

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

18 JULY 2017

C8/43/2S/PA - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITION NO'S 1, 6, 13 & 15 OF PLANNING PERMISSION REF. C8/43/2R/PA TO INCREASE THE NUMBER OF TRAIN LOADS ASSOCIATED WITH THE IMPORTATION OF AGGREGATE FROM 70 PER CALENDAR YEAR TO 200 PER CALENDAR YEAR AND TO ALLOW THE STOCKPILING OF AGGREGATE WITHIN THE BOUNDARY OF PLANNING PERMISSION REF. C8/43/2R/PA ON LAND AT PLASMOR LTD., HECK WORKS, GREEN LANE, GREAT HECK, GOOLE, EAST YORKSHIRE, DN14 0BZ ON BEHALF OF PLASMOR LTD (SELBY DISTRICT) (OSGOLDCROSS ELECTORAL DIVISION)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the variation of condition No's 1, 6, 13 & 15 of Planning Permission Ref. C8/43/2R/PA to increase the number of train loads associated with the importation of aggregate from 70 per calendar year to 200 per calendar year and to allow the stockpiling of aggregate within the boundary of Planning Permission Ref. C8/43/2R/PA on land at Plasmor Ltd., Heck works, Green Lane, Great Heck, Goole, East Yorkshire, DN14 0BZ on behalf of Plasmor Ltd.
- 1.2 This application is subject to objections having been raised by 4 local residents and Heck Parish Council in respect of this proposal which are summarised in paragraphs 4.9 & 5.3 of this report and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 The application site is located to the east of the centre of Great Heck village and within the western part of the Plasmor Heck Block works. The Heck Block Works cover an area of approximately 35.6 hectares and the application site covers an area of approximately 3 hectares. The Heck Block Works consist of aggregate stockpiles, aggregate handling infrastructure, buildings containing block making machinery, kilns, areas of block storage, internal roads, an artificial water body and areas of rough grassland and vegetation. With the exception of the vegetated bund along the northern part of the western boundary the topography of the site generally is flat at an elevation of between approximately 9.2mAOD and 10.0mAOD.
- 2.2 The Heck Block works site is accessed by road via Green Lane which runs in a north-east direction off Long Lane to the west of the site. Long Lane runs in a generally north to south direction and joins Broach Road (A645) to the north of the site and north of the M62 which runs west-east to the north of the Plasmor Heck Block works site.

- 2.3 The application site is accessed by rail from the south via an existing siding from the East Coast Main Line which runs in a generally north to south direction from Selby to Doncaster to the west of the site. The railway siding runs into the site from the East Coast Main Line at the western site boundary and splits into four separate tracks when it enters the site and the tracks continue to the northern part of the application site. A fifth track comes off the easternmost track and runs to the west of the easternmost track. A single track runs in a southerly direction from the railway siding adjacent to the western site boundary.
- 2.4 To the north of the site is Green Lane and the M62 motorway and beyond the East Coast Main Line, which runs parallel to the western boundary of the application site, is a disused pit and to the north of the site and west of the railway line there is a further small area of industrial land and agricultural fields north of Green Lane. Further to the west of the application site, beyond the railway and Long Lane, lies the Sellite Block manufacturing facility and Mill Balk Quarry operated by Plasmor.
- 2.5 In the south of the Heck Block Works is an area of historical mineral working which has been restored to nature conservation interest (dense woodland and shrubs) beyond which is Heck and Pollington Lane and agricultural land. The area of nature conservation interest in the Heck Block Works was formerly designated as a Site of Importance for Nature Conservation (SINC) but the local designation has been withdrawn. An overhead power line enters the site from the west just north of the railway siding entry point from the East Coast Mainline before turning northwards in the nature conservation area to generally run parallel to the eastern site boundary to the shed on the easternmost railway track.
- 2.6 To the east of the Heck Block Works lies an agricultural field which is included as an allocated site for sand extraction in the Publication Draft of the North Yorkshire County Council, City of York Council and the North York Moors National Park Authority Minerals and Waste Joint Plan. Further east beyond the agricultural field is an existing wood processing facility operated by Stobart Biomass with associated wood stockpiles and various storage and distribution facilities on part of the former Pollington airfield. The village of Pollington is located approximately 2km south east of the site. Further to the east of the application site are agricultural fields and various industrial businesses and housing within the East Riding administrative area.
- 2.7 The nearest residential properties are at Station Cottages and Quarry View Farm which are located approximately 50 metres to the west of the site adjacent to and west of the East Coast Main Line and 100 metres south west of the rail siding from the main line into the site. Bridge Farm House is located to the west of Quarry View Farm on Heck and Pollington Lane. Heck Hall Farm is located approximately 150 metres to the south of the site and south of Heck and Pollington Lane. There are a small number of properties further to the west of the site on Long Lane.
- 2.8 The application site does not fall within, or in close proximity to any 'sensitive areas'. The site is not in close proximity to any nationally designated geological or ecological sites (SAC, RAMSAR, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONB's, Heritage Coasts, National Trails) or Article 1(5) land (Conservation Area), Listed Buildings or Scheduled Ancient Monuments. The site is not in close proximity to any locally designated sites for nature conservation (Sand Quarry to the south of application site is a deleted SINC). The application site is located in Flood Zone 1 which is defined in the Technical Guidance to the National Planning Policy Framework as land having a less than 1 in 1000 annual probability of flooding from rivers or the sea. A Public Right of Way (footpath no 35.34/5/1) is shown on the definitive map as crossing the Heck Block Works site (outside of application site). However this footpath is not present on the ground and is to the south/south-east of the area of dense trees and shrubs shown on drawing reference number PL/GH/03-17/19942 Rev A dated 15/06/17 attached to this report.

- 2.9 The application site and surrounding area is shown on plans attached to this report.

Planning History

- 2.10 In 1975 outline planning permission ref. C/8/43/2A/PA was granted for the concrete block manufacturing plant with reserved matters approved (C/8/43/2C/PA) in 1976. The block manufacturing plant at Great Heck was established in 1976 and is located within a former sand quarry (Green Lane Quarry). The site is operated by Plasmor Limited (Plasmor), a block and block paving manufacturer that was established in 1959. Clay is extracted by Plasmor from quarries and transported to the kilns at their Heck Block works to produce an ultra-lightweight blown aggregate for use in the manufacture of building blocks. In 1987 planning permission ref C8/43/2J/PA was granted for an extension to the concrete block manufacturing plant and in 1988 planning permission ref C/8/43/2.K/PA was granted for the erection of a new building for thermal bond block manufacture. It should be noted that the above planning history relates to the wider block making site and not the application site (the railway sidings) the subject of this report.
- 2.11 On 15 December 1986 planning permission ref C8/43/2H/PA was granted for the construction of a rail siding and loading facility at the Plasmor Block Works and Ash Processing facility. The permission contains 17 planning conditions. Condition 2 stated that the development shall be carried out in accordance with the application details or with such other details as may be subsequently approved in writing by the County Planning Authority. Condition 8 stated that no materials shall be stockpiled or deposited on the site other than on the surfaced loading and stacking area (shown on plan 86/1397/3), and these materials shall only comprise manufactured blocks and paving slabs, or such materials as may be subsequently approved in writing by the County Planning Authority, for rail distribution. Condition 9 limited stockpile heights to 3 metres. Condition 13 limited the hours of stockpiling and loading of trains to only between 0700-1900 Mondays to Saturdays (no operations on Sundays or Bank Holidays). Condition 14 stated that no railway engine movements or coupling operations shall take place within the site between the hours of midnight and 6am or at any time on Sundays or Bank Holidays. It should be noted that the additional railway sidings and spurs added since the late 1980's have been constructed under permitted development rights.
- 2.12 On 22 March 1993 permission ref C8/43/2L/PA was granted for the variation of conditions relating to hours of operation of rail siding and loading facility. The permission contains 17 planning conditions. Condition 13 limited the hours of stockpiling and loading of trains to only between 0700-1900 Mondays to Saturdays and also the addition of between 1500- 2000 on Sundays (no operations on Bank Holidays). Condition 14 stated that railway engine movements and coupling operations shall only take place within the site between 0600-2400 Mondays to Saturdays and also the addition of a maximum of one train load movement per day between 1500- 2000 on Sundays (no operations on Bank Holidays). The change to the Condition 13 hours was for the period until 31 March 1995 only, after which the times reverted to the terms as originally stated in planning permission C8/43/2H/PA.
- 2.13 On 3 April 2003 temporary permission (ref MIN2455) was granted under condition 2 of planning permission ref C8/43/2H/PA for the importation of aggregate by rail. Rail transport was proposed as an alternative to the importation of aggregate by road. Temporary permission was granted until 28 February 2008. The importation of aggregate by rail was limited to crushed aggregate material only with no more than 70 train loads per calendar year. The temporary permission also allowed the stockpiling of aggregate in the area of the railway sidings. The unloading of aggregate was restricted to 0800 to 1900 Monday to Friday.

- 2.14 On 6 February 2009 planning permission ref C8/43/2R/PA was granted for the variation of condition 2 of planning permission reference C8/43/2H/PA to permit the importation of aggregate by rail for block making. The permission contains 16 planning conditions. Condition 6 states that no materials shall be stockpiled or deposited on the site other than on the surfaced loading and stacking area (shown on plan 86/1397/3), and these materials shall only comprise manufactured blocks and paving slabs, or such materials as may be subsequently approved in writing by the County Planning Authority, for rail distribution. Condition 7 limits stockpile heights to 3 metres. Condition 11 limits the hours of stockpiling and loading and unloading of trains to only between 0700-1900 Mondays to Saturdays (no operations on Sundays and Bank Holidays). Condition 12 states that train movements shall only take place within the site between 0600-2400 Mondays to Saturdays (no operations on Sundays and Bank Holidays). Condition 13 states that the importation of aggregate by rail shall be limited to crushed aggregate material only and no more than 70 train loads shall be imported in any one calendar year. Condition 15 states that within 3 months of the commencement of aggregate train movements into the site a scheme of noise monitoring and control shall be submitted to, and agreed in writing by, the County Planning Authority. There is no restriction on the train loads of blocks that can be exported from the site each year. Condition 16 requires site restoration should the use cease for a period of 12 months. The Applicant states that *“the stockpiling of aggregate at the railway sidings was inadvertently not included in the application for planning permission ref. C8/43/2R/PA”*.
- 2.15 On 30 November 2016 a ‘Screening Opinion’ ref. NY/2016/0202/SCR was issued that concluded that the proposed development was not EIA development and need not be accompanied by an Environmental Statement.

3.0 The Proposal

- 3.1 Planning permission is sought for the variation of condition No's 1, 6, 13 & 15 of Planning Permission Ref. C8/43/2R/PA to increase the number of train loads associated with the importation of aggregate from 70 per calendar year to 200 per calendar year and to allow the stockpiling of aggregate within the boundary of Planning Permission Ref. C8/43/2R/PA on land at Plasmor Ltd., Heck works, Green Lane, Great Heck, Goole, East Yorkshire, DN14 0BZ on behalf of Plasmor Ltd.
- 3.2 It is proposed to increase the number of train loads of crushed aggregate from 70 per calendar year to 200 per calendar year to allow the majority of the crushed aggregate needed in the block making process to be delivered to the site by rail, rather than by road. The proposals also seek consent for the storage of crushed aggregate within the site as shown on the site layout drawing attached to this report at Appendix D.
- 3.3 There is no restriction on the train loads of blocks that can be exported from the site each year. The only aspects of the development that this application proposes to change are the increase in the number of crushed aggregate train loads and stockpiling of aggregate at the site. The hours of operation in respect of stockpiling, loading or unloading of trains or the times during which train movements will occur would remain unchanged.
- 3.4 The application details explain that ash from coal fired power stations has been used historically by Plasmor in the production of blocks at the site. With the decline in the use of coal fired power stations it has been necessary for Plasmor to increase the use of imported aggregate in block production. The Plasmor Block Works at Heck use significantly more aggregate than can be delivered by rail currently due to the limit on the train numbers under the current planning permission ref. C8/43/2R/PA. The additional aggregate necessary for the manufacturing process is currently delivered by road. The Applicant states that in order to reduce road deliveries it is necessary to increase the number of train loads associated with the importation of

aggregate so that the majority of the aggregate used in the manufacturing process can be delivered by rail rather than road.

Condition 1

3.5 The condition currently states:

1. The development hereby permitted shall be carried out in accordance with the application details dated 30th January 2008 and 11th November 2008 and in accordance with the application details dated 4th July 1986, letters dated 30th September 1986 and 10th October 1986, and plan nos. 86/1397/1 and 86/1397/2 attached to a letter of 24th October 1986, and plans nos. 84/1274/1 and 86/1397/3 and schedule attached to a letter dated 30th October 1986.

3.6 The Applicant's proposed wording is:

1. The development hereby permitted shall be carried out in accordance with the application details dated 31 March 2017 (with reference to approved documents).

Condition 6

3.7 The conditions currently states:

6. No materials shall be stockpiled or deposited on the site other than on the surfaced loading and stacking area shown on plan 86/1397/3, and these materials shall only comprise manufactured blocks and paving slabs, or such materials as may be subsequently approved in writing by the County Planning Authority, for rail distribution.

3.8 The Applicant's proposed wording is:

6. No materials shall be stockpiled or deposited on the site other than in the areas shown on drawing reference number PL/GH/03-17/19942 Rev A dated 15/06/17 and these materials shall only comprise manufactured blocks and pavers and imported crushed aggregate, or such materials as may be subsequently approved in writing by the County Planning Authority, for rail distribution.

Condition 13

3.9 The condition currently states:

13. Importation of aggregate by rail shall be limited to crushed aggregate material only and no more than 70 train loads shall be imported in any one calendar year.

3.10 The Applicant's proposed wording is:

13. Importation of aggregate by rail shall be limited to crushed aggregate material only and no more than 200 train loads shall be imported in any one calendar year.

Condition 15

3.11 The condition currently states:

15. Within 3 months of the commencement of aggregate train movements into the site a scheme of noise monitoring and control shall be submitted to, and agreed in writing by, the County Planning Authority. The agreed scheme shall indicate monitoring locations to be used, the duration of the monitoring period, characterise the existing noise climate and noise sources to be included. The resultant noise levels shall be compared to existing noise data for that area of the site and indicate noise mitigate measures where appropriate. Implementation of mitigation measures to be carried out in agreement with the County Planning Authority.

3.12 The Applicant's proposed wording is:

15. Within 3 months of the grant of planning permission for the increased aggregate train movements to the site a scheme of noise monitoring and control shall be submitted to the County Planning Authority for their agreement in writing. The agreed scheme shall indicate monitoring locations to be used, the duration of the monitoring period, characterise the existing noise climate and noise sources to be included. The resultant noise levels shall be compared to existing noise data for that area of the site and indicate noise mitigation measures where appropriate. Implementation of mitigation measures to be carried out in agreement with the County Planning Authority.

3.13 It is proposed that the wording with minor amendments is maintained in the new planning permission as no scheme of noise monitoring and control has been previously agreed with the County Planning Authority under the existing consent. It is proposed that a scheme is submitted to the County Planning Authority for approval within 3 months of the grant of planning permission.

4.0 Consultations

4.1 The consultees responses summarised within this section of the report relate to responses to the initial consultation on 12 April 2017 and reconsultation on 19 June 2017 in relation to the revised Site Layout drawing reference PL/GH/03-17/19942 Rev A dated 15/06/17 showing the proposed extended screening bund.

4.2 **Selby District Council (Planning)**- has no objections or comments to make on the application.

4.3 **Selby District Council (Environmental Health)**- responded on 18 May 2017 and commented on the increase in noise and dust associated with the variation proposals as follows:-

“Noise:

It is noted that the increase in train movements is from 70 to 200 movements per year which increases the frequency of the movements but does not introduce a new noise source. There are other associated noise sources which will also increase as a result of the increase of train movements. These noise sources have been assessed in the submitted Noise Assessment where the only increase in noise level is predicted to be due to the train arrival during the night to 3 Station Cottages. The level is predicted to be below an adverse effect level and when the context of the area is considered (as per BS4142:2014) the standard would not indicate that the approval of the application would lead to an issue.

Dust: I am aware that there have been some complaints relating to dust from the site and that the application will move stocking of aggregates closer to the nearest receptors. There is currently a bund which is shown on Drawing Ref: PL/GH/03-17/19942 shown as Dense Trees and Shrubs which has been extended alongside the railway line to the west of the proposed Aggregate Stockpile Area, but this part of the bund is not yet covered by vegetation. I would request that this bund is extended around the western boundary of the stockpile area and that it is subject to appropriate planting which will help to reduce dust blow in the direction of the residential properties.

I would also comment that the nature of the aggregates to be imported by train may be give rise to dust emission during unloading and storage especially where the material contains 3mm down material. It is recommended that the Proposed Aggregate and Block Storage area shown on Drawing Ref: PL/GH/03-17/19942 is only used for blocks and material over 3mm (i.e. no material under 3mm to be stored in this area).

As per Drawing Ref: PL/GH/03-17/19942 sprinklers should be provided to keep the surface of the stocking area and the stockpiles damp when the weather conditions are such that material is blown from the surfaces.

I have noted the proposed varied conditions supplied in the application form and have no objections to these variations”.

- 4.3.1 On 20 June 2017, in response to the reconsultation on amended information, the EHO noted that the applicant has proposed an extension to the bund around the western boundary of the stockpile area in order to reduce dust blow in the direction of the residential properties, as recommended in the response dated 18 May 2017. The EHO states that *“This is welcomed mitigation and I have no objections to the above-mentioned variations so far as this department’s interests are concerned”.*
- 4.4 **Highway Authority-** has confirmed that as the proposal will not result in an increase in HGV movements there are no objections to the proposal.
- 4.4.1 On 21 June 2017, in response to the reconsultation on amended information, the LHA confirmed no objections to the application.
- 4.5 **Highways England –** has confirmed no objections to the application.
- 4.5.1 On 21 June 2017, in response to the reconsultation on amended information, Highways England confirmed no objections to the application.
- 4.6 **NYCC Heritage – Ecology-** has confirmed that there are no comments on the application.
- 4.6.1 On 20 June 2017, in response to the reconsultation on amended information, the County Ecologist confirmed the conclusion that there will be a negligible impact on ecology because existing areas of hard standing will be utilised and therefore has no further comment to offer.
- 4.7 **NYCC Heritage - Principal Landscape Architect-** responded on 11 May 2017 and observes that the site lies within an existing industrial area and there would be limited intervisibility with publicly accessible viewpoints or open countryside. The Principal Landscape Architect recommends *“From the perspective of potential effects on views and local landscape character the proposals are acceptable in principle. No mitigation is currently proposed and it would be helpful to have further information on any previous landscape proposals for the site, including the existing planted bund which lies between the main railway line and the sidings. This, and the large area of vegetation to the south, may require management or be capable of enhancement. The Plasmor site as a whole is a visual detractor, and if there is any scope to increase planting on the eastern boundary of the application site it could be helpful. However it appears from Figure 3: Site layout that this would be very limited.”*
- 4.8 **Network Rail-** has confirmed that they have no observations to make.
- 4.9 **Heck Parish Council-** responded on 5 May 2017 and lodged an objection to the application. The response states:-
“The Council feels that the substantial increase in the number of train deliveries will result in increased noise levels for the village and the residents in the immediate area. The noise is not only associated with the deliveries but also with train movements within the sidings to allow for emptying of the wagons. The Council also feels that there will be a detrimental effect on the environment within the village with increased amounts of dust and noise associated with the works. It is felt that the stockpiling of aggregates on the site will also lead to an increase in dust and air pollution in the area”.

- 4.10 **Health and Safety Executive-** has not responded to consultation.
- 4.11 **Environment Agency-** has not responded to consultation.
- 4.12 **Danvm Drainage Commissioners-** note that application should not increase the impermeable area to the site therefore the IDB have no comments to make.
- 4.13 **National Grid (Plant Protection)-** has not responded to consultation.

Notifications

- 4.14 **County Cllr. John McCartney** - has been notified of the application by letter.

5.0 Advertisement and representations

- 5.1 The application has been advertised by means of five Site Notices posted on 19 April 2017 (responses to which expired on 10 May 2017). The Site Notices were posted in the following locations: Green Lane/Long Lane junction and either side of the bridge on Heck and Pollington Lane. A Press Notice appeared in the Selby Times/Post on 27 April 2017 (responses to which expired on 11 May 2017).
- 5.2 With respect to Neighbour Notification the following properties received a letter on 12 April 2017:
- Numbers 2, 3 and 4 Station Cottages, Great Heck; and
 - Bridgeside Mowers, 5 Station Cottages, Great Heck
- 5.3 A total of 4 representations raising objections to the proposed development have been received. The locations of the objectors are shown on the plan attached to this report at Appendix A. The reasons for the objections are summarised below in no particular order: -
- no further increase of deliveries by train should be allowed due to the proximity of residents.
 - Delivery times to be limited between hours 08.00 and 21.00 with no deliveries on Saturday or Sundays and public holidays.
 - stock piling of aggregates on the siding near to residential properties and dust and odour encroaching into properties
 - the stockpiling area should be at the furthest point from residential properties
 - The aggregate trucks are uncovered and there is no landscape screening for dust or noise
 - unloading, stock piles and transportation of aggregates from rail unloading area to the stock pile area creates uncontrolled dust pollution
 - unloading and storage of the aggregate should have dust suppression in place at all times
 - need to monitor air quality
 - added health risk to the already polluted Heck and surrounding villages and affects basic standard of living.
 - concerns regarding odour and emissions from the existing chimney at the Block Works (not material to the application under consideration).
- 5.4 On 19 June 2017 the members of the public previously notified and also those who made representations to the Authority on the application were notified of the revised Site Layout drawing reference PL/GH/03-17/19942 Rev A dated 15/06/17 showing the proposed extended screening bund. No further comments have been received from any members of the public.

6.0 Planning policy and guidance

National Planning Policy

- 6.1 The guidance relevant to the determination of this particular planning application provided at the national level is contained within the National Planning Policy Framework (NPPF) (published 27 March 2012).
- 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 guidance 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 30 within Section 4 (Promoting sustainable transport) of the NPPF states *"Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion"*. Paragraph 32 of the NPPF states that plans and decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 6.7 Paragraph 58 within Section 7 (Requiring good design) of the NPPF identifies 6 objectives that planning policies and decisions should aim to ensure that new developments:
- *“function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
 - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
 - *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
 - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
 - *are visually attractive as a result of good architecture and appropriate landscaping.”*
- 6.8 Within Section 11 of the NPPF it is clear that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.
- 6.9 Paragraph 109 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity. It should also prevent new and existing development from contributing to being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 6.10 Paragraph 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.
- 6.11 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”.*

- 6.12 Paragraph 143 within Chapter 13 of the NPPF ('Facilitating the Sustainable Use of Minerals') states "*In preparing Local Plans, local planning authorities should (inter alia):*
- *safeguard:*
 - *existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials"*

National Planning Practice Guidance (NPPG) (2014)

- 6.13 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: -

- **Noise**

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

The Development Plan

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

- 6.15 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).

- 6.16 The application site is a safeguarded site for transport infrastructure in the published draft MWJP. The emerging policies that are of relevance to this application are: S04- Transport infrastructure safeguarding; D01- Presumption in favour of sustainable minerals and waste development; D02- Local amenity and cumulative impacts; D03- Transport of minerals and waste and associated traffic impacts; D06- Landscape; I01- Minerals and waste transport infrastructure. 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.

6.17 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.

6.18 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)”.*

6.19 The relevant policies within the NPPF have been set out above and the relevant ‘saved’ policies within the North Yorkshire Minerals Local Plan (1997) and the Selby District Local Plan (2005) are outlined below and the level of compliance with the NPPF is considered. This exercise is not applicable to the policies contained within the recently adopted Selby District Core Strategy Local Plan (2013) as the Local Plan Strategy is a post-NPPF adoption and has been deemed to be in compliance with the general aims of the NPPF.

North Yorkshire Minerals Local Plan ‘saved’ policies

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

6.21 The development is a ‘County Matter’ as it falls in the definition under 1(1)(e) of Schedule 1 of the Town & Country Planning Act 1990. However, there are no ‘saved’ policies from the North Yorkshire Minerals Local Plan (1997) that are applicable because the nature of the development does not fall within the terms of the policies of the Minerals Local Plan (1997). Within Section 4 of the Minerals Local Plan (1997) it defines “mining operations” as being the winning and working of minerals in, on or under land, whether by surface or underground working. This proposed development does not relate to a ‘mining operation’ and neither is it associated with depositing of mineral waste nor is it ancillary or secondary to mineral extraction.

Selby District Core Strategy Local Plan (2013)

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

- SP1 – Presumption in Favour of Sustainable Development
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

- 6.23 The Selby District Core Strategy Local Plan (2013) does not contain any policies specific to 'County Matters' development but there are general development management policies which would usually be applicable to District-scale development which, in this instance, are relevant to the determination of this application.

Policy SP1: Presumption in Favour of Sustainable Development

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

Policy SP18: Protecting and Enhancing the Environment

- 6.25 Policy SP18 of the Selby District Core Strategy seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. The policy is set out below:-

1. *Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance.*
2. *Conserving those historic assets which contribute most to the distinct character of the District and realising the potential contribution that they can make towards economic regeneration, tourism, education and quality of life.*
3. *Promoting effective stewardship of the District's wildlife by:*
 - a) *Safeguarding international, national and locally protected sites for nature conservation, including SINC's, from inappropriate development.*
 - b) *Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site.*
 - c) *Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate, and ensuring any unavoidable impacts are appropriately mitigated and compensated for, on or off-site.*
 - d) *Supporting the identification, mapping, creation and restoration of habitats that contribute to habitat targets in the National and Regional biodiversity strategies and the local Biodiversity Action Plan.*
4. *Wherever possible a strategic approach will be taken to increasing connectivity to the District's Green Infrastructure including improving the network of linked open spaces and green corridors and promoting opportunities to increase its multi-functionality. This will be informed by the Leeds City Region Infrastructure Strategy.*
5. *Identifying, protecting and enhancing locally distinctive landscapes, areas of tranquillity, public rights of way and access, open spaces and playing fields through Development Plan Documents.*

6. *Encouraging incorporation of positive biodiversity actions, as defined in the local Biodiversity Action Plan, at the design stage of new developments or land uses.*
7. *Ensuring that new development protects soil, air and water quality from all types of pollution.*
8. *Ensuring developments minimise energy and water consumption, the use of non-renewable resources, and the amount of waste material.*
9. *Steering development to areas of least environmental and agricultural quality”.*

Policy SP19: Design Quality

- 6.26 Policy SP19 of the Selby District Core Strategy states “*Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside.*”

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

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

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

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

- ENV1- Control of Development
- ENV2- Environmental pollution and Contaminated land

- ENV21- Landscaping Requirements
- T1- Development in Relation to the Highway network

'Saved' Policy ENV1- Control of Development

- 6.28 This policy states that "...development will be permitted provided a good quality of development would be achieved" and sets out a number of points which the District Council will take account of in considering proposals for development:
- 1) *The effect upon the character of the area or the amenity of adjoining occupiers;*
 - 2) *The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking;*
 - 3) *The capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure;*
 - 4) *The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping;*
 - 5) *The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area;*
 - 6) *The extent to which the needs of disabled and other inconvenienced persons have been taken into account;*
 - 7) *The need to maximise opportunities for energy conservation through design, orientation and construction; and*
 - 8) *Any other material considerations".*

- 6.29 It is considered that limited weight can be attached to 'saved' Policy ENV1 as the NPPF makes clear that the effects of pollution on the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account. However, with regards to transport, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and, therefore, only limited weight may be given in this instance.

'Saved' Policy ENV2- Environmental pollution and Contaminated land

- 6.30 This policy states that "A) *Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences".*

- 6.31 This Policy is generally considered to be consistent with Section 11 of the NPPF.

'Saved' Policy ENV21 – Landscaping Requirements

This policy states that

"A) Where appropriate, proposals for development should incorporate landscaping as an integral element in the layout and design, including the retention of existing trees and hedgerows, and planting of native, locally occurring species.

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

6.32 This Policy is generally considered to be consistent with Section 11 of the NPPF.

'Saved' Policy T1- Development in Relation to the Highway network

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

7.0 Planning considerations

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

Principle of the proposed development

7.2 The rail sidings are ancillary to the existing block works and have allowed for imports of materials and export of concrete block products by train since the late 1980's. The proposed variation to increase the number of train deliveries is considered to be acceptable in principle as it is proposed on the grounds that it would reduce the environmental and amenity impacts caused by the existing movement of heavy goods vehicles (for aggregate importation) from the public highway and increase the use of the established railway sidings consistent with paragraph 30 of the NPPF. In addition the proposed stockpiling of aggregate within the site is not a new proposal as the planning history reveals that this has previously been permitted at the site (see paragraph 2.13 of this report). Therefore the principle of the development has been previously established however, any potential adverse impacts on the environment and amenity arising from the proposed variation of the existing permission need to be considered in detail and the main considerations are addressed in the subsequent sections of this report.

Local amenity (noise)

7.3 The nearest residential properties are at Station Cottages and Quarry View Farm which are located approximately 50 metres to the west of the site adjacent to and west of the East Coast Main Line and 100 metres south west of the rail sidings. There have been objections raised in relation to the potential increased noise disturbance that would arise from the proposed development. The application is accompanied by a Noise Impact Assessment which details noise levels recorded from three monitoring locations within the vicinity (Station Cottages, Bridge Farm House and Windsor House, Long Lane) during day time (07:00-23:00) and night time (23:00-07:00) hours.

7.4 The proposal seeks to increase the number of crushed aggregate train loads by 130 per year and to allow stockpiling of aggregate within the site. The hours of operation in respect of stockpiling, loading or unloading of trains or the times during which train movements will occur would remain unchanged. The proposed increase in train loads equates to 3-4 train deliveries per week in comparison with the currently consented 1-2 deliveries per week. There would continue to be no more than one train delivery per day.

- 7.5 The assessment highlights that the background noise was influenced predominantly by traffic on the local road network as well as frequent passing trains along the East Coast Main Line. The activities measured included an excavator loading a HGV, a HGV tipping into a stockpile, HGV movements (train to stockpile) and train arrival.
- 7.6 It was considered within the assessment that the unloading of aggregate from the train carriages into wheeled dump trucks and the subsequent tipping onto stockpiles may produce a slightly perceptible impulsive sound at the assessment locations. A correction of +3dB was therefore included in the assessment for day time predictions which include these unloading activities to account for the presence of occasional impulsive sounds.
- 7.7 The assessment indicates that at Bridge Farm House and Windsor House the rating level does not exceed background noise levels during the day or the night hence the increase in train loads and stockpiling at the site will have a negligible impact at these properties. At 3 Station Cottages the rating level is predicted as being 3dB below the day time background level and 2dB above the night-time background level. BS 4142 guidance advises that a difference of +5dB or more is likely to be an indication of an adverse impact. The lower the rating level is relative to the background level the less likely it is that the sound source will have an adverse impact.
- 7.8 The EHO acknowledges that the proposal does not introduce a new noise source (existing train movements) and that noise sources have been assessed. It is acknowledged that the only increase in noise level is predicted to be due to the train arrival during the night to 3 Station Cottages and the EHO notes that the level is predicted to be below an adverse effect level and *“when the context of the area is considered (as per BS4142:2014) the standard would not indicate that the approval of the application would lead to an issue”*.
- 7.9 It is considered that the proposed development would not result in any significant change in terms of noise impact when compared to the current situation. It is concluded that the proposed development is not likely to have an adverse impact at nearby noise sensitive receptors. In light of the above it is considered that it is in accordance with paragraph 123 of the NPPF and complies with policy SP18 of the Selby District Core Strategy Local Plan (2013) and ‘saved’ policies ENV1 and ENV2 of the Selby District Local Plan (2005).

Local amenity (dust & air quality)

- 7.10 It is acknowledged that the proposed development would move the stocking of aggregates closer to the nearest residential receptors and objections have been raised in relation to dust. The County Planning Authority has no history of any complaints in relation to dust arising from the application site although Plasmor site management have confirmed that they received one dust related complaint in the 12 months prior to the submission of this application.
- 7.11 The importation and transfer of aggregate is already carried out at the Heck Block Works (land to the east of the application site) with the unloading of aggregate and vehicle movements occurring within the site and aggregate stockpiling carried out within the Heck Block Works. This application proposes the additional activity of stockpiling aggregate within the railway sidings application site as shown on the Site Layout drawing reference PL/GH/03-17/19942 Rev A dated 15/06/17 attached to this report.
- 7.12 The activities associated with the proposed development with the potential to generate dust are the unloading and placement of aggregate, stockpiling and transfer of aggregate and vehicle movements. The application includes an assessment of the potential impacts taking account of meteorological conditions and considers appropriate dust control measures.

- 7.13 There are existing dust management procedures implemented at the application site and the wider Heck Block Works which are subject to daily inspection checks taking account of changes in weather conditions. The aggregate loads which are transported by train are contained in uncovered wagons and furthermore aggregate loads are dampened as necessary prior to leaving the site. The Applicant has confirmed that drop heights are minimised when unloading the aggregate from the trains to HGVs and the HGVs are loaded evenly to avoid spillages of loose material. Vehicle routes within the site are managed so that they do not generate significant quantities of dust and there is a speed limit of 10 mph enforced on site and all site vehicles are fitted with upward facing exhausts. Sprinklers are operated on haul routes and bowsers are used as necessary and any spillages or loose deposits are regularly cleared to prevent entrainment of dust to air.
- 7.14 During general operations on site materials such as aggregate are dampened as necessary using the existing spray system. At present there are a number of sprinklers within the proposed aggregate stockpile area which shall keep the surface of the stocking area and the stockpiles damp when the weather conditions could give rise to windblown material. It is considered prudent to include an additional condition which requires the sprinklers to be retained, maintained and used for their intended purpose as part of the operations.
- 7.15 The EHO has commented that the nature of the aggregates to be imported by train may give rise to dust emission during unloading and storage especially where the material contains 3mm down material. It is recommended that the proposed aggregate and block storage area shown hatched purple on the Site Layout drawing attached to this report is only used for blocks and material over 3mm (i.e. no material under 3mm to be stored in this area) and this could be secured by condition.
- 7.16 With regard to other opportunities to minimise the dust impact it is noted that there is an existing planted bund which is shown on the Site Layout drawing attached to this report. The bund is approximately 3 metres high and 9 metres wide and extends alongside the railway line and partly to the west of the proposed aggregate stockpile area which has been partially extended northward but not seeded.
- 7.17 In light of the concerns raised by members of the public and the Parish Council and also in response to the comments from the EHO, the Applicant, in addition to the implementation of existing dust control procedures, has agreed to extend the bund around the western side of the proposed aggregate stockpile area and complete seeding and manage as necessary (shown on the attached Site Layout drawing). The extended bund would be constructed to similar dimensions to the existing and would be a minimum of 3 metres high. This would enclose and screen the proposed aggregate stockpile area from the railway lines and the residential properties to the west. This would further reduce the likelihood of dust having an adverse impact on nearby residential properties.
- 7.18 With regard to air quality concerns it is noted that an objection from an occupant of one of the properties at Station Cottages refers to issues such as emissions from the existing chimney and odour. These issues are considered to be unrelated to the proposed development the subject of planning application under consideration. The operation of the rotary kilns (consented by Selby District Council) at the adjacent block works site and the associated emissions are the subject of an Odour Management Plan (OMP) which has been agreed with Selby District Council (Environmental Health) pursuant to conditions of the Environmental Permit for the operations at the site, including the operation of the rotary kilns. The Environmental Permitting regime is the appropriate regulatory framework to control point source and fugitive emissions from the operation of the rotary kilns, including the emissions from the block works chimney.

- 7.19 It is considered that with the continued implementation of the existing dust control measures, the extended bund, together with the aforementioned planning conditions, dust emissions from the site can be controlled to a standard that ensures that the proposed development will not result in a significant impact with respect to nuisance relating to dust. In light of the above, it is considered that it is in accordance with paragraph 120 of the NPPF and complies with policy SP18 of the Selby District Core Strategy Local Plan (2013) and 'saved' policies ENV1 and ENV2 of the Selby District Local Plan (2005).

Landscape and visual impact

- 7.20 The County Principal Landscape Architect has highlighted that the site lies within an existing industrial area and there would be limited intervisibility with publicly accessible viewpoints or the open countryside. However, the County Principal Landscape Architect has questioned whether there is any scope to increase planting on the eastern boundary of the application site although concedes that there appears to be "very limited" scope. There is an existing established planted bund on the western side of the application site which lies between the East Coast Main Line and the railway sidings and a large area of vegetation to the south which largely screens views of the site from the nearest residential properties. In the context of the industrial character of the wider Heck Block Works, which extends to the east of the application site, it is considered that the suggested additional planting would not be practical or effective and there are no landscape or visual reasons to justify additional planting between the railway sidings/stockpile areas and the adjacent operational areas associated with the block works.
- 7.21 As stated in paragraphs 7.16-7.17 above, in the interests of local amenity, the Applicant has agreed to extend the existing planted bund around the western side of the proposed aggregate stockpile area and complete planting. This would enclose and screen the proposed aggregate stockpile area from the railway line and the residential properties to the west and would further reduce the landscape and visual impact.
- 7.22 With regard to the potential effects on views and local landscape character the proposals are acceptable and would not result in unacceptable harm as the site is well screened by existing dense and mature planting to the west and south. There are no objections from the County Principal Landscape Architect and it is considered that the proposed development would not conflict with policies SP18 and SP19 of the Selby District Core Strategy Local Plan (2013) or 'saved' policies ENV1 and ENV21 of the Selby District Local Plan (2005).

Ecology

- 7.23 It is considered that it is unlikely that the proposed development would have an adverse impact on either statutory or non-statutory sites. The existing areas of hardstanding in the site would be used for the proposed aggregate storage and therefore none of the vegetated habitats at the site would be affected. It is considered that there would be a negligible impact upon any habitats or species at the site and there are no objections from the County Ecologist. It is therefore considered that the development would be in accordance with paragraph 109 of the NPPF and complies with policy SP18 of the Selby District Core Strategy Local Plan (2013) and 'saved' policy ENV1 of the Selby District Local Plan (2005).

Highways matters

- 7.24 If permission is granted the majority of the aggregate needed in the block making process would be delivered to the site by rail rather than road. The proposals would divert the transportation of aggregate from road to a more sustainable transport option by rail. Transporting 200 train loads per year of aggregate to site by rail rather than by road would remove approximately 9,000 HGV deliveries (based on 32t load per HGV) per year from the surrounding road network. The proposed development

(to increase from 70 to 200 train loads) would contribute approximately 5,850 HGV deliveries (based on 32t load per HGV) per annum of this total. There are no objections from the Local Highway Authority and it is considered that by replacing HGVs with train movements the proposal adopts an environmentally preferable mode of transport with sustainability benefits which would have a positive impact in terms of highway capacity and safety consistent with paragraph 30 of the NPPF. In light of the above it is considered the proposed development does not conflict with the aims of 'saved' policies T1 and ENV1 of the Selby District Local Plan (2005).

Planning conditions

- 7.25 With the exception of two conditions, all previous conditions shall remain, albeit updated to reflect the development proposed by this application. The Conditions numbered 4 & 8 on permission ref. C8/43/2R/PA are considered no longer necessary (soils and site levelling work) and will not be carried forward.

8.0 Conclusion

- 8.1 The impacts on the environment and amenity are not considered to be significant and in any case are outweighed by the environmental and amenity benefits arising from the replacement of HGV movements with a more sustainable mode of transport which minimises impacts on the public highway network. There are no material planning considerations to warrant the refusal of this application for the variation of condition No's 1, 6, 13 & 15 of Planning Permission Ref. C8/43/2R/PA to increase the number of train loads associated with the importation of aggregate from 70 per calendar year to 200 per calendar year and to allow the stockpiling of aggregate within the boundary of Planning Permission Ref. C8/43/2R/PA on land at Plasmor Ltd., Heck works, Green Lane, Great Heck.

9.0 Recommendation

9.1 For the following reasons:

- i) The development is in accordance with the policies of the Selby District Core Strategy Local Plan (2013), the 'saved' policies of the Selby District Local Plan (2005) and overall it is consistent with the NPPF (2012);
- ii) The proposal does not conflict with the abovementioned policies as it is considered that the development would not adversely affect highway safety, the visual impact of the proposed development can be mitigated through condition, the environmental impacts of the proposed development can be controlled, neighbouring residential properties will not be adversely affected and there are no other material considerations indicating a refusal in the public interest; and
- iii) The imposition of planning conditions will further limit the impact of the development on the environment and residential amenity.

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

1. The development hereby permitted shall be carried out in accordance with the application details dated 31 March 2017 as amended and the 'Approved Documents' as listed at the end of this Decision Notice together with the conditions attached to this Decision Notice which shall in all cases take precedence.
2. The proposed aggregate and block storage area shown hatched purple on drawing reference PL/GH/03-17/19942 Rev A dated 15/06/17 shall only be used for blocks and material over 3mm (i.e. no material under 3mm to be stored in this area).

3. Steps shall be taken to prevent the pollution of any adjoining land or watercourse by the over spilling or blowing of loose material or by the entry of leachate, polluted water or any other pollutant.
4. If pollution occurs, as defined by condition 3 above, the effects of that pollution shall be rectified immediately and further pollution shall be prevented.
5. Provision shall be made as necessary, to maintain the existing drainage of the site and any adjoining land where drainage is affected by the development hereby permitted.
6. No materials shall be stockpiled or deposited on the site other than in the areas shown on drawing reference PL/GH/03-17/19942 Rev A dated 15/06/17 and these materials shall only comprise manufactured blocks and pavers and imported crushed aggregate, or such materials as may be subsequently approved in writing by the County Planning Authority, for rail distribution.
7. No stockpile on the site shall exceed 3 metres in height and sprinklers as shown on drawing reference PL/GH/03-17/19942 Rev A dated 15/06/17 shall be retained, maintained and used for their intended purpose as part of the operations. Any changes to the sprinkler system will be submitted to the County Planning Authority for approval.
8. Within 3 months of the date of planning permission the existing bund shall be extended around the western side of the proposed aggregate stockpile area as shown on drawing reference PL/GH/03-17/19942 Rev A dated 15/06/17. The bund shall be planted within the first available planting season and thereafter maintained as part of the operations.
9. The area of the site to the south of the proposed aggregate stockpile area shown on plan drawing reference PL/GH/03-17/19942 Rev A dated 15/06/17 as dense trees and shrubs shall be retained and managed for the purposes of wildlife conservation.
10. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting this order), no building or immobile plant shall be erected on the site in connection with the development hereby permitted.
11. No stockpiling, loading or unloading of trains shall be carried out except between the following times:-

0700 – 1900 hours, Monday to Saturday

No operations shall take place on Sundays or Bank and Public Holidays.
12. No train movements shall occur except between the following times 0600 – 2400 Mondays to Saturdays. No activities shall take place on, Sundays or Bank and Public Holidays.
13. Importation of aggregate by rail shall be limited to crushed aggregate material only and no more than 200 train loads shall be imported in any one calendar year.
14. All machinery and vehicles shall be well maintained and fitted with effective silencers.

15. Within 3 months of the grant of planning permission for the increased aggregate train movements to the site a scheme of noise monitoring and control shall be submitted to the County Planning Authority for their agreement in writing. The agreed scheme shall indicate monitoring locations to be used, the duration of the monitoring period, characterise the existing noise climate and noise sources to be included. The resultant noise levels shall be compared to existing noise data for that area of the site and indicate noise mitigation measures where appropriate. Implementation of mitigation measures to be carried out in agreement with the County Planning Authority.
16. If the use of the site for the development hereby permitted shall cease for a period of not less than 12 months, the site shall be restored within a further 12 months in accordance with a scheme which shall be submitted for the approval of the County Planning Authority within 3 months of the end of the 12 months during which operations had ceased.

Reasons:

1. To ensure the application is carried out in accordance with the application details.
- 2 - 5. In the interests of amenity and to prevent pollution.
- 6 - 15. To reserve the rights of control by the County Planning Authority in the interests of amenity.
16. In the interests of amenity and to ensure satisfactory restoration of the site.

Approved Documents

Ref.	Date	Title
PL/GH/LZH/1684/01/SS	March 2017	Application Supporting Report and Appendices
PL/GH/03-17/19949	31/03/17	The Site Location
PL/GH/03-17/19950	31/03/17	The site and surrounding area
PL/GH/03-17/19942 Rev A	15/06/17	The site layout
R17.9152/2/JS	28/03/17	Noise Assessment produced by Vibrock
---	November 2016	Landscape and Visual Appraisal produced by Connected Landscapes
---	November 2016	Ecological Survey produced by ESL

**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.

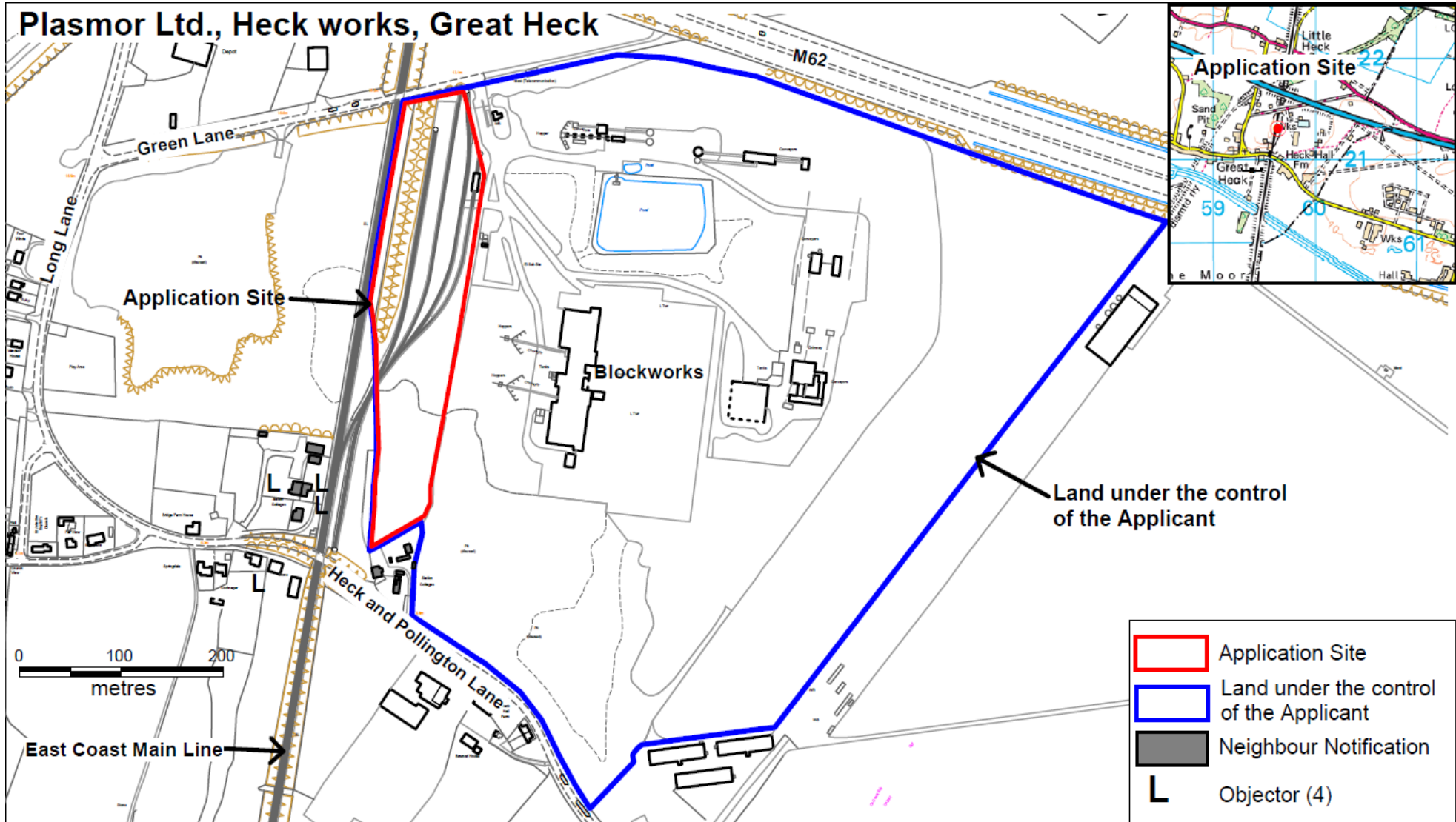
DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Alan Goforth

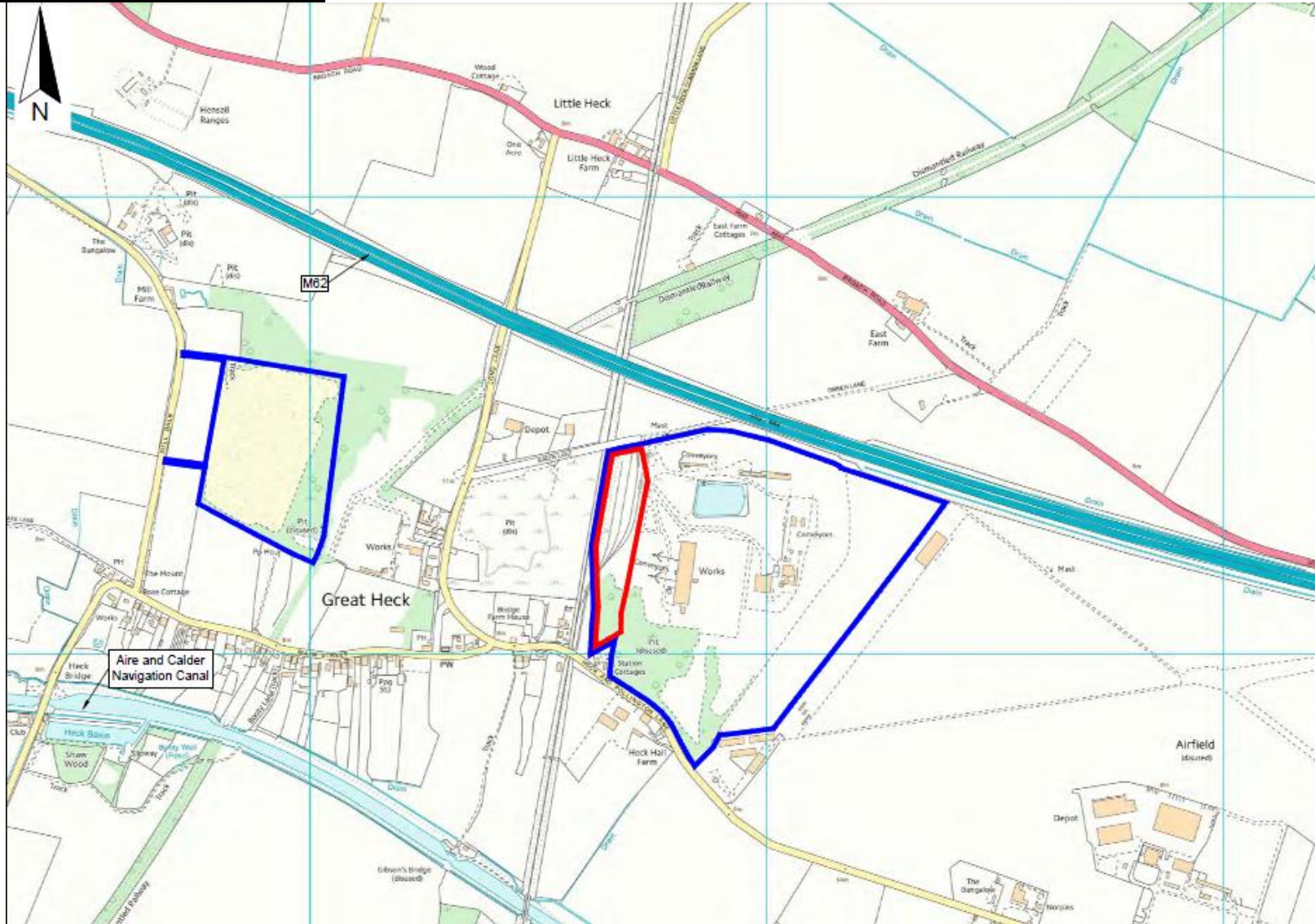
Background Documents to this Report:

1. Planning Application Ref Number: C8/43/2S/PA (NY/2017/0091/73A) registered as valid on 11 April 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- Application Site and Representations



Appendix B- The site and surrounding area



Appendix C- Aerial Photo



Appendix D- The site layout

