

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 4 April 2017 at 10.00 am.

Present:-

County Councillors Peter Sowray (Chairman), Robert Heseltine, Bill Houlton, David Ireton, Andrew Lee, Cliff Lunn, John McCartney, Robert Packham, Cliff Trotter and Robert Windass.

There were 11 members of the public in attendance.

Copies of all documents considered are in the Minute Book

227. Minutes

Resolved -

That the Minutes of the meeting held on 7 February 2017, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

228. Declarations of Interest

There were no declarations of interest.

229. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) 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 during consideration of those items, there were no public questions or statements from members of the public.

230. C2/10/02487/CCC – (NY/2010/0356/ENV) - 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 at Killerby Sand and Gravel Quarry, Killerby, North Yorkshire

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application in line with the details set out above.

The application was subject to unresolved objections and, was therefore, in accordance with Schedule 4 of the County Council's adopted Officers' Scheme of Delegation, brought before Members of the Committee for determination. Objections to the proposed development included matters relating to potential adverse impacts upon ecology, landscape and restoration, as well as flood risk, and adverse impacts upon local residential amenity, including noise and those relating to highways matters associated with the proposed development.

It was noted that Members had undertaken a formal site visit prior to the determination of the application on Friday 30 September 2016.

Written representations by Mr Christopher Noble of Kirkby Fleetham were read out to the Committee. The statement highlighted the following:-

- ◆ Impact on local residents:
 - The proposed operation would cause persistent noise pollution.
 - Difficult to see how the operator could prevent commercial vehicles from accessing the site along Low Street despite claims this would not take place.
 - Low Street was clearly not suitable for heavy commercial vehicles and not wide enough to allow two vehicles to pass, there would also be noise from the vehicles.
 - Additional safety issues would be caused by road sweepers/cleaners operating on the new trunk road, clearing mud and debris carried out at the site. It was suggested that the access road should be moved to the new trunk road with Low Street completely restricted from use by commercial vehicles.
 - Dust would be a further problem.
 - A reduction in the ability to walk and cycle in the area due to the removal/blockage of footpaths would affect local residents.
 - Development of more lakes would potentially add to issues for aircraft operating from RAF Leeming.

- ◆ Impact of change of land use:
 - Very good quality agricultural land would be lost through the proposal at a time when self-reliance on home produced food stuffs could be important.
 - Research indicates that there was already a surplus of sand and gravel reserves from existing brown field developments.
 - The proposal would have an impact on local wildlife already affected by the A1 and trunk road developments.
 - Local businesses would be affected through a decrease in tourism.
 - A combination of loss of work from tourism, hunting, fishing, bird watching and associated country pursuits was likely to outweigh the positive employment brought by the development.
 - The development would have a negative effect on local house and land prices.

- ◆ Impact on safety:
 - There would be an impact on road safety through the increased use of commercial vehicles.
 - Safety concerns relating to the operation of conveyers and heavy plant equipment which could be attractive to children and young people, putting them at risk.

Helen Kennedy of Wardell Armstrong, agents for the applicant, outlined the following:-

- ◆ The applicant was the long established operator of nearby Scotton and Ellerton Quarries which were both approaching exhaustion.

- ◆ To maintain a continuity of supply in the local market it was proposed that the

Killerby site would be a follow-on to Scorton Quarry.

- ◆ Proposals were to work and process 11.37m tonnes of sand and gravel through a relocated Scorton processing plant and transfer the remaining Ellerton consented reserves by conveyer across the River Swale for processing.
- ◆ The site would constitute a sustainable quarry development proposal that could help to maintain the continuity of long term supply of sand and gravel to the market place.
- ◆ The report indicated that substantial weight should be attached to the fact that the majority of the site fell within an identified “area of search” for sand and gravel.
- ◆ A main benefit to the site was its proximity to the new A1(M) allowing sand and gravel from Killerby Quarry to travel on the strategic highway network via the A1 improvement scheme local access road, placing quarry traffic onto the primary highway network at the earliest opportunity.
- ◆ Consultation had taken place with neighbours, with public exhibitions held in nearby village halls, prior to the submission of the application.
- ◆ Local representations had been taken on board including improvements to local rights of way and the application included 8.59km of new footpath, with its future maintenance funded by the applicant.
- ◆ Environmental amenity had been given careful consideration in the Environmental Statement and subsequent submissions.
- ◆ The information submitted included details required to assess the environmental effect of the proposed development which the applicant could reasonably be required to compile.
- ◆ The application had been considered against national and North Yorkshire County Council planning policy and was considered to be in accordance with that.
- ◆ There were no objections to the applications from statutory consultees.

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 consideration; and provided a conclusion and recommendation.

A series of plans, photographs and visual information were presented to complement the report.

The Head of Planning Services highlighted the following updates to the original report:-

A number of web-links had been provided in the electronic version of the report and, following the discovery of errors in three of those, the following had been updated by means of an e-mail to Members containing the correct web-links:-

- ◆ Paragraph 2.28 - “aerodrome safeguarding zone” for RAF Leeming.
- ◆ Paragraph 3.44 - draft S106 legal agreement.
- ◆ Paragraph 4.20 - bat mitigation strategy and strategic management framework.

Other amendments to the report included:-

- ◆ Paragraph 5.1 referred to County Councillor Arthur Baker which should read “Arthur Barker”.
- ◆ The objection at paragraph 5.7 had now been withdrawn.
- ◆ Paragraph 5.8 had been the subject of the written representations read out by the Clerk, earlier in the meeting, which updated those issues.
- ◆ Paragraph 8.6 - required the removal of the following text: “and the absence of undertaking mineral extraction in the extension area on weekends”.
- ◆ An updated suite of conditions had been circulated and published. This provided a complete set of reasons for those conditions and also gave details of an additional condition no. 52 relating to abandonment.

Members undertook a discussion of the application and the following issues and points were raised:-

- ◆ A Member noted that current reserves in relation to sand and gravel, locally, were at four years, whereas a recommended local supply of the minerals was seven years and he asked whether this could be considered as material planning consideration. This was confirmed and it was stated that the application would enable the levels of the mineral required to be achieved.
- ◆ It was clarified that the application would have no adverse consequences on the aquifer and that the Environment Agency had no concerns in relation to this matter.
- ◆ A Member expressed concern that there would be a loss of Grade A, best and most versatile agricultural land, should the application be approved. This was acknowledged by the Head of Planning, however, she emphasised that, in planning terms, the position was acceptable when balanced against the minerals that would be obtained through the proposal.
- ◆ It was noted that the Ministry of Defence had provided input into the bird management plan to safeguard against bird strike for aircraft operating from RAF Leeming and details of how the plan sought to avoid flocking birds were highlighted.

Resolved -

That the application be approved for the reasons stated within the report and subject to the amended suite of conditions, as circulated and published prior to the meeting, which included the additional Condition 52.

- 231. C1/16/00507/CM – (NY/2016/0094/ENV) - Variation of condition No's 1, 20, 23 and 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, at Scorton Quarry, Richmond**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Member to determine a planning application in line with the details set out above.

The application was subject to four objections having been raised by members of the public and was, therefore, reported to the Committee for determination. The grounds of

objections from members of the public were detailed within paragraph 5.3 of the report.

Mr Nicholas Beale, agent for the applicant, outlined the following:-

- ◆ The application had been submitted to extend the expiry date of the quarry by four years.
- ◆ The additional time was required as annual output had reduced following the economic recession commencing in 2008 and there remained about 1.3m tonnes of consented sand and gravel left unworked.
- ◆ The application was for a time extension only with no further lateral extension to the site.
- ◆ Once the remaining areas were extracted the final restoration of the quarry would be completed.
- ◆ The applicant had consulted widely with its neighbours on the application, with presentations having been made to the Liaison Committee and a public exhibition held at a nearby village institute, with individual resident follow-up meetings.
- ◆ The applicant had taken on board representations made both pre and post planning application with face to face meetings held with local residents.
- ◆ The application had been considered against national and Council planning policy and was considered to be in accordance with those.
- ◆ There were no objections from statutory consultees.

A representative of the Head of Planning Services presented the report, highlighting the proposal; the consultations that had taken place; the advertisement and representation; planning guidance and policy; planning consideration; together with the conclusion and recommendation.

A series of plans, photographs and visual information was presented to complement the report.

It was noted that there were no amendments to the published report.

Members discussed the application and the following issues and points were raised:-

- ◆ Clarification was provided in relation to the advanced planting that had already taken place and it was noted that this did not affect the current view of residential properties.
- ◆ Conditions around planting, and the associated legal agreement, provided details of the types of plants and trees that could be used, and in which areas, in relation to the advanced planting process and how that was best utilised for screening. It was noted that this was similar to what had been provided for Phase 4 of the process.
- ◆ A Member considered that the delay in undertaking this part of the quarrying process had led to more stringent conditions being put in place. In response it was stated that the conditions replicated those of the original application, but, in some instances, these had been amended to reflect current regulations.

- ◆ A Member sought assurances that there would be no further extension period beyond what was set out in this application. In respect of this it was noted that, to date, the applicant had undertaken restoration upon completion of the initial stages of the quarrying process and it was expected that this would continue through the subsequent phases. It was stated that any subsequent extension requests would require further planning consent.

Resolved -

That the application be approved for the reasons stated within the report and subject to the conditions outlined.

232. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services outlining the items dealt with under the Scheme of Delegation between the period 9 January 2017 to 6 March 2017 inclusive.

Resolved -

That the report be noted.

233. Planning Committee - 2013/2017

The Chairman noted that this would be the final meeting of the Planning and Regulatory Functions Committee of the current County Council and thanked Members for their considered approach to matters over the last four years. Members in turn thanked the Chairman for his service to the Committee and the officers for the professionalism they had shown.

It was noted that this would be County Councillor Bill Hoults final meeting of the Planning and Regulatory Functions Committee, following many years of service, as he would not be standing at the forthcoming elections. Members paid tribute to his service to the Committee.

Resolved -

That the issues be noted.

The meeting concluded at 11.30 am.

SL/JR