

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

18 July 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 determine 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 This application is subject to 18 objections having been raised by local members of the public (summarised in paragraph 5.4 of this report), an objection from the County Council's Principal Landscape Architect and also significant concerns raised by Ryedale District Council, the NYMNP National Trails Officer and Wintringham and Scampston Parish Councils (see Section 4 of this report) and is, therefore, reported to this Committee for determination.

**2.0 Background**

Members Site Visit

- 2.1 On 7 February 2017 Members resolved to conduct a formal Site Visit in advance of the determination of the planning application. The Site Visit subsequently took place on 28 February 2017. The following Members and substitutes were in attendance at that site meeting; Cllr Sowray, Cllr Lee, Cllr Blades, Cllr Windass, Cllr Packham, Cllr Lunn, Cllr Trotter, Cllr Chris Pearson and Cllr Broadbent.

- 2.2 On 6 June 2017, at the first meeting of the Planning and Regulatory Functions Committee following the County Council elections, it was considered appropriate that new Members of the Committee be offered an opportunity to visit the site before the determination of the application. It was resolved that a formal Committee site visit would take place on 14 July 2017. The Site Visit related to the development proposed within the application the subject of this report and also planning application ref. NY/2017/0129/FUL for the retention and change of use of the existing waste transfer buildings and associated yard, weighbridge and ancillary structures to allow for waste recycling and pre-treatment operations at Knapton Quarry Landfill Site, Knapton.
- 2.3 The Site Visit gave Members the opportunity to gain an understanding of the proposed development in the context of the existing operations and on-site buildings and infrastructure, the surrounding land, buildings and the public highway. At all times during the visit Members were accompanied by Officers. However, in accordance with the County Council's adopted protocol for Members Site Visits, no discussion of the merits of the planning application or decision-making took place.

#### Site Description

- 2.4 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. 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 buildings.
- 2.5 The existing waste management site is licensed to receive up to 150,000 tonnes of waste per annum and receives residual household waste also referred to as municipal solid waste ('MSW'), commercial and industrial ('C&I') and construction and demolition ('C&D') waste. In recent years the site has received up to 135,000 tonnes of waste per annum, equivalent to an average of 370 tonnes per day. The landfill 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 and historically has received circa 35,000 tonnes of inert waste which has been used to restore parts of the landfill. In addition a restored part of the landfill site is used for open windrow composting operations.
- 2.6 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 Knapton Wood plantation occupies an elevated position and extends to the south west, south, south-east and east of the application site. The Sands Wood plantation is 780m to the west of the application site. The application site falls within an Area of High Landscape Value (AHLV) as defined by the Ryedale Local Plan (2013).
- 2.7 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 national significance. At its closest point the boundary of the North York Moors National Park is approximately 9km north-west of the application site. Knapton Hall is 1.1km to the north-west of the application site. The nearest listed building is the Church of St Edmund (Grade II) in the village of East Knapton 1km to the north west of the application site. Scampston Hall (Grade II\*) is 2.4km west of the application site and is set within a Registered Park and Garden (Grade II\*) the boundary of which is 1.3km west of the application site at its closest point. There is a Scheduled Ancient Monument (a cross dyke) 250m to the south of the application site beyond Knapton Wood. The application site has the potential to be of some archaeological significance.

- 2.8 The villages of West and East Knapton are 1.3km to the north west, West Heslerton is 1.5km to the east, Wintringham is 1.6km to the south-west and Scampston is 2.5km to the west. There are no residential properties within close proximity of the application site. The nearest residential properties are at West Farm beyond Knapton Wood approximately 750 metres to the south east. A caravan and camping site (Wolds Way) is also located approximately 850 metres to the south-east. There is also a telecommunications mast near West Farm 800m south-east of the application site which is visible on the skyline when viewed from the A64 and other positions to the north. There are residential properties east of the village of East Knapton at Mill Grange and Hartswood Farm (and small campsite) which are 1km to the north-east of the application site on the northern side of the A64.
- 2.9 Public bridleway number 25.81/15/1 (along Knapton Wold Road) 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 250 metres to the south of the application site (also separated by Knapton Wood).
- 2.10 The site lies in flood zone 1 (low risk) and is 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.
- 2.11 A plan showing the application site is attached to this report at Appendix A and an aerial photo at Appendix C.

#### Planning History

- 2.12 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.
- 2.13 The planning history of the adjacent former quarry/active landfill and waste management site is of relevance and is summarised in the following paragraphs.
- 2.14 Having lain dormant for a number of years Knapton Quarry recommenced working in 1966 (originally sand and gravel with more recent quarrying of underlying chalk). 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.
- 2.15 On 16 December 1976 planning permission ref. C3/114/12 was granted for the erection of a building for the manufacture of concrete products at Knapton Quarry. The applicant and operator at the time was Knapton Gravel Co.
- 2.16 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.
- 2.17 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.
- 2.18 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.

- 2.19 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.
- 2.20 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.
- 2.21 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.
- 2.22 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 with restoration by 14 March 2037 (Condition 2 on the planning permission). The planning permission includes 49 planning conditions and is accompanied by a Section 106 legal agreement dated 5 March 2001. The applicant and operator at the time was Ray Owen Waste Disposal.
- 2.23 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 authorised 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.
- 2.24 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 weighbridge was implemented and remains on site, but the new pre-treatment building (which would require the partial demolition of the existing buildings) has not yet been erected. Condition 2 states that the permission authorises the erection of a building for the pre-treatment of waste prior to final disposal and the provision of a new weighbridge only until the completion of the associated tipping operations after which it shall be discontinued and the development including all plant and machinery shall be removed before that date and the land restored within 12 months.
- 2.25 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. The applicant and operator at the time was F D Todd & Sons Ltd. Condition 1 of the permission states that the building shall operate only as a waste transfer and recycling centre until the completion of the tipping operations after which it shall be discontinued and all plant, machinery, vehicles and skips, including the building, shall be removed within 12 months of the completion of tipping operations and the land restored. 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.

- 2.26 On 28 September 2012 approval ref. NY/2012/0287/A30 (C3/12/00795/CPO) was given for the composting (open windrows to maximum height of 3.5m) and storage of green waste to form soil making material for the use in the restoration of the landfill site. The composting takes place on an impermeable pad to the south of the waste reception yard area. A maximum of 2,000 tonnes of green waste is composted at the site per year.
- 2.27 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 tipping active waste within the engineered landfill cells in 2017 and that landfill capping and restoration works will continue at the site until at least 2035. The operator estimates that in excess of 200,000m<sup>3</sup> of inert waste material will be required to complete the restoration of the landfill. Approximately 80% of the methane gas generated from the landfill site is currently being disposed by way of a flare and vent to the atmosphere. The remaining landfill methane gas is used in a micro generation plant (50KW) for energy purposes. The permission requires that the landfill site is restored to a long term biomass cropping (short rotation coppice) 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).
- 2.28 The extant permissions for the adjacent site are references C3/12/00997/CPO (landfill), C3/12/00795/CPO (composting), 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.
- 2.29 On 15 May 2017 the County Planning Authority registered an application ref. NY/2017/0129/FUL for the retention and change of use of existing waste transfer buildings and associated yard, weighbridge and ancillary structures to allow for waste recycling and pre-treatment operations at Knapton Quarry Landfill Site, Knapton. The application shall be determined in parallel with the application the subject of this report.

### **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 and Visual Impact, Air Quality and Odour, Noise, Archaeology and 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 and gasification plant comprising a gasifier, boiler island, steam turbine and generator set and gas cleaning and an ash handling system. 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 would reach a maximum height of 23 metres. The roof height over the waste reception area bay would reach a maximum height of 13.5 metres. The building would also accommodate a 1 metre diameter emissions stack with an overall height of 33 metres. 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 Appendix G.
- 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 would control the incoming and outgoing traffic and provide an office, meeting room and welfare facilities for staff and visitors. A visitor car park would be located adjacent to the reception building. The reception/weighbridge building would have a gross external area of 91.2 square metres and extend to 5.5 metres in height. This building, like the main GEF building, would have a curved roof design and similar materials.
- 3.7 The electricity generated by the GEF would 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 It is proposed to extend the internal access road along the eastern site of the landfill site and loop round to meet the external service yard to be constructed on the eastern side of the GEF building. In addition 20 car parking spaces are proposed, 10 of which are to be located within the southern portion of the Site adjacent to the GEF. 10 are to be 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 waste transfer, recycling and treatment facilities (to be retained) at Knapton Landfill. In order to supply the 65,000 tonnes of Fuel to the GEF it is estimated that Knapton Landfill would receive around 80,000 tonnes of source waste material per annum. This waste would go through a pre-treatment process at the existing waste transfer and recycling buildings at Knapton Landfill where recyclable materials such as glass and metals would be extracted. These recyclable materials would leave the Knapton Landfill site as part of the ongoing waste transfer and recycling operations at Knapton Landfill. The sorted non-recyclable waste (such as rubber, plastics etc)

would then be passed through shredders to ensure the Refuse Derived Fuel (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 would 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 would accept waste primarily from many of the same sources as are currently accepted into Knapton Landfill (excluding the municipal, residential and food waste fractions currently comprised in the landfill waste stream also known as ‘black bag waste’) but would 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 would deliver the non-recyclable waste to Knapton Landfill for treatment (20 arrivals and departures per day). Following pre-treatment an internal vehicle would move the Fuel to the GEF. These vehicles would not enter the public highway and are only associated with onsite operations. In addition to the above it is anticipated that there would 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
<b>Total vehicle movements / working day</b>	<b>30</b>
<i>Vehicle movement definition, egress = 1 movement, ingress = 1 movement</i>	

#### Hours of operation

- 3.12 It is proposed that the facility would 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”*.

#### Employment

- 3.13 It is anticipated that the Proposed Development would either directly employ or secure the ongoing employment at Knapton of a total of 30 full time equivalent staff. In addition to direct employees, the GEF would require a number of indirect staff to maintain and service the technology, operate the service vehicles and to manage the fuel supply arrangements.

#### External Lighting

- 3.14 The application includes an external lighting plan which shows the positions of the proposed external lighting for the GEF building, external yard area and the reception/weighbridge office building. It shows the lux levels and light spillage projections. There would be 13 lights mounted on the building at 7 metres high and three mounted at 3 metres high. In addition there would be three column mounted lights at a height of 8 metres. The application details state *“All lighting will be directional, shielded and controlled by electronic timers and/or motion sensors to ensure it is only*

on where and when operationally necessary or to ensure the health and safety of persons”.

#### Landscaping

- 3.15 The applicant states that the material extracted during the creation of the development platform ('cut and fill' to situate the GEF building at lower level than existing land) would be used to remodel the landform, particularly within the eastern portion of the Site where a planted screen bund would be created. The proposals are shown on the drawing attached to this report at Appendix E. 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 applicant also states *“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 29 November 2016 and the subsequent re-consultation on 1 March 2017 following the receipt of further environmental information comprising a Regulation 22 submission on heritage and landscape and visual impacts, dated February 2017. As required by the Regulations, notification of the Secretary of State (National Planning Casework Unit) of the planning application was undertaken on 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.
- 4.1.4 On 16 March 2017, in response to the reconsultation on further information, the Ryedale District Council (Planning) confirmed that they maintain the view that the proposed development is not consistent with Policy SP13 of the Local Plan Strategy- Ryedale Plan by virtue of its scale and height and its impact upon the special scenic qualities of the landscape. However RDC recognise that the landscape harm has to be weighed in the balance by NYCC alongside the benefits of the proposed development.
- 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-** responded on 13 February 2017 and confirmed that the key consideration for the NYMNP is visual impact on the setting of the Park. The NYMNP states *“Subject to NYCC satisfying itself that there will be no significant plume from the stack, this Authority considers the development would not be likely to have an adverse impact on the setting of the National Park or on the public enjoyment of views out from the National Park due to the distance from the Park boundary and the backdrop of the higher ground of the Wolds beyond or the enjoyment of the Wolds Way National Trail and as such have no objections”*.
- 4.3.1 On 31 March 2017 the NYMNP National Trails Officer stated *“The Yorkshire Wolds Way National Trail is rightly renowned for the exceptional peace and tranquillity that it affords its users. As Yorkshire Wolds Way National Trail Officer I would like to express my concern that the tranquillity for those users of the Yorkshire Wolds Way including those staying at the Yorkshire Wolds Caravan and Camping Park should not be negatively impacted by this proposal. If the Authority is minded to approve this proposal it should be satisfied that all necessary measures have been taken to ensure that there are no negative noise impacts on Yorkshire Wolds Way users. I am objecting to the above proposal, unless the Authority can be satisfied that any additional noise levels can be contained”*.
- 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.
- 4.4.3 On 9 March 2017, in response to the reconsultation on further information, the County Ecologist confirmed that *“the additional information does not relate directly to ecology and it has therefore not changed the advice provided in my previous response to the application (dated 12th Dec 2016), as such the recommendations and advice within that response are still valid and should be taken into consideration in the determination of the application”*.
- 4.5 **NYCC Heritage - Principal Landscape Architect-** responded on 22 December 2016 and sets out detailed comments on the Landscape and Visual Impact Assessment (LVIA) and highlights queries and requests for further information. The Principal Landscape Architect states *“This is for a permanent industrial scale development on a greenfield site in the open countryside and within the Wolds Area of High Landscape Value (justified at the Ryedale Local Plan Inquiry 1999). The proposed development would comprise a large building and stack which, although carefully designed in itself, would have potential to be seen from a wide area as it would be sited on the visually sensitive north facing scarp of the Wolds which faces the flat open Vale of Pickering.*

*Its construction would necessitate cutting into the smooth slope of the chalk escarpment to form a level platform. The building is potentially highly visible and the proposed planting and mounding measures would not adequately screen this development meaning that together with the adverse effect on landscape character the application cannot be supported in landscape terms”.*

- 4.5.1 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 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”.*

- 4.5.2 The Principal Landscape Architect stated that should permission be granted conditions should be included to cover soil management, landscape proposals, landscape maintenance, approval of external building materials and colours and that the development receives a temporary permission with requirements for site restoration.
- 4.5.3 On 7 March 2017 the Principal Landscape Architect stated that further information would not make this proposal acceptable in landscape terms because of the conflict with planning policy. The Principal Landscape Architect states that *“The landscape perspective is relevant because of likely long term adverse effects on the tourist economy of the Yorkshire Wolds which is identified in the LEP Economic Strategy as ‘an outstanding landscape’”.*
- 4.5.4 The Principal Landscape Architect states *“the scale of the proposals remains disproportionate because a) they compare unfavourably with the current situation of a waste transfer, treatment and landfill site that is due to cease on completion of restoration and b) they are large scale by rural development standards, and are sited in an elevated greenfield location on the escarpment of the Yorkshire Wolds. Partial screening does not eliminate effects on landscape character and tranquillity, or on perceptions of the area”.*
- 4.5.5 In other comments the Principal Landscape Architect states that the bottom ash from the GEF is not needed for landfill cell capping, that in terms of alternative sites some of the benefits of the site could also be obtained elsewhere and questions the proportion of renewable energy that is to be generated and the overall sustainability of the proposal.

- 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 highlighted on 17 January 2017 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”*.
- 4.6.6 On 9 March 2017, in response to the reconsultation on further information, the County Archaeologist confirmed no additional observations to make in light of the amendments and that previous advice dated 12 December 2016 (and followed up in an email dated 17 January 2017) remains valid.
- 4.7 **Scampston Parish Council**- responded on 11 March 2017 and raise the following concerns:
1. Noise from the site both during the development and ongoing noise pollution should the development be passed.
  2. Persistent or intermittent smell emanating from the site and the need for measures to minimise this should the site be developed.

3. The visual impact of this proposed development should not be ignored or taken lightly as despite any screening it seems the size of the proposed development is excessively large for its location alongside the A64 and amongst predominately arable land.
4. Concerns have been raised about light pollution from the site and the need for security lighting overnight which will have local impact.
5. Electric cables have been cited by Brooks Ecological Report as being developed underground at the proposed site, however the Parish Council has already noted that extra cabling has been erected alongside the A64 above ground which is considered by the Parish Council as being both dangerous to traffic and unsightly in the environment.
6. Vermin at the site is also an issue which will need constant management.
7. Rubbish is evident along the A64 road which may originate from the site and blown in the wind. This needs monitoring.
8. Local business interests and the impact of this proposed development upon them is also concerning members of the community.

4.8 **Heslerton Parish Council**- has not responded.

4.9 **Wintringham Parish Council**- responded on 20 March 2017 and state that *“In general, the Parish Council understands the need to manage waste and is sympathetic to proposals to generate electrical power during the processing of waste. However, local residents expect that when the existing landfill site closes next year at the expiry of the current planning permission (which only lasts until the landfill site is full), there will be no vehicle movements, no noise, and no pollution. The A64 through Rillington is exceptionally busy, and has in the past seen serious and even fatal road traffic accidents. This is a great opportunity to reduce the traffic through this pinchpoint which will be lost forever if the application is approved”*. Wintringham Parish Council raise the following concerns:

1. The development is on a greenfield site south of the current landfill site, on the edge of the Wolds, and in full view of the Vale of Pickering and the southern boundary of the North Yorkshire Moors National Park. It is a *“massive construction”* and the scale of the development is in direct conflict with the Ryedale Local Plan, being inconsistent with the rural location and special scenic qualities of the landscape.
2. The principle of Gasification plants to generate electricity is unproven technology. There are no other long established commercial sites in the UK, and several have failed and been abandoned after construction.
3. The site is very close to the Wolds Way National Trail, one of only 16 such long distance paths in the UK. Together with other public footpaths bordering the site, it is a popular and well used national amenity noted for its peace and beauty, which would be blighted if this was approved.
4. Gasification plants produce ash waste. Initially this is to be used as top dressing for the landfill site but when that is complete in four years' time, the bottom ash will need to be removed by large vehicles. It is not clear in the planning application where this waste will be disposed of, or whether these vehicle movements have been included in the planning application.
5. There will be several areas of pollution created by the plant – noise, light, and emissions. As vehicles move around the site, their reversing signals will be clearly audible over long distances. As the plant will be working throughout the night, the noise of incineration, turbines, shredders, vehicles and other machinery will continue all the time. There are no street lights near the proposed plant, so the light pollution at night from security lighting will change the rural character of the location. Local residents currently experience a smell from the landfill site when the wind is in a certain direction. They are prepared to put up with this on occasion, but the proposed facility will undoubtedly produce a discharge of smoke and smell into the atmosphere 24 hours a day, seven days a week, 365 days a year.

- 4.9.1 In conclusion Wintringham Parish Council state *“this proposal appears to be the wrong development in the wrong place – it would surely be better to locate it much closer to the UK’s main centres of population, which is where most of the waste originates (many of the vehicles currently using the landfill site travel long distances, anecdotally from Ireland and the south west of England). This would significantly reduce the vehicle miles required to service the plant, allow a shorter feed into the electricity National Grid, and potentially support the supply of heat from the plant to industry (which is unlikely to be viable in the current location). Locating the plant nearer to the source of the waste would be a much greener solution than the one proposed by Knapton Green Energy”*.
- 4.10 **Highway Authority (LHA)**- 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.
- 4.10.1 On 2 March 2017, in response to the reconsultation on further information, the LHA noted that the further information has no effect on traffic and transportations matter connected with the site and they wish to make no further comments.
- 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”*.
- 4.11.3 On 22 March 2017, in response to the reconsultation on further information, Highways England provided further comments and confirm no objection, however have recommended that conditions should be attached to any planning permission granted in relation to the following.
1. A standard Construction Traffic Management Plan [CTMP] condition ensuring that Highways England is agreeable to the CTMP methods.
  2. A condition requesting that the scheme relating to the power line elements that cross and are adjacent to the Strategic Road Network (SRN) is agreed in full with Highways England before commencement of construction, including in relation to:
    - The construction methods of that element of the scheme; and
    - The detailed proposals regarding the permanent form of that element of the scheme (including agreement to the deliverability of that element of the scheme).
- 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).
- 4.12.5 On 3 March 2017, in response to the reconsultation on further information, the Environment Agency confirmed that they have no further comments to make in relation to the additional information submitted and their comments made on 5 January 2017 remain valid.
- 4.13 **North Yorkshire Fire and Rescue Service**- responded on 14 March 2017 and stated *“At this stage in the planning approval process the fire authority have no objection to the proposed development. The fire authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the fire authority. The proposals/plans should ensure that the requirement B5 of Schedule 1 to the Building Regulations 2000 (as amended), access and facilities for the fire service will be met”.*
- 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.
- 4.14.1 On 9 March 2017, in response to the reconsultation on further information, Natural England confirmed that the additional information to the original application *“is unlikely to have significantly different impacts on the natural environment than the original proposal”.*
- 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**- responded on 13 February 2017 and made comments on surface water management. The NYCC SUDS Officer recommended that the

applicant provides details of exceedence flow routes and maintenance proposals for the drainage prior to any planning approval. The NYCC SUDS Officer confirmed that upon receipt of satisfactory information to address the issues noted a planning condition can be recommended to ensure suitable surface water management. The applicant provided the requested details on 21 February 2017 which was forwarded onto the NYCC SUDS Officer for consideration.

4.16.1 On 6 March 2017, in response to the reconsultation on further information, the NYCC SUDS Officer confirmed no objections to the proposal with respect to surface water management subject to a planning condition requiring details of surface water drainage design.

4.17 **Historic England-** responded on 15 December 2016 and stated that the application has not provided the assessment of significance of heritage assets as required by the NPPF and as a consequence it was 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.

4.17.1 On 24 March 2017, in response to the reconsultation on further information, Historic England confirmed that they have no objections to the application on heritage grounds and consider that the application meets the requirements of paragraph 128 of the NPPF. In explanation they state:

*"In our previous letters we drew attention to the need for comprehensive assessment of the Scampston Hall complex of heritage assets in order to understand how the development proposal might harm those assets. As a consequence it was our view set out in our advice letters of 15 December, that the information presented by the applicant in support of their proposal did not address our earlier advice, with particular regard to Scampston Hall, its landscape, the contribution made by setting to its significance and the necessity to identify key views and viewpoints.*

*Whilst we considered that the assessment of the archaeological resource was acceptable, it was our position that the significance of Scampston Hall complex and the contribution made by 'setting' to that significance, had not been established and we recommended that the application should not be determined.*

*The Amended Information now includes a 'Heritage Impact Assessment' (On Site Archaeology, February 2017). Historic England considers this to be a reasoned, well written and researched document that addresses our concerns with regard to the identification of heritage assets, the assessment of significance (and the contribution made by setting), understanding of 'harm' and proposals for mitigation. The Heritage Impact Assessment makes a coherent argument for establishing that the proposed development will have 'no impact on the significance of Scampston Park or any of the heritage assets within it'.*

*As such we consider that the application now meets the requirements of paragraph 128 of the National Planning Policy Framework (NPPF)".*

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"*.



- 4.19.1 On 2 March 2017, in response to the reconsultation on further information, the PRoW team confirmed that no rights of way are affected by this proposal.
- 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**- responded on 27 February 2017. The response states:-

*“The Green Energy facility will create 30 direct full time equivalent employment opportunities and estimates a further 15 indirect FTEs. In addition the facility claims that it will generate almost £1m per annum in additional GVA within Ryedale and North Yorkshire.*

*The facility will be visible from the A64 and will be situated in open countryside however it will not be visible from the South side of Knapton Wood due to the local topography and should not therefore be visible to users of the Wolds Way walking trail.*

*The proposed planning application states that vehicle movements will be reduced from the existing landfill facility however it should be noted that within the next four years vehicle movements would be reduced to zero at the site as the existing land fill site is restored. Given the location of the A64 however it is unlikely that the reduction of vehicle movements to zero would have a meaningful impact on the overall amenity as this road can become congested particularly during peak holiday times.*

*The buildings have been designed to minimise the potential negative impacts of their appearance in the local landscape and they will sit within the hillside not visible above the skyline. While there is likely to be visual impact from the A64 it is being mitigated to some extent in the design of the development and does not appear to have a significantly greater impact than the existing quarry works. In respect of the overall visual impact I would acknowledge that more detailed observations will be made by the NYCC Principal Landscape Architect and Historic England.*

*Any potential negative economic consequences on nearby tourism attractions including Scampston Hall, Wolds Way Lavender and Wolds Way Camping and Caravanning appear to be marginal however should traffic movements increase beyond those stated and the nature of operations become unduly noisy then this may begin to have a wider negative effect.*

*Overall the proposed Green Energy Facility will create a number of direct new jobs as well as indirect jobs in related supply chains in addition to generating additional GVA in Ryedale District. There is little evidence to suggest that the proposal will have a negative economic impact however this view is predicated on the high levels of environmental mitigation identified within the planning application and these need to be fully implemented and monitored to ensure that the positive benefits of lower carbon energy and local job creation are not outweighed by loss of environmental amenity and subsequent negative impact on the local tourism economy”.*

#### **Notifications**

- 4.26 **County Cllr. Janet Sanderson**- was notified of the application 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 39 letters of representation have been received of which 18 raise objections to the proposed development and 21 are in support. The approximate locations of the objectors and supporters 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 won't 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 and safeguard existing 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
- More attractive and impressive building than many of the local farm buildings that have been put up
- Recycling is supported and this is an alternative to putting waste in the ground
- Energy from waste is preferred to depleting natural resources
- It will put the existing landfill and transfer station to good use
- The existing landfill has operated without serious inconvenience and the proposal would have even less of an impact.
- 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
- it would contribute towards region's ambition to become self-sufficient in generating its own electricity
- location suitable in terms of landscaping, visual protection and distance from neighbouring habitation
- Positive for future of North Yorkshire

5.6 In accordance with Regulation 22 of the Town and County Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regs. 2011) following the receipt of further environmental information relating to the Environmental Statement (on heritage and landscape and visual impacts, dated February 2017) the County Planning Authority re-publicised the application by way of eight Site Notices posted 28 February 2017 (responses to which expired on 21 March 2017) and a Press Notice which appeared in the Malton Gazette & Herald on 8 March 2017 (responses to which expired on 29 March 2017). In addition the members of the public previously notified and also those who made representations to the Authority on the application were notified of the further environmental information and the further comments received are included in the summaries 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 National Planning Policy Framework (NPPF) (published March 2012) and also the National Planning Policy for Waste (published October 2014).

### 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 of the NPPF states that core land-use planning principles should underpin both plan-making and decision taking. The 12 principles listed in the NPPF state that land-use planning should:
- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
  - not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
  - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating
  - sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

- 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 the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- 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 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.

6.8 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.”*

- 6.9 Paragraphs 93-98 within Section 10 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change. Paragraph 93 indicates that planning has a key role in “supporting the delivery of renewable and low carbon energy and associated infrastructure”.
- 6.10 Paragraph 97 encourages local planning authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources in order to increase the use and supply of renewable and low carbon energy. Local planning authorities are urged to have a positive strategy to promote energy from renewable and low carbon sources; and design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily.
- 6.11 Paragraph 98 states that “when determining planning applications, local planning authorities should:
- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
  - approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas”.
- 6.12 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.
- 6.13 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, minimising impacts on biodiversity, preventing development from contributing to or being adversely affected by unacceptable levels of soil, air, water or noise pollution.
- 6.14 Paragraph 111 states “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.
- 6.15 Paragraph 112 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”.
- 6.16 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”.*

- 6.17 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. Paragraph 122 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”.*
- 6.18 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”.*
- 6.19 Paragraph 128 within Section 12 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”.*

#### National Planning Policy for Waste (published October 2014)

- 6.20 The National Planning Policy for Waste (NPPW) replaces ‘Planning Policy Statement 10: Planning for Sustainable Waste Management’ (PPS 10) published in 2006 and is to be considered alongside other national planning policy for England - such as in NPPF (2012), Defra’s Waste Management Plan for England (2013) and the National Policy Statements for Waste Water and Hazardous Waste (2012 and 2013 respectively).
- 6.21 Paragraph 1 of the NPPW states that the Government’s ambition is to *“work towards a more sustainable and efficient approach to resource use and management”.* The NPPW sets out the *“pivotal role”* that planning plays in delivering the country’s waste ambitions with those of relevance to this application being as follows:
- “delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider*

*climate change benefits, by driving waste management up the waste hierarchy (see Appendix A of NPPW);*

- *ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;*
- *providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;*
- *helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and*
- *ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste”.*

6.22 It should be noted that a footnote is included in the National Planning Policy for Waste for the reference in bullet point three to the “proximity principle”. The footnote refers to Schedule 1, Part 1, paragraph 4 of The Waste (England and Wales) Regulations 2011 (S.I 2011/988) for the principles behind the term proximity (as well as self-sufficiency). The reference states the following;

- “(1) To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including, where such collection also covers such waste from other producers, taking into account best available techniques.*
- (2) The network must be designed to enable the European Union as a whole to become self-sufficient in waste disposal and in the recovery of mixed municipal waste collected from private households, and to enable the United Kingdom to move towards that aim taking into account geographical circumstances or the need for specialised installations for certain types of waste.*
- (3) The network must enable waste to be disposed of and mixed municipal waste collected from private households to be recovered in one of the nearest appropriate installations, by means of the most appropriate technologies, in order to ensure a high level of protection for the environment and human health.*
- (4) This paragraph does not require that the full range of final recovery facilities be located in England or in Wales or in England and Wales together”.*

6.23 Paragraphs 2 to 6 of the NPPW relate to the preparation of Local Plans in respect of the evidence base, identification of need in Local Plan making, identifying suitable sites and Green Belt protection and are not directly relevant to the determination of planning applications for waste management facilities. However in terms of identifying suitable sites when preparing Plans paragraph 4 is of relevance as it states that Authorities should look *“for opportunities to co-locate waste management facilities together and with complementary activities. Where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers”.*

6.24 In relation to the determination of planning applications, Paragraph 7 of the NPPW states that Waste Planning Authorities should:

- *“only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*



- recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;
- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;
- ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary”.

6.25 The criteria set out in the first two bullet points are not material to the determination of this application, as the Local Plan (2006) pre-dates current national policy (2014). Paragraphs 8 and 9 of the NPPW relate to planning applications for non-waste development and the monitoring and reporting of waste and are not directly relevant to the determination of this application.

6.26 Appendix A of the NPPW comprises a diagram of the ‘Waste Hierarchy’ which is unchanged from that included in PPS10.

6.27 Appendix B of the NPPW sets out the ‘Locational Criteria’ to be assessed by Local Planning Authorities in determining applications for waste management facilities, as follows:-

- “protection of water quality and resources and flood risk management;*
- land instability;*
- landscape and visual impacts;*
- nature conservation;*
- conserving the historic environment;*
- traffic and access;*
- air emissions, including dust;*
- odours;*
- vermin and birds;*
- noise, light and vibration;*
- litter; and,*
- potential land use conflict”.*

6.28 It is considered that criteria a, c, d, e, f, g, h, i, j, k, and l are relevant to the determination of this application and these are set out in full below:

- protection of water quality and resources and flood risk management*  
*Considerations will include the proximity of vulnerable surface and groundwater or aquifers. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care.*
- landscape and visual impacts*

*Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.*

- d. *nature conservation*  
*Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species.*
- e. *conserving the historic environment*  
*Considerations will include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.*
- f. *traffic and access*  
*Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports.*
- g. *air emissions, including dust*  
*Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.*
- h. *odours*  
*Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.*
- i. *vermin and birds*  
*Considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds. The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at locations close to aerodromes or low flying areas.*  
*As part of the aerodrome safeguarding procedure (ODPM Circular 1/20035) local planning authorities are required to consult aerodrome operators on proposed developments likely to attract birds. Consultation arrangements apply within safeguarded areas (which should be shown on the policies map in the Local Plan).*  
*The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes.*
- j. *noise, light and vibration*  
*Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-*

*time working is involved. Potential light pollution aspects will also need to be considered.*

k. *litter*

*Litter can be a concern at some waste management facilities.*

l. *potential land use conflict*

*Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility”.*

6.29 It should be noted that the National Planning Policy for Waste does not contain any guidance on dealing with unallocated sites.

National Planning Practice Guidance (NPPG) (2014)

6.30 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 of NPPG and detailed in the subsequent paragraphs of this report: -

- Air Quality
- Design
- Flood Risk and Coastal Change
- Health and Wellbeing
- Natural Environment
- Noise
- Renewable and low carbon energy
- Travel plans, transport assessments and statements in decision-taking
- Waste

Air Quality

6.31 The NPPG confirms that legally binding limits exist for concentrations of all major air pollutants outdoors, including particulate matter (PM10 and PM2.5) as well as nitrogen dioxide (NO2). The NPPG states that particulate matter and NO2 *“can combine in the atmosphere to form ozone, a harmful air pollutant (and potent greenhouse gas) which can be transported great distances by weather systems”.*

6.32 The NPPG goes on to state that planning should take air quality impacts from new development into account *“where the national assessment indicates that relevant limits have been exceeded or are near the limit”.* The national assessment is identified as the annual assessment Defra undertake using monitoring and modelling information.

6.33 The NPPG explains that an assessment of whether national objectives is being met are undertaken by unitary and district authorities through the local air quality management (LAQM) regime. If the objectives are not being met, the relevant authority *“must declare an air quality management area and prepare an air quality action plan”.*

6.34 With regard to new developments, the NPPG identifies that air quality could be a relevant material consideration where: *“the development is likely to generate air quality impact in an area where air quality is known to be poor...where the development is likely to impact upon the implementation of air quality strategies and action plans and/or...lead to a breach of EU legislation”.* The NPPG states that air quality impacts could arise from significant traffic generation, new point sources of air

pollution, and construction impacts e.g. dust arisings which could affect nearby sensitive locations.

- 6.35 If air quality could be a concern, the NPPG advises that Local Planning Authorities may want to know about:
- *“The ‘baseline’ local air quality;*
  - *Whether the proposed development could significantly change air quality...; and/or*
  - *Whether there is likely to be an increase in the number of people exposed to a problem with air quality...”*
- 6.36 The NPPG also notes that the Environment Agency can provide help on large or complex processes by identifying Environmental Permit requirements and whether there may be any significant air quality issues at the Permit stage.
- 6.37 In terms of possible mitigation for an impact on air quality, the NPPG states that mitigation options will be *“locationally specific”* and *“proportionate to the likely impact”*, and that these can be secured through appropriate planning conditions or obligations. Suggested examples of mitigation provided in the NPPG include amendments to layout and design to increase distances between sources of air pollution and receptors; the use of green infrastructure to increase the absorption of dust and pollutants; control of emissions and dust during both construction and operation; and the provision of funding towards measures which have been identified to offset any air quality impacts arising from new development.

#### Design

- 6.38 The guidance states *“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”*.
- 6.39 When determining applications, the NPPG advises that *“Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies, and other material considerations”*. Where buildings *“promote high levels of sustainability”*, the NPPG advises that planning permission should not be refused on the basis of concerns about whether the development is incompatible with an existing townscape, if good design can mitigate the concerns.
- 6.40 In general, the NPPG states that *“Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinct patterns of development...while not preventing or discouraging appropriate innovation”*.
- 6.41 In relation to landscape impacts, the NPPG advises that development can be integrated into the wider area through the use of natural features and high quality landscaping. In addition, the NPPG promotes the creation of green spaces and notes that high quality landscaping *“makes an important contribution to the quality of an area”*.

#### Flood Risk and Coastal Change

- 6.42 The guidance states *“Developers and applicants need to consider flood risk to and from the development site, and it is likely to be in their own best interests to do this as early as possible, in particular, to reduce the risk of subsequent, significant additional costs being incurred. The broad approach of assessing, avoiding, managing and mitigating flood risk should be followed”*.

#### Health and Wellbeing

- 6.43 The NPPG advises that health and wellbeing should be taken into consideration by Local Planning Authorities in their decision making, including *“potential pollution and*

*other environmental hazards, which might lead to an adverse impact on human health”.*

#### Natural Environment

- 6.44 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

- 6.45 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”.*

#### Renewable and low carbon energy

- 6.46 The NPPG recognises the benefits of increased energy production from renewable and low carbon sources, as it will contribute to *“a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses”.*
- 6.47 In terms of relevant planning considerations, generally the NPPG notes that *“Renewable energy developments should be acceptable for their location”.*
- 6.48 Travel plans, transport assessments and statements in decision-taking  
The NPPG notes that Travel Plans and Transport Assessments can *“positively contribute to:*
- *Encouraging sustainable travel;*
  - *Lessening traffic generation and its detrimental impacts;...and*
  - *Improving road safety”.*
- 6.49 The NPPG sets out the anticipated scope and content for such documents, and notes that Travel Plans should be monitored for a length of time and at a frequency which is appropriate to the scale of the development.

#### Waste

- 6.50 With regard to the Waste Hierarchy the guidance states that *“driving waste up the Waste Hierarchy is an integral part of the National Waste Management Plan for England and national planning policy for waste”* and *“all local planning authorities, to the extent appropriate to their responsibilities, should look to drive waste management up the hierarchy”.*
- 6.51 The guidance states, in respect of the use of unallocated sites for waste management facilities, that applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy. If the proposal is consistent with an up to date Local Plan, there is no need to demonstrate ‘need’.
- 6.52 With regard to expansion/extension of existing waste facilities the guidance states that *“the waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or*

extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may all be relevant".

- 6.53 The guidance includes advice on the relationship between planning and other regulatory regimes. On this matter it states "The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to National Planning Policy for Waste. There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes".
- 6.54 The guidance states that "the role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health".

#### National Waste Management Plan for England (2013)

- 6.55 National waste planning policy in England forms part of a wider national waste management plan to meet the requirements of the Waste Directive. The UK Government adopted the National Waste Management Plan for England (NWMP) in December 2013.
- 6.56 It should be noted that "*This Plan provides an overview of waste management in England... It is not, therefore, the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan*".
- 6.57 The NWMP identifies a commitment to achieving a zero waste economy. It states that: "In particular, this means using the "waste hierarchy" (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management". Later on, it identifies that the waste hierarchy is "both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill).
- 6.58 The NWMP recognises that it is: "important to make sure that waste is optimally managed, so that the costs to society of dealing with waste, including the environmental costs, are minimised". It goes on to state: "The key aim of the waste management plan for England is to set out our work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the "waste hierarchy" (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management".
- 6.59 In addition, the NWMP identifies that "The Government supports efficient energy recovery from residual waste – of materials which cannot be reused or recycled – to deliver environmental benefits, reduce carbon impact and provide economic opportunities. Our aim is to get the most energy out of waste, not to get the most waste into energy recovery. Defra has produced a guide to energy from waste to provide factual information to all of those interested in the development of such facilities including developers, local authorities and local communities".

6.60 It is noted within the NWMP that “The Environment Agency is the main regulator of waste management in England. Among its responsibilities are the determination of applications for environmental permits required under Article 23 of the revised Waste Framework Directive; and carrying out inspection and other compliance assessment activities” (page 12). In addition, “The waste producer and the waste holder should manage waste in a way that guarantees a high level of protection of the environment and human health. In accordance with the polluter-pays principle, the costs of waste management shall be borne by the original waste producer or by the current or previous waste holders. The distributors of products potentially share these costs. The polluter-pays principle ensures that those responsible for producing and holding waste are incentivised to reduce and/or manage their waste in a way that reduces impacts on the environment and human health”.

6.61 In terms of the location of new waste infrastructure, the NWMP highlights that “*The Government’s ambitions for waste highlight the importance of putting in place the right waste management infrastructure at the right time and in the right location. We aim to have the appropriate waste reprocessing and treatment infrastructure constructed and operated effectively at all levels of the waste hierarchy to enable the most efficient treatment of our waste and resources*”.

6.62 The NWMP also refers to the nearest appropriate installation principle, advising that: “*The revised Waste Framework Directive establishes the principle of ‘proximity’. This is within the context of the requirement on Member States to establish an integrated and adequate network of waste disposal installations for recovery of mixed municipal waste collected from private households. The requirement includes where such collection also covers waste from other producers.*

*The network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.*

*The Directive also requires that the network shall be designed in such a way as to enable Member States to move towards the aim of self-sufficiency in waste disposal and the recovery of waste. However, Member States must take into account geographical circumstances or the need for specialised installations for certain types of waste and the Directive makes it clear that each Member State does not have to possess the full range of final recovery facilities.*

*This principle must be applied when decisions are taken on the location of appropriate waste facilities”.*

6.63 In relation to planning decisions, the NWMP states: “*All local planning authorities should have regard to both the waste management plan for England and the national waste planning policy when discharging their responsibilities to the extent that they are appropriate to waste management*”.

#### The Development Plan

6.64 Whilst the NPPF is a significant material consideration, under Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning authorities continue to be required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The extant ‘saved’ policies of the North Yorkshire Waste Local Plan (adopted 2006); and
- The extant policies of the Ryedale Plan- Local Plan Strategy (2013)

6.65 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 may be of relevance to this application:

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

6.66 The application site is neither proposed nor included as a preferred or allocated site. The existing open windrow composting operation on the adjacent landfill site is proposed as a safeguarded waste site (Plan period up to 31 December 2030). The relevant draft policies are considered to be W01 (Moving waste up the waste hierarchy), W10 (Overall locational principles for provision of waste capacity) and W11 (Waste site identification principles). The draft MWJP was published in November 2016 for representations and public consultation on a schedule of proposed changes is taking place over the summer 2017 prior to the submission of the Minerals and Waste Joint Plan for Examination in Public. 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 as representations have been received with regard to Policies W01, W10 and W11 that are currently unresolved.

6.67 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.

6.68 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. In addition paragraph 216 of the NPPF states that "*From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*  
*and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*

6.69 The relevant policies within the NPPF have been set out above and within the next section the relevant 'saved' policies from the North Yorkshire Waste Local Plan (adopted 2006) are outlined and the degree of consistency with the NPPF is considered. This exercise is not applicable to the policies contained within the more recently adopted 'Ryedale Plan: Local Plan Strategy' (adopted September 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 Waste Local Plan (NYWLP) (adopted 2006)

6.70 In the absence of an adopted Minerals and Waste Joint Plan and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the 'saved' policies can now be considered as comprising of the Development Plan. The 'saved' policies relevant to the determination of this application are:

- 4/1 – Waste Management Proposals
- 4/3 – Landscape Protection
- 4/7- Protection of Agricultural Land



- 4/15 - Archaeological Evaluation
- 4/16 - Archaeological Sites
- 4/18 – Traffic Impact
- 4/19 – Quality of Life
- 4/20 - Open Space, Recreation and Public Rights of Way
- 5/3 – Recycling, sorting and transfer of industrial, commercial and household waste
- 5/10 – Incineration of Waste

'Saved' Policy 4/1 – Waste Management Proposals

6.71 This Policy states:

*Proposals for waste management facilities will be permitted provided that:*

- a) *the siting and scale of the development is appropriate to the location of the proposal;*
- b) *the proposed method and scheme of working would minimise the impact of the proposal;*
- c) *there would not be an unacceptable environmental impact;*
- d) *there would not be an unacceptable cumulative impact on the local area;*
- e) *the landscaping and screening has been designed to effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character;*
- f) *where appropriate, adequate provision is made for the restoration, aftercare and management of the site to an agreed afteruse;*
- g) *the proposed transport links are adequate to serve the development; and,*
- h) *other environmental and amenity safeguards would effectively mitigate the impact of the proposal;*
- i) *it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with the waste;*
- j) *the location is geographically well located to the source of the waste thereby according with the proximity principle.*

6.72 This 'saved' Policy of the NYWLP is directly relevant to the development currently under consideration. In accordance with paragraph 214 of the NPPF, an analysis of consistency shows the NPPF to be silent on matters raised in criteria a), b), i) and j). With regard to criterion f), 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 imposition of appropriate conditions, where necessary.

6.73 As the NPPF does not provide specific waste policies, the NPPW has also been reviewed in relation to the proposed development in terms of compliance with criteria a), i) and j). There is nothing specifically related to criteria b) and f) within the NPPW.

6.74 With regard to criterion a) this is consistent with the NPPW which sets out locational criteria for waste management facilities and states that the type and scale of the facility should be taken into account when deciding on appropriate locations.

6.75 In terms of criterion i), the Best Practicable Environmental Option (BPEO) is a set of procedures with the goal of managing waste and other environmental concerns. BPEO assessment is a method for identifying the option that provides "*the most environmental benefit*" of "*least environmental damage*". The technique is not reflected in NPPW or the NPPF, but the principles of putting forward the most sustainable option i.e. movement of waste up the waste hierarchy is set out in NPPW. Therefore, although criterion i) does not conflict with the provision of NPPW it should be given less weight for this reason. NPPW reflects the proximity principle set out in criterion j), therefore, this point should be given weight.

- 6.76 'Saved' Policy 4/1 g) is consistent with the provisions of the NPPF insofar as supporting the adequacy of transport links, however, there are differences in the objectives that criterion g) states that transport links should be adequate, whereas the NPPF states that improvements to the transport network should be considered. Therefore, the NPPF guidance should be given more weight in this instance because it goes a step further in supporting those developments comprising improvements to transport links.
- 6.77 In terms of criteria c), d) and h) of 'saved' Policy 4/1 the NPPF states that developments should contribute to and enhance the local environment, not give rise to unacceptable risks from pollution, and that cumulative effects should be taken into account. The wording in 'saved' Policy 4/1 states that there should not be unacceptable impacts and that safeguards should mitigate the impacts. Although there is a slight difference in emphasis the provisions of the policy are generally consistent with the NPPF and should be given weight.
- 6.78 Criterion e) of 'saved' Policy 4/1 requires that landscaping and screening should mitigate the impact of the development, being sympathetic to local landscape character. Therefore, it is considered that the policy is consistent with the relevant policies of the NPPF, but more emphasis should be given to protecting and enhancing valued landscapes. Greater weight should therefore be given to the NPPF in this instance because it goes a step further in protecting and enhancing valued landscapes.

'Saved' Policy 4/3 – Landscape protection

- 6.79 This 'saved' policy advises that waste management facilities will only be permitted "where there would not be an unacceptable effect on the character and uniqueness of the landscape. Wherever possible, proposals should result in an enhancement of local landscape character".
- 6.80 In its reasoned justification, 'saved' Policy 4/3 advises that in considering development proposals, the Authority will expect developers to respect and enhance the special character and distinctiveness of features which make specific landscapes locally important. Where waste management proposals are determined to be compatible with the local landscape by virtue of siting, scale and design, possibilities for the enhancement of the character of the local landscape should also be explored.
- 6.81 This specific 'saved' policy is considered to be relevant and full weight can be given to 'saved' Policy 4/3 as the NPPF makes clear that the effects of development on the landscape, including the potential sensitivity of an area to adverse landscape impacts, should be taken into account. The NPPF (paragraph 109) promotes the protection and enhancement of valued landscapes and Appendix B (Locational Criteria) of the NPPW encourages development to respect landscape character.
- 6.82 'Saved' Policy 4/7 - Protection of Agricultural Land  
 The policy states that "*Proposals for waste management facilities on the best and most versatile agricultural land will only be permitted where:*
- i) there is an overriding need for the development;*
  - ii) there is a lack of development opportunities on non agricultural land;*
  - iii) there is insufficient land available in grades below 3a*
  - iv) Other sustainability considerations on land below grade 3a outweigh issues of agricultural land quality*

*Where, in exceptional circumstances, development is permitted on the best and most versatile agricultural land it will only be permitted where provision is made for a high standard of restoration such that an agricultural afteruse can be achieved or the future potential for high quality agricultural use is safeguarded"*

6.83 The Policy does not conflict with the aims and objectives of the NPPF which recognises the economic and other benefits of the best and most versatile agricultural land and encourages the use areas of poorer quality agricultural land in preference to that of a higher quality.

'Saved' Policy 4/15 - Archaeological Evaluation

6.82 The policy states that *"Where proposals for waste management facilities affect sites of known or potential archaeological importance the applicant will be required to carry out an archaeological field evaluation prior to the determination of the planning application"*.

6.83 The Policy does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The NPPF acknowledges that 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. Therefore, the NPPF guidance should be given more weight in this instance.

'Saved' Policy 4/16 - Archaeological Sites

6.84 The policy states that *"Proposals for waste management facilities which would have an unacceptable effect on nationally important archaeological remains, whether scheduled or not, and their settings, will not be permitted. Where planning permission is granted for waste management facilities which would affect sites of regional, County or local importance, conditions will be imposed to ensure the remains are preserved in-situ or by record, as appropriate to their archaeological interest"*.

6.85 The Policy does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The NPPF acknowledges that 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. Therefore, the NPPF guidance should be given more weight in this instance.

'Saved' Policy 4/18 – Traffic impact

6.86 This 'saved' Policy addresses transport issues and advises that waste management facilities will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway and would not have an unacceptable impact on local communities.

6.87 'Saved' Policy 4/18 does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF states that improvements to the transport network should be considered, therefore, the NPPF guidance should be given more weight in this instance.

'Saved' Policy 4/19 – Quality of life

6.88 This 'saved' Policy seeks to ensure that waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity.

6.89 It is considered that full weight can be given to 'saved' Policy 4/19 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.

'Saved' Policy 4/20- Open space, Recreation and Public Rights of Way

6.90 The Policy states that *“The development of waste management facilities will not be permitted where there would be an unacceptable impact on recreational amenity of the area, on open spaces with recreational value or on the enjoyment of the Public Rights or Way network. Proposals for waste management facilities which would interrupt, obstruct or conflict with use of a public right of way will only be permitted where satisfactory provision has been made, in the application, for protecting the existing right of way or for providing acceptable alternative arrangements both during and after working”*.

6.91 It is considered that full weight can be given to ‘saved’ Policy 4/20 as the NPPF makes clear that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users.

‘Saved’ Policy 5/3 – Recycling, sorting and transfer of industrial, commercial and household waste

6.92 ‘Saved’ Policy 5/3 of the North Yorkshire Waste Local Plan is considered mainly relevant to planning application ref. NY/2017/0129/FUL for the retention and change of use of the existing waste transfer buildings. It has a degree of relevance to the determination of this application as the existing waste recycling and transfer buildings are proposed to supply feedstock to the GEF. The policy advises that ‘Proposals for facilities for recycling, sorting and transfer of industrial, commercial and household wastes will be permitted provided that:

- a) The proposed site is suitably located with an existing, former or proposed industrial area of a character appropriate to the development; or
- b) The proposed site is suitably located within a redundant site or building;
- c) The proposed site is appropriately located within or adjacent to active or worked out quarries or landfill sites; and
- d) The operations are carried out in suitable buildings; and
- e) The highway network and site access can satisfactorily accommodate the traffic generated; and
- f) That in appropriate cases it does not prejudice the restoration and afteruse of the quarry or landfill site; and
- g) The proposal will not have an unacceptable impact on local amenity or the environment’.

6.93 Criterion a), b), c), d) and f) are broadly consistent with national policy in the NPPF and NPPW in terms of new development on previously developed land or appropriate land without prejudicing restoration, and can therefore be afforded full weight in the determination process.

6.94 The locational criteria set out in Appendix B of NPPW, which are to be used when determining proposals for waste facilities include considerations relating to traffic and amenity, which criterion e) and g) comply with and can therefore be afforded full weight.

‘Saved’ Policy 5/10 – Incineration of Waste

6.95 Whilst acknowledging that the proposed GEF does not involve incineration (energy from waste via gasification) it is noted that the Applicant relies on 5/10(b) to justify the location of the development and the general aims of this ‘saved’ Policy are of relevance and in light of the Applicant’s position warrant consideration. The Policy states that:

*Proposals for the incineration of household, commercial and nonhazardous industrial waste will be permitted only after opportunities for recycling and composting have been explored and provided the following criteria are met:*

- a) *the proposed site is suitably located within an existing, former or proposed industrial area of a character appropriate to the development; or*

- b) *the proposed site is suitably located on land formerly occupied by waste management facilities of a character appropriate to the development; or*
- c) *the proposed site is suitably located on areas of contaminated, despoiled or previously derelict land; and*
- d) *the highway network and site access can satisfactorily accommodate the traffic generated; and*
- e) *the proposal will not have an unacceptable impact on local amenity or the environment.*

6.96 The NPPF encourages the re-use of previously developed land which is the main purpose of Criterion a), b) and c). Within the NPPW (paragraph 4) it refers to the co-location of waste management facilities albeit for Plan making purposes and not decisions on planning applications. Criterion d) and e) include considerations relating to traffic and amenity, which can be afforded full weight.

6.97 In addition to the abovementioned 'saved' policies contained within the NYWLP it should be noted that paragraph 5.46 of the North Yorkshire Waste Local Plan relates to "Other Methods of Energy Recovery" and states:  
*"There are a number of other developing technologies to recover energy from waste including Gasification, Pyrolysis and Anaerobic Digestion...If a proposal comes forward for this type of development during the Plan period then these will be judged on their merits taking account of the policies of the Plan".*

'Ryedale Plan: Local Plan Strategy' (Adopted September 2013)

6.98 At the local level, regard has to be had to the 'Ryedale Plan- Local Plan Strategy' (2013). The introduction to the 'Ryedale Plan- Local Plan Strategy' (2013) states that *"The purpose of the Ryedale Plan is to encourage new development and to manage future growth whilst ensuring that change across the District is based on a presumption in favour of sustainable development"*.

6.99 The Local Plan Strategy (2013) document states that *"the Plan acts as a local expression of national policy. It establishes local policies which comply with national policy (NPPF) but which also provide a specific local policy response which reflects the distinctiveness of this District and best integrates local social, economic and environmental issues"*. The Local Plan Strategy (2013) does not contain any policies specifically related to waste development (also referred to as a 'County Matter') but there are general development management policies which would usually be applicable to development under the jurisdiction of the District Council which, in this instance, are relevant to the determination of this application are: -

- Policy SP6- 'Delivery and Distribution of Employment/Industrial Land and Premises'
- Policy SP8- 'Tourism'
- Policy SP10- 'Physical Infrastructure'
- Policy SP12 - 'Heritage';
- Policy SP13 - 'Landscapes';
- Policy SP14 - 'Biodiversity'
- Policy SP16- 'Design'
- Policy SP17 - 'Managing Air Quality, Land and Water Resources';
- Policy SP18- 'Renewable and Low Carbon Energy';
- Policy SP19 – 'Presumption in Favour of Sustainable Development'; and
- Policy SP20 - 'Generic Development Management Issues'.

6.100 SP6 'Delivery and Distribution of Employment/Industrial Land and Premises' refers to employment uses and, inter alia, states that *"the intention is to support established sectors in the local economy and provide opportunities for diversification which over the Plan Period, will enable a step change in business growth, improved skills and a more sustainable local economy"*. With reference to 'Significant Industrial Processes in Open Countryside Locations' (Significant Industrial Processes not defined within the

Local Plan) the policy states *“Major industrial processes involving the extraction, utilisation, working or harnessing of natural materials or land assets will be supported where:*

- *They are required in that location and no other suitable sites are available in the locality*
- *They can be satisfactorily accommodated on the highway network and will not lead to significant adverse highways impacts*
- *They do not adversely affect the amenity of neighbouring occupants of the site in line with Policy SP20*
- *They can be satisfactorily accommodated in the surrounding landscape in line with Policies SP13 and SP16*
- *The economic benefits to the District outweigh any adverse impacts”.*

6.101 SP8 states that tourism in Ryedale will contribute to a sustainable and diverse economy. The policy sets out a number of ways by which it aims to support sustainable tourism in the District. The parts of the policy relevant to new tourism developments are not directly applicable to the application under consideration although in light of the objection raised it is considered that the aim of the policy is relevant.

6.101 SP10 ‘Physical Infrastructure’ sets out necessary improvements to Community Facilities and Physical Infrastructure which are critical to support their Strategy. The list of types of infrastructure and related services includes *‘Waste Transfer Station - location in Ryedale to be confirmed’.*

6.102 SP12 ‘Heritage’; states *“The potential of heritage assets to contribute towards the economy, tourism, education and community identity will be exploited including (inter alia): The nationally significant prehistoric archaeological landscapes of the Yorkshire Wolds and the Vale of Pickering”* and *“To assist in protecting the District’s historic assets and features, the Council will (inter alia): Consider ways in which planning obligations can be used in conjunction with the allocation of sites at the Service Villages in the Vale of Pickering to secure increased protection, management and/or understanding of archaeological assets”.*

6.103 SP13 ‘Landscapes’ seeks to protect and enhance the quality, character and value of Ryedale’s diverse landscapes. Specifically in relation to ‘Landscape Character’ the policy states that:

*“Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:*

- *The distribution and form of settlements and buildings in their landscape setting;*
- *The character of individual settlements, including building styles and materials;*
- *The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses);*
- *Visually sensitive skylines, hill and valley sides; and*
- *The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure”.*

6.104 The policy also refers to consideration of the impact of development proposals upon landscapes which are valued locally, which *inter alia*, includes the Wolds Area of High Landscape Value. The policy states that the Yorkshire Wolds are valued locally for their natural beauty and scenic qualities. The policy acknowledges that the distinctive elements of the landscape character of the area should be protected and that there are particular visual sensitivities given the topography and resulting long distance skyline views within Ryedale and further afield.

6.105 SP14 ‘Biodiversity’ states *“In considering proposals for development – Proposals which would have an adverse effect on any site or species protected under*

*international or national legislation will be considered in the context of the statutory protection which is afforded to them. Proposals for development which would result in loss or significant harm to: Habitats or species included in the Ryedale Biodiversity Action Plan and priority species and habitat in the UK Biodiversity Action Plan; Local Sites of Nature Conservation Importance or Sites of Geodiversity Importance; Other types of Ancient Woodland and ancient/veteran trees, will only be permitted where it can be demonstrated that there is a need for the development in that location and that the benefit of the development outweighs the loss and harm. Where loss and harm cannot be prevented or adequately mitigated, compensation for the loss / harm will be sought. Applications for planning permission will be refused where significant harm cannot be prevented, adequately mitigated against or compensated for. Loss or harm to other nature conservation features should be avoided or mitigated. Compensation will be sought for the loss or damage to other nature conservation features, which would result from the development proposed. Protected sites, including Internationally and nationally protected sites and Sites of Importance for Nature Conservation are identified on the adopted Proposals Map.”*

- 6.106 Policy SP16 ‘Design’ states, inter alia, that “*To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:*
- *Topography and landform that shape the form and structure of settlements in the landscape*
  - *The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale*
  - *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
  - *The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement*
  - *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
  - *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.”*
- 6.107 SP17 ‘Managing Air Quality, Land and Water Resources’ includes policies relevant to the proposed development which state as follows:-
- *“Land resources will be protected and improved by (inter alia) prioritising the use of previously developed land*
  - *Flood risk will be managed by (inter alia) requiring the use of sustainable drainage systems and techniques*
  - *Air Quality will be protected and improved by (inter alia) only permitting development if the individual or cumulative impact on air quality is acceptable and appropriate mitigation measures are secured”.*
- 6.108 Policy SP18 ‘Renewable and Low Carbon Energy’; states “*Developments that generate renewable and/or low carbon sources of energy will be supported providing that individually and cumulatively proposals:*
- *Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering;*

- *Would not impact adversely on the local community, economy, or historical interests, unless their impact can be acceptably mitigated;*
- *Would not have an adverse impact on nature conservation, in particular in relation to any sites of international biodiversity importance, unless their impact can be acceptably mitigated;*
- *Would not have an adverse impact on air quality, soil and water resources in Policy SP17, unless their impact can be acceptably mitigated”.*

6.109 SP19 ‘Presumption in Favour of Sustainable Development’ carries forward the presumption contained in the NPPF and states that the Council will take a positive approach when considering development proposals and *“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”*. The policy states that *“planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise”*.

6.110 SP20 ‘Generic Development Management Issues’, with regard to character states *“New development will respect the character and context of the immediate locality and the wider landscape character in terms of physical features and the type and variety of existing uses. Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses”*.

6.111 With regard to amenity and safety SP20 states that *“New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence”*.

## **7.0 Planning considerations**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In light of the abovementioned planning policy and guidance it is felt that the main considerations in this instance are the principle of the development, need, location, the design, landscape and visual impact, impact upon agricultural land, the impact upon the environment and local amenity (noise, air quality, odour, dust and light), public rights of way, traffic impact, cultural heritage and archaeology, flood risk and site drainage, ecology and economic impacts.

### Principle of the development

7.2 Section 10 of the NPPF and the NPPW place great emphasis on the need for planning to facilitate the delivery of renewable/low carbon energy. The proposed facility would generate approximately 8MW of low carbon energy for export to the grid providing sufficient power for up to 16,000 properties. In doing so the proposed development would move all incoming waste up the ‘waste hierarchy’ away from disposal (landfill) to energy recovery and recycling and transfer (currently done so at present) and is therefore in general accordance with the aims of paragraph 97 of the NPPF and paragraph 1 of the NPPW on these matters.

7.3 NYWLP ‘saved’ policy 5/10 states that facilities for waste incineration would only be permitted *“only after opportunities for recycling and composting have been explored”*. It should be noted that ‘saved’ policy 5/10 was drafted with conventional incineration in mind but the policy principles are relevant to the GEF proposal and are used in the applicant’s justification and therefore will be discussed within later sections of this



report. It is important to note that gasification represents significant advances over incineration, gasification is a cleaner process and does not compete with recycling. The proposed development does include provision for the front-end recycling of imported waste material within the existing waste recycling and transfer buildings which would involve the sorting and separation of recyclables which are then bulked up and transported off-site for re-use as an alternative to disposal by landfill and in addition the existing permitted composting is permitted until 2037 (safeguarded within the draft MWJP).

- 7.4 The contribution the proposed development would make towards low carbon electricity generation and moving waste up the 'waste hierarchy' is consistent with national planning policy contained within the NPPF paragraphs 93-98 and the NPPW. However, any potential adverse impacts on the environment, landscape and amenity arising from the proposed development need to be considered in detail and the main considerations are addressed in later sections of this report.

#### Need

- 7.5 The proposed GEF is primarily an Energy from Waste facility (with front end recycling using existing waste pre-treatment and transfer buildings). In terms of demonstrating need, paragraph 98 of the NPPF states that "*when determining planning applications, local planning authorities should (inter alia) not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also to recognise that even small-scale projects provide a valuable contribution to cutting down greenhouse gas emissions*". Furthermore paragraph 7 of the NPPW states that waste planning authorities should only expect "*to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan*". However, such a requirement is not relevant to the determination of this application, as the NYWLP (2006) pre-dates current national policy (2014).
- 7.6 Whilst there is no requirement for the applicant to demonstrate need for the development, the applicant is of the view that the need for waste disposal capacity at this location has already been established by the existence of Knapton Landfill and in this regard they do not consider the GEF to be a new waste disposal facility but a more sustainable replacement waste management facility.
- 7.7 The Applicant states that tipping of active waste at Knapton will cease in 2017 and as a result there would be a significant reduction in waste disposal capacity for non-recyclable waste within the local area. The Applicant's case is that the GEF is expected to make a significant contribution to addressing this existing localised waste need by accepting 65,000 tonnes per annum. Unlike previous operations at Knapton Landfill the non-recyclable waste would no longer be disposed of by landfilling but would instead be used to generate low carbon electricity and heat which is a move towards a more sustainable option (recovery of energy from waste).
- 7.8 There is no requirement for the applicant to demonstrate the need for the proposed development but it is noted that the GEF effectively replaces the unsustainable landfill operations at Knapton and it would support the existing waste management facility and move waste up the 'waste hierarchy' in line with national planning policy contained within the NPPW.

#### Location

- 7.9 The applicant states within the application that from a locational, operational and sustainability standpoint the proposed development site is considered an ideal location for the GEF and the application details emphasise the co-locational benefits associated with locating the GEF adjacent to the existing landfill site.

- 7.10 The Applicant states that the main advantages of locating the GEF in the proposed location is the utilisation of the existing waste handling infrastructure/capacity at the adjacent Knapton landfill for the front end handling, sorting and processing of waste. The existing facilities would allow recyclable waste to be removed from the waste stream prior to the non recyclables being used as energy feedstock for the gasifier contained within the GEF.
- 7.11 The Applicant states that the GEF also has the ability to utilise the methane gas generated by the landfill cells and also the bottom ash waste product from the GEF can be used to assist in the capping and restoration of the adjacent landfill cells. However it should be noted that the Environment Agency have highlighted 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 and it would need to be controlled by the environmental permitting process. Whilst there are no specifics provided the Applicant states that and there may also be future opportunities to export heat and energy to nearby energy intensive businesses. However it is considered that limited weight should be afforded to the heat export potential as there is no evidence to show that the proposed location is suitable for heat customers.
- 7.12 In relation to the 'proximity principle', as set out at national level in the NPPW and local policy in 'saved' Policy 4/1(j) of the NYWLP, this aims to direct waste management facilities close to the sources of the waste. The Applicant states that the proposed development would accept waste from the same sources as Knapton landfill in addition to committed tonnage which is currently being sent to landfill or incineration. The contracts and source of waste material is a commercial matter and the costs associated with the transport of the waste and market forces would regulate the waste movement such that the facility would be likely to represent the 'Nearest Appropriate Installation' (in respect of the 'proximity principle') for the treatment of that waste.
- 7.13 Within the adopted Ryedale Plan – Local Plan Strategy (RPLPS) (2013) it sets out the necessary improvements to Community Facilities and Physical Infrastructure which are critical to support their Strategy (SP10 'Physical Infrastructure'). The list of types of infrastructure and related services includes 'Waste Transfer Station - location in Ryedale to be confirmed'. This is linked to the role of Knapton in the strategy for handling waste in this part of North Yorkshire. The current Knapton facility deals with both LACW and Commercial and Industrial waste. Planning permission (ref. C3/14/00005/CPO, dated 26 August 2014) has been granted and part implemented for the development of a waste transfer station at Tofts Road, Kirby Misperton which would deal with LACW generated in the Ryedale area. Therefore, once developed this could fulfil the need for a waste transfer station as identified in Policy SP10 (Physical Infrastructure) of the Ryedale Plan- Local Plan Strategy (2013). Therefore whilst the proposed GEF has the potential to contribute to the delivery of an integrated and adequate network of waste management installations by providing an energy from waste (recycling and recovery) facility and in light of above the Applicants arguments that the Knapton site would continue to receive waste from the same sources, these cannot be relied upon and are given limited weight and the facility may not represent the 'Nearest Appropriate Installation' and would not be consistent with the 'proximity principle' set out in the NPPW (2014).
- 7.14 In addition the reference within paragraph 4 of the NPPW to opportunities for co-location waste management facilities, which forms the basis of the Applicant's justification for the location for the GEF, together cannot be relied upon as it relates to the identification of suitable sites for local plan-making purposes (i.e. the MWJP) and not the determination of planning applications. In this case the proposed application site is neither proposed nor included as a preferred or allocated site in the emerging MWJP.

- 7.15 National policy does give priority to the re-use of previously-developed land and it is noted that the proposed development of this greenfield site is not consistent with paragraph 111 of the NPPF. Furthermore 'saved' Policy 5/10 of the NYWLP (2006) directs this type of waste operation to sites defined as suitable on the basis they are *"an existing, former or proposed industrial area of a character appropriate to the development"* (5/10a); *"located on land formerly occupied by waste management facilities of a character appropriate to the development"* (5/10b) or *"the proposed site is suitably located on areas of contaminated, despoiled or previously derelict land"* (5/10c).
- 7.16 The Applicant considers that 5/10b is most relevant in this instance and highlights that the GEF would not be located on the Knapton Landfill site itself but on land adjacent to an existing waste management facility. The Applicant underlines that there are sustainability benefits in having the waste pre-treatment process in the same location as the GEF to create the fuel (RDF) for the energy generation and it would allow for the continuation of the sustainable management of waste within the County. The Applicant also relies on support from emerging local policies W10 (Overall locational principles for provision of waste capacity) and W11 (Waste site identification principles) of the draft MWJP which seek to support new energy from waste facilities where the proposed development would maximise co-locational benefits and the operational capacity of an existing waste management site by the extension of existing facilities.
- 7.17 The Applicant refers to the above-mentioned policies as being in support of the proposal. However, at the current stage, with the MWJP not yet having been submitted for Examination in Public, it would not be appropriate to give any significant weight to these emerging policies in respect of the development proposed in this planning application. The existing waste recycling and transfer buildings proposed to be retained in the northern part of the application site for the front end recycling, like the landfill, are temporary use of land and buildings and the existent of these permitted operations for a time limited period does not justify the proposed GEF in this location as a permanent facility. The proposed GEF does not involve incineration (energy from waste via gasification) but the Applicant relies on 5/10(b) to justify the location of the development and in light of the Applicant's argument the Policy has been given due consideration. However the application site is greenfield land in the open countryside and therefore the Authority does not agree with the applicant's assertion that Policy 5/10(b) is relevant and similarly it is considered that criterion a) and c) of Policy 5/10 do not apply.
- 7.18 The Applicants justification set out above is noted however national planning guidance in regard to expansion/extension of existing waste facilities states that *"the waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may all be relevant"*. The application cannot rely on support from policy SP6 ('Delivery and Distribution of Employment/Industrial Land and Premises') of the Ryedale Plan- Local Plan Strategy (2013) as it is considered that the proposal, which would be a significant industrial process in an open countryside location, would need to be required in the proposed location with no other suitable sites available in the locality and it is considered that it has not been demonstrated in the Applicant's locational justification. It is therefore considered that the proposed development is not consistent with paragraph 111 of the NPPF and fails to comply with the location requirements set out in criteria a-c of 'saved' Policy 5/10 of the NYWLP (2006) albeit that the policy specifically refers to incineration. Policy 5/10 in general terms refers to land with a character appropriate to the development and 'saved' Policy 4/1(a) of the NYWLP (2006) states that waste management facilities will be permitted where the siting and scale of the development is appropriate to the location and it is

considered that there is conflict with Policy requirements of 4/1(a) of the NYWLP (2006) which shall be explored in more detail in the following sections of the report.

#### Design, landscape and visual impact

- 7.19 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 (RDF) reception area. The roof height over the gasification plant reaches a maximum height of 23 metres. The roof height over the waste reception area reaches a maximum height of 13.5 metres. The building would also include a 1 metre diameter emissions stack with an overall height of 33 metres (subject to Permit). It is understood that the emissions from the stack would not comprise of any visible gases or smoke and therefore the only visible plume would result from the condensation of water vapour in cold conditions.
- 7.20 The Applicant states that the size of the building is dictated by the internal energy from waste technology and the practical requirements of the end use. The Applicant states that the stepped and curved roof is preferred to a standard industrial building design in order to limit the number of sharp and rectangular corners and visual edges in response to the landscape setting. Externally the building would be faced predominantly in metal cladding coloured mid grey and dark green to the walls and light grey to the roof. Timber cladding would be used at the entrance area of the building (see Appendix G). The reception/office building in the northern part of the site would have a gross external area of 91.2 square metres and extend to 5.5 metres in height. This building, like the main GEF building, would have a curved roof design and similar external materials and finishes.
- 7.21 A landscape and visual impact assessment has been provided within Chapter 8 of the Environmental Statement (ES). The site is located on the north facing scarp of the Yorkshire Wolds which forms the southern flank of the Vale of Pickering and within a locally designated Area of High Landscape Value. The land surrounding the application site, notwithstanding the A64, is predominantly in agricultural use. The site is in the open countryside and the new buildings would be visible from surrounding vantage points including the nearby A64. The adjacent waste transfer buildings are a temporary use of land associated with the landfill operation and therefore the only other visible permanent industrial operation is the West Knapton malting factory (Maltings) to the north which is prominent on the skyline.
- 7.22 It is noted that there would be views available from visual receptors to the northwest, north and north east at distances of 1-1.5km. The main views towards the site are from the A64 travelling in both easterly and westerly directions. Vehicles travelling east towards Scarborough would have views across the fields towards the proposed GEF where it would be positioned below Knapton Wood. Travelling west along the A64 towards Malton the road user would have views across adjacent farmland towards the site for a short section, west of Hartswood Lodge.
- 7.23 There is a public bridleway (along Knapton Wold Road) approximately 500 metres to the west of the site and a public bridleway that runs 250 metres to the south of the application site (separated by Knapton Wood). In addition the Wolds Way National Trail runs in an east-west alignment which at its closest point is approximately 250 metres to the south of the application site (also separated by Knapton Wood). From viewpoints from the south the application site is screened by existing mature woodland planting and benefits from changes in the level of the intervening land. However due to the size of the GEF building it would be visible above the track side hedgerows along the public bridleway to the west.
- 7.24 There is little or no natural screening at present particularly along the eastern side of the site and in response the Applicant proposes to reduce the levels in the immediate area of the site by up to 6 metres to create a level platform for the GEF as shown in the

section drawing attached to this report at Appendix F. The excavated material would be used to remodel the landform in the vicinity of the proposed building to create a screening mound along the eastern boundary together with landscape planting which aims to partially screen the building. However the Principal Landscape Architect has highlighted that the scale of the GEF is disproportionate when compared with the existing waste transfer, treatment and landfill site that is due to cease on completion of restoration and is *“large scale by rural development standards”*.

- 7.25 The proposed GEF building would be partly screened by the proposed planting and externally would be finished in a recessive colour but due to the scale, height and appearance of the building and stack it would be inescapably industrial in character. The GEF would occupy an elevated greenfield location on the escarpment of the Yorkshire Wolds and the Principal Landscape Architect is of the view that the proposed partial screening *“does not eliminate effects on landscape character and tranquillity, or on perceptions of the area”*. Policy SP13 of the RPLPS (2013) draws attention to visually sensitive skylines, hill and valley sides and that distinctive elements of the landscape character of the area (Wolds Area of High Landscape Value) should be protected and enhanced which largely mirrors that required by national planning policy in paragraph 109 of the NPPF. The GEF would result in a permanent industrial presence within an Area of High Landscape Value and the building together with the adjacent existing buildings and infrastructure proposed to be retained to serve the GEF would appear as isolated and obtrusive industrial features in the open countryside with their prominence amplified by both the hillside position and also by virtue of neighbouring a landfill site entering the restoration phase (for long term biomass cropping (short rotation coppice) and permanent woodland after use). In addition the landscape character would be altered permanently by the HGV movements that would continue in perpetuity, up and down the existing access track which leads uphill southward from the A64. If the GEF is permitted the existing waste management buildings at the adjacent landfill site would be retained to serve the proposed GEF, therefore the cumulative landscape and visual impact would be further exacerbated through a permanent industrialisation of the open countryside.
- 7.26 The proposed GEF, when viewed from a number of vantage points to the north, would appear against the existing woodland backdrop on the north facing scarp of the Yorkshire Wolds and would not breach the skyline. In addition it is acknowledged that the proposed landform design and additional woodland planting would provide a limited degree of screening and to an extent would serve to partially break up the outline of the building and to a limited extent soften views of the development. Paragraph 58 of the NPPF advises that planning decisions should 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”*. Similarly paragraph 7 of the NPPW states that Authorities should *“ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located”*. Furthermore Appendix B(c) of the NPPW encourages design-led solutions to produce acceptable development which respects landscape character. The Principal Landscape Architect concedes that the building has been *“carefully designed”* and it is noted that the design attempts to assimilate the building into the landscape and, in itself, is not considered to be poor. However, the GEF building would, by virtue of the location, design, size and massing, be an incongruous and unduly intrusive feature on the hillside of the Yorkshire Wolds and it would not contribute positively to the quality of the area and on the contrary would be harmful to the character and visual amenity of the locally valued landscape area. The proposed landscape screening is noted however ‘saved’ Policy 4/1(e) permits development where *“the landscaping and screening has been designed to effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character”* and in this case due to the scale, height and mass of the proposed GEF building it would not effectively mitigate the development and would not be sympathetic to the landscape character.

- 7.27 In terms of the cumulative impact the proposed GEF building, associated reception/office building and the retention of the existing waste recycling and pre-treatment buildings and infrastructure (which are the subject of planning application ref. NY/2017/0129/FUL) have the potential to appear as a divorced industrial development within a rural setting which would dominate the hillside in this open countryside location. The application cannot therefore rely on support from policy SP18 ('Renewable and Low Carbon Energy') of the RPLPS (2013) as it is considered that the proposal, both individually and cumulatively, cannot be satisfactorily assimilated into the landscape in respect of the Wolds and the Vale of Pickering.
- 7.28 The Principal Landscape Architect has commented that the GEF has the potential to be seen from a wide area as it would be sited on the visually sensitive north facing scarp of the Wolds which faces the flat open Vale of Pickering. The Principal Landscape Architect acknowledges that its construction would necessitate cutting into the smooth slope of the chalk escarpment to form a level platform however *"the building is potentially highly visible and the proposed planting and mounding measures would not adequately screen this development meaning that together with the adverse effect on landscape character the application cannot be supported in landscape terms"*. Ryedale District Council (Planning) state that the proposed development will not be consistent with the special scenic qualities of the landscape and be contrary to Policy SP13 of the RPLPS (2013). The views of the District Council and the County's Principal Landscape Architect are noted and it is considered that the proposed development by virtue of its scale (footprint and height) and hillside position on the edge of the Yorkshire Wolds would not protect or enhance the quality, character and value (locally recognized as AHLV) of the visually sensitive hillside landscape area as required by Policy SP13 of the Ryedale Plan- Local Plan Strategy (2013) and therefore is in conflict with policies SP13 and also SP20 of the RPLPS (2013) in terms of the impact upon local landscape character.
- 7.29 The concerns and objections raised by the District Council, local residents and the Principal Landscape Architect are noted and it is considered that the proposed GEF building would adversely influence and change the landscape character in the area and would not protect or enhance the quality, character and value of the landscape in this part of the County. It is considered that the development would be contrary to 'saved' Policy 4/3 of the NYWLP (2006) in that it would have an adverse effect on the character of the landscape and would not be assimilated into the landscape in accordance with the requirements of SP18 of the Ryedale Plan- Local Plan Strategy (2013).
- 7.30 The NWMP points to *"the right waste management infrastructure at the right time and in the right location"*. The unacceptable impact upon the landscape character and visual amenity arising from the proposal is contrary to the relevant policies of the Development Plan (as highlighted above) and it is considered that there are no compelling arguments or material considerations that demonstrate that this greenfield site in the open countryside represents an appropriate location within this part of the County for an energy from waste facility. The proposal is not consistent with the land use planning principles set out in paragraph 17 of the NPPF which refer to the recognition of the intrinsic character and beauty of the countryside and the conservation and enhancement of the natural environment nor is it consistent with paragraph 109 of the NPPF which encourages the enhancement and protection of valued landscapes (in this case the AHLV). The proposed GEF is not deemed to be a sustainable development as it is considered that the development would result in unacceptable harm to local visual amenity and landscape character contrary to the requirements of 'saved' policies 4/1(a, d & e) and 4/3 of the Waste Local Plan (2006) and policies SP6, SP13, SP16, SP18, SP19 and SP20 of the 'Ryedale Plan - Local Plan Strategy' (2013).

#### Impact upon Agricultural Land

- 7.31 The application site is Grade 3 agricultural land (currently grassland overlying bedrock) although there are no records of any post 1988 Agricultural Land Classification data

setting out amendments for this area that would refine this grading to subcategory 3a or 3b. The proposed development would result in the permanent loss of approximately 4 hectares of agricultural land although it is not known how much of the land, if any, is best and most versatile (Grade 3a or below). The Applicant has provided no evidence to demonstrate that the land is not Grade 3a best and most versatile. However, in light of the position of the application site it is considered unlikely that the proposed development site is high quality agricultural land, but presuming a Grade 3a classification it is considered that the loss of the site from agricultural use would be of relatively minor significance and would not result in any significant conflict with the aims of paragraph 112 of the NPPF or 'saved' Policy 4/7 of the NYWLP (2006).

#### Local amenity (Noise)

- 7.32 The application is accompanied by a noise assessment (Chapter 10 of the ES) which has considered the operation of the GEF and the times of HGV movements and the potential impacts in terms of noise and vibration disturbance. The NYMNPA National Trails Officer has raised concerns about the impact in tranquillity for users of the Yorkshire Wolds Way including those staying at the Yorkshire Wolds Caravan and Camping Park. In addition a number of the local objections have raised noise disturbance as a concern.
- 7.33 All activities at the GEF would be carried out within the purpose-built facility with fast acting roller shutters that would be closed except to allow deliveries of RDF, thus minimising the potential for noise pollution. In addition, all potential point source noise emitters would be enclosed, shrouded or baffled to ensure noise is kept to a minimum. All operational vehicles would be fitted with white noise reversing alarms to reduce noise at the site boundary and beyond.
- 7.34 Whilst the hours of HGV movements for waste are to be restricted the gasification plant contained within the GEF would operate 24 hours a day and the EHO highlights that it is critical that the proposed development does not cause noise disturbance issues to nearby surrounding sensitive receptors (including Wolds Way Caravan and Camping site) particularly during evening and night times as the road traffic on the A64 reduces significantly on a night time (lower background noise).
- 7.35 The EHO acknowledges that at this stage whilst the general building design objectives to reduce noise are stated the number and physical size of significant sources is unknown (including the manufacturer's noise data and proposed acoustic properties of the GEF). If permission is granted the detailed acoustic design of the facility would be developed and the Applicant states that this information would be confirmed. The EHO has recommended that to ensure that noise and acoustic attenuation are to the highest possible standards during the procurement, design and feasibility of the development that should permission be granted a Noise Impact Report is submitted and approved under condition prior to the commencement of development.
- 7.36 As recommended by the EHO the applicant has confirmed that a Construction Environmental Management Plan (CEMP) would be produced to manage potential environmental risk during construction. The CEMP would identify the steps and procedures that would be implemented to minimise the creation and impact of noise and vibration resulting from the site preparation, demolition, groundwork and construction phases of the development. The mitigation measures included in a CEMP would sufficiently control the potential temporary noise and vibration arising from the site construction phase.
- 7.37 The District EHO has raised no objection to the conclusions of the noise assessment but due to there being a degree of uncertainty over the effectiveness of the detailed acoustic design it is considered that if permission is granted a Noise Impact Report and a noise monitoring scheme should be submitted detailing day time and night time noise limits at identified noise sensitive receptors and proposals for monitoring and any

mitigation deemed necessary to comply with agreed noise limits. With regard to paragraph 120 of the NPPF it is acknowledged that there is likely to be an adverse effect on tranquillity in the area as a result of the new development however it is anticipated that noise from the development would not give rise to significant adverse impacts on health and quality of life. The result is that the development is not considered to be inconsistent with national policy contained within paragraph 120 of the NPPF and Appendix B(j) of the NPPW and would not conflict to an unacceptable degree with the aims of 'saved' policies 4/1(b & h) and 4/19 of the NYWLP (2006) or the relevant parts of policies SP17 and SP20 of the Ryedale Plan- Local Plan Strategy (2013).

#### Local amenity (Air quality)

- 7.38 The application is accompanied by an Air Quality Assessment (Chapter 9 of the ES) which includes atmospheric dispersion modelling of emissions to atmosphere from the facility. The modelling was undertaken for scenarios that represented the normal and 'worst-case' operating conditions and demonstrates that the emissions to air from the GEF would not have a significant impact on local air quality and would not cause harm to local receptors. The emissions would be discharged to atmosphere via a 33 metre high stack which was assessed by the Applicant as being sufficient to ensure adequate pollutant dispersion. It should be noted that the application site and surrounding area does not fall within an Air Quality Management Area.
- 7.39 In considering air quality and pollution it is important to note that planning and other regulatory regimes are separate, but complementary. The planning system controls the development and use of land in the public interest and, as stated in paragraphs 120 and 122 of the NPPF, this includes ensuring that new development is appropriate for its location taking account 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. The focus of the planning system is on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. The NPPF advises that local planning authorities should assume that these regimes will operate effectively.
- 7.40 The comments from the Environment Agency are noted. The proposed development, if granted planning permission, would be subject to the controls of the Environmental Permit and regular inspection by the Environment Agency. It is considered that the emissions from the site could be adequately monitored and controlled under the environmental permitting regime. The controls exercised under the regulatory pollution regime exist to prevent or mitigate harm from development and any grant of planning permission for the development would not inhibit the relevant regulators from refusing a permit application should they consider it would cause demonstrable harm.
- 7.41 The Applicants assessment indicates that emissions would comply with the limits of the Industrial Emissions Directive (IED) and not have a significant impact on local air quality in a way that would harm nearby sensitive receptors. As such it is considered that the proposed development is in accordance with the national policy contained within paragraph 120 of the NPPF and Appendix B(g) of the NPPW and would not conflict with the aims of 'saved' policies 4/1(b & h) and 4/19 of the NYWLP (2006) or the relevant parts of policies SP17 and SP20 of the Ryedale Plan- Local Plan Strategy (2013).

#### Local amenity (Odour)

- 7.42 An odour impact assessment has been included within Chapter 9 of the ES. It is noted that the existing adjacent site is an active landfill and waste transfer and treatment operation which by the nature of the material handled currently generates a certain level of odour. The proposed GEF would consume fuel (RDF) which is typically less



odorous than municipal solid waste and would primarily comprise dry wastes such as non-recyclable waste timber, card, paper, plastics and rubbers as opposed to 'black bin bag' waste which contains food and other potentially putrescent organic waste.

- 7.43 The nearest residential properties are at West Farm beyond Knapton Wood approximately 750 metres to the south east. In addition a caravan and camping site (Wolds Way) is also located approximately 850 metres to the south-east also separated by Knapton Wood. The application site lies within the context of existing nearby odorous activities, including landfilling, waste management and agriculture (including pig farms). There are potential sources of odour from the proposed facility although the frequency, intensity, and duration of odour is assessed as being likely to be low. There would be no external storage or processing of waste materials at the facility and the RDF would be received and stored within the reception part of the GEF building.
- 7.44 The GEF building has been designed to remain sealed and under negative pressure, save for when an incoming delivery is made. The building would incorporate fast acting roller shutter doors that would close when the vehicles delivering the waste are inside the building to contain odour emissions. The doors would remain closed except when the vehicle leaves the building. In addition the applicant's odour impact assessment recommends that an Odour Management Plan is developed for the Site prior to its operation should planning permission be granted. This would form part of an application to the Environment Agency for an Environmental Permit for the Site.
- 7.45 The EHO's consultation response acknowledges the applicant's proposals for odour mitigation and the adoption of Standard Operating Procedures. The EHO notes that the processes would be regulated by the Environment Agency and they would 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.
- 7.46 The Environmental Permit for the proposed development, if granted, would be subject to regular inspection by the Environment Agency. This would include for example, in the event that odour is found beyond the site boundary, requirements for steps to be taken in line with the Odour Management Plan as agreed with the Environment Agency. The environmental permit would set operational conditions which would incorporate the pollutant emission limit values (ELVs) as specified by the Industrial Emissions Directive (IED).
- 7.47 The Environmental Permit would only be granted if the Environment Agency, Health Protection Agency and other statutory consultees are satisfied that the development would not cause any unacceptable risks to human health and the environment. It is considered that the emissions from the site could be adequately monitored and controlled under the environmental permitting regime. If planning permission is granted a planning condition would not be appropriate to control the level of emissions from a proposed development where they are subject to pollution control. The existence of alternative statutory means of controlling pollution is a material consideration to be taken into account in the determination of applications for development which would also be subject to those other forms of statutory control. The planning system should not be operated so as to duplicate environmental controls.
- 7.48 It is considered that, if planning permission is granted, the facilities design and the mitigation measures proposed would sufficiently control odour emissions arising from the facility and it would not give rise to any amenity issues and would be considered consistent with the national policy contained within paragraph 120 of the NPPF and Appendix B(g & h) of the NPPW and would not conflict with the aims of 'saved' policies 4/1(b & h) and 4/19 of the NYWLP (2006) or policies SP17 and SP20 of the Ryedale Plan- Local Plan Strategy (2013).

#### Local amenity (Dust)

- 7.49 The Applicant's air quality assessment investigated whether there would be any adverse impacts resulting from dust from the development and found that there is potential for the generation of wind-blown dust during the construction phase, however, the Site is not located in close proximity to a built up area or sensitive receptors and benefits from shelter provided by existing woodland planting. It is considered that there would not be an unacceptable impact caused by dust and the applicant has confirmed that a Construction Environmental Management Plan (CEMP) would be produced to manage potential environmental risk during construction. The CEMP would identify the steps and procedures that would be implemented to minimise the creation and impact of dust resulting from the site preparation, demolition, groundwork and construction phases of the development. The mitigation measures included in a CEMP would sufficiently control the potential temporary dust emissions arising from the site construction and would not give rise to any amenity issues associated with dust and would be considered consistent with the national policy contained within paragraph 120 of the NPPF and Appendix B(g) of the NPPW and would not conflict with the aims of 'saved' policies 4/1(b & h) and 4/19 of the NYWLP (2006) or policies SP17 and SP20 of the Ryedale Plan- Local Plan Strategy (2013).

#### Local amenity (external lighting)

- 7.50 The external lighting would take the form of building and column mounted units installed up to heights of 8 metres. No concerns have been raised by the EHO and whilst there is some local concern the submitted lighting plan indicates that there would be no light spillage beyond the site boundary. The lighting would incorporate electronic timers and/or motion sensors which would ensure that lighting is only on where and when operationally necessary or to ensure the health and safety of staff. If permission is granted the final design details for the external lighting would be agreed under condition prior to the building being brought into use. It is considered that the proposed lighting would have limited impact and would not cause significant harm to the surrounding landscape or environment in terms of light pollution or loss of amenity and would be considered consistent with the national policy contained within paragraph 120 of the NPPF and Appendix B(j) of the NPPW and would not conflict with the aims of 'saved' policies 4/1(h) and 4/19 of the NYWLP (2006) and policy SP20 of the Ryedale Plan- Local Plan Strategy (2013).

#### Local amenity (Litter, Vermin and Birds)

- 7.51 The nature of the proposed development warrants consideration as to whether it could give rise to potential adverse issues relating to windblown litter, vermin and birds. Within Appendix B of the NPPW, in respect of 'Locational Criteria' for waste management facilities, paragraphs 'i' and 'k' set out considerations in respect of vermin, birds and litter. There is an acknowledgement within the NPPW that these matters are especially an issue for landfill sites although it can be a problem for other waste management facilities which handle household or commercial wastes.
- 7.52 The applicant's proposed mitigation is to ensure that all fuel (RDF) delivered to the Site would be received and stored within the main GEF building (reception hall) and the doors shall be closed during all times except for the entry and exit of vehicles. The building would be sealed, under negative pressure and accessed via fast acting roller shutters. In addition there are no proposals for the external handling, processing or storage of RDF or waste materials at the site.
- 7.53 The applicant has confirmed that vermin control is enforced and continually monitored by an external specialist contractor at the existing site and this would be carried for as part of this proposed development. In addition the Site would be swept regularly to ensure roads are kept clean of litter, dust and debris. Delivery vehicles would be sheeted to control potential litter migration into the surrounding environment and this would be secured by condition. The GEF would accept waste primarily from many of the same sources as are currently accepted into Knapton Landfill (excluding the

municipal, residential and food waste fractions currently comprised in the landfill waste stream also known as 'black bag waste'). In light of the type of waste received the likelihood of windblown litter in the area adjacent to the recycling and transfer buildings is greatly reduced. Furthermore the Site would operate within the terms of an environmental permit which would impose additional responsibilities and obligation with regard to litter, vermin and pest control outside of the planning regime.

- 7.54 It is considered that in light of the aforementioned mitigation measures and that no waste is to be stored or processed in the open, the proposal would not give rise to any negative impacts in terms of litter or vermin and would be consistent with the requirements of Appendix B(i and k) of the NPPW and would not conflict with the aims of 'saved' policies 4/1(b & h) and 4/19 of the NYWLP (2006) or the relevant part of policy SP20 of the Ryedale Plan- Local Plan Strategy (2013).

#### Fire Prevention

- 7.55 It is noted that fire safety is considered as part of the Environmental Permit regime and also that the North Yorkshire Fire and Rescue Service have no objections as the suitability of proposed fire safety measures would be considered at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority. The applicant has confirmed that the site would be manned 24 hours a day and is a secure site. In addition the fire prevention and management plan practices would be implemented in the building design and operation and this is consistent with national policy which refers to safety in design within paragraph 58 of the NPPF.

#### Public Rights of Way

- 7.56 There is a public bridleway (along Knapton Wold Road) approximately 500 metres to the west of the site and a public bridleway that runs 250 metres to the south of the application site (separated by Knapton Wood). In addition the Wolds Way National Trail runs in an east-west alignment which at its closest point is approximately 250 metres to the south of the application site (also separated by Knapton Wood). The application site is screened from the Wolds Way National Trail by existing mature woodland planting and benefits from changes in the level of the intervening land and existing track side hedgerows. However due to the size of the GEF building it would be visible above the track side hedgerows along the public bridleway to the west and has the potential to effect recreational amenity of the area in terms of the adverse visual impact. This has been considered in paragraphs 7.19-7.30 of this report. The County Public Rights of Way department, in their response, have requested that the existing public right of ways are protected and kept clear of any obstruction and if permission is granted an informative will be included to ensure that nearby PRoWs are not obstructed. There are no objections from the County Public Rights of Way department and, in light of the above, it is considered that the proposed development would not interrupt, obstruct or conflict with use of any public right of ways and complies with 'saved' policy 4/20 of the NYWLP (2006) and the relevant part of policy SP20 of the Ryedale Plan- Local Plan Strategy (2013).

#### Traffic Impact

- 7.57 The application is accompanied by a Transport Assessment (Chapter 12 of the ES) which considers the potential traffic impacts of the proposal arising from vehicular movements and the extent of impact within the existing highway network. It also considers the existing and continuing operations at the existing landfill and waste pre-treatment and recycling operations.
- 7.58 Knapton Landfill currently receives up to 75,000 tonnes of MSW, C&I and C&D waste per annum which is deposited within the existing landfill cells. The site also receives 25,000 tonnes of recyclable waste for sorting and bulking. As such, the existing site and waste management facility receives 100,000 tonnes of waste per annum,

equivalent to an average of 274 tonnes per day. In addition to the waste received, the site also receives circa 35,000 tonnes of restoration material per annum.

- 7.59 The 75,000 tonnes of landfill waste is transferred to the Knapton Landfill site by a variety of vehicles including 44 tonnes HGVs (payload of circa 22 tonnes), skip trucks (payload as low as 1 tonne) and rigid body tipper trucks (payload of circa 18 tonnes). Up to 85 vehicles a day (170 two way movements) bring this waste to landfill. A further circa 18 vehicles a day (36 two way movements) transport the recyclable waste to the site for sorting and bulking. Restoration material is brought in on circa 6 tipper trucks a day (12 two way movements) with a payload of circa 18 tonnes. In addition to the above, a further 10 vehicles per day are associated with cars for staff and visitors entering the Site (20 two way movements). As such, the existing landfill and waste recycling/transfer facility generates in the region of up to 235 vehicle movements per day and is therefore a significant traffic generator. There are no planning restrictions on the number of vehicle movements arising from the existing on site waste management operations.
- 7.60 It is proposed that there would be an average of twenty 44 tonne HGV movements per day, with a typical payload of 24 tonnes delivering waste to site. There would be internal vehicle movements within the site to transfer the fuel (RDF) from the pre-treatment buildings to the GEF reception hall. These vehicles would not enter the public highway and are only associated with onsite operations. In addition there would be 10 two way movements per day associated with cars for staff and visitors arriving at the Site.
- 7.61 The Transport Assessment concludes that there are no existing road safety concerns with the existing site and that the proposed level of movements would not have a material impact on the local highway network or the strategic road network (A64). There have been no objections raised by Highways England or the Local Highway Authority. If permission is granted Highways England request the inclusion of conditions to cover a Construction Traffic Management Plan [CTMP] and a detailed scheme for the installation of the powerline across and adjacent to the A64. In addition conditions would be included on any permission granted to restrict the maximum number of daily HGV movements to and from the site (maximum of 40 per day) and ensure vehicles are suitably enclosed or sheeted to ensure material is not deposited on the highway.
- 7.63 It is considered that the development proposals would not result in any adverse impact to the surrounding highway network nor would it have a detrimental effect on highway safety and capacity. The NPPF, at paragraph 32, advises that development should only be prevented on transport grounds where the impacts are 'severe' and it is considered that there are no reasons to refuse the application on such grounds as it is consistent with the national planning policy contained within the NPPF and also Appendix B(f) of the NPPW. With regard to local policy the existing transport links are adequate and the traffic generated can be satisfactorily accommodated by the local highway network in compliance with 'saved' policies 4/1(g) and 4/18 of the NYWLP (2006) and policy SP20 of the Ryedale Plan- Local Plan Strategy (2013).

Cultural Heritage (Designated heritage assets)

- 7.64 The nearest listed building is the Church of St Edmund (Grade II) in the village of East Knapton 1km to the north west of the application site. Scampston Hall (Grade II\*) is 2.4km west of the application site and is set within a Registered Park and Garden (Grade II\*) the boundary of which is 1.3km west of the application site at its closest point.
- 7.65 Historic England requested additional information in order for them to fully consider the impact the development would have on the nearby Scampston Hall and surrounding Registered Park and Garden. Scampston Park and the listed buildings are of national significance and their wider settings contribute to their significance. In response the

applicant included a Heritage Impact Assessment within their submission of further information. The Heritage Impact Assessment analysed the potential impact of the proposed development on the designed landscape of Scampston Park, a grade II\* registered park/garden, and the 14 listed structures within it including the grade II\* listed Scampston Hall.

- 7.66 The Assessment included walkover surveys to identify 'key views' and notes that *“Scampston Park was designed to be 'insulated' from the surrounding landscape and countryside, which is a key feature of parks designed by Capability Brown. There would have been no 'designed views' from the park to the surrounding land”*. The Assessment identified four positions where an observer could see the landscape park and the proposed site at the same time. It was concluded that these aspects of the setting of the park make either no, or an extremely low, contribution to the significance of the landscape park and that *“the visibility of the Site of the Proposed Development will be so slight from these viewpoints that there will be no impact on the significance of Scampston Park”*. The assessment indicates that the proposed development would have no adverse effect on any nearby listed buildings, scheduled monuments or the registered park/garden. This includes the two grade II listed milestones that lie close to the Option 1 cable route and the one listed milestone that lies on the Option 2 cable route. Historic England has commented that *“The Heritage Impact Assessment makes a coherent argument for establishing that the proposed development will have 'no impact on the significance of Scampston Park or any of the heritage assets within it”*.
- 7.67 Following consideration of the further information submitted by the applicant Historic England have confirmed that they have no objections to the application on heritage grounds and consider that the application meets the requirements of paragraph 128 of the NPPF. It is considered that due to the separation distance and the intervening land, planting and also the A64 the proposed development site would not be within the setting of the designated heritage assets within Scampston Park. In conclusion the proposed development would have no impact of significance on any designated heritage assets, either directly or through changes to their settings and as such the proposal would be consistent with paragraph 128 of the NPPF and Appendix B(e) of the NPPW and would not conflict with policy SP12 of the Ryedale Plan- Local Plan Strategy (2013).

#### Cultural Heritage (Archaeology)

- 7.68 With regard to non-designated heritage assets the ES includes a desk based assessment and an archaeological geophysical survey. The assessment identified features of archaeological interest within the proposed development area and the County Archaeologist has observed that the significance of these features is not currently understood. There is a Scheduled Ancient Monument (a cross dyke) 250 metres to the south of the application site beyond Knapton Wood and the application site has potential to be of archaeological significance. The geophysical survey indicates that archaeological trial trenching is required to fully characterise the significance of the anomalies visible. The County Archaeologist supports the proposal for trial trenching and initially recommended that this takes places prior to a planning decision being made.
- 7.69 Whilst the County Archaeologist encourages trial trenching prior to determination the applicant acknowledges the level of risk and cost in not adopting such an approach, particularly if archaeological remains are found. The Applicant highlights that the below-ground archaeology within the application site is relatively well-understood and it is unlikely to be of greater than low/local to moderate/regional significance which means that if permission is granted it could be dealt with by appropriate mitigation in the form of an archaeological investigation (the nature of which - watching brief or full excavation - would depend on the results of the trial trenching). It is considered that if permission is granted detailed conditions would provide the necessary safeguards to secure a scheme of archaeological investigation, evaluation and assessment (WSI)

and it is not essential that trial trenching is completed pre-determination. It is noted that the cable trench despite being narrow also has the potential to encounter archaeological features and appropriate mitigation would be in the form of a watching brief during installation. If permission is granted a condition shall be included to secure the approval of the selected cable route details prior to the commencement of development.

- 7.70 In light of the above and subject to the inclusion of the appropriate planning conditions should permission be granted it is not considered that the proposed development would lead to a detrimental effect upon the archaeological value of the site and as such the proposal would not conflict to an unacceptable degree with paragraph 128 of the NPPF or Appendix B(e) of the NPPW, and would comply with 'saved' policies 4/15 and 4/16 of the NYWLP (2006) and policy SP12 of the Ryedale Plan- Local Plan Strategy (2013).

#### Flood risk and site drainage

- 7.71 The application is accompanied by a Flood Risk Assessment (Chapter 15 of the ES) that confirms that the application site lies within Flood Zone 1 and is at low risk of flooding. The Environment Agency have confirmed that they have no comments to make on flood risk. The proposed development comprises additional buildings and hardstanding and with regard to surface water management the application site is an undeveloped greenfield site and no drainage system currently exists. The NYCC SUDS Officer has no objections but requests that if permission is granted the detailed design and associated management and maintenance plan of surface water drainage is submitted and approved prior to the commencement of development.

- 7.72 It is considered that in light of the above the development would be designed to incorporate sustainable drainage principles, would not increase flood risk or have an adverse impact upon the water environment and is therefore consistent with Appendix B(a) of the NPPW and complies with policy SP17 of the Ryedale Plan- Local Plan Strategy (2013).

#### Ecology

- 7.73 The ES includes an Ecological Impact Assessment which highlights that there is unlikely to be an impact on any statutory or non-statutory designated nature conservation sites. It assessed the application site as being of limited ecological value. The potential ecological impacts in terms of protected species relate to vegetation removal works and precautions for nesting birds and also pre commencement checks for badger and sensitive lighting to protect bat foraging habitat.

- 7.74 If permission is granted the proposed landscape design shown at Appendix E of this report would create a range of new habitats including woodland, hedgerows, chalk grassland, and ponds/wetlands that would significantly increase the biodiversity of the area. The County Ecologist supports the proposed planting around the application site and acknowledges the applicant's proposal to prepare a Biodiversity Enhancement and Management Plan (BEMP), to be submitted prior to the commencement of development should permission be granted. The County Ecologist is satisfied that the BEMP would be the appropriate mechanism for the safeguarding of existing vegetation on site, the creation of new areas of habitat and biodiversity enhancements and the future monitoring and management of these areas. The County Ecologist has also confirmed the preferred route of the cable as being Option 1 as having the least impact on ecological features.

- 7.75 There are no ecological objections to the development and it is considered that the proposed development would not result in loss or significant harm to any sites of ecological value or be detrimental to nature conservation interests. There are opportunities for new areas of habitat and biodiversity enhancements consistent with the relevant biodiversity policies included in paragraphs 109 and 118 of the NPPF and

Appendix B(d) of the NPPW and the development would comply with policy SP14 of the Ryedale Plan- Local Plan Strategy (2013).

Economic impact – Employment and tourism

- 7.76 The application site is adjacent to an established landfill and waste recycling facility which at present provides employment for 9 full time members of staff. The Applicant anticipates that the proposed development would either directly employ or secure the ongoing employment at Knapton of a total of 30 full time equivalent staff. In addition to direct employees, the GEF would require a number of indirect staff to maintain and service the technology, operate the service vehicles and to manage the fuel supply arrangements (estimated as a further 15 indirect FTEs). The ES estimates that the potential gross value added (GVA) to the local economy from the development would be almost £1 million per annum within Ryedale and North Yorkshire.
- 7.77 With regard to other socio-economic impacts, it is noted that tourism is an important contributor to the local economy in Ryedale. Policy SP8 of the 'Ryedale Plan- Local Plan Strategy' (2013) supports sustainable tourism and aims to maximise the opportunities to further develop tourism. Furthermore SP12 of the 'Ryedale Plan- Local Plan Strategy' (2013) recognises the potential of heritage assets to contribute towards the economy and tourism. There are objections that have expressed concern that tourism would be prejudiced by the proposed development particularly Scampston Hall and the nearby campsite and caravan parks and this is also referred to by the Principal Landscape Architect in terms of possible negative perceptions arising from the new development.
- 7.78 The adjacent site is an established landfill and waste transfer facility which has operated for 20-25 years. There is no evidence to indicate that the operation of the site has been a negative restraint on the tourism industry in the area during this time. The landfilling operations are time-limited and the tipping of active waste is expected to cease this year. In terms of cumulative impact it is not proposed to continue the disposal of non-recyclable waste to the landfill simultaneously with the operation of the proposed GEF although restoration tipping (inert waste) activity will continue until 2035.
- 7.79 Whether the development would have a materially detrimental impact on tourism or on the propensity of tourists to make visits to the area is difficult to gauge and quantify. There is no evidence to suggest there would be conflict between land uses that would result in a significant adverse impact upon the tourism industry in the area. The amenity impacts are considered earlier in this section of the report but it is noted that the proposed development would incorporate mitigation and control particularly in relation to noise and odour monitoring and therefore potential negative economic consequences on nearby tourist attractions are considered to be marginal.
- 7.80 In terms of the landscape and visual impact considered earlier in the report the proposed development could give rise to negative perceptions for visitors to the area however there is no evidence to support the conclusion that it would result in long lasting negative effects on the local economy. The net effect in terms of jobs in the local economy is difficult to gauge, as there may be in-direct impacts potentially both positive and negative.
- 7.81 The precise impact of the development upon the local economy is difficult to predict with a high degree of certainty but it is accepted that there would be benefits arising from job creation and retention and the predicted annual GVA associated with the development. In considering the overall impact on the local economy it is concluded that there would be no significant conflict with the aims of policy SP8 of the Ryedale Plan- Local Plan Strategy (2013). However Policy SP6 of the 'Ryedale Plan - Local Plan Strategy' (2013), in referring to significant industrial process in the open countryside, states that developments would be supported where "*the economic benefits to the District outweigh any adverse impacts*". As stated earlier in this report

the application cannot rely on such policy support because it is considered that the economic benefits arising from the construction and operation of the GEF in this location fail to outweigh the adverse impacts on landscape character and visual amenity thereby rendering the proposal in conflict with bullet point 5 of Policy SP6 of the 'Ryedale Plan - Local Plan Strategy' (2013). The proposed development is not considered to represent sustainable development and therefore does not comply with SP19 of the 'Ryedale Plan - Local Plan Strategy' (2013) or the aims of paragraph 17 of the NPPF (2012) and is considered to be contrary to the Development Plan and it is therefore recommended that planning permission is refused.

## 8.0 Conclusion

- 8.1 The proposed development seeks to manage waste up the 'waste hierarchy' from disposal to re-use (recycling) and recovery (energy from waste) and as a result the facility would generate 8MW of renewable/low carbon energy. The development would contribute towards the Government's commitment to divert waste from landfill and focus on renewable/low carbon electricity generation. It is considered that the principle of the development is consistent with the national planning policy on waste management and energy.
- 8.2 The proposed development site is greenfield agricultural land occupying a hillside position in the open countryside. It is considered that the proposed location is not consistent with paragraph 111 of the NPPF which encourages the development of previously developed (brownfield) land nor is it compliant with bullet point 1 of policy SP6 (Delivery and Distribution of Employment/Industrial Land and Premises) of the 'Ryedale Plan - Local Plan Strategy' (2013). It is acknowledged that 'saved' policy 5/10 of the Waste Local Plan (2006) makes specific reference to 'Incineration' and whilst there is considered to be conflict with the locational requirements set out in policy 5/10(a-c) the proposed development is energy from waste via gasification and not incineration and therefore the policy would not be relied upon in the reasons for refusal. However the siting and scale of the development is considered to be not appropriate to the open countryside greenfield location contrary to 'saved' Policy 4/1(a) of the NYWLP (2006).
- 8.3 The site is on the edge of the Yorkshire Wolds escarpment within an Area of High Landscape Value and the Principal Landscape Architect has raised significant objections to the proposal. It is considered that the development is not appropriate in this location; is of a disproportionate scale within the rural setting and would have an unacceptable impact upon the landscape character and visual amenity both individually and cumulatively taking in to account the necessary retention of the existing waste management buildings proposed to serve the GEF. It is considered that the proposed development is not consistent with paragraphs 58 and 109 of the NPPF or paragraph 7 and Appendix B(c) (Locational Criteria) of the NPPW and conflicts with 'saved' Waste Local Plan policies 4/1(a & e) and 4/3 in respect of design, siting, scale and impact upon landscape character. The impact upon visual amenity and landscape character is also considered to be contrary to the requirements of policies SP13 (Landscapes), SP16 (Design) and SP20 (Generic Development Management Issues) of the 'Ryedale Plan - Local Plan Strategy' (2013).
- 8.4 Paragraph 98 of the NPPF, in relation to developments for renewable or low carbon energy, advises that *"when determining planning applications, local planning authorities should approve the application if its impacts are (or can be made) acceptable"*. It is considered that the potential impacts upon local amenity (noise, odour, dust, lighting, vermin), the historic environment and the highways network can be mitigated and controlled through the imposition of planning conditions on any permission granted. In addition the proposed landscape and visual impact mitigation in the form of levelling the site to provide a lower platform for the building, remodeling of the landform and landscaping scheme is noted. However the scale of the



development and the elevated location on the escarpment of the Yorkshire Wolds leads to a conclusion that the proposed partial screening would not eliminate the adverse effects on landscape character. The implementation of the aforementioned mitigation and controls would not outweigh the landscape character and visual harm arising from development of this scale being sited in an inappropriate location on a greenfield site of local landscape value in the open countryside and therefore the impacts cannot be made acceptable in line with paragraph 98 of the NPPF.

- 8.5 The proposed development would have a positive impact upon the local economy in terms of low carbon energy, job creation and retention. However it is considered that the conflict with the aforementioned policies arising from the inappropriate location, landscape character and visual harm is not outweighed by the economic benefits. It is accepted that there are no significant impacts anticipated in respect of the historic environment, archaeology, ecology, interruption of public access or highways matters and the proposed development would be consistent with paragraphs 32, 118 and 128 of the NPPF and the relevant locational criteria (d, e & f) set out in Appendix B of the NPPW. In the absence of significant conflict with 'saved' policies 4/15, 4/16 and 4/18 of the Waste Local Plan these matters are not considered reasons for refusal. However the principal aim of the NPPF is the pursuit of sustainable development and it is considered that the proposed development fundamentally fails in this respect. It is considered that partial compliance of the proposals with national and local policy does not justify a decision which lies contrary to the Development Plan and it is therefore recommended that planning permission is refused.

## **9.0 Recommendation**

- 9.1 It is recommended that **PLANNING PERMISSION BE REFUSED** for the following reasons:
- I. the proposed construction of the GEF in this location is inappropriate and is not consistent with the locational requirements set out in Appendix B(c) of the NPPW or paragraph 111 of the NPPF and is not compliant with bullet point 1 of policy SP6 of the 'Ryedale Plan - Local Plan Strategy' (2013) and the siting and scale of the development is not appropriate to the location contrary to 'saved' Policy 4/1(a) of the NYWLP (2006);
  - II. the proposed construction of a facility of this nature and scale in this location, both individually and cumulatively, would have an unacceptable impact upon the landscape character and visual amenity and is not consistent with paragraphs 58 and 109 of the NPPF which promotes the protection and enhancement of valued landscapes or paragraph 7 of the NPPW which seeks to ensure that such facilities contribute positively to the character and quality of the area in which they are located and the proposed development is contrary to the requirements of 'saved' policies 4/1(a & e) and 4/3 of the Waste Local Plan (2006) and policies SP6, SP13, SP16, SP18 and SP20 of the 'Ryedale Plan - Local Plan Strategy' (2013).
  - III. the economic benefits arising from the construction and operation of the GEF in this location fail to outweigh the adverse impacts on landscape character and visual amenity thereby rendering the proposal in conflict with bullet point 5 of Policy SP6 of the 'Ryedale Plan - Local Plan Strategy' (2013).

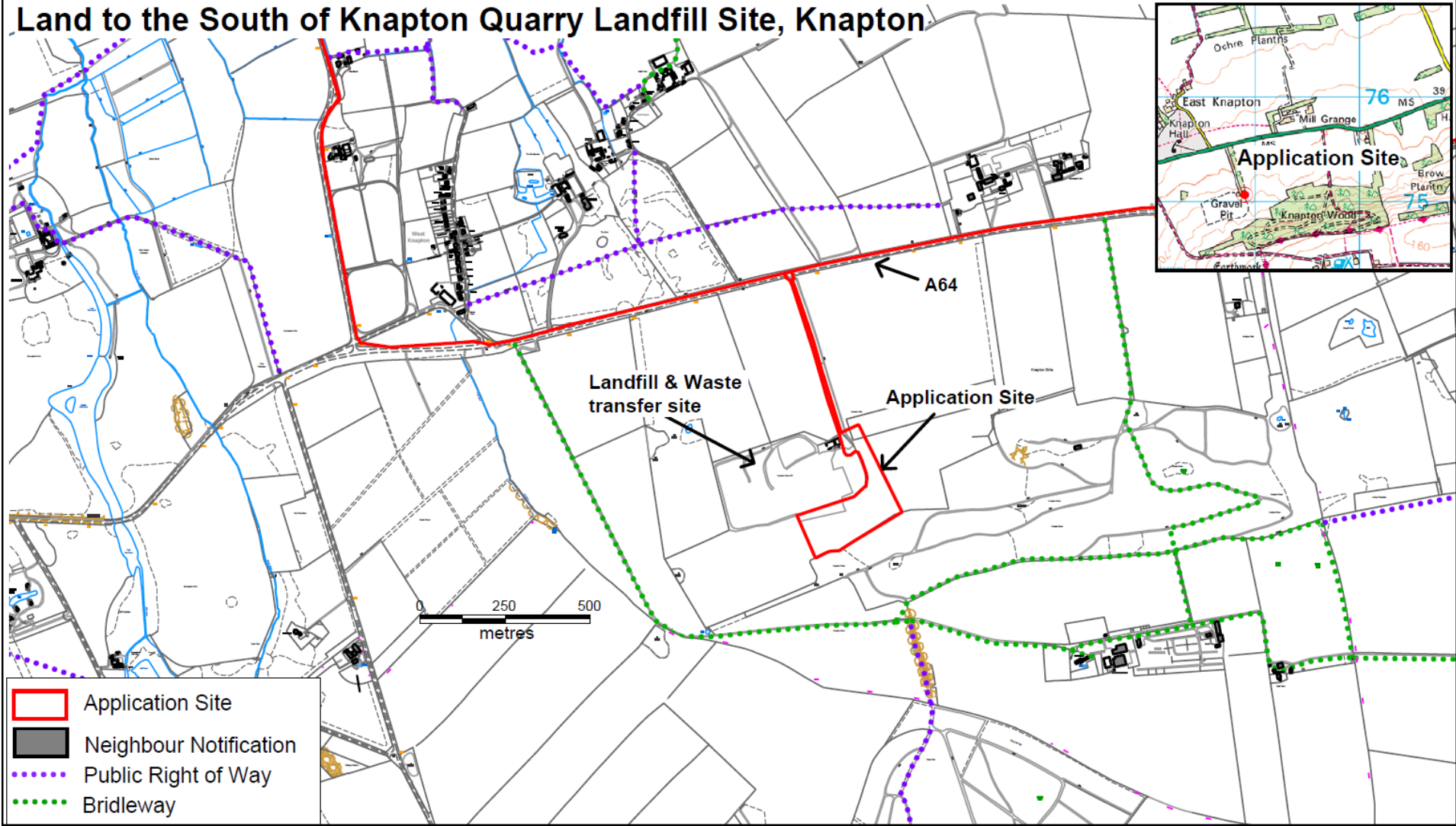
DAVID BOWE  
Corporate Director, Business and Environmental Services

Author of report: Alan Goforth

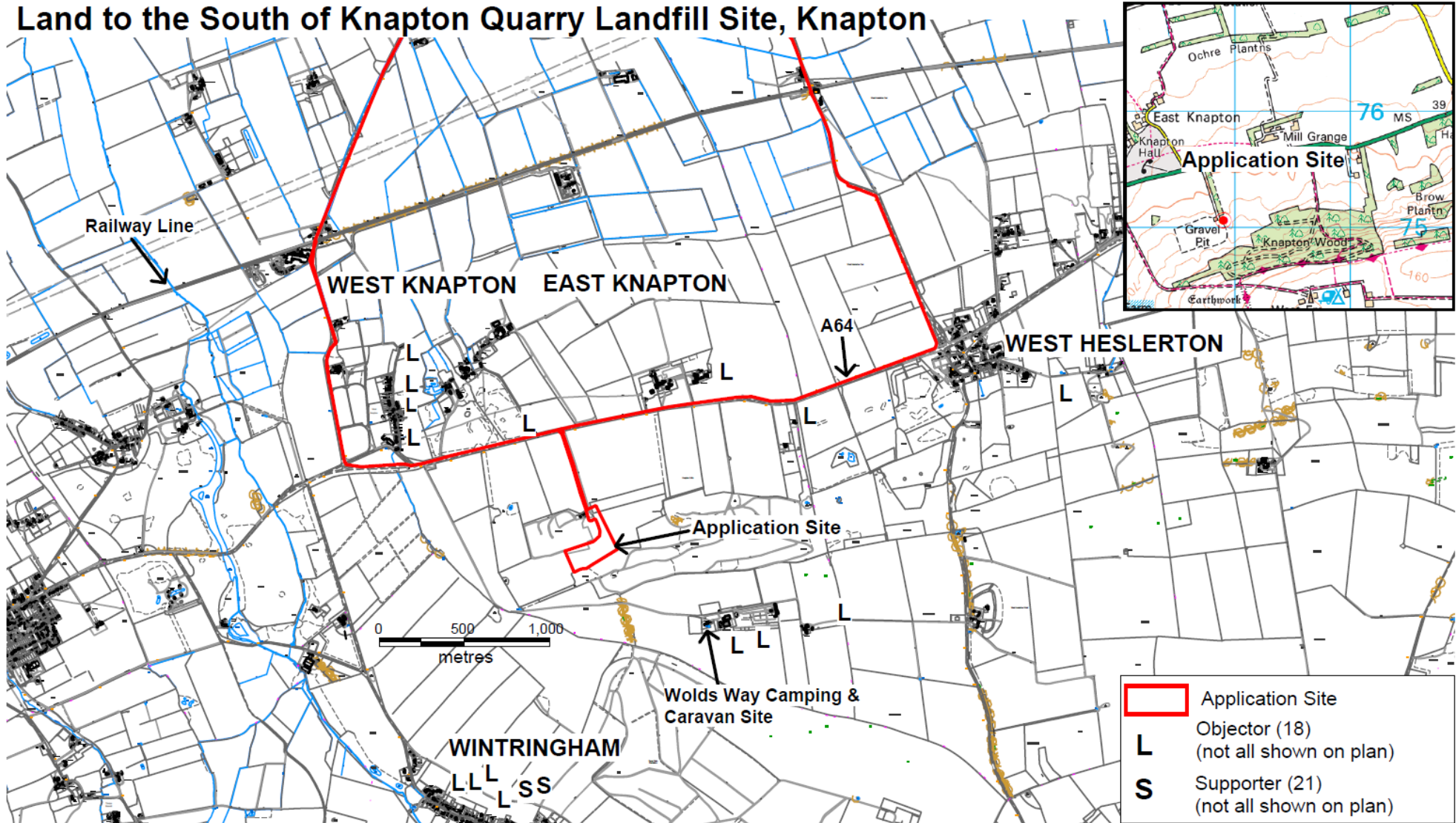
Background Documents to this Report:

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.

Appendix A - Site Location and constraints

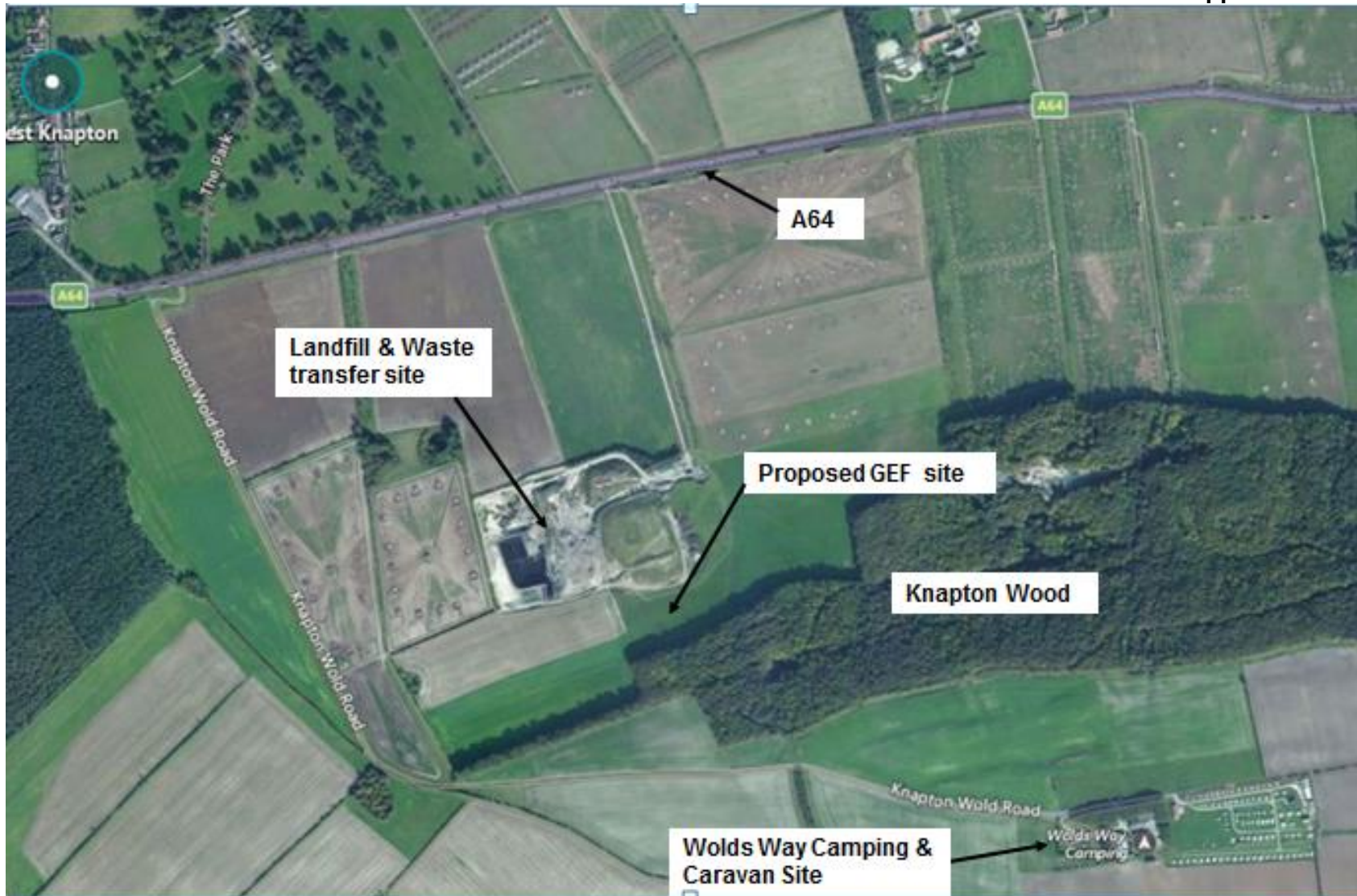


Land to the South of Knapton Quarry Landfill Site, Knapton

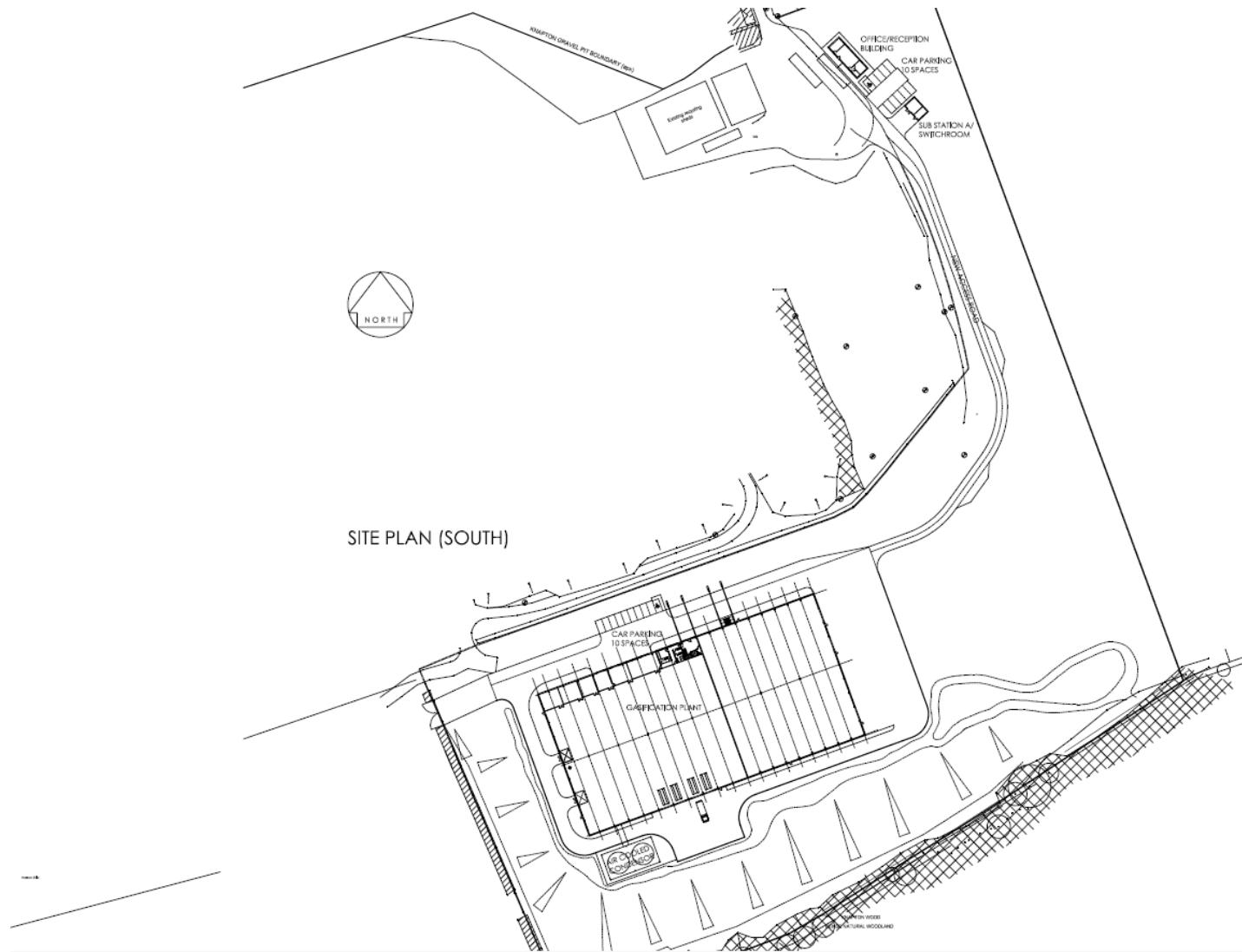




Appendix C- Aerial photo

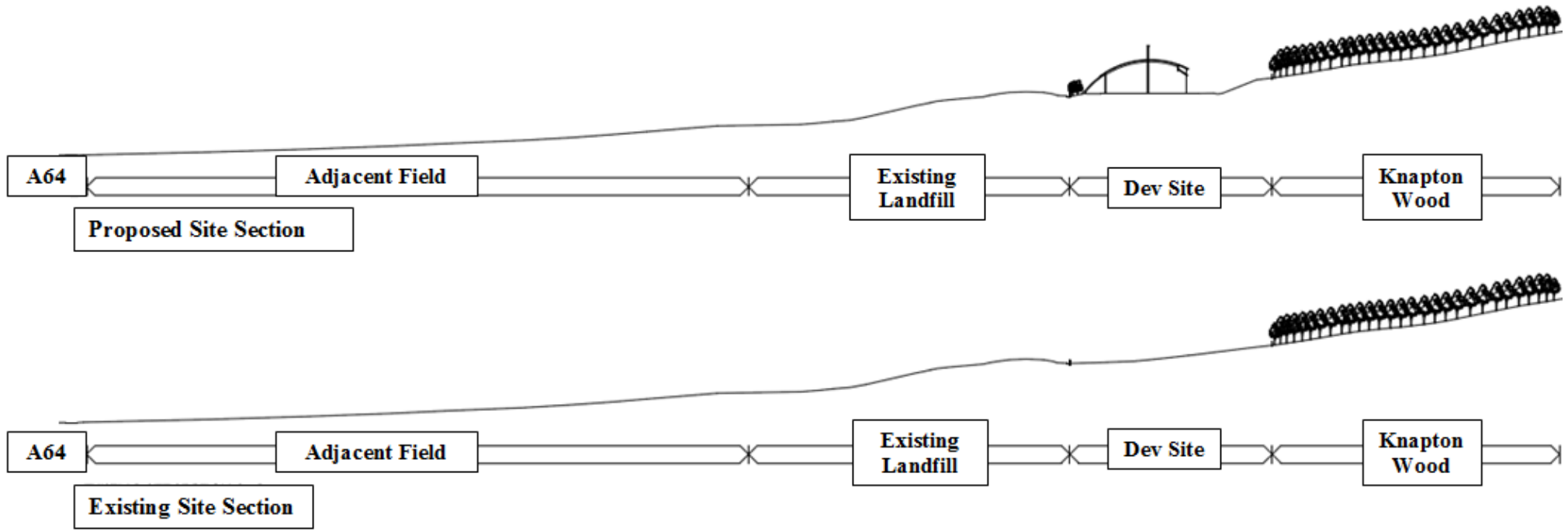


**Appendix D - Proposed Site Plan (extract)**





**Appendix F- Site Sections**





**Appendix G - Visualisations of GEF facility**









