the area, and no firm plans exist for its permanent replacement.

- 3.6 However, due to comments received from Harrogate Borough Council (Planning) on the 19 December 2016, the agent has confirmed on 6 January 2017 that the consideration for a 3 year permission was satisfactory to the applicant. Therefore, the proposed development would be considered for 3 years and not the originally requested 6 years. Therefore, the amended wording for the condition as varied is:

Condition:

1. The permission hereby granted is valid only until 27 November 2019 and the building shall be removed from the site before that date with the ground reinstated to its condition prior to the development hereby authorised having taken place.

Reason:

1. The building is constructed with temporary materials and the County Planning Authority wish to review the position at the end of the stated period to ensure the building has been satisfactorily maintained, presents an acceptable appearance in the interests of the visual amenities of the area, and no firm plans exist for its permanent replacement.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on 1 December 2016.

- 4.1 **Harrogate Borough Council (Planning)** – Responded on 19 December 2016 stating *'No Objection'* however furthering this with the following comment. *'This is an incongruent building, not of locally distinctive design and appearance. Whilst there is an identified need for immediate additional accommodation for this school the Borough Council does not object to the continued siting of the building. Any consent should only be for a further three*

year period to ensure the need for the building and its condition is reviewed regularly. The County Council should ensure at the earliest opportunity that a permanent building of high quality, locally distinctive design is provided on the site if the need for this accommodation is to remain in the longer term.'

- 4.1.1 The Borough Councils comments were forwarded to the agent and a response was received on the 6 January 2017 stating that the consideration for a 3 year permission was satisfactory to the applicant. Therefore, it is considered appropriate that any grant of temporary permission would be for 3 years and not the originally requested 6 years.
- 4.2 **Ripon City Council** - Responded on 20 December 2016 stating '*Ripon City Council object to this proposal on the grounds that as the prefabricated building has been in situ for a very long period of time a permanent structure must be justified for the School. Furthermore, it is considered that the prefabricated structure does not fit well into the landscape of the historic City.*' Furthering the above by stating '*Ripon City Council wish to see a permanent structure in replacement of the prefabricated classroom and consider that the children of Ripon deserve a proper permanent structure in which to be taught.*'
- 4.2.1 A response to this was sent to Ripon City Council on 21 December 2016 including further information from CYPs stating the County Council '*continues to invest in a programme of removing or replacing prefabricated classroom units each year, and has since 2007 replaced eight double units at this school, four of which were replaced as recently as 2015 with a new classroom block. The cost of replacement is high, and current funding allocations only allow for those in the poorest of condition to be replaced each year.*'
- 4.2.2 In terms of justification of the prefabricated classroom Unit the response states '*Unit 3408 at Ripon Grammar School has not come out as a high priority for replacement following recent condition surveys and as such continues to be used to provide a vital teaching space for the school. The unit houses two full size classrooms used for teaching technology and is still considered to be a suitable space in which to teach. Without this space the school would not be able to meet the requirements of the national curriculum for that particular subject area.*'
- 4.2.3 The response also states that '*the location of the unit is in a position where it is shielded from view on two sides by surrounding permanent buildings, and by trees on the remaining elevations. It cannot be seen from any of the roads adjacent to the school site.*'
- 4.2.4 The above response was sent to Ripon City Council on 22 December 2016 and on 17 January 2017 a further response was received from Ripon City Council stating '*Ripon City Council are unable to withdraw their objection to this proposal as it feels strongly that a permanent structure should be erected in replacement of the prefabricated classroom and consider that the children of Ripon deserve a proper permanent structure in which to be taught.*'

Notifications

- 4.3 **County Cllr. Bernard Bateman** – Was notified of the proposal on 1 December 2016.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of three Site Notices posted on 5 December 2016 (responses to which expired on 26 December 2016). The Site Notices were posted in the following locations:
- Approximately 2 metres to the east of the school access on Clothholme Road on a metal sign post;
 - Approximately 100 east of the application site on Ash Grove on a metal lamp post; and
 - Approximately 65 metres north of the application site on Kirkby Drive on a metal lamp post.
- 5.2 With respect to Neighbour Notification, in accordance with the County Council's adopted Statement of Community Involvement, it has been considered that the posting of a Site Notice, rather than wider neighbour notification has been an effective means of drawing the attention of local residents to the existence of the planning application for the following reason:
- There are only sporadic views of the prefabricated unit from any residential properties due to the mature boundary treatment with consists of mixed 2 metre high deciduous hedgerows and intermittent mature trees.
- 5.3 There have been no letters of representation received from the public with regards to this application

6.0 Planning policy and guidance

National Planning Policy

- 6.1 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published March 2012)

National Planning Policy Framework (NPPF)

- 6.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.3 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development stating its approach as "*making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same*". The

Government defines sustainable development as that which fulfils the following three roles:

- **An economic role** – development should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- **A social role** – development supporting strong, vibrant and healthy communities; and,
- **An environmental role** – development that contributes to protecting and enhancing the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

6.4 The NPPF advises that when making decisions, development proposals should be approved that accord with the Development Plan and when the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this framework indicate development should be restricted.

6.5 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.

6.6 Paragraph 17 regarding Core planning principles within NPPF sets out the core planning principles which should underpin planning decisions. With this in mind the relevant core principles for this proposed development are as follows:

- Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants or users of a development.
- And that, planning authorities are required to ensure that they *'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'*.

6.7 Paragraphs 56-58 within Section 7 (Requiring Good Design) of the NPPF states that *'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'*. It also states that planning policies and decision should aim to *'ensure that developments:*

- *will function well and add well to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*

- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping’.*

Indeed paragraph 64 states that *‘permission should be refused for development of poor design’.*

- 6.8 However, paragraph 60 states that *‘Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness’* and paragraph 61 states that *‘Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’.*
- 6.9 Paragraph 70 within Section 8 (Promoting healthy communities) of the NPPF states that planning policies and decisions should *‘plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments’.*
- 6.10 The NPPF further advises at paragraph 72 on the importance of ensuring that a sufficient quantity of school places for children is available for existing and new communities. Furthermore it is advised that Local Planning Authorities *‘should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *‘Give great weight to the need to create, expand or alter schools’.*
- 6.11 The National Planning Guidance considered relevant to the determination of this application is the National Planning Practice Guidance (March 2014).
- National Planning Practice Guidance (PPG) (2014)
- 6.12 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF.

The guidance relevant to the determination of this application is contained within the following sections:

(i) Design:

- 6.13 Good quality design is an integral part of sustainable development and that planning should drive up standards across all forms of development as a core planning principle, plan-makers and decision takers should always seek to secure high quality design.
- 6.14 Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term.

The Development Plan

- 6.15 Notwithstanding that the abovementioned national planning policy is a significant material consideration, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the Development Plan consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils ‘saved’ under direction of the Secretary of State; and,
 - any planning policies contained within Development Plan Documents adopted under the Local Development Framework regime.
- 6.16 The Development Plan for the determination of this particular application comprises the following:
- The extant policies of the Harrogate District Core Strategy (2009).
- 6.17 The Harrogate Core Strategy (adopted 2009) has particular relevance in the determination of this application and the policies most relevant include:
- Policy C1, Inclusive Communities;
 - Policy SG4, Design and Impact.
- 6.18 Relevant policy stated in Harrogate’s Cores Strategy (2009) is Policy C1 titled ‘Inclusive communities’ it advises *‘the use and development of land will be assessed having regard to community needs within the District, with particular importance placed on the following specific needs identified through the Harrogate District Community Plan and other relevant strategies and plans:*
- a. elderly people, especially in terms of open market housing, health, sport and recreation;*
 - b. young people, especially in terms of affordable housing, higher education/training and sport, leisure, cultural and entertainment facilities;*

- c. *the rural population especially in terms of affordable housing and access to services;*
- d. *disabled people, especially in terms of access to services and mobility.'*

- 6.19 Section 8 of the NPPF, entitled 'Promoting Healthy Communities', reinforces the role that the planning system can have in facilitating healthy, inclusive communities. Specifically, paragraph 70 states that planning policies and decisions should 'plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments'. In this instance only part 'b' of this policy is considered relevant to the determination of this application as it relates to the provision of facilities related to the provision of education. It is therefore considered that Policy C1 'b' of the Harrogate District Core Strategy (2009) is consistent with the National Planning Policy Framework (2012) and therefore full weight can be applied in determining this application.
- 6.20 Within the Harrogate Core Strategy Policy SG4, 'Design and Impact' with regards to residential amenity it states *'the scale, density, layout and design should make the most efficient use of land'*, and that the *'visual, residential and general amenity should be protected and where possible enhanced'*. This policy is consistent with the NPPF's objectives of presumption in favour of sustainable development, as outlined in paragraph 17 of the Framework, which relates to the importance of achieving a good quality of design to ensure a good quality and standard of amenity for all existing and future occupants. Therefore, full weight can be given to this policy in the determination of this application.

7.0 Planning Considerations

- 7.1 Section 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue.
- 7.2 With a Section 73 application the Planning Authority is required to consider only the question of the conditions subject to which planning permission should be granted. This does not prevent the Planning Authority from looking at the wider considerations affecting the original grant of permission, but the permission itself should be left intact. Section 73 enables the Planning Authority to grant permission subject to conditions differing from those subject to which the previous permission was granted or to refuse the application, for example, where there has been a change in policy.
- 7.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 also requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In making its decision the

Council should focus its attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought. In light of the abovementioned policies the main considerations in this instance are the changes to national policy since the previous permission, the principle of development, the design, the impact upon local character of the area, the impact upon the residential amenity and the existing conditions.

The changes to national planning policy since the previous permission

- 7.4 It is considered that there have been changes to national planning policy since the previous planning permission was granted on 7 December 2010. The national policy that is considered relevant to this planning application is documented within the National Planning Policy Framework (published March 2012) and the National Planning Practice Guidance (2014). The relevant policies within each document have been previously outlined within section 6 and have been taken into account in the following considerations.

Principle of the proposed development

- 7.5 The prefabricated unit has been maintained in good physical condition and continues to be used to provide important teaching space for the school. The agent has confirmed that *'The unit houses two full size classrooms used for teaching technology and is still considered to be a suitable space in which to teach. Without this space the school would not be able to meet the requirements of the national curriculum for that particular subject area.'* The comments made within the Harrogate Borough Council (Planning) consultation response dated 19 December 2016 are acknowledged and therefore, it is considered that it would be appropriate that any grant of temporary permission would be for 3 years and not the originally requested 6 years. It is considered that a 3 year grant of permission would be in accordance with the NPPF (2012) in terms of Paragraph 72 with the need to alter or expand schools given great weight and paragraph 17 of the NPPF (2012) through delivering sufficient community services to meet the local needs, while allowing for the need for the units and their condition is reviewed regularly to make sure that the standard of the unit is of a high enough quality design to meet the needs of the area.

Design

- 7.6 It is noted that the design of the prefabricated unit is of limited architectural merit however the dark brown timber (BS08B29) clad walls and a flat grey/green mineral felt roof is not considered poor design and the unit is currently of a good quality. Meaning the unit does not detract from the school site. Therefore, it is considered in accordance with Paragraph 58 of the NPPF and PPG guidance in terms of design because of it being of an appropriate design, being of the same scale as the main school building and the unit not being in conflict with the wider school setting. The unit also optimises the use of the site and enhances its general amenity, adding further school space. The proposal is also in compliance with Harrogate Core Strategy Policy SG4 through the scale of the building being proportionate to the main school building and the rest of the school site.

Local character of the area

- 7.7 There have been no major alterations to the layout of the school site since the grant of planning permission C6/31/608/BF/CMA, dated 7 December 2010, nor has there been any discernible alteration to the sites boundary treatment, which remains the same and continues to offer mitigation through screening of the prefabricated unit. It is considered that its retention would not create any conditions that would effect, or result in any environmental impacts that would impact upon the character of the area and its removal would be unlikely to enhance the surrounding site. Ripon City Council state the unit does not fit well within the historic character of the town however, the site does not fall within any local or national landscape designations, with the application site being approximately 375 metres to the west of the Conservation Area of Ripon. The application site is also not visually prominent in the area being screened from any residential properties or public highways. Therefore the unit's retention does not conflict with NPPF Paragraph 58 which states proposals must reflect the identity of local surroundings and materials. The retention of the unit is also considered to be in-compliance with Policy SG4 of the Harrogate Core Strategy, which seeks to ensure that developments protect the character of the area, adding further weight in support of this application.

Residential amenity

- 7.8 It is acknowledged that the nearest residential properties are a mix of single and two storey houses on Kirkby Drive (No.s 34 and 57) and Ash Grove (No.s 5, 7 and 9) which are approximately 30 metres north and 75 metres west of the application site respectively. It is considered that there are only sporadic views of the prefabricated unit from any residential properties due to separation distance, positioning of the main school complex and the dense boundary treatment of the school site. Therefore, it is considered that the prefabricated unit does has a limited impact on residential amenity. Further to which, it is considered that the retention of this prefabricated unit is compliant with Policy SG4 of the Harrogate Core Strategy (adopted 2009) and consistent with NPPF Paragraph 17 because the residential amenity of current or future occupants would not be significantly or detrimentally affected through implementation of the proposed retention.

Existing conditions

- 7.9 All existing conditions attached to planning permission reference C6/31/608/BF/CMA, dated 7 December 2010 shall remain, albeit updated to reflect the development proposed by this application.
- 7.10 There is no compliance issues with the extant conditions and it is confirmed that, to date no complaints relating to the site have been received by the County Council's Monitoring and Compliance Officer.

8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the retention of prefabricated classroom unit 3408 (131 square metres) for a further 3 years.

8.2 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

9.0 Recommendation

9.1 For the following reasons:

- (i) the principle of the proposal improves the amenity of the school and has limited to no impact on the residential amenity of the surrounding area because of the boundary treatment of the school;
- (ii) the retention of the unit would not have a significantly detrimental effect on the local character of the area through being screened from public view;
- (iii) the proposal is consistent with the NPPF, the Planning Practice Guidance and is in compliance with Policy C1 and Policy SG4 of the Harrogate Core Strategy (2009)

it is recommended that **PLANNING PERMISSION BE GRANTED** for the purposes of the retention of prefabricated classroom unit 3408 (131 square metres) for a further 3 years on land at Ripon Grammar School, Clothholme Road, Ripon, HG4 2DG subject to the following conditions:

Conditions:

1. The permission hereby granted is valid only until 27 November 2019 and the building shall be removed from the site before that date with the ground reinstated to its condition prior to the development hereby authorised having taken place.
2. The unit hereby authorised shall be maintained in a good state of repair for the duration of the planning permission.

Reasons:

1. The building is constructed with temporary materials and the County Planning Authority wish to review the position at the end of the stated period to ensure the building has been satisfactorily maintained, presents an acceptable appearance in the interests of the visual amenities of the area, and no firm plans exist for its permanent replacement.
2. To safeguard the character of the site in the interest of visual amenity.

Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the

National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

DAVID BOWE

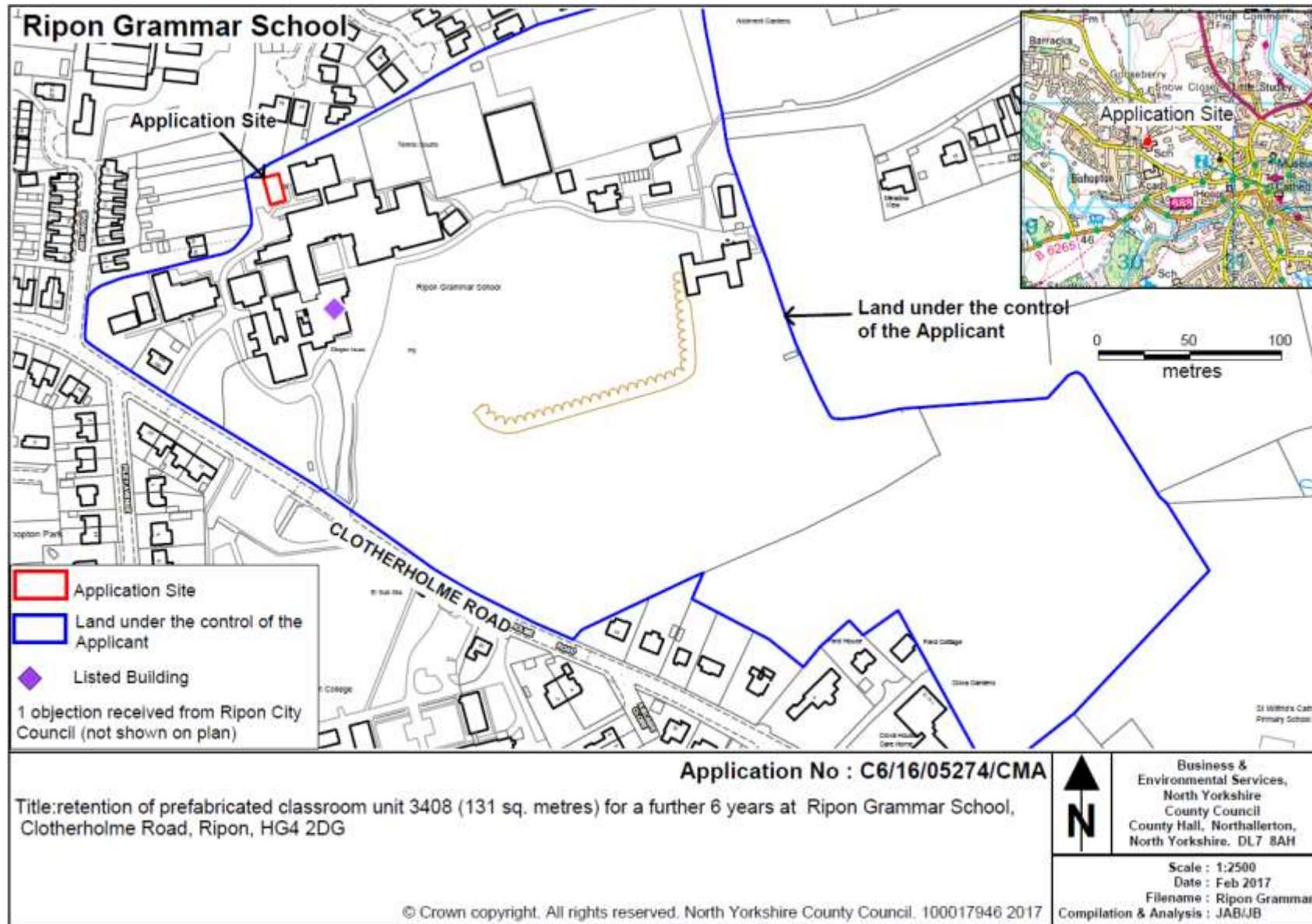
Corporate Director, Business and Environmental Services
Trading Standards & Planning Services

Background Documents to this Report:

1. Planning Application Ref Number: C6/16/05274/CMA (NY/2016/0237/73A) registered as valid on 25 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: James Blythe

APPENDIX A



North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

7 February 2017

C6/16/03119/CMA - Planning Application for the Purposes of the Erection of a Steel Storage Container (8 Sq. Metres) On Land at Willow Tree CP School, Wetherby Road, Harrogate, North Yorkshire, HG2 7SG on Behalf Of Willow Tree CP School (Harrogate District) (Harrogate Central Electoral Division)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the erection of a steel storage container (8 sq. metres) on land at Willow Tree CP School, Wetherby Road, Harrogate, North Yorkshire, HG2 7SG on behalf of Willow Tree CP School.
- 1.2 This application is subject to an objection from the local planning authority (Harrogate Borough Council) on the grounds of design and the cumulative impact of multiple units on site and is, therefore, reported to this Committee for determination.

2.0 Background

- 2.1 A plan showing the application site is attached to this report (Appendix A)

Site Description

- 2.2 Willow Tree Community Primary School is located to the east of Harrogate. The school occupies a site that has numerous residential properties and adjacent to Wetherby Road, which is to the south, a main public highway into Harrogate itself. St Nicholas Road is to the west and Fairfax Avenue is to the north. Between the public highway and the school is the school building formerly known as Wedderburn Infant and Nursery School which shares vehicular and pedestrian access into the school site.
- 2.3 The school was formerly known as Woodlands County Junior School prior to its amalgamation with Willow Tree Community Primary School and this building is now known as the 'Jepson' block. The 'Jepson' block is a red brick built structure which incorporates a pitched roof. To the immediate south of this building is a paved area. This is where the proposed storage container would be located

- 2.4 The school's main building is a single storey, red brick structure which incorporates a mixture of flat and pitched roofs. It is known as the 'Drummond' block. To the east of the main school building are two temporary classroom units which were permitted by planning permission ref. C6/79/923/R/CMA (granted on the 29 July 2010). These units (no's 1315 and 1316) were subject to a further application to retain them on site for a further 6 years (ref. C6/16/03169/CMA). This was granted planning permission on the 15 September 2016.
- 2.5 To the east the boundary treatment consists of an approximately 1.2 metre high wooden picket fence with several deciduous trees of varying age. The nearest residential property is also located to the east, this is number 105 Wetherby Road and this property is approximately 28 metres from the application site. To the south the school campus is screened by a mixture of mature, intermittently planted trees and a mature, approximately 1.4 metre high hedgerow. Due to the land sloping slightly from the nearby Wetherby Road into the site, the hedgerow occupies a more elevated position in relation to the main school site.
- 2.6 There are no planning constraints applicable to the application site.

Planning History

- 2.7 There following planning history relating to the proposed development site is considered relevant to the determination of this application;
- C6/07/04676/CMA - Granted planning permission on 16th January 2008 with the description 'the erection of a storage container'. This was a double storage unit being 4m by 4.2m. This permission expired on 16 January 2011.
 - C6/07/01398/CMA - Granted planning permission on 13th June 2007 with the description 'the erection of a new steel container for storage of play equipment'. Although the description of this application states a new steel storage container this application is only an amendment to permission ref. C6/79/923/J/CMA moving the container south onto the hardstanding north of the primary school building and west of the Sure Start of the boundary of the site. This permission expired on 10 June 2010.
 - C6/06/06273/CMA – Granted planning permission on 25th January 2007 with the description 'the erection of a new steel container for storage of play equipment'. The location of the unit was east of the main school building north the primary schools hardstanding. This permission expired on 24 January 2010 but was superseded by permission C6/79/923/K/CMA.
 - C6/04/02604/CMA – Granted planning permission on 13 July 2004 for the erection of a metal storage shed. This permission expired on 12 July 2009. This unit has since been taken off site.

3.0 The Proposal

- 3.1 Planning permission is sought for the erection of a steel storage container (8 sq. metres) on land at Willow Tree CP School, Wetherby Road, Harrogate, North Yorkshire, HG2 7SG on behalf of Willow Tree CP School.
- 3.2 The storage container would be 4 metres in length and 2 metres in width and be 2metres in height. It would be constructed of corrugated metal and finished in green paint.
- 3.3 The proposed storage container would be located on a paved area, to the south of the 'Jepson' block, which forms part of the Willow Tree school campus. The attached location plan, gives a visual indication as to where the proposed storage container would be located.
- 3.4 The applicant has advised that the reason for the proposal is due to an existing internal store being converted into an intervention area. This means the school requires further storage space, hence the application. During the determination process of this application, the applicant has also confirmed that the costs associated with a possible permanent (brick built solution) are too high at this time and that previous timber sheds have been subject to arson attack. Therefore, a storage container constructed of metal is considered by the applicant to be the most economical solution to their storage space requirements.

4.0 Consultations

- 4.1 The consultees responses summarised within this section of the report relate to responses to the consultation on the 25 July 2016 (response to which expired on the 22 August 2016);
- 4.2 **Harrogate Borough Council (Planning)** – Responded on the 22 August 2016 and confirmed an objection to the proposal. The Local Planning Authority stated that they had considered the proposed design and materials of the storage container and considered that it was not acceptable and the cumulative effect of the containers would have a negative impact on the visual amenity of the area, contrary to the NPPF, policy EQ2 of the Harrogate District Core Strategy and 'saved' Policy HD20 of the Harrogate Borough Local Plan. It is also noted that the local planning authority suggested that a pitched roof would alter the appearance of the container to a more 'shed like' structure, more in-keeping with the residential area the school is located in, making it more acceptable.
- 4.3 **Highway Authority** – Responded on the 10 August 2016 and confirmed no objections in relation to the proposal.

Notifications

- 4.4 **County Councillor Jean Butterfield** – Was notified of the proposal on the 25 July 2016.

5.0 Advertisement and representations

5.1 The proposal has been advertised by means of Site Notices posted on the 29 July 2016 (responses to which expired on the 19 August 2016). The Site Notices were posted in the following locations:

- One on a metal pole off Wetherby Road, near the school access road;
- One on a tree, off Wetherby Road, outside of the school; and
- One on a lamp post, off Wetherby Road.

5.2 With respect to Neighbour Notification, in accordance with the County Council's adopted Statement of Community Involvement, it has been considered that the posting of a Site Notice, rather than wider neighbour notification has been an effective means of drawing the attention of local residents to the existence of the planning application due to the small-scale nature of the proposal.

5.3 No representations have been received in response to the abovementioned advertisement of the application.

6.0 Planning policy and guidance

National Planning Policy

6.1 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:

- National Planning Policy Framework (NPPF) (published March 2012)

National Planning Policy Framework (NPPF)

6.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

6.3 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development stating its approach as "*making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same*". The Government defines sustainable development as that which fulfils the following three roles:

- **An economic role** – development should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;

- **A social role** – development supporting strong, vibrant and healthy communities; and,
 - **An environmental role** – development that contributes to protecting and enhancing the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.
- 6.4 The NPPF advises that when making decisions, development proposals should be approved that accord with the Development Plan and when the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this framework indicate development should be restricted.
- 6.5 This national policy seeks to ensure that there are positive improvements in people’s quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.6 Paragraph 17 within the Core Planning Principles of the NPPF states factors which should underpin planning decisions. The relevant policies for this proposed development include:
- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
 - *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*
- 6.7 In addition, Section 7, entitled ‘*Requiring Good Design*’, states that ‘*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*’ paragraph 56.
- 6.8 Paragraph 58 within Section 7 (Requiring Good Design) of the NPPF also states that local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and

- other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
 - and are visually attractive as a result of good architecture and appropriate landscaping.
- 6.9 Paragraph 60 states that *‘Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness’* and paragraph 61 states that *‘Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’*.
- 6.10 Paragraph 64 states that *‘permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.’*
- 6.11 Paragraph 70 within Section 8 (Promoting healthy communities) of the NPPF states that planning policies and decisions should *“plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments”*.
- 6.12 The NPPF emphasises the importance of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. To this end, within Paragraph 72 it states that *“Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *give great weight to the need to create, expand or alter schools; and*
 - *work with school’s promoters to identify and resolve key planning issues before applications are submitted”*.

National Planning Practice Guidance (PPG) (2014)

- 6.13 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

Design:

- 6.14 This states how good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It though must also “*reflect an areas function, history, culture and its potential need for change*’. Ensuring a development can:
- deliver a wide range of planning objectives.
 - enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
 - address the need for different uses sympathetically.
- 6.15 It is noted within the guidance that good quality design is considered to be ‘*an integral part of sustainable development*’. To assist in the assessment of the design of a new development, it is noted that the following considerations be taken into account:
- ‘*Layout – the way in which buildings and spaces relate to each other;*
 - *Form – the shape of buildings;*
 - *Scale – the size of buildings;*
 - *Detailing – the important smaller elements of building and spaces*
 - *Materials – what a building is made from*’.

The Development Plan

- 6.16 Notwithstanding that the abovementioned national planning policy is a significant material consideration, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the Development Plan consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils ‘saved’ under direction of the Secretary of State; and,
 - any planning policies contained within Development Plan Documents adopted under the Local Development Framework regime.
- 6.17 The Development Plan for the determination of this particular application comprises the following:
- The extant policies of the Harrogate District Core Strategy (2009);
The ‘saved’ policies of the Harrogate Borough Local Plan (2001);
- 6.18 The Harrogate District Core Strategy (2009) has particular relevance in the determination of this application and the policy most relevant include:
- Policy SG4 (entitled ‘Design and Impact’)

- 6.19 Policy SG4, entitled 'Design and Impact' advises that all development proposals should ensure that *'the scale, density, layout and design should make the most efficient use of land'*, and that the *'visual, residential and general amenity should be protected and where possible enhanced'*. This policy is considered partially consistent with the NPPF's objectives of presumption in favour of sustainable development. Specifically as outlined in paragraph 17 of the Framework, which relates to the importance of achieving a good quality of design to ensure a good quality and standard of amenity for all existing and future occupants. Paragraph 60 of the NPPF states that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes'*. Furthermore, paragraph 61 states that design goes beyond 'aesthetic considerations'. Therefore, it is considered that partial weight can be given to this policy in the determination of this application.
- 6.20 In addition to the Harrogate District Core Strategy (2009) the Harrogate District Local Plan (2001) also warrants consideration in relation to this proposal. The policy most relevant include:
- 'Saved' Policy HD20 (entitled 'Design of New Development and Redevelopment')
- 6.21 'Saved' Policy HD20, entitled 'Design of New Development and Redevelopment', advises that proposals must take into account the following design principles:
- *'The use and application of building materials should respect materials of neighbouring and the local area;*
 - *New development should be designed with suitable landscaping as an integral part of the scheme;*
 - *Special consideration will be given to the needs of disabled and other inconvenienced persons, particularly in proposed developments to which there will be public access;*
 - *New development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings;*
 - *New development should, through design, layout and lighting, pay particular attention to the provision of a safe environment'.*
- 6.22 This Policy is considered partially consistent with the NPPF's objectives of achieving sustainable development through good design, as outlined in Chapter 7, in particular as detailed in paragraphs 56 and 58, which relate to development respecting the character of the area. It is noted, that the NPPF states that *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation'*. Paragraph 61 states *'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'*.

- 6.23 Furthermore, paragraph 64 states that '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'. In terms of the design aims of Policy HD20, it is therefore considered that the policy is broadly consistent with the aims of the National Planning Policy Framework (2012) and, therefore, partial weight should be afforded Policy HD20 in relation to the determination of this application.

7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are the principle of the development, location and cumulative impacts, design, landscape and visual impact and residential amenity.

Principle of the proposed development

- 7.2 The applicant has confirmed that the purpose of the development is a requirement for additional storage space following the conversion of the original, internal store, into an intervention area. It is acknowledged that paragraph 72 of the NPPF seeks to ensure that proposals for development on schools is considered positively and should be given great weight when being determined so that the needs of the school can be met. It is also compliant with Paragraph 17 and 70 of the NPPF through planning positively for community assets.
- 7.3 The objection raised by the Local Planning Authority is noted. However, it is considered that this proposal is more than simply a consideration of design. In the assessment made by the local planning authority, no consideration has been given to any other aspect of either the development plan or the NPPF. Only design policies have been considered. Whilst the Local Planning Authority cites 'saved' Policy HD20 as a part of the policy reason to refuse the proposal, the County Council in this report has already considered that this policy is not fully consistent with the NPPF as the NPPF goes into further detail on how these design aspects can-not be dealt with in isolation. The NPPF states in paragraphs 60 and 61 that although design is an important '*securing high quality and inclusive design goes beyond aesthetic considerations*', therefore in this instance the design principles are still important and this policy relevant however the proposal needs also to be looked at from other perspectives.
- 7.4 One of the reasons cited by the applicant for choosing a metal storage container is that previous wooden storage sheds have been targeted by arsonists. One of the relevant criteria of 'saved' Policy HD20, is '*New development should, through design, layout and lighting, pay particular attention to the provision of a safe environment*', which is consistent with

Paragraph 58 of the NPPF also which states proposals should create ‘*safe environments*’ where the fear of crime does not affect the area. It could be considered that the proposed steel container would help provide a safer environment considering the fires the previous wooden ones have been subject to.

- 7.5 This application must be determined with more than recognition of design based policies. The NPPF paragraph 72 states that applications for educational establishments should be supported and given ‘great weight’. Given this is an application, for such an establishment, this must be given serious consideration and weight in the determination of this proposal, notwithstanding the aforementioned design considerations.
- 7.6 Harrogate Borough Councils (Planning) consultation response is though acknowledged and therefore, it is considered that it would be appropriate that the granting of permission should be temporary for a 6 years. This would afford the school enough time to consider alternative storage solutions for the longer term. It is therefore considered that the principle of the development is accepted and in accordance with paragraph 17, 70 and 72 of the NPPF, notwithstanding the deliberation of all other material considerations relative to the determination of this application.

Location and Cumulative Impacts

- 7.7 A need has been identified by the school and currently, this is their most effective location to meet that need. This application is, ultimately, a balanced consideration between design and the needs of the school. Paragraph 72 of the NPPF says that proposals for educational establishments should be ‘supported’ and afforded ‘great weight’. In order to recommend refusal for this unit, it would need to be demonstrated that the proposed design was ‘bad’ and there were significant cumulative impacts on the landscape in the proposed location. It is not considered that this has been demonstrated regardless of the simplicity of design.
- 7.8 Accordingly, it is considered that the need of the school is greater than the potential impacts (in terms of design) that an 8 square metre metal container would have on the locality. The school is bounded by a hedgerow and intermittently planted mature trees off Wetherby Road. Whilst this would not totally prevent views of the container if installed on site, it would prevent uninterrupted views and would offer a good visual screen.
- 7.9 A concern for the local planning authority has been the other units located upon the site. Stating a further permission for another similar type of unit would contribute in a negative way to the local visual amenity of the area due to a ‘cumulative effect’. Whilst it is acknowledged that other units are located upon the site, for the reasons already given it is considered existing landscaping and topography does afford these units an effective screen.

Design

- 7.10 The proposed container is a very simple design, offering little in terms of architectural 'merit', however it is not visually unattractive and the robust and fire proof design provides good functionality for the school, being fit for purpose in design terms. The storage container does not significantly detract from the appearance of the area in which it is located and its scale and design is similar to storage units previously approved on site. The proposed building is very small in scale and would be a lower height, at 2 metres high than the raised fencing and hedge to the south of the proposal, it would also be coloured green to help fit in within its surroundings. The proposal is therefore in line with Policy SG4 of the Harrogate Borough Core Strategy and 'saved' policy HD20 of the Harrogate Local Plan which seek to ensure design respects the setting of the area. The proposal complies with this and does not cause significant harm to the character of the area.
- 7.11 The concerns regarding design from the Local Planning Authority are noted and understood. However, this educational establishment also has a requirement for a secure storage space. It is acknowledged that the proposed design of the storage unit is of limited architectural merit however it is not considered poor design. The NPPF though also indicates that the consideration of design goes beyond simple aesthetic considerations. Furthermore, whilst design is important, the NPPF also confirms in paragraph 60 that planning decisions should not simply look to impose an architectural 'style'. Therefore this application is considered to be acceptable in regards to design as it is consistent with the NPPF Policy 58 "*Requiring Good Design*" by optimising the use of the site and Planning Practice Guidance for design by being an appropriate form, scale and function for the site.

Landscape and visual impact

- 7.12 The views of the storage unit would be obstructed to a large extent from members of the public either walking or driving along Wetherby Road, to the south. This is due to the boundary treatment of the school being raised from the unit with a 2 metre high hedge and fencing. It is therefore considered that it is not reasonable to conclude that this proposed storage unit in combination with existing on site containers would have a significantly detrimental impact upon the locality under these circumstances. It is therefore concluded that the proposal would not have a significantly detrimental visual impact upon the area and is consistent with the Paragraph 58 of the NPPF in terms of minimising the impact upon the local character and history and in compliance with Policy SG4 of the Harrogate Borough Core Strategy and 'saved' policy HD20 of the Harrogate Local Plan.
- 7.13 It is noted that the Local Planning Authority suggested that a pitched roof would alter the appearance of the container to a more 'shed like' structure, more in-keeping with the residential area the school is located in. However, it is considered this would be counter-productive, making it more visually noticeable; which is a concern of the Local Planning Authority. The storage

unit would have minimal impact upon local visual amenity, not creating any conditions that would affect or result in any adverse impacts upon the character of the area. On balance, the proposal is considered worthy of support but with a condition that restricts the length of time the proposed container can be retained upon the school site for a 6 year period. This should afford the school enough time to consider alternative storage solutions for the longer term.

Residential Amenity

- 7.14 The nearest residential property is located to the east and is approximately 28 metres from the application site. However, this property has no direct, overlooking views of the application site and the proposed unit is a small scale development, only 2 metres in height, 2 metres wide and 4 metres in length. In addition, the existing boundary treatment which consists of several trees, some of which are mature offer additional screening obscuring direct views into the site. To the south, the site is well screened from traffic using Wetherby Road through a mixture of mature trees which are intermittently located along this boundary and a mature hedgerow, approximately 2 metres in height.
- 7.15 Therefore, the proposed development is considered to be in compliance with Policy SG4 of the Harrogate Core Strategy (adopted 2009) and consistent with NPPF Paragraph 17 because the residential amenity of current or future occupants would not be significantly detrimentally affected with the existing hedgerow affording a sufficient screening barrier to prevent this proposed unit from having a significantly detrimental impact upon the local visual amenity of the area. This is supported through there having been no material planning objections received from any members of the public.

8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the erection of a steel storage container (8 sq. metres) on land at Willow Tree CP School.
- 8.2 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

9.0 Recommendation

9.1 For the following reason(s):

- i) The principle of the development improves the amenity of the school;

- ii) The proposed development would not have a significantly detrimental impact upon the character of the local area or any cumulative impacts;
- iii) The proposed development would not have any or any cumulative impacts or be significantly detrimental visual impact;
- iv) The proposed development is considered consistent with the National Planning Policy Framework, Planning Practice Guidance for design and is in compliance with Policy SG4 of the Harrogate District Core Strategy and 'saved' Policy HD20 of the Harrogate District Local Plan.

9.2 it is recommended that **PLANNING PERMISSION BE GRANTED** for the purposes of the erection of a steel storage container (8 sq. metres) on land at Willow Tree CP School, Wetherby Road, Harrogate, North Yorkshire, HG2 7SG subject to the conditions below:

Conditions

1. The permission hereby permitted shall be begun not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the application details dated 7th July 2016 and the following approved plans;
 - Location Plan (ref. 262 (2) 04) – dated July 2016;
 - Block Plan (ref. 262 (2) 05) – dated July 2016;
 - Elevation Plan (ref. 262 (2) 06) – dated July 2016;
 - Design and Access Statement.
3. The hereby approved container shall be maintained in a good state of repair for the duration of its retention on the site.
4. The hereby approved unit shall be permitted to be retained upon the site for no longer than 6 years from the date of this decision.

Reasons:

1. To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the development is carried out in accordance with the application details.
3. In the interests of visual amenity and the character of the area.
4. In the interests of the amenity and the character of the area.

Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

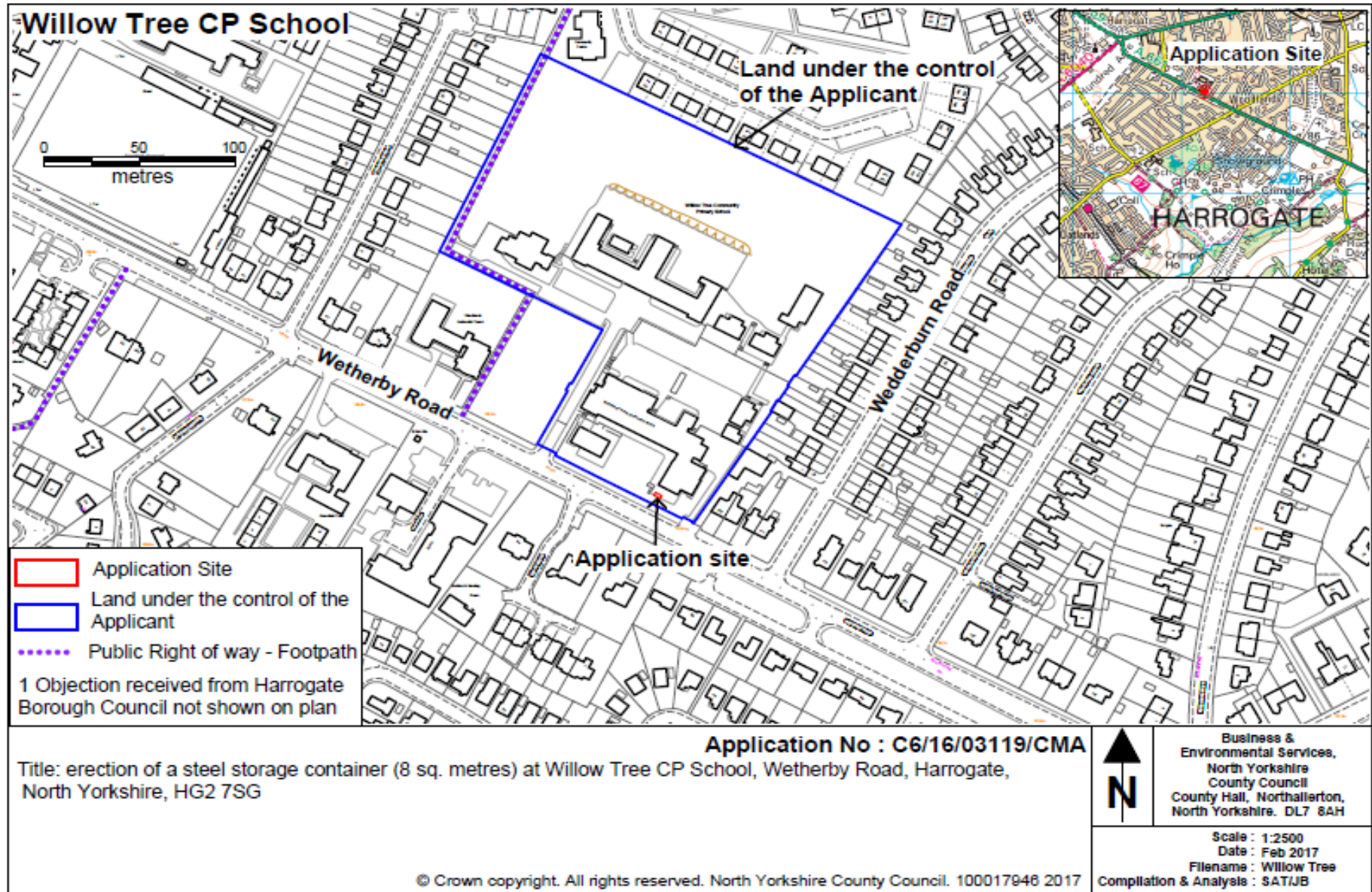
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Corporate Director, Business and Environmental Services

Author of report: Sam Till

Background Documents to this Report:

1. Planning Application Ref Number: **C6/16/03119/CMA** (NY/2016/0129/FUL) registered as valid on 13 July 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.



North Yorkshire County Council

Planning and Regulatory Functions Committee

7 February 2017

Items dealt with under the Scheme of Delegation

Report of the Corporate Director – Business and Environmental Services

**The Items reported below have been determined between:
14 November to 8 January inclusive**

A. COUNTY COUNCIL DEVELOPMENT

**C3/16/01706/CPO (NY/2016/0204/73A) Amotherby CP School, Meadowfield,
Amotherby, Malton, YO17 6TG**

Decision Notice: 30 November 2016

Retention of prefabricated classroom unit 1083 (73 sq. metres) for a further 6 years

PLANNING PERMISSION GRANTED subject to conditions

**C8/38/750/PA (NY/2016/0196/LBC) Hensall CP School, Church Lane, Hensall,
Goole, North Yorkshire, DN14 0QQ**

Decision Notice: 30 November 2016

Replacement and re-slating of existing pitched roof, using slates where possible with installation of roof insulation

LISTED BUILDING CONSENT GRANTED

**C4/16/02263/OA (NY/2016/0156/FUL) East Row Bridge, Sandsend, Whitby, YO21
3SU**

Decision Notice: 21 December 2016

Erection of a footbridge to be constructed from fibre reinforced polymers (51 Sq. metres) and aluminium handrail 1.15 metres in height

PLANNING PERMISSION GRANTED subject to conditions

**C6/16/03563/CMA (NY/2016/0128/FUL) Beckwithshaw CP School, Church Row,
Beckwithshaw, Harrogate, HG3 1QW**

Decision Notice: 30 November 2016

Construction of an external timber access ramp with timber decking (19.8 sq metres)

PLANNING PERMISSION GRANTED subject to conditions

**C2/16/02375/CCC (NY/2016/0117/FUL) Alne Primary School, Main Street, Alne, YO61
1RT**

Decision Notice: 30 November 2016

Construction of single storey timber library building (25.25 sq. metres)

PLANNING PERMISSION GRANTED subject to conditions

B. COUNTY MATTER DEVELOPMENT

NY/2016/0216/A27

**KMA Wellsite, Alma Farm, Off Habton Road,
Kirby Misperton, North Yorkshire, YO16 6XS**

Decision Letter: 21 December 2016

Application for the approval of details reserved by condition No's 16 & 20 of Planning Permission Ref. No. C3/15/00971/CPO which relates to a noise attenuation barrier and a Wildlife Protection Method Statement

Details APPROVED

NY/2016/0214/SCR

**Kiplin Hall Quarry, Kiplin Hall, North
Yorkshire, DL10 6AT**

Issued Date: 15 December 2016

Request for a formal Screening Opinion for recycling facility for treatment of waste wood by use of mobile plant and machinery, importation and temporary stocking of waste wood and stocking of finished products prior to removal off site using existing access

SCREENING OPINION ISSUED

The development has been considered on its own merits and on the basis of what is being proposed by SJB Recycling/Yorwaste Ltd. The proposed development is not listed in Schedule 1 of the above Regulations. With regard to Schedule 2 of the above Regulations the County Council is of the opinion that the proposed development falls within the description provided within Schedule 2 paragraph 11 (b) of the above Regulations. Having taken into account the criteria in Schedule 3 of the above Regulations the characteristics of the proposed development, the environmental sensitivity of the location; and the characteristics of the potential impact have been assessed and based on the scale, nature and location of the development it is considered that the proposed recycling facility for treatment of waste wood by use of mobile plant and machinery, importation and temporary stocking of waste wood and stocking of finished products prior to removal off site using existing access at Kiplin Hall Quarry, Kiplin Hall, North Yorkshire **WOULD NOT** have significant impacts upon the environment.

NY/2016/0202/SCR

**Plasmor Ltd., Heck Works, Green Lane, Great
Heck, Goole, DN14 0BZ**

Issued Date: 02 December 2016

Request for a formal Screening Opinion for variation of condition No's 1, 6, 13 & 15 of Planning Permission Ref. No. C8/43/2R/PA to increase the number of train loads associated with the importation of aggregate from 70 per calendar year to 200 per calendar year and to allow the stockpiling of aggregate within the boundary of Planning permission Ref. C8/43/2R/PA

SCREENING OPINION ISSUED

Having taken into account the criteria in Schedule 3 of the regulations, the characteristics of the proposed development, the environmental sensitivity of the location; and the characteristics of the potential impact have been assessed and, based on the scale, nature and location of the development, it is considered that the proposed variation of condition no's 1, 6, 13 & 15 of planning permission ref. no. C8/43/2R/PA dated 6th February 2009 to increase the number of train loads associated with the importation of aggregate from 70 per calendar year to 200 per calendar year and to allow the stockpiling of aggregate within the boundary of planning permission ref. C8/43/2R/PA at Plasmor Ltd., Heck Works, Green Lane, Great Heck, Goole, DN14 0BZ **WOULD NOT** have significant impacts upon the environment.

NY/2016/0198/A27

**Pickering 1 Wellsite, Malton Road, Pickering,
YO18 8EA**

Decision Letter: 30 November 2016

Application for the approval of details reserved by condition No. 19 of Planning Application Ref. No. C3/15/1507/CPO which relates to a vibration monitoring scheme

Details APPROVED

NY/2016/0179/A27

**KMA Wellsite, Alma Farm, Off Habton Road,
Kirby Misperton, North Yorkshire, YO16 6XS**

Decision Letter: 06 December 2016

Application for the approval of details reserved by condition No's 24, 26 & 33 of Planning Permission Ref. No. C3/15/00971/CPO which relates to a Dust Management Plan, an Odour Management Plan & a Noise Management and Monitoring Plan

Details APPROVED

NY/2016/0092/A27

**Hemingbrough Clay Pit, Hull Road,
Hemingbrough, North Yorkshire, YO8 6QG**

Decision Letter: 17 November 2016

Application for the approval of details reserved by condition No's 5, 37 & 52 of Planning Permission Ref. C8/2015/0280/CPO which relates to a groundwater level monitoring scheme, restoration management plan & scheme for the management of soil storage mounds

Details APPROVED

NY/2016/0003/SCR

**Gebdykes Quarry, High Burton, Masham,
North Yorkshire**

Issued Date: 21 December 2016

Request for a formal Screening Opinion for the extraction of permian limestone

SCREENING OPINION ISSUED

The development has been considered on its own merits and on the basis of what is being proposed by Lightwater Quarries Limited. The proposed development is not listed in Schedule 1 of the above Regulations. With regard to Schedule 2 of the above Regulations the County Council is of the opinion that the proposed development falls within the description provided within Schedule 2 paragraph 2 'Extractive Industry' (a) 'Quarries, open-cast mining and peat extraction of the above Regulations. Having taken into account the criteria in Schedule 3 of the above Regulations the characteristics of the proposed development, the environmental sensitivity of the location; and the characteristics of the potential impact have been assessed and based on the scale, nature and location of the development it is considered that the proposed extraction of permian limestone at Gebdykes Quarry, High Burton, Masham, North Yorkshire **WOULD NOT** have significant impacts upon the environment.

C3/12/009977/CPO (NY/2012/0308/73)

**Knapton Quarry Landfill, East Knapton,
Malton, North Yorkshire**

Decision Notice: 24 November 2016

Application for variation of condition No. 3 of planning permission reference C3/114/12G/FA to allow for revised final restoration details

PLANNING PERMISSION GRANTED subject to conditions

To access the planning application details, consultation responses and a copy of the report and decision notice containing any planning conditions relevant to the development please access the County Council's Online Planning Register at the following web address:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

DAVID BOWE

Corporate Director – Business and Environmental Services

Author of Report: Steph Christon

Background Documents: None

North Yorkshire County Council
Business and Environmental Services
Planning and Regulatory Functions Committee

7 February 2017

Publication by Local Authorities of Information about the handling of Planning Applications

Report of the Corporate Director – Business and Environmental Services

This report outlines the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 3 (the period 1 October 2016 to 31 December 2016).

Information on Enforcement Cases is attached as an Appendix.

Recommendation: That the reported be noted.

DAVID BOWE
Corporate Director, Business and Environmental Services

Authors of Report: Jo Brownless & Amy Taylor

Background Documents to this Report: Application Files

Information on planning applications can be accessed via the County Council's Online Planning Register at the following web address:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

County Matter’ Planning Applications (i.e. Minerals and Waste related applications)

Table 1: ‘County Matter’ planning applications determined during quarter 3 (the period 1 October 2016 to 31 December 2016).

Total number of applications determined		4	
Number of delegated/committee decisions		Delegated: 2	Committee: 2
Speed of decisions			
Under 13 weeks	13- 16 weeks (if major, 13 and if EIA 16 weeks)	Over 13/16 weeks within agreed Extension of Time (EoT)*	Over 13/16 weeks without or outside of agreed EoT
0	0	2	2

*Article 34 of the Town and Country Planning (Development Procedure Order) 2015 provides for authorities to agree with the applicant to determine the planning application beyond the statutory 8/13/16 week period. This is referred to as an agreement for the extension of time (EoT) for the determination of the planning application. In instances where the application is determined within the agreed period the application is counted as satisfying the timeliness requirement.

Table 1a: Performance on ‘County Matter’ planning applications (NYCC Service Plan target - 60%)

2015/16	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of ‘County Matter’ applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	83.3% (no. 5/6)	100% (no.1/1)	50% (no. 2/4)	

Table 1b: "Special measures" ** performance on ‘County Matter’ planning applications

2015/16	Quarter 1	Quarter 2	Quarter 3	Quarter 4
“Special Measures” stat. No. of ‘County Matter’ applications determined within 13/16 weeks or within agreed Extension of Time (EoT) over rolling two year period	(01/07/14- 30/06/16) : 93% (40/43)	01/10/14- 30/09/16) 91.6% (33/36)	01/01/15 – 31/12/17) 86.1% (31/36)	

** Under section 62A of the TCPA 1990 LPAs making 50% or fewer of decisions on time are at risk of designation (“Special Measures”)

County Council's own development' Planning Applications

Table 2: County Council's own development planning applications determined during quarter 3 (the period 1 October 2016 to 31 December 2016).

Total number of applications determined		18		
Minor¹/Major²/EIA³		Minor: 18	Major: 0	EIA: 0
Number of delegated/committee decisions		Delegated: 14		Committee: 4
Speed of decisions				
Under 8 weeks	8- 13 weeks (if Major)	13- 16 weeks (if EIA)	Over 8/13/16 weeks within agreed Extension of Time (EoT)	Over 8/13/16 weeks without or outside of agreed EoT
3	11	0	3	1

¹A 'minor' development application is one where the floor space to be built is less than 1,000 square metres or where the site area is less than one hectare.

²A 'major' development application is one where the floor space to be built is more than 1,000 square metres or where the site area is more than one hectare. All minerals and waste related applications fall within the definition of major development.

³An EIA development application is one considered likely to have significant environmental effects and is accompanied by an Environmental Statement.

Table 2a: Performance on County Council's own development minor planning applications (NYCC Service Plan target - 65%)

2015/16	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of County Council's own development minor applications determined within 8 weeks or within agreed Extension of Time (EoT)	100% (no. 7/7)	100% (no.17/17) Cumulative total 100% (no. 24/24)	94.4% (no.17/18) Cumulative total 97.6% (no. 41/42)	% (no. /) Cumulative total % (no. /)

Table 3: List of all ‘County Matter’ planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q3 i.e. 31 December 2016

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Killerby Sand and Gravel Quarry, Killerby, North Yorkshire NY/2010/0356/ENV (C2/10/02487/CCC)	Extraction and processing of sand and gravel including the construction of a site access, conveyors, bridges, associated plant and machinery with restoration to agriculture, nature conservation and wetland	22.9.10	Committee	Further information received from the applicant company (22 nd & 25 th October 2016) has been duly consulted upon by the County Planning Authority. The last of the consultation deadlines was 26 th January 2017. Twenty-five statutory and non-statutory bodies/organisations and fifty-seven neighbours have been consulted/notified. Responses to consultation received thus far have required clarification to be submitted by the applicant.	No - further EoT to be requested in light of the need for further information following representations received.
Blubberhouses Quarry, Kex Gill NY/2011/0465/73	Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036	6.12.11	Committee	Additional information was received from applicant company in January of last year and, amongst others, the Highway Authority, responding to consultation, stated their comments were to be held in abeyance awaiting discussions with regard to the ‘ <i>corridor of interest</i> ’ along the A59. It is understood that further progress is being made with proposals for a major re-alignment of the A59 at Kex Gill.	No - further EoT to be requested.

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Ripon Quarry, North Stainley NY/2011/0429/ENV (C6/500/95/D/CMA)	Extension to existing sand and gravel workings	07.12.11	Committee	Public consultation currently underway on the further information received from the applicant company. This consultation runs until 16 th February 2017.	No - further EoT to be requested. extension to be requested
Darrington Quarry, Darrington Leys, Knottingley NY/2012/0020/73 (C8/40/8AH/PA)	Application to vary condition no's 1, 2, 29, 30, 31 and 32 of Planning Permission C8/40/8AF/PA for a new restoration scheme, retain the existing plant and to extend the time period in which to implement the restoration scheme	20.01.12	Committee	The absence of any further progress with this application will mean it will be ' <i>finally disposed of</i> ' under the provisions of Article 40(13) of the Town and Country Planning (Development Management Procedure) Order 2015	No
Land at Walshford Bridge, Near Walshford, Wetherby NY/2012/0297/FUL (C6/135/10/B/CMA)	Construction of a waste transfer station building, operational concrete pad, vehicle access to the highway, skip storage, staff parking, ground, flood alleviation measures and landscaping, including tree planting, biodiversity enhancement & perimeter fencing	18.12.12	Committee	The last correspondence between the Authority and the applicant was May 2013 and in the absence of any further progress this application will be ' <i>finally disposed of</i> ' under the provisions of Article 40(13) of the Town and Country Planning (Development Management Procedure) Order 2015.	No
Drax Power Station, Selby, North Yorkshire, YO8 8PQ NY/2015/0071/73 (C8/2015/0340/CPO)	Application for the variation of condition No's 2, 3 & 5 of Planning Permission Ref. No. C8/2012/0796/CPO for the construction of a lightweight aggregate manufacturing plant and ancillary development, to allow a minor material amendment to that	19.03.15	Delegated	No further communication received from Applicant or Agent since 15 th January 2016. This application has now been ' <i>finally disposed of</i> ' on 18 th January 2017 and will be removed from the next statistical report.	No

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
	part of the approved scheme lying north of the haul road (addition of a dust silo and a walled concrete stocking area, and alternative finish to existing single storey office cabin				
Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT NY/2015/0306/ENV (C6/500/277/CMA)	Planning Application accompanied by an Environmental Statement for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme	11.11.15	Committee	Awaiting responses from the applicant to objections received from neighbouring residents. Subject to the outcome of consultation and/or issues arising, this application is anticipated to be presented to the Committee during Spring/Summer 2017.	No – EoT to be requested
Former Snaith (Pollington) Airfield, Great Heck, Selby NY/2015/0313/FUL (C8/2016/0008/CPO)	Erection of a Class B2 wood processing facility (4930m ²), demolition of the existing pellet mill (approx. 2400m ²), installation of two existing prefabricated units (both circa 87m ²), construction of internal roadways, construction of a vehicle washing facility, construction of hardstanding to create a lorry park for 80 HGV parking bays (8057m ²),	17.12.15	Committee	The application was reported to Committee on 13 th December 2016 following Members' Site Visit on 30 th November 2016. Members resolved to grant permission subject to amendments to two conditions (hours & wheel wash) and officer negotiation on the detail of the Section 106 Agreement and subsequent completion.	Yes until 3 February 2017

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
	construction of hardstanding for 80 car and van parking bays (2162m ²), amended hours for HGV's and other vehicles entering and leaving the site, construction of 5m high push walls, construction of hard standing (30800m ²) for storage and external processing of waste wood, construction of associated plant and equipment, construction of office and welfare building (240m ²), construction of surface and sub-surface attenuation ponds and drainage systems, associated boundary treatment, external lighting and landscaping				
Forcett Quarry, East Layton, Richmond, North Yorkshire NY/2016/0042/ENV (C1/16/00174/CM)	variation of condition no's 1 & 15 of planning permission ref. C1/29/15P/CM dated 7 September 2011 to allow the continuation of limestone extraction for a further 10 year period until 31 August 2026	03.03.16	Committee	The application was reported to Committee on 25 th October 2016. Members resolved to grant planning permission subject to prior completion of Legal Agreement. Awaiting completion of Legal Agreement before planning permission is issued.	Yes until 10 th February 2017
Womersley Quarry, off Stubbs Lane, Womersley, DN6 9BB	variation of condition No's 1, 2, 3, 5, 6, 14, 18 & 20 of Planning Permission ref. C8/2012/0035/CP dated 4 September 2012 for the continuation of tipping of colliery	12.05.16	Committee	Awaiting further information from the applicant prior to re-consultation	Yes until 10 th February 2017

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
NY/2016/0073/ENV (C8/41/107A/PA)	waste from Kellingley Colliery and soil materials from other locations for a further two years until 13th May 2018, revised tipping materials and revisions to the vehicle route, revised restoration scheme and landscaping				
Scorton Quarry, Richmond, North Yorkshire NY/2016/0094/ENV (C1/16/00507/CM)	variation of condition No's 1, 20, 23 & 52 of planning permission ref. C1/39/34G to allow the continuation of sand and gravel extraction for a further 4 year period until 31 December 2020 with final restoration by 31 December 2021 and removal of the plant site by 31 December 2022 and amendments to the phasing and direction of working and a reconfigured layout for the conveyor	21.06.16	Committee	Reconsultation on further information completed. Due to be reported to Committee in April 2017	Yes until 10 th February 2017
Brotherton Quarry, Byram Park, York Road, Knottingley, Brotherton NY/2016/0087/73A (C8/50/0220/PA)	variation of condition No. 6 of Planning Permission Ref. C8/2013/1064/CPO to refer to an updated Dust Monitoring Scheme which removes the requirement to actively monitor for fugitive dust	29.06.16	Delegated	Awaiting completion of a legal agreement	No – (to be requested)

* The Development Management Procedure Order 2015 (Part 9, Article 40, Paragraph 13) allows for Local Authorities to “*finally dispose*” of applications for which the statutory period for determination has elapsed and the subsequent period for appealing against non-determination has passed.

Monitoring & Compliance Statistics Report – Quarter 3 (the period 01/10/16 to 31/12/16) 2016/2017

Table 1 – Complaints/alleged breaches of planning control received this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Womersley Quarry	Selby	1	Alleged out of hours working	03/10/16	M & C Officer in direct contact with operator, who reminded on site staff of the permitted working hours. Case closed 04/10/16.	Yes.
Ripon Quarry	Hambleton/Harrogate	1	Alleged out of hours working and issues with noise monitoring	18/10/16	M & C Officer in contact with site operator and local Environmental Health Officer. Issues resolved and case closed 17/11/16	Yes
Pollington Airfield	Selby	1	Alleged non-compliance with conditions relating to storage of waste and dust	29/11/16	M & C Officer attended committee site visit to observe site and operations. Case on-going.	No.
Whitewall Quarry	Ryedale	13	Noise	Various dates between 17/10/16 and 20/12/16	Investigations ongoing with regard to noise complaints. Noise monitoring has been carried out on a number of occasions and steps are being taken by operator at request of County Planning Authority to move towards alleviating further complaints. Case on-going.	No.
County Council Development						
None.						

Table 2 – Updates on ‘live’ complaints/alleged breaches of planning control received prior to this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
Whitewall Quarry	Ryedale	26 (4 complainants)	Alleged out of hours operations, dust & noise/noise monitoring issues, wheel wash, blasting, un-sheeted wagons, and speeding vehicles.	Various dates between 01/07/16 and 30/0916	Investigations on-going with regard to all issues raised. Steps being taken by operator at request of County Planning Authority to move towards alleviating further complaints. Case on-going.	No: on-going
Eastmoor Airfield, Sutton-on-the-Forest	Hambleton	1 complaint	Alleged tipping, storing and treatment waste	06/07/16	Two visits conducted to site whereby it appears operations have ceased. M & C Officer has written to landowner and received a response. Case on-going.	No: on-going
Stainton House Farm, West Marton	Craven	1 complaint	Alleged unauthorised extraction of stone	12/09/16	M & C Officer has conducted a visit and since met with the land agent and occupier. Operation deemed permitted development, no further action.	Yes.
County Council Development						
None.						

Table 3 – Number of complaints/alleged breaches of planning control received by quarter

2016/17	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of complaints/alleged breaches of planning control received	50	33 Cumulative total no. 83	16 Cumulative total no. 99	Cumulative total no.

Table 4 – Number of complaints/alleged breaches of planning control resolved by quarter

2016/17	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)

Number of complaints of the total number of 'live' complaints resolved	2% (no. 1/50)	21% (no. 7/33) Cumulative total 10% (no. 8/83)	13% (no. 2/16) Cumulative total 10% (no. 10/99)	% (no. /) Cumulative total % (no. /)
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Table 5 – Number of complaints/alleged breaches of planning control resolved by quarter

2016/17	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of resolved complaints resolved within 20 days of receipt	100% (no. 1/1)	86% (no. 6/7) Cumulative total 88% (no. 7/8)	100% (no. 2/2) Cumulative total 90% (no. 9/10)	% (no. /) Cumulative total % (no. /)

Existing Enforcement Issues

Formal Enforcement notices served by the County Council

No notices were served during this period.

Table 6- Monitoring and Compliance Visits undertaken in Quarter 3 (Minerals and Waste Sites only)

Site	District	Date Visited
Shawl Quarry	Richmondshire	18/10/16
Seamer Carr Landfill Site	Scarborough	01/11/16
Newthorpe Quarry	Selby	04/11/16
Hensall Sand Quarry	Selby	24/11/16
Wykeham Quarry	Scarborough	13/12/16

Whitewall Quarry	Ryedale	16/12/16
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Author of report: Amy Taylor (Extension 2401) – Monitoring & Compliance Officer