

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

18 July 2017

**C3/17/00604/CPO- Planning application for the purposes of 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 on land at Knapton Quarry Landfill Site, Knapton, YO17 8JA on behalf of FD Todd & Sons Ltd (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 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 on land at Knapton Quarry Landfill Site, Knapton on behalf of FD Todd & Sons Ltd.
- 1.2 This application is subject to an objection having been raised by the County Council's Principal Landscape Architect and objections and concerns raised by two local residents and Heselton Parish Council and is, therefore, reported to this Committee for determination.

**2.0 Background**

Members Site Visit

- 2.1 On 14 July 2017 Members conducted a formal Site Visit in advance of the determination of the planning application. The Site Visit related to the development proposed within the application the subject of this report and also planning application ref. NY/2016/0194/ENV for the erection of a Green Energy Facility on land to the South of Knapton Quarry Landfill Site.
- 2.2 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.
- 2.3 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 0.49 hectares of land within the active landfill site 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. The application site is bounded to the west by the landfill site.

- 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 forms part of the existing operational waste management site (landfill and waste transfer/recycling) 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. 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.
- 2.8 The villages of West and East Knapton are 1.1km to the north west, West Heslerton is 1.5km to the east, Wintringham is 1.8km 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 the residential properties east of the village of East Knapton at Mill Grange and Hartswood Farm (and small campsite) which are 750m to the north-east of the application site on the northern side of the A64. There are residential properties at West Farm beyond Knapton Wood approximately 950 metres to the south east. A caravan and camping site (Wolds Way) is also located approximately 950 metres to the south-east. There is also a telecommunications mast near West Farm 1km south-east of the application site which is visible on the skyline when viewed from the A64 and other positions to the north.
- 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 450 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 450 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 B.

#### Planning History

- 2.12 Having lain dormant for a number of years Knapton Quarry recommenced mineral extraction in 1966 (originally sand and gravel). In 1979 the first permission was granted for the tipping of waste (inert) and in 1991 permission was granted for an extension to the quarry (underlying chalk) and restoration of the whole site to agriculture by landfill operations. The permission authorised the disposal of non-hazardous domestic, commercial and industrial waste in engineered landfill containment cells.
- 2.13 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.
- 2.14 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 by a Section 106 legal agreement dated 5 March 2001.
- 2.15 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.
- 2.16 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. The new pre-treatment building would be a 26 metre by 30 metre steel clad, steel framed building. The building would be used for the screening of all waste, undercover, prior to recycling and disposal. The building would be 7 metres high to the eaves and 9 metres to the ridge level. 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.
- 2.17 On 30 September 2009 planning permission ref. C3/09/00833/CPO was granted for the variation of condition 4 of Planning Permission C3/02/01200/CPO to allow for extended hours of operation of the Waste Transfer and Recycling Building on land at Knapton Quarry Landfill Site, East Knapton, Malton. Condition 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.

- 2.18 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.
- 2.19 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).
- 2.20 The extant permissions 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.
- 2.21 On 14 November 2016 the County Planning Authority registered an application ref. NY/2016/0194/ENV 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. In light of the linkage between the application the subject of this report with elements of the GEF the two cases shall be considered and determined in parallel.

### **3.0 The proposal**

- 3.1 Planning permission is sought 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 on land at Knapton Quarry Landfill Site, Knapton on behalf of FD Todd & Sons Ltd.

- 3.2 The application site comprises two portal framed buildings currently utilised for recycling and pre-treatment of waste as part of an existing waste management operation at Knapton Landfill site. The buildings stand back-to-back with outward facing open ends for the receipt of waste (facing west and east). The waste reception building measures 24.3m by 19m and stands 9.5m high and the recycling building measures 13.8m by 19m and stands 8m high. Both buildings have concrete/concrete block work plinths at lower level and grey profile metal cladding on upper walls and roof. The application proposed no changes to the built form of the existing buildings. These buildings are used for the screening, recovery and recycling of paper, plastic, plastic, steel, aluminium and wood as part of the pre-treatment of waste prior to final disposal.
- 3.3 The Applicant states that the existing planning permissions allow the existing buildings and the associated infrastructure to remain at Knapton Quarry until the completion of restoration tipping at the landfill in 2035; a further 17 years. The Applicant has applied to secure the longer-term use of these buildings for waste recycling and pre-treatment operations beyond 2035, and, if permission is granted for the Green Energy Facility (referred to in paragraph 2.21 of this report) the buildings would be used in the supply of feedstock (refuse derived fuel) for the adjacent proposed energy from waste facility until 2035 and beyond.
- 3.4 The Applicants states that *“The waste management operations on the Site and the associated infrastructure including roads, hardstanding and weighbridge represent a significant financial investment and, given the need for a continued presence at the Site and to spread the burden of continued monitoring and maintenance, it has always been the intention of the Applicant to bring forward an application to regularise and make permanent the presence of the existing buildings for the recycling and pre-treatment of waste beyond their current operational lifespan”*.
- 3.5 There are two main operations proposed as part of this planning application that are summarised below:
- Recycling Operations
- 3.6 The Applicant states that at present, circa 25,000 tonnes of recyclable materials including plastics, fibres, metals and minerals are received and processed at the Site. The Applicant highlights that all the recyclable wastes received have been generated by local businesses in this part of the County and therefore the operation is in accordance with the ‘proximity principle’. Local businesses benefit from the efficiencies arising from the ability to locally ‘bulk up’ at the Site. It is intended to continue these recycling operations thereby allowing the waste to continue to be moved waste up the ‘waste hierarchy’.
- Pre-Treatment Operations
- 3.7 If permission is granted it is intended that the proposed GEF would receive and consume circa 65,000 tonnes of non-recyclable, primarily non-fossil fuel derived, waste per annum from the existing sorting and treatment facilities at the Site.
- 3.8 In order to serve the GEF, it is anticipated that the Site would accept approximately 80,000 tonnes of waste per annum. This waste would be treated within the existing buildings at Knapton Quarry where it is envisaged that approximately 15,000 tonnes of recyclable material such as glass and metals would be extracted and transported off Site for recycling. These recyclable materials would leave the Site as part of the recycling operation set out above. It should be noted that the 15,000 tonnes of recyclable material referred to above is already accounted for in the recycling operations and is not an additional quantum of material. Furthermore, the applicant

highlights that this is not new waste but the waste that would have previously been deposited in the engineered landfill cells at Knapton Quarry.

- 3.9 The sorted waste would then be passed through shredders to ensure the waste is of optimal consistency (refuse derived fuel) before being delivered to the GEF.
- 3.10 The Applicant states that the proposed development would therefore help to facilitate the creation of 7.5MW of green electricity (approximately equivalent to powering 16,000 homes) from non-recyclable waste. The Applicant highlights that this represents a more efficient and environmentally sustainable method of disposing of non-recyclable waste than the existing landfill operations at Knapton Quarry, the tipping of waste at other landfill locations and the exportation of waste abroad for incineration.
- 3.11 The Applicant therefore concludes that the *“proposed development can therefore play a vital role in the long-term handling and pre-treatment of waste in buildings that are already present and in turn help secure the creation of green energy from non-recyclable waste”*.

Landscape screening

- 3.12 The application details indicate that the existing screen planting along the northern boundary of the Site would be retained and put under a long-term maintenance regime. Furthermore additional planting is proposed within the eastern portion of the Site and the Applicant states that this planting together with proposed mounding would help to further screen views of the existing buildings.

Traffic

- 3.13 The Applicant states that in recent years Knapton Quarry Landfill site has generated in the region of up to 235 vehicle movements per day and is therefore a significant traffic generator. The proposed development, even working on the basis of a worst-case scenario, is stated as generating around half of this quantum of traffic. The table below sets out traffic movements and is from the Transport Assessment undertaken as part of the GEF planning application.

Process	Daily Vehicle Arrivals	Daily Vehicle Departures	Total Two-Way Trips
Recycling	18	18	36
GEF	10	10	20
Capping	6	6	12
Staff (GEF and the Site)	30	30	60
Total	64	64	128

Hours of deliveries

- 3.14 The Applicant proposes that waste would continue to be delivered to the Site in line with the existing time restriction attached to the extant permissions. The delivery times would remain as follows: -
- Monday to Friday: 7:30 – 17:30
  - Saturday: 7:30 – 13:00

No delivery of waste will be made on Sundays or on bank holidays.

*(N.B. planning permission ref. C3/09/00833/CPO authorises vehicular movement of waste or soils to or within the site over extended hours between 0730 and 2200 hours Mondays to Fridays and 0730 and 1600 hours Saturdays and Sundays).*

#### Pollution Control

- 3.15 The Applicant states that litter, noise and odour would continue to be managed in line with those measures already in place by virtue of the extant permission and the environmental permits. Existing measures include roads being swept regularly to ensure they are kept free of dust, litter and other road debris and vehicles delivering the waste would be sheeted to avoid accidental dispersal of litter. The Applicant states that they are not aware of any significant complaints regards pollution generated by the operations at the Site but should permission be granted it provides the opportunity to revise and update the required pollution controls measures by way of planning conditions.

#### Employment and the local economy

- 3.16 The Applicant states that it is anticipated that, in conjunction with the GEF if approved, the proposed development would secure the ongoing employment of a total of 30 full time equivalent staff. If the jobs created by the GEF proposals do not come forward, the proposed development alone, would still secure 10 FTE jobs. In terms of the potential gross value added (GVA) to the local economy over a 5 year period the 10 permanent jobs created by the proposed development have the potential to generate £1.48m of GVA (or £295,000 per annum) according to the Applicant.
- 3.17 The Applicant contends that the Site has and continues to offer a local and efficient disposal point for recyclable and non-recyclable materials and through the payment of landfill tax and local business rates alone, has contribute on average in excess of £80,000 per annum towards national and local taxation. The Applicant anticipates that with the continued operation that a similar and significant contribution would continue to be made to local and national tax streams and the proposed development would therefore make a considerable contribution to the local economy.

### **4.0 Consultations**

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on 17 May 2017.

- 4.1 **Ryedale District Council (Planning)**- responded on 9 June 2017 and state that providing NYCC are satisfied with the principle of the retention of the buildings and the proposed use there are no objections to the proposal.
- 4.2 **Environmental Health Officer (Ryedale)**- has not responded.
- 4.3 **NYCC Heritage – Ecology**- responded on 7 June 2017 and confirmed that there are no ecological constraints relating to the proposals.
- 4.4 **NYCC Heritage - Principal Landscape Architect**- responded on 6 June 2017 and highlights that the site is on the edge of the Yorkshire Wolds escarpment within an Area of High Landscape Value and the Wolds have a unique character with the north-facing escarpment being the most northerly occurrence of chalk landscape in the British Isles.
- 4.4.1 The Principal Landscape Architect comments that the existing landfill site, of which the current buildings form a component, is unsightly from a number of publicly accessible viewpoints within both the Vale of Pickering and the edge of the Wolds.

The Principal Landscape Architect acknowledges that the buildings are partly screened and in a recessive colour but are industrial in character.

- 4.4.2 The Principal Landscape Architect highlights the temporary nature of the existing operations and buildings and the existing planning requirements for the restoration of the site. The Principal Landscape Architect is of the view that the retention of the development is not appropriate in this location; it would continue to have an unacceptable impact upon the landscape character and visual amenity; could have a cumulative impact if the GEF is approved; and the proposed mitigation mounding and evergreen planting would not be in character with, nor enhance, the overall landscape of the Wolds escarpment.
- 4.4.3 The Principal Landscape Architect states that the proposal conflicts with national (paragraph 17 of the NPPF) and local policy ('saved' policies 4/1 and 4/3 of the Waste Local Plan and SP13 of the Ryedale Local Plan) in respect of landscape.
- 4.5 **NYCC Heritage – Archaeology-** responded on 5 June 2017 and states that the change of use of existing buildings will not have an impact on below ground archaeological deposits should they be present and there are no objections.
- 4.6 **Scampston Parish Council-** has not responded.
- 4.7 **Heslerton Parish Council-** responded on 1 June 2017 and has some concerns that require addressing as follows:-
- “1. There was concern that the proposed changes would increase the number of vehicle movements to/from the site. Can the details be obtained and circulated for public comment?  
2. Some environmental issues were raised relating to the smell generated from the operations on this site, both existing and in the future. Litter from the site blowing in the wind, dust being blown about etc. All of which impact on local residents living nearby and from previous experience can affect these up to five or six miles away depending on the prevailing wind. All these issues require properly addressing.  
3. The document is loosely worded and requires far more detail in order to make a thorough assessment of the merits of their proposals”.*
- 4.8 **Wintringham Parish Council-** has not responded.
- 4.9 **Highway Authority-** responded on 18 May 2017 and confirmed no objections to the application.
- 4.10 **Highways England-** responded on 7 June 2017 and has no objections to the application.
- 4.11 **Environment Agency-** responded on 6 June 2017 and has no objections in principle from a planning perspective but highlights that obtaining planning permission does not guarantee that the proposals will be acceptable from an environmental permitting perspective. The Environment Agency comments as follows:-
- “The application proposes increasing the annual throughput to 90,000 tonnes. The current environmental permit authorises only 24,999 tonnes per annum. The operator will need to apply to vary the environmental permit prior to the increases in throughput commencing. Any proposed waste activities not currently authorised will also require a permit application/variation. The applicant is reminded that all waste apart from clean inert waste must be stored/treated inside a building. The operator will need to review the environmental management and amenity risk assessments,*



*with infrastructure improvements made and management procedures amended accordingly. The operator is advised to contact the Environment Agency for environmental permit pre-application advice”.*

- 4.12 **North Yorkshire Fire and Rescue Service-** responded on 19 May 2017 and stated *“At this stage in the planning approval process the fire authority have no objections 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”.*
- 4.13 **Natural England-** responded on 6 June 2017 and advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 4.14 **Yorkshire Water Services Ltd-** has not responded.
- 4.15 **Historic England-** responded on 18 May 2017 and do not wish to offer any comments.
- 4.16 **NYCC Strategic Policy and Economic Growth (SPEG)-** has not responded.

#### Notifications

- 4.17 **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 four Site Notices posted on 18 May 2017 (responses to which expired on 8 June 2017). The Site Notices were posted in the following locations: at the site entrance and in the villages of West Knapton and East Knapton. A Press Notice appeared in the Malton Gazette & Herald on 24 May 2017 (responses to which expired on 7 June 2017).
- 5.2 A total of 22 Neighbour Notification letters were sent on 1 June 2017 and the period in which to make representations expired on 22 June 2017. 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 8 letters of representation have been received of which 1 raises objections to the proposed development, 1 raises a number of concerns and 6 are in support. The approximate locations of the objectors and supports are shown on the plan attached to this report at Appendix B.

5.4 The reasons for objection and concern are summarised as follows:-

- The owners have chosen to fill the old quarry extremely quick by importing waste from all over the country and not processing it through the facility and now want to retain the buildings and transfer station. Had they operated as the local population expected and only landfilled with material that went through their waste transfer station they would still be filling the old quarry and within planning already obtained.
- noise of reversing beepers from vehicles during day time
- odour, litter and smoke from the recent fire at the landfill
- fire risk from being adjacent to landfill
- vehicles blocking laybys and slips roads
- The site is in an area of high landscape value, the buildings are portal frame and will be easy to dismantle and move and this operation would be better suited to an industrial site location rather than in a rural tourist and agricultural location.
- If approved it should only be allowed to operate normal working hours five days per week and to a maximum tonnage of 25,000 tonnes as per the existing licence as this facility is not large enough to cope with the suggested 90,000 tonnes per year
- A fully considered decision for a process 18 years into the future would not seem to be practical or reasonable, as there are so many factors that could affect a decision over that span of time. It would be more practical and prudent to delay/defer a planning decision regarding this facility.

5.5 The reasons for support are summarised as follows:-

- Contribution to local economy from employment and business rate income
- Keeping waste transfer station means the waste produced in the local area is not transported further than is necessary
- Cost effective disposal option for hundreds of local businesses who would otherwise find their waste services in the hands of an effective monopoly
- It has operated without serious inconvenience for many years

## **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 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.

- 6.10 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.
- 6.11 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.
- 6.12 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”.*
- 6.13 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”.*
- 6.14 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”.*

6.15 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”*.

National Planning Policy for Waste (published October 2014)

6.16 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).

6.17 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”*.

6.18 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”.*

- 6.19 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.
- 6.20 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”.
- 6.21 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).
- 6.22 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.
- 6.23 Appendix A of the NPPW comprises a diagram of the ‘Waste Hierarchy’ which is unchanged from that included in PPS10.
- 6.24 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:-
- a. *“protection of water quality and resources and flood risk management;*
  - b. *land instability;*
  - c. *landscape and visual impacts;*
  - d. *nature conservation;*

- e. *conserving the historic environment;*
- f. *traffic and access;*
- g. *air emissions, including dust;*
- h. *odours;*
- i. *vermin and birds;*
- j. *noise, light and vibration;*
- k. *litter; and,*
- l. *potential land use conflict”.*

6.25 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:

- “a. *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.*
- c. *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”.*

- 6.26 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)

- 6.27 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
- Health and Wellbeing
- Natural Environment
- Noise
- Travel plans, transport assessments and statements in decision-taking
- Waste

Air Quality

- 6.28 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

- 6.29 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”*.
- 6.30 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.
- 6.31 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”*.
- 6.32 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”*.

#### Health and Wellbeing

- 6.33 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

- 6.34 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

- 6.35 This section advises on how planning can manage potential noise impacts in new development. In terms of decision taking on planning applications its 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”*.

#### Travel plans, transport assessments and statements in decision-taking

- 6.36 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”*.

- 6.37 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

- 6.38 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”.
- 6.39 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’.
- 6.40 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”.
- 6.41 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”.
- 6.42 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)

- 6.43 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.
- 6.44 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*”.
- 6.45 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).

- 6.46 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”.
- 6.47 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”.
- 6.48 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”.*
- 6.49 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

- 6.50 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)

6.51 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).

6.52 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 emerging 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. .

6.53 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.

6.54 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)".*

6.55 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)

6.56 In the absence of an adopted Joint Minerals and Waste Local 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
- 4/18 – Traffic Impact
- 4/19 – Quality of Life
- 5/3 – Recycling, sorting and transfer of industrial, commercial and household waste

'Saved' Policy 4/1 – Waste Management Proposals

6.57 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.*

6.58 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.

6.59 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.

6.60 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.

- 6.61 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.
- 6.62 ‘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.
- 6.63 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.
- 6.64 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
- 6.65 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”.
- 6.66 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.
- 6.67 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.
- ‘Saved’ Policy 4/18 – Traffic impact
- 6.68 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.

- 6.69 '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

- 6.70 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.
- 6.71 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 5/3 – Recycling, sorting and transfer of industrial, commercial and household waste

- 6.72 'Saved' Policy 5/3 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the development involves the sorting, bulking up and recycling of waste materials. 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'.
- 6.73 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.
- 6.74 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.

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

- 6.75 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"*.



- 6.76 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 SP10- ‘Physical Infrastructure’
  - Policy SP12 - ‘Heritage’;
  - Policy SP13 - ‘Landscapes’;
  - Policy SP16- ‘Design’
  - Policy SP17 - ‘Managing Air Quality, Land and Water Resources’;
  - Policy SP19 – ‘Presumption in Favour of Sustainable Development’; and
  - Policy SP20 - ‘Generic Development Management Issues’.
- 6.77 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”*.
- 6.78 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’*.
- 6.79 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”*.
- 6.80 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”.*

6.81 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.

6.82 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.”*

6.83 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.”*

6.84 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”.*

6.85 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”*.

6.86 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”*.

6.87 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 all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In making its decision the Council should focus its attention on national or local policies or other material considerations which may have changed significantly since the original grant of permissions (2008 and 2009). In recent years the material change to planning policy at the national level is the adoption of the NPPF (2012) and the NPPW (2014) and at the local level is the adoption of the ‘Ryedale Plan- Local Plan Strategy’ (2013). The relevant policies have been outlined above and will be considered in the following paragraphs which set out the main considerations which, in this instance are the principle of the development and need,

location, design and landscape and visual impact, the impact upon the environment and local amenity, traffic impact, archaeology, ecology and economic impacts.

#### Principle of the development and need

- 7.2 The current Knapton facility deals with both Local Authority Collected Waste (LACW) and Commercial and Industrial waste. The principle of continued recycling and pre-treatment of waste beyond the currently permitted operational lifespan is considered to be broadly in line with NPPW which seeks to drive waste up the waste 'hierarchy'. However concerns have been raised as to whether it would be premature to consider the acceptability of the continued use, beyond the currently permitted period, of these buildings at this stage.
- 7.3 The County Planning Authority is currently preparing the Minerals and Waste Joint Plan (MWJP) for the period through to 2030. The existing Knapton facilities, having planning permissions through to beyond 2030, form part of the capacity provision for that period. No submission has been made by the Applicant for an allocation of facilities at the Knapton site in connection with the MWJP except for the existing composting operation which has been identified in the MWJP Publication document for safeguarding.
- 7.4 Therefore, steps are already in progress to identify the needs for the Plan area and the locations of facilities to support that and no need for additional new facilities has been identified in the Ryedale area for the Plan period. Furthermore, it is acknowledged that, whilst the composting operation has been identified for safeguarding, the waste recycling and transfer facility at Knapton had not been proposed for safeguarding for future use for movement of Local Authority Collected Waste (LACW).
- 7.5 The capacity requirements for post-2035 are not known at this point in time, and, therefore it is potentially premature to consider what types of facility, or on what spatial basis, may be required in 2035 and beyond. The MWJP is not adopted, and has yet to be submitted for examination and therefore cannot be given much weight. Furthermore, whilst prematurity is a material planning consideration, national planning guidance (NPPG) advises that *"refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination"*.
- 7.6 The Applicant states that the Site would continue to offer a local disposal point for recyclable and non-recyclable materials in line with the proximity principle, retain jobs and make use of the existing buildings and would support the adjacent GEF (if permitted). Within the adopted Ryedale Plan – Local Plan Strategy (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 and in light of this the Applicant's arguments underlying the need for the existing Knapton facility beyond 2035 are given limited weight.

#### Location, design and landscape and visual impact

- 7.7 The design, purpose and location of the existing buildings have previously been deemed acceptable on the basis of being a temporary use of land and buildings for waste recycling and transfer associated with the adjacent landfilling operations. If permission is refused for this proposed development then the current planning status of the buildings and waste recycling and transfer operations would remain as per the extant permissions which allow the buildings to remain operational until the completion of restoration tipping at the landfill in 2035. Tipping of what the applicant describes as being 'active' waste is due to cease this year (2017) although further tipping of inert waste, amounting to 200,000m<sup>3</sup>, will be required to complete restoration of the site and it is stated that this will take until 2035 to achieve.
- 7.8 It is considered that the existing pre-treatment waste recycling and transfer buildings (proposed to be retained beyond landfill restoration in 2037 on a permanent basis) in the northern part of the application site for the front end recycling and transfer are, at present, appropriately located in accordance with 'saved' policy 5/3(c) of the NYWLP (2006). This is in the local context of the adjacent established landfill site that has been operational for a number of years and takes account of the benefits of moving waste up the 'waste hierarchy' with recycling being a more sustainable alternative to disposal. The Applicant argues that the permanent retention of the buildings and operations can be justified under each of the three locational criteria (a –c) set out in 'saved' policy 5/3. However, it is considered that the retention and operation of the existing buildings beyond the operational life of the landfill site on land adjacent to what would be a former and restored landfill site (long term biomass cropping (short rotation coppice) and permanent woodland after use) would not comply with the locational requirements of 'saved' policy 5/3(c) of the NYWLP (2006) which refers to appropriate locations for such facilities as being within or adjacent to 'active' landfill sites.
- 7.9 It is important to note that the land is not considered brownfield land by virtue of it forming part of a former mineral working and subject to restoration requirements and therefore the proposal cannot rely on policy support from paragraph 111 of the NPPF or SP17 of the Ryedale Plan – Local Plan Strategy (2013) which encourage the re-use of previously developed (brownfield) land. Furthermore the associated text at paragraph 5.14 of the NYWLP (2006) relates to 'saved' policy 5/3 and is relevant in that it states that *"Where facilities are located at existing landfill site the proposals should not compromise either effective restoration of the site and development should be removed on completion of the landfill unless material considerations support the permanent retention"*. It is also considered that the proposed development could not rely on 'saved' policy 5/3(a or b) of the NYWLP (2006), which refers to *"industrial areas"* or a *"redundant site or building"* as being suitable locations, on the basis that the extant permission requires the removal of the temporary buildings and restoration of the land.
- 7.10 If the buildings and operations are to remain in perpetuity beyond 2035 the acceptability of the impact upon the landscape character and visual amenity of the area should be considered. The application site forms part of the existing operational waste management site 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 countryside is open farmland and woodland areas. The Knapton Wood plantation occupies an elevated position and extends to the south west, south, south-east and east. The application site falls within an Area of High Landscape Value (AHLV) as defined by the Ryedale Local Plan (2013). The Principal Landscape Architect has observed that the existing buildings are partly screened and in a recessive colour but are industrial in character.

- 7.11 It is considered that the retained buildings would result in a permanent industrial presence within an Area of High Landscape Value and the buildings and infrastructure would appear as isolated industrial features in the open countryside when viewed alongside the restored landfill site. The Principal Landscape Architect has commented that the buildings would be unsightly from a number of publicly accessible viewpoints within both the Vale of Pickering and the edge of the Wolds. 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. Furthermore, if retained to serve the proposed GEF, the cumulative landscape and visual impact would be further exacerbated through a permanent industrialisation of the open countryside.
- 7.12 The Principal Landscape Architect highlights that the site is on the edge of the Yorkshire Wolds escarpment within an Area of High Landscape Value and the Wolds have a unique character with the north-facing escarpment being the most northerly occurrence of chalk landscape in the British Isles. The proposed additional landscape screening is noted however the Principal Landscape Architect is of the view that the retention of the development is not appropriate in this location; it would continue to have an unacceptable impact upon the landscape character and visual amenity; could have a cumulative impact if the GEF is approved; and the proposed mitigation mounding and evergreen planting would not be in character with, nor enhance, the overall landscape of the Wolds escarpment.
- 7.13 As referred to above the Applicant states that the Site would continue to offer a local disposal point for recyclable and non-recyclable materials in line with the proximity principle, retain jobs and make use of the existing buildings and would support the adjacent GEF (if permitted). The existing buildings, yard, weighbridge and ancillary structures are temporary features in the countryside pending closure of the landfill, and, on that closure the whole site will be restored. National planning guidance (NPPG) 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 temporary nature of the buildings and land use previously deemed acceptable is considered fundamental as is the ambition to have *“the right waste management infrastructure at the right time and in the right location”* (NWMP). The unacceptable impact upon the landscape character and visual amenity arising from the proposal is contrary to the Development Plan and it is considered that there are no compelling arguments or material considerations that demonstrate that the existing site and buildings represents an appropriate location within this part of the County for a permanent waste management facility.
- 7.14 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. A permanent waste transfer and recycling facility in this part of the County for the long-term beyond 2035 is not deemed to be a sustainable development when the requirements for such a facility at that point in time are not yet known and furthermore 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 & e) and 4/3 of the Waste Local Plan (2006) and policies SP13, SP16, SP19 and SP20 of the ‘Ryedale Plan - Local Plan Strategy’ (2013).

### Other considerations

- 7.15 There are no significant impacts anticipated in respect of ecology, archaeology or the historic environment and therefore the proposed development would be consistent with paragraphs 118 and 128 of the NPPF and the relevant locational criteria (d & e) set out in Appendix B of the NPPW. It is noted that the proposal involves an increase in throughput of waste and the use of shredders to produce the RDF. However, the hours of operation, controls on noise and odour would continue to apply to the buildings and operations if retained permanently and associated vehicle movements would continue to be satisfactorily accommodated by the local highway. It is therefore considered that the development would not result in unacceptable impacts upon the environment, highway or amenity in respect of these matters beyond those previously deemed acceptable. In the absence of any significant conflict with 'saved' policies 4/18 and 4/19 of the Waste Local Plan these matters are not considered reasons for refusal.
- 7.16 The extant permission allows the existing waste infrastructure to contribute towards the District waste handling and recycling capacity through to 2035 and the completion of the restoration tipping at the landfill site in line with the national waste reduction agenda. During this period the operations would secure a number of local jobs at the site and continue moving waste up the hierarchy in accordance with policy. The acceptability of that scenario has been previously established however the application under consideration proposes the continued use of the site as a permanent waste recycling and pre-treatment facility beyond the life of the adjacent landfill site.
- 7.17 The ongoing contribution to employment and the forecasted benefits to the local economy are noted however the proposal cannot rely on policy support from SP6 ('Delivery and Distribution of Employment/Industrial Land and Premises') of the 'Ryedale Plan - Local Plan Strategy' (2013). It is considered that the proposed development fails to comply with the policy which lends support to development that is *"required in that location and no other suitable sites are available in the locality"* and neither can it *"be satisfactorily accommodated in the surrounding landscape in line with Policies SP13 and SP16"* and the unacceptable harm to landscape character and visual amenity is not outweighed by the economic benefits.

## **8.0 Conclusion**

- 8.1 The principle of continued recycling and pre-treatments of waste beyond the currently permitted operational lifespan is considered to be broadly in line with NPPW which seeks to drive waste up the waste 'hierarchy' however the permanent retention of the development in this location 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 'saved' policy 5/3(c) of the Waste Local Plan (2006) or bullet point 1 of policy SP6 (Delivery and Distribution of Employment/Industrial Land and Premises) of the 'Ryedale Plan - Local Plan Strategy' (2013).
- 8.2 The site is on the edge of the Yorkshire Wolds escarpment within an Area of High Landscape Value and the Principal Landscape Architect has highlighted significant concerns in relation to the proposal. It is considered that the permanent retention of the development is not appropriate in this location; it would have an unacceptable impact upon the landscape character and visual amenity and conflicts with the temporary nature of the existing operations and buildings and the existing planning requirements for the restoration of the site. Furthermore, as referred to by the Principal Landscape Architect, the proposed mitigation in the form of a raised area of planting would not be in character with, nor enhance, the overall landscape of the Wolds escarpment.

- 8.3 The proposal is not consistent with national policy (paragraph 109 of the NPPF) and conflicts with 'saved' Waste Local Plan policies 4/1(a & e) and 4/3 in respect of 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 It is considered that the conflict with the aforementioned policies arising from the landscape character and visual harm is not outweighed by the economic benefits. 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 contrary to policy SP19 of the 'Ryedale Plan - Local Plan Strategy' (2013). 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.

## **9.0 Recommendation**

- 9.1 It is recommended that **PLANNING PERMISSION BE REFUSED** for the following reasons:
- I. the permanent retention of the development 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 'saved' policy 5/3(c) of the Waste Local Plan (2006) or bullet point 1 of policy SP6 of the 'Ryedale Plan - Local Plan Strategy' (2013);
  - II. the permanent retention of the development in this location would have an unacceptable impact upon the landscape character and visual amenity and is not consistent with paragraph 109 of the NPPF which promotes the protection and enhancement of valued landscapes and is contrary to the requirements of 'saved' policies 4/1(a & e) and 4/3 of the Waste Local Plan (2006) and policies SP13, SP16 and SP20 of the 'Ryedale Plan - Local Plan Strategy' (2013); and
  - III. the economic benefits arising from the permanent retention of the development 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) and 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).

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

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



*necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.*

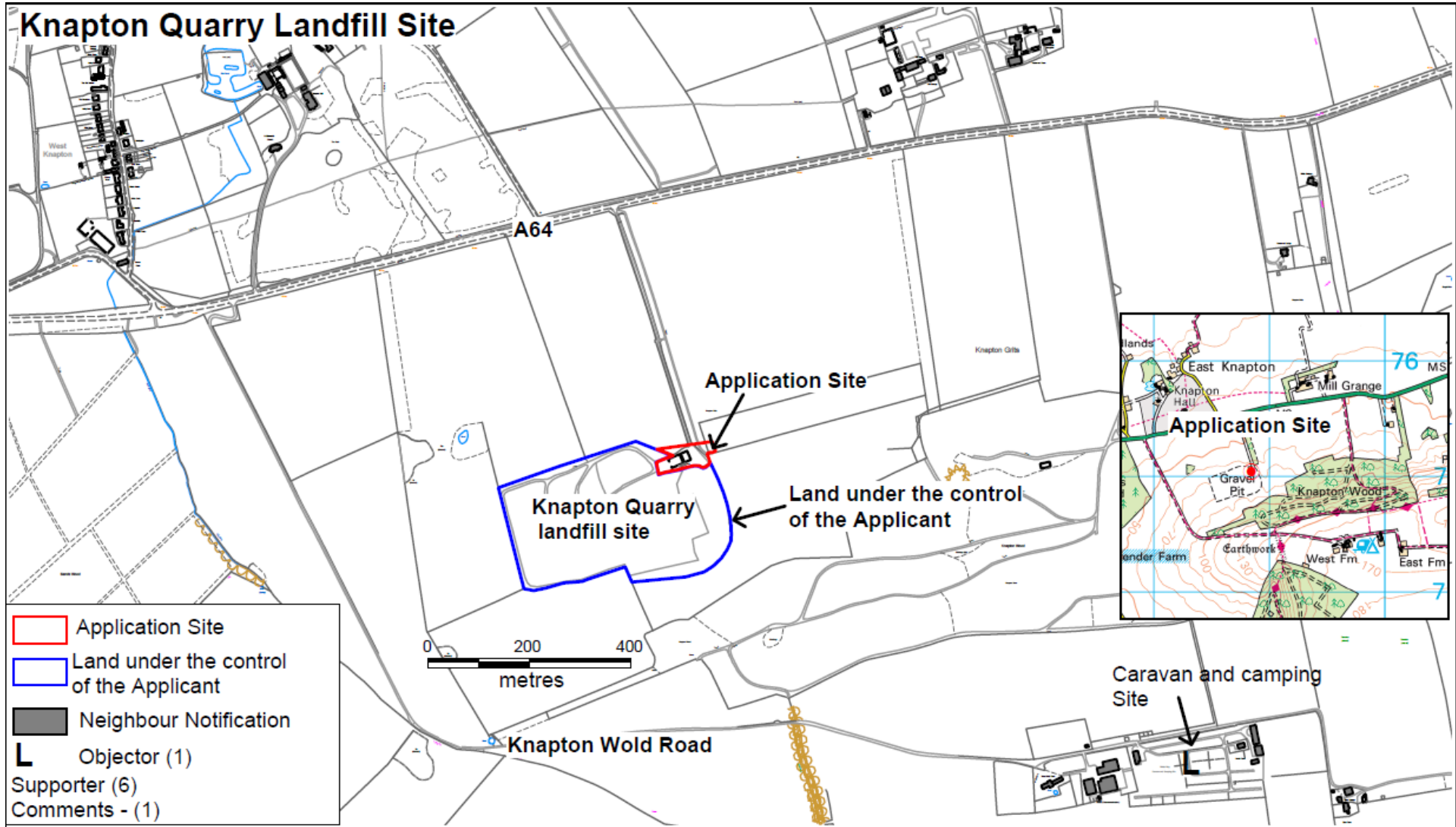
DAVID BOWE  
Corporate Director, Business and Environmental Services

Author of report: Alan Goforth

Background Documents to this Report:

1. Planning Application Ref Number: C3/17/00604/CPO (NY/2017/0129/FUL) registered as valid on 15 May 2017. 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.

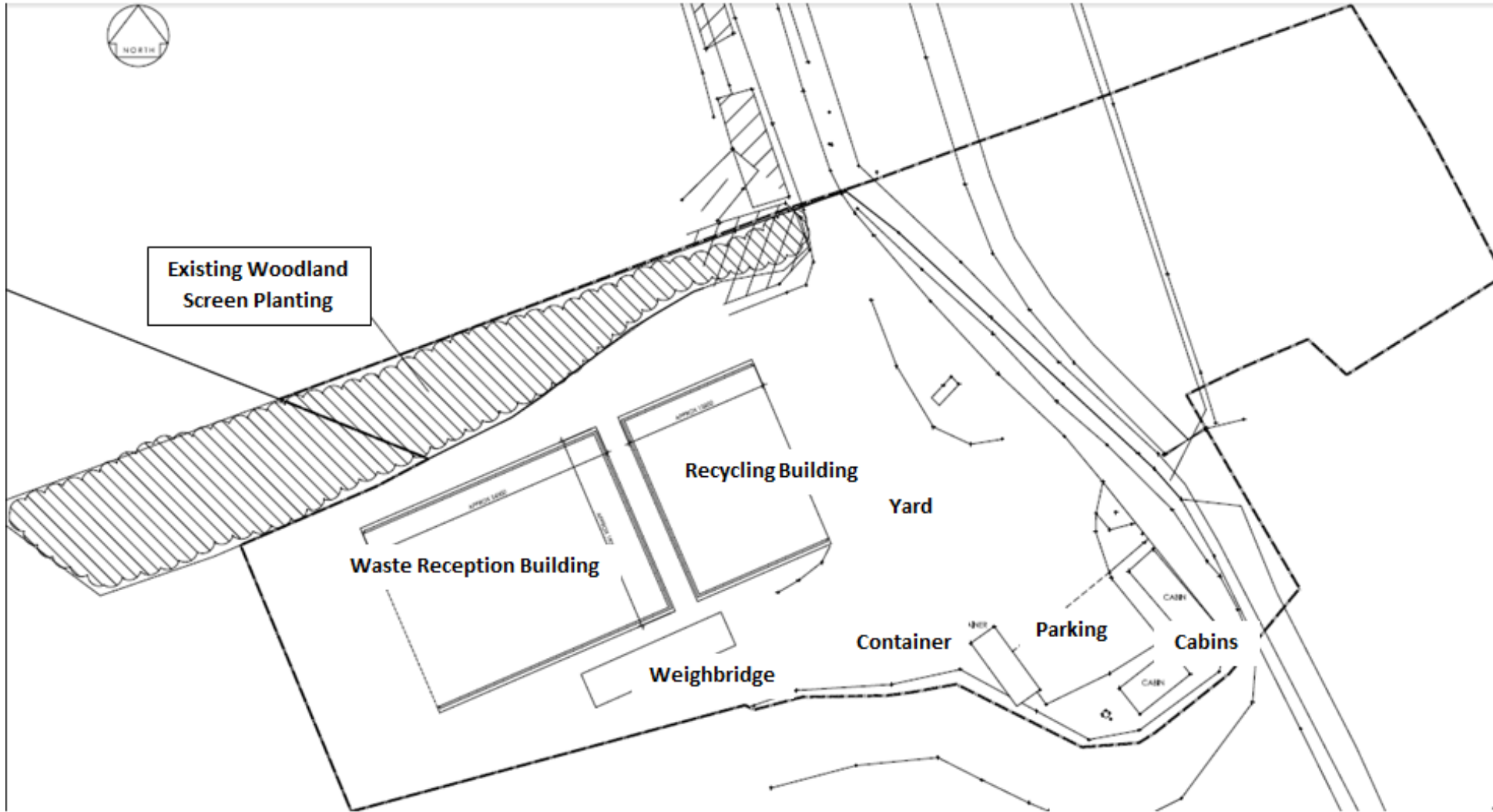
Appendix A - Site Location, constraints and representations



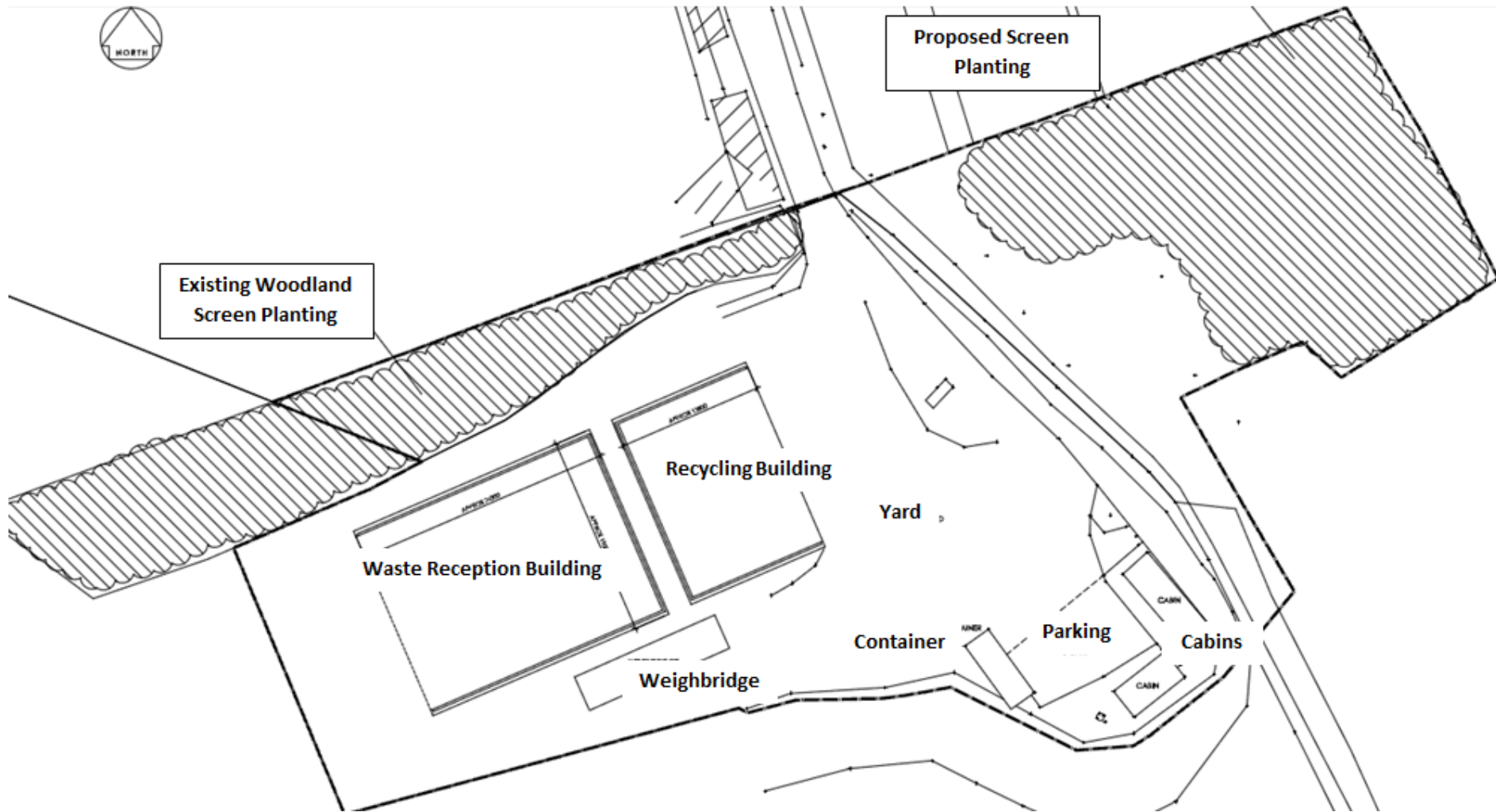
Appendix B - Aerial photo



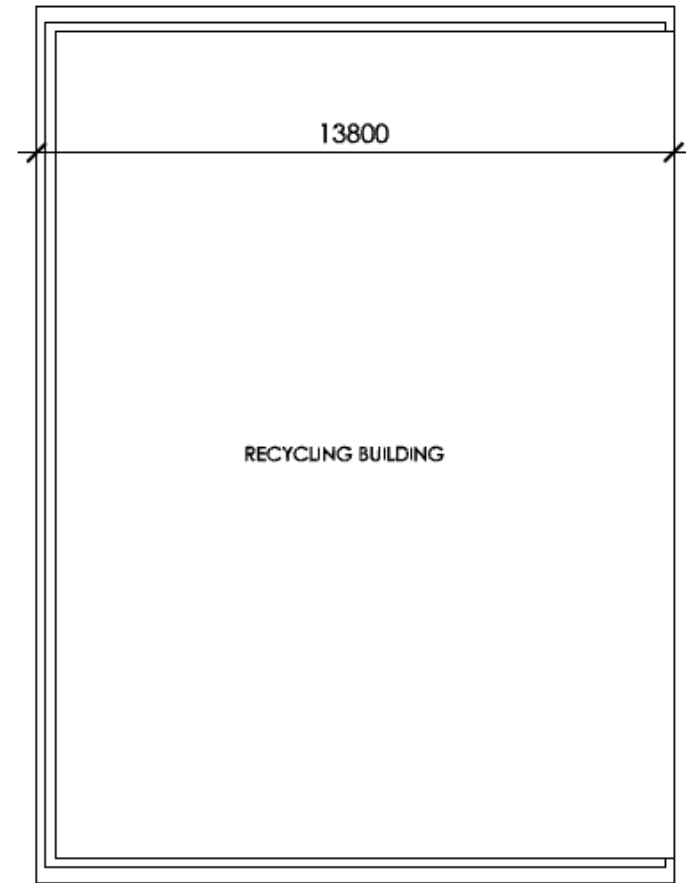
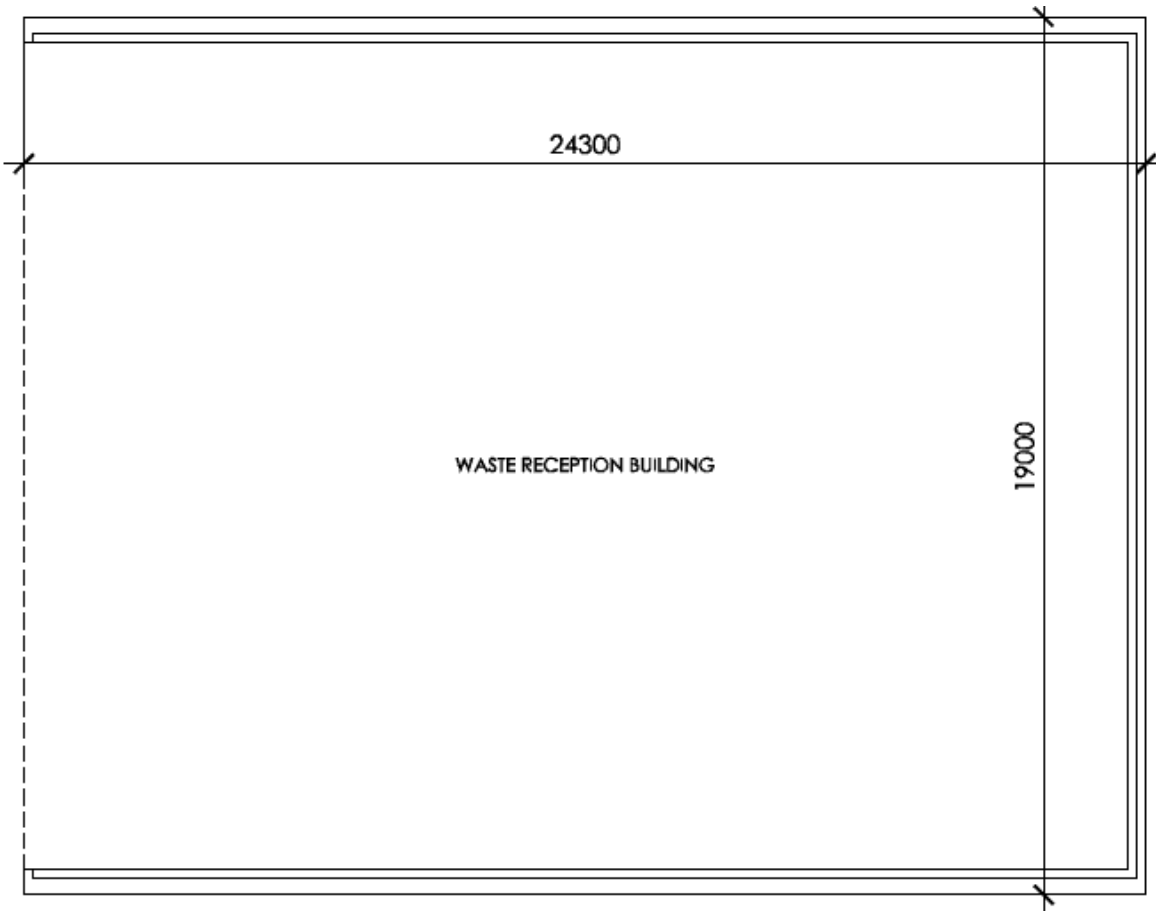
Appendix C- Existing Site Plan



Appendix D- Proposed Site Plan

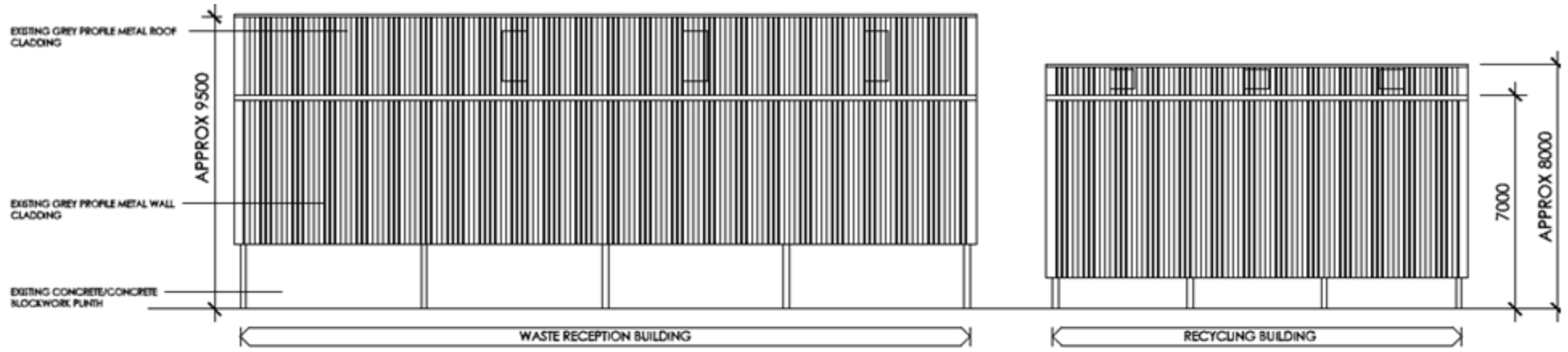


Appendix E- Existing /Proposed Floor Plan

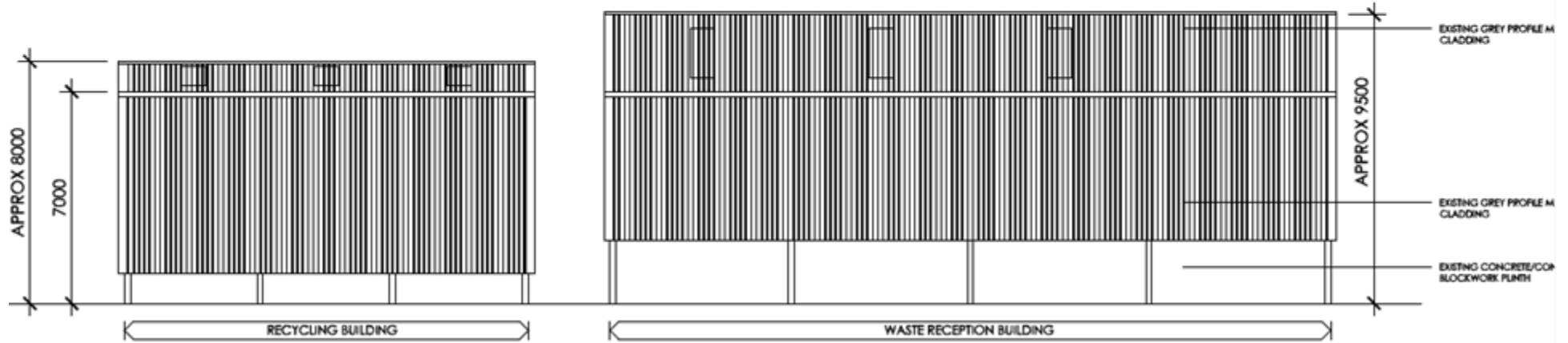


EXISTING/PROPOSED FLOOR PLANS

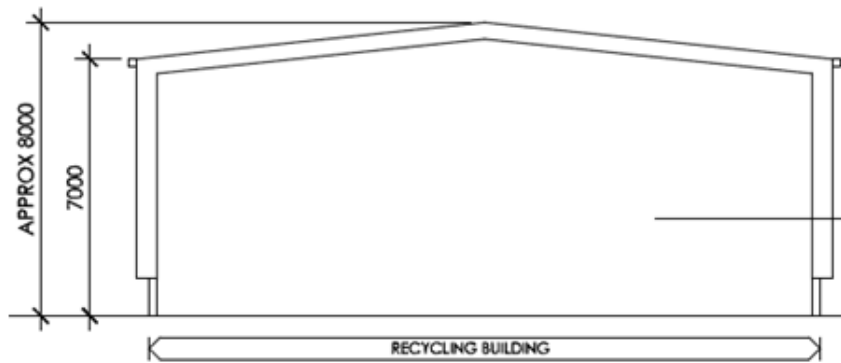
Appendix F- Existing/Proposed Elevations



EXISTING/PROPOSED SOUTH ELEVATION



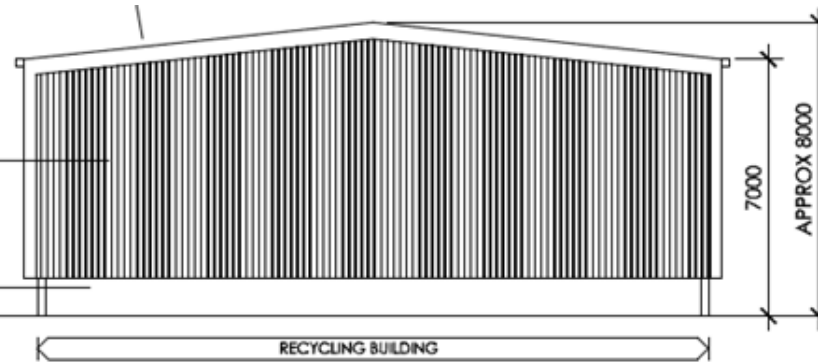
EXISTING/PROPOSED NORTH ELEVATION



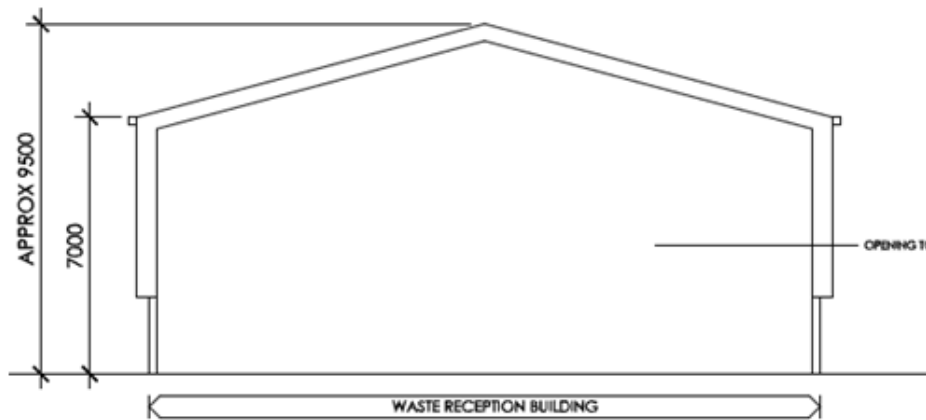
EXISTING/PROPOSED EAST (FRONT) ELEVATION

EXISTING GREY PROFILE METAL WALL  
CLADDING

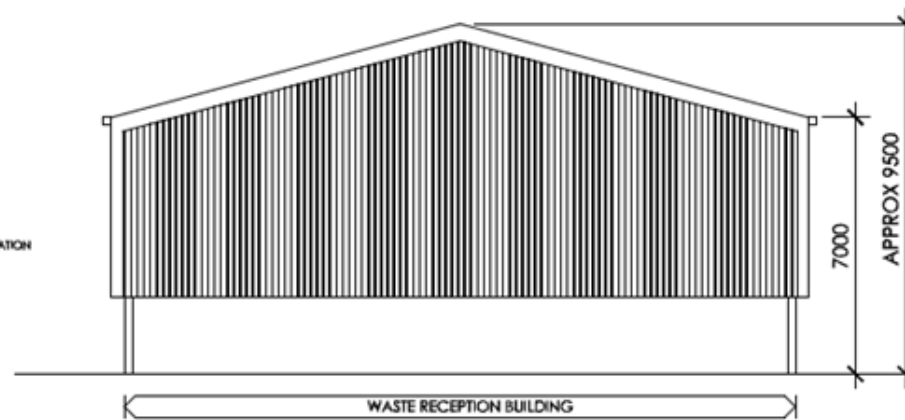
EXISTING CONCRETE/CONCRETE  
BLOCKWORK FINISH



EXISTING/PROPOSED WEST (REAR) ELEVATION



EXISTING/PROPOSED WEST (FRONT) ELEVATION



EXISTING/PROPOSED EAST (REAR) ELEVATION