

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 6 June 2017 at 10.00 am.

Present:-

County Councillors David Blades, Robert Heseltine, David Hugill, Mike Jordan, John McCartney, Zoe Metcalfe, Richard Musgrave, Chris Pearson, Clive Pearson and Peter Sowray.

There were four members of the public in attendance.

County Councillor Eric Broadbent submitted his apologies.

1. Appointment of Chairman

Resolved -

That County Councillor Peter Sowray be appointed Chairman of the Planning and Regulatory Functions Committee, for the full term of the County Council, until the County Council elections in 2021.

County Councillor Peter Sowray in the Chair

2. Minutes

Resolved -

That the Minutes of the meeting held on 4 April 2017, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

Copies of all documents considered are in the Minute Book

3. Appointment of Vice-Chairman

Resolved -

That County Councillor David Blades be appointed Vice-Chairman of the Planning and Regulatory Functions Committee, for the full term of the County Council, until the County Council elections in 2021.

4. Declarations of Interest

There were no declarations of interest.

5. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) reported that, apart from the people who had registered to speak in respect of the applications listed below, and who would be invited to do so during consideration of those items, there were no public questions or statements from members of the public.

6. **C6/16/02735/CMA – (NY/2016/0039/FUL) - Construction of a floodlit 3G artificial grass pitch (7420 sq. metres) with 3 metre high mesh fencing, 8 No. 15 metre high lighting columns, re-siting of existing rugby pitch (8360 sq. metres) access gates, removal of trees and associated earthworks at Ripon Grammar School, 16 Clothholme Road, Ripon, North Yorkshire**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application for the construction of a floodlit 3G artificial grass pitch with three metre high mesh fencing, eight 15 metre high lighting columns, re-siting of existing rugby pitch, access gates, removal of trees and associated earthworks on land at Ripon Grammar School.

The application was subject to 18 objections having been raised by members of the public, a 25 signature petition and an objection from Ripon City Council in respect of the proposal, on the grounds of; the location of the development, the impact upon local amenity, the impact upon the Listed Building, the impact upon biodiversity and the impact upon the highways and parking pressures. Further information relating to the aforementioned grounds of objection were detailed within the report.

In view of the objections outlined the application was reported to the Committee for determination.

Mr Michael Taylor, local resident, addressed the Committee outlining the following:-

- ◆ He indicated that he was speaking on behalf of a number of local residents.
- ◆ He considered that the application would have a significant impact on local amenity.
- ◆ He considered that there would be a significant increase in noise for local residents on evenings and weekends.
- ◆ Light intrusion would be a significant problem for local residents from the proposed eight floodlights.
- ◆ He acknowledged that the new layout for the project assisted in alleviating some of the issues of concern, however, he did not believe that this addressed all of those matters.
- ◆ He considered that the application would drastically change the area for local residents, particularly their view across the landscape, when this structure was in place.
- ◆ He noted that the report suggested that a management plan was in place to allow the school's facilities to be utilised in relation to the use of the proposed development, however, he noted that these details had not been discussed with local residents and they were unaware of these.

- ◆ He suggested that it was “madness” to remove green open space and replace with the structure proposed by the application. He suggested that there were more appropriate sites available in the area.
- ◆ He considered that there was an issue regarding safeguarding, particularly in relation to the facility being open to public use and the effect this could have on academic groups that undertook studies outside of the school hours.

Mrs Julia Fisher, local resident, addressed the Committee and outlined the following:-

- ◆ She raised concerns that she had only been informed that the meeting was taking place two days prior to the date of the meeting.
- ◆ She did not consider that the pitch was needed as there were sufficient sporting facilities already in place, both at the school and in the area.
- ◆ She highlighted health concerns that had been raised regarding the rubber crumb that was used on 3G pitches. She noted that this may be toxic and carcinogenic and investigations were currently being carried out in relation to this. She noted that there was potential for the crumb to be wind-blown to nearby gardens and residential areas and, until the health issues were clarified, it would be inappropriate for this to be put in place.
- ◆ She noted that the imposition of the structure would have a detrimental impact on the current view across to Ripon Cathedral for local residents.
- ◆ She considered that the structure would be an imposition on the pupils of the school and would also affect their view from the playing fields.
- ◆ Local residents were worried regarding the noise levels that would be generated from the facility should it be approved.
- ◆ Concerns were raised that the pitch would be directly in front of the girls’ boarding house and the potential safeguarding issues in relation to that.
- ◆ The changing/toilet facilities for the school were not near to the pitch and it was wondered whether this would lead to difficult situations both for those using the facilities and local residents.
- ◆ Overall those living near to the proposal would be adversely affected by the development.

Mr Robin McGinn, the agent for the applicant, addressed the Committee and outlined the following:-

- ◆ He explained that the application was related to the housing development taking place on a former school site in Ripon and the provision of the all-weather pitch would mitigate against the loss of the playing fields at that site, in line with the requirements of Sport England.
- ◆ The development would provide an exceptional facility that was not available elsewhere in the area and met the various planning policies.
- ◆ The provision of the facilities would be of benefit to both the school and to the local community.

- ◆ The developer acknowledged the concerns raised by local residents and had made amendments to the proposal to try and alleviate some of those concerns.
- ◆ Assessment of the proposal had deemed that to be appropriate.

The representative of the Head of Planning Services presented the Committee report, highlighting the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations; and provided a conclusion and recommendation.

Detailed plans, photographs and visual information were presented to complement the report.

The following update to the original report was highlighted:-

Paragraph 5.3 of the report referred to 19 residential properties having been notified of the application, however, this should have read 24.

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

- ◆ With reference to the issue raised by the public speaker regarding the short notice given in relation to this meeting it was noted that letters had been sent out to local residents advising of the meeting taking place at the same time as the agenda was published and it was suggested that the delays in receiving those letters related to the postal system.
- ◆ In respect of the issue raised regarding the potential danger to local residents from the rubber crumb contained within the 3G surface it was noted that, currently, Sport England and other agencies were recommending this type of surface to be used and, therefore, it was not considered that they had concerns with the danger of the rubber crumb. It was acknowledged that tests were being carried out in relation to the potential health risks from the use of this surface and any subsequent reports in relation to that would be brought to the attention of Members.
- ◆ Members considered that the issues relating to the location of the changing facilities and toilets had been addressed within the report satisfactorily.
- ◆ A Member considered that it was an advantage that the school would be able to have a sports pitch available throughout the year, due to the all-weather nature of the proposal.
- ◆ It was clarified that the conditions, detailed in the report, for both noise and light would provide opportunities for action to be taken to ensure the levels were appropriate for local residents should complaints arise following the opening of the facility, should it be approved.
- ◆ Issues around safeguarding and child protection were discussed and it was noted that these would be addressed by the school's management of the facility and were not specifically referred to in the application.
- ◆ It was noted that the planning application for the housing development, outlined by the agent for the applicant, would not be considered until a decision had been made on this matter.
- ◆ It was stated that the facility would be a full-sized football pitch.

- ◆ Issues around how the spillage of light into local residential areas from the floodlights would be mitigated against, and who would carry out the assessments in relation to light spillage, were outlined.
- ◆ A Member considered that the erection of the fence around the pitch was unnecessary and was particularly detrimental to the development of the application.
- ◆ A Member raised concerns regarding the opening of the facility on Sundays and Bank Holidays. In response it was noted that the applicant had reduced the number of weekday hours the facility would be open, in line with concerns raised by local residents, and it was suggested that to balance this out the use of the facilities on Sundays and Bank Holidays, for the limited hours, as outlined in the conditions, was appropriate.

Resolved -

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

7. C6/17/01073/CMA – (NY/2017/0051/FUL) - Retrospective application for the erection of 2 steel storage containers (25 sq. metres) at Willow Tree Community Primary School, Wetherby Road, Harrogate

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine retrospective planning application for the erection of two steel storage containers (25 sq. metres) on land at Willow Tree Community Primary School, Wetherby Road, Harrogate.

The application was subject to an objection from the local planning authority (Harrogate Borough Council) on the grounds of design impacts on the area and was therefore, reported to the Committee for determination.

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

Detailed plans, photographs and visual information were presented to complement the report.

It was stated that paragraph 9.2 of the report required alteration to reflect the position of there being two steel storage containers, as detailed throughout the report.

Resolved -

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

The Meeting was adjourned between 10.50am and 11.05am to participate in a National Minute's Silence in relation to a recent terrorist incident, taking place at the front of County Hall.

8. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation between the period 7 March 2017 to 7 May 2017, inclusive.

The Head of Planning Services noted that consideration was currently being given to determining a procedure whereby minor applications, with minor objections, could be dealt with through the Scheme of Delegation procedure. She noted that this issue was subject to consideration within the County Council's policy structure and the results of the determination of those proposals would be reported back to the Committee subsequently.

Resolved -

That the report be noted.

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

Considered -

The report of the Corporate Director - Business and Environmental Services outlining the County Council's performance in handling of "county matter" and County Council development planning applications for quarter 4 (the period 1 January 2017 to 31 March 2017).

For the benefit of new Members of the Committee the Head of Planning Services explained the tables relating to special measures on performance, the targets set and the position of the local authority in relation to those. She noted that currently North Yorkshire County Council was meeting around 88% of those targets, with the Government's requirement being 60%.

A Member, noting the legacy applications outlined in the report, provided an update in relation to Womersley Quarry, which he noted would be restored within an eight week period, and the adjacent Darrington Quarry, which he noted was not yet in a position to undertake the restoration scheme. The Head of Planning Services stated that she would follow up the issues raised by the Member and report back accordingly.

Resolved -

That the report be noted.

10. Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstance

(a) Site visit - Erection of Green Energy Facility, Land south of Knapton Quarry/Landfill

(The Chairman accepted this as an urgent item due to the need to undertake the site visit, if agreed by Members, prior to the next meeting of the Committee.)

Members were advised that during the previous County Council, a site visit was undertaken to the Knapton Quarry/Landfill in respect of application C3/16/01918/CPO - (NY/2016/0194/ENV) relating to the erection of a green energy facility on the site. Following the County Council elections and subsequent changes to the Planning and

NYCC Planning and Regulatory Functions Committee - Minutes - 6 June 2017/6

Regulatory Functions Committee it was considered appropriate that new Members of the Committee be offered an opportunity to visit the site before the application came before Members for determination.

It was noted that the previous visit had taken place on Tuesday 28 February 2017.

The Head of Planning Services indicated that should Members wish to undertake a site visit then it would be appropriate for them to be provided with the substantive report in relation to that.

Resolved -

That the Committee agrees to undertake a formal Committee site visit, for those Members who were newly appointed to the Committee following the 2017 elections, prior to the determination of the application, with arrangements made for this visit to take place at 2 pm on Friday 14 July 2017.

The meeting concluded at 11.25 am

SL/JR

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

18 July 2017

C3/16/01918/CPO - Planning Application for the purposes of the erection of a Green Energy Facility (6,342 sq. metres) (energy from waste via gasification), office reception building (91 sq. metres), substation & switchroom (39 sq. metres), air cooled condenser (195 sq. metres), installation of a weighbridge, earthworks, 20 car parking spaces, extension to internal access road, landscaping and associated infrastructure, including a local connection via underground cable (340 metres) to the 11kv grid via a proposed substation at land south of Knapton Quarry/landfill as well as an underground connection (option 1: 5.26 km and option 2: 8.25km) to the 66kv grid via the primary substation at Yedingham on land to the south of Knapton Quarry landfill site, Knapton, YO17 8JA on behalf of Knapton Green Energy (Tetragen (Knapton UK) Ltd & NCG Estates) (Ryedale District) (Thornton Dale and the Wolds Electoral Division)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the erection of a Green Energy Facility (6,342 sq. metres) (energy from waste via gasification), office reception building (91 sq. metres), substation & switchroom (39 sq. metres), air cooled condenser (195 sq. metres), installation of a weighbridge, earthworks, 20 car parking spaces, extension to internal access road, landscaping and associated infrastructure, including a local connection via underground cable (340 metres) to the 11kV grid via a proposed substation at land south of Knapton Quarry/Landfill as well as an underground connection (Option 1: 5.26 km and Option 2: 8.25km) to the 66kV grid via the primary substation at Yedingham on land to the South of Knapton Quarry Landfill Site, Knapton, YO17 8JA on behalf of Knapton Green Energy (Tetragen (Knapton UK) Ltd & NCG Estates).
- 1.2 This application is subject to 18 objections having been raised by local members of the public (summarised in paragraph 5.4 of this report), an objection from the County Council's Principal Landscape Architect and also significant concerns raised by Ryedale District Council, the NYMNP National Trails Officer and Wintringham and Scampston Parish Councils (see Section 4 of this report) and is, therefore, reported to this Committee for determination.

2.0 Background

Members Site Visit

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

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

Site Description

- 2.4 The application site lies on the Yorkshire Wolds approximately 10 kilometres to the east of Malton and south of the A64 Malton to Filey trunk road. The application site is 4 hectares of land to the south of the former quarry and active landfill which is a long established 10 hectare site on the north facing, downhill slope with Knapton Wood at a higher level to the south. The site access road is off the A64 and runs in a north-south direction uphill to the site entrance to the landfill and waste transfer buildings.
- 2.5 The existing waste management site is licensed to receive up to 150,000 tonnes of waste per annum and receives residual household waste also referred to as municipal solid waste ('MSW'), commercial and industrial ('C&I') and construction and demolition ('C&D') waste. In recent years the site has received up to 135,000 tonnes of waste per annum, equivalent to an average of 370 tonnes per day. The landfill currently receives 75,000 tonnes of active waste per annum which is deposited within the existing landfill cells. The site also receives circa 25,000 tonnes of waste which is recycled and historically has received circa 35,000 tonnes of inert waste which has been used to restore parts of the landfill. In addition a restored part of the landfill site is used for open windrow composting operations.
- 2.6 The application site is undeveloped greenfield agricultural land in an open countryside location on the north facing scarp of the Yorkshire Wolds on the southern flank of the Vale of Pickering. The dominant land use of the surrounding area is open farmland and woodland. The Knapton Wood plantation occupies an elevated position and extends to the south west, south, south-east and east of the application site. The Sands Wood plantation is 780m to the west of the application site. The application site falls within an Area of High Landscape Value (AHLV) as defined by the Ryedale Local Plan (2013).
- 2.7 The application site itself is not located within, or immediately adjacent to a wetland, coastal zone, mountain and forest area, nature reserve and park, a designated area (such as SSSI, SPA/SAC, RAMSAR, AONB), a densely populated area or a landscape of national significance. At its closest point the boundary of the North York Moors National Park is approximately 9km north-west of the application site. Knapton Hall is 1.1km to the north-west of the application site. The nearest listed building is the Church of St Edmund (Grade II) in the village of East Knapton 1km to the north west of the application site. Scampston Hall (Grade II*) is 2.4km west of the application site and is set within a Registered Park and Garden (Grade II*) the boundary of which is 1.3km west of the application site at its closest point. There is a Scheduled Ancient Monument (a cross dyke) 250m to the south of the application site beyond Knapton Wood. The application site has the potential to be of some archaeological significance.

- 2.8 The villages of West and East Knapton are 1.3km to the north west, West Heslerton is 1.5km to the east, Wintringham is 1.6km to the south-west and Scampston is 2.5km to the west. There are no residential properties within close proximity of the application site. The nearest residential properties are at West Farm beyond Knapton Wood approximately 750 metres to the south east. A caravan and camping site (Wolds Way) is also located approximately 850 metres to the south-east. There is also a telecommunications mast near West Farm 800m south-east of the application site which is visible on the skyline when viewed from the A64 and other positions to the north. There are residential properties east of the village of East Knapton at Mill Grange and Hartswood Farm (and small campsite) which are 1km to the north-east of the application site on the northern side of the A64.
- 2.9 Public bridleway number 25.81/15/1 (along Knapton Wold Road) is approximately 500 metres to the west and public bridleway number 25.81/24/1 runs 250 metres to the south of the application site (separated by Knapton Wood). The Wolds Way National Trail runs in an east-west alignment which at its closest point is approximately 250 metres to the south of the application site (also separated by Knapton Wood).
- 2.10 The site lies in flood zone 1 (low risk) and is located on the Chalk (Principal aquifer) but is close to the boundary with the Speeton Clay Formation (unproductive strata). The site is not located within a Source Protection Zone and there are no licensed abstractions in the vicinity.
- 2.11 A plan showing the application site is attached to this report at Appendix A and an aerial photo at Appendix C.

Planning History

- 2.12 There is no planning history applicable to the proposed development site aside from a 'Screening Opinion' (ref. NY/2016/0085/SCR) that was issued by the Authority on 20 July 2016 under Regulation 5 of the Town and County Planning (Environmental Impact Assessment) Regulations 2011. The 'Screening Opinion' stated that the proposed Green Energy Facility has the potential to have significant impacts upon the environment and therefore any future planning application for the development should be accompanied by an Environmental Statement.
- 2.13 The planning history of the adjacent former quarry/active landfill and waste management site is of relevance and is summarised in the following paragraphs.
- 2.14 Having lain dormant for a number of years Knapton Quarry recommenced working in 1966 (originally sand and gravel with more recent quarrying of underlying chalk). The planning history for the site shows that permission ref. P/939 was granted for extraction in October 1966 and permission ref. P/939A was granted for extraction in June 1970. The applicant and operator at the time was R R Butler.
- 2.15 On 16 December 1976 planning permission ref. C3/114/12 was granted for the erection of a building for the manufacture of concrete products at Knapton Quarry. The applicant and operator at the time was Knapton Gravel Co.
- 2.16 On 18 April 1979 planning permission ref. C/3/114/12A/PA was granted for the tipping of waste (inert) at Knapton Quarry. The applicant and operator at the time was R R Butler.
- 2.17 On 13 April 1984 planning permission ref. C3/114/12C was granted for extraction and tipping at Knapton Quarry. The applicant and operator at the time was B Doughty.
- 2.18 On 12 September 1984 planning permission ref. C3/114/12D was granted for tipping at Knapton Quarry. The applicant at the time was B Doughty.

- 2.19 On 8 February 1988 planning permission ref. C3/114/12E was granted for a building at Knapton Quarry. The applicant at the time was Knapton Quarry and Skip Hire.
- 2.20 On 27 March 1991 planning permission ref. C3/114/12F/FA was granted for an extension to the existing quarry and restoration of the whole site to agriculture by landfill operations. The applicant and operator at the time was Ray Owen Waste Disposals. The permission authorised the disposal of non-hazardous domestic, commercial and industrial waste in engineered landfill containment cells.
- 2.21 On 3 February 1998 planning permission ref C3/97/00706 was granted for the demolition of an existing building and construction and operation of a waste transfer and recycling centre at Knapton Quarry, East Knapton. The applicant and operator at the time was Owen Environmental Services.
- 2.22 On 7 January 2002 planning permission ref. C3/114/12G/FA was granted for an extension to the existing chalk quarry with restoration by infilling at Knapton Quarry until 14 March 2035 with restoration by 14 March 2037 (Condition 2 on the planning permission). The planning permission includes 49 planning conditions and is accompanied by a Section 106 legal agreement dated 5 March 2001. The applicant and operator at the time was Ray Owen Waste Disposal.
- 2.23 On 18 September 2003 planning permission ref. C3/02/01200/CPO was granted for the demolition of an existing building and construction of a new building for the purposes of the operation of a waste transfer and recycling centre at Knapton Quarry and Landfill site, East Knapton. The permission has been implemented and the waste transfer and recycling centre is operational. Condition 4 on the permission authorised the vehicular movement of waste or soils to or within the site only between 0730 and 1730 hours Mondays to Fridays and 0730 and 1300 hours Saturdays with no working on Sundays or Bank and Public Holidays. The applicant and operator at the time was F D Todd & Sons Ltd.
- 2.24 On 6 June 2008 planning permission ref. C3/08/00235/CPO was granted for the erection of a building for the pre-treatment of waste prior to final disposal and provision of new weighbridge at Knapton Quarry, Knapton. The weighbridge was implemented and remains on site, but the new pre-treatment building (which would require the partial demolition of the existing buildings) has not yet been erected. Condition 2 states that the permission authorises the erection of a building for the pre-treatment of waste prior to final disposal and the provision of a new weighbridge only until the completion of the associated tipping operations after which it shall be discontinued and the development including all plant and machinery shall be removed before that date and the land restored within 12 months.
- 2.25 On 30 September 2009 planning permission ref. C3/09/00833/CPO was granted for the variation of condition 4 of Planning Permission C3/02/01200/CPO to allow for extended hours of operation of the Waste Transfer and Recycling Building on land at Knapton Quarry Landfill Site, East Knapton, Malton. The applicant and operator at the time was F D Todd & Sons Ltd. Condition 1 of the permission states that the building shall operate only as a waste transfer and recycling centre until the completion of the tipping operations after which it shall be discontinued and all plant, machinery, vehicles and skips, including the building, shall be removed within 12 months of the completion of tipping operations and the land restored. Condition 3 on planning permission ref. C3/09/00833/CPO authorises vehicular movement of waste or soils to or within the site only between 0730 and 2200 hours Mondays to Fridays and 0730 and 1600 hours Saturdays and Sundays.

- 2.26 On 28 September 2012 approval ref. NY/2012/0287/A30 (C3/12/00795/CPO) was given for the composting (open windrows to maximum height of 3.5m) and storage of green waste to form soil making material for the use in the restoration of the landfill site. The composting takes place on an impermeable pad to the south of the waste reception yard area. A maximum of 2,000 tonnes of green waste is composted at the site per year.
- 2.27 On 24 November 2016 planning permission ref. C3/12/00997/CPO was granted for the variation of condition No. 3 of planning permission reference C3/114/12G/FA to allow for revised final restoration details at Knapton Quarry Landfill, East Knapton, Malton. The planning permission authorises infilling with imported waste until 14 March 2035 and restoration of the land by 14 March 2037. The landfill operator states that they are expected to stop tipping active waste within the engineered landfill cells in 2017 and that landfill capping and restoration works will continue at the site until at least 2035. The operator estimates that in excess of 200,000m³ of inert waste material will be required to complete the restoration of the landfill. Approximately 80% of the methane gas generated from the landfill site is currently being disposed by way of a flare and vent to the atmosphere. The remaining landfill methane gas is used in a micro generation plant (50KW) for energy purposes. The permission requires that the landfill site is restored to a long term biomass cropping (short rotation coppice) and permanent woodland after use. The permission is subject to a Section 106 legal agreement dated 23 November 2016 in relation to long term restoration management and aftercare (25 years).
- 2.28 The extant permissions for the adjacent site are references C3/12/00997/CPO (landfill), C3/12/00795/CPO (composting), C3/08/00235/CPO (pre-treatment of waste building & weighbridge) and C3/09/00833/CPO (waste transfer and recycling building). The planning permissions for the pre-treatment of waste building & weighbridge and the waste transfer and recycling building include conditions which only permit the use of the buildings until the completion of the associated tipping operations after which they shall be removed and the land restored.
- 2.29 On 15 May 2017 the County Planning Authority registered an application ref. NY/2017/0129/FUL for the retention and change of use of existing waste transfer buildings and associated yard, weighbridge and ancillary structures to allow for waste recycling and pre-treatment operations at Knapton Quarry Landfill Site, Knapton. The application shall be determined in parallel with the application the subject of this report.

3.0 The proposal

- 3.1 Planning permission is sought for the erection of a Green Energy Facility (6,342 sq. metres) (energy from waste via gasification), office reception building (91 sq. metres), substation & switchroom (39 sq. metres), air cooled condenser (195 sq. metres), installation of a weighbridge, earthworks, 20 car parking spaces, extension to internal access road, landscaping and associated infrastructure, including a local connection via underground cable (340 metres) to the 11kV grid via a proposed substation at land south of Knapton Quarry/Landfill as well as an underground connection (Option 1: 5.26 km and Option 2: 8.25km) to the 66kV grid via the primary substation at Yedingham on land to the South of Knapton Quarry Landfill Site, Knapton, YO17 8JA on behalf of Knapton Green Energy (Tetragen (Knapton UK) Ltd & NCG Estates).
- 3.2 The application is accompanied by an Environmental Statement that reports on the results of the EIA and assesses the significance of any potential impact of the proposed development in relation to the following:- Socio-Economic Issues, Landscape and Visual Impact, Air Quality and Odour, Noise, Archaeology and Cultural Heritage, Traffic and Transportation, Ecology, Ground Conditions and Flood Risk and Hydrology.

- 3.3 The proposed Green Energy Facility (GEF) would be a single purpose built building comprising a waste reception hall and gasification plant comprising a gasifier, boiler island, steam turbine and generator set and gas cleaning and an ash handling system. An air cooled condenser for recovering water from the steam generation process is proposed adjacent to the south west corner of the GEF building.
- 3.4 The GEF building would measure 56 metres in width and 109 metres in length and would have a stepped roof design (curved): the higher part to accommodate the gasification plant area and the lower being the waste reception area. The roof height over the gasification plant would reach a maximum height of 23 metres. The roof height over the waste reception area bay would reach a maximum height of 13.5 metres. The building would also accommodate a 1 metre diameter emissions stack with an overall height of 33 metres. The applicant states *“The building will be faced predominantly in rain screen cladding, in a range of mid grey and dark green colours selected to integrate the building with the local environment. Other materials, e.g. timber cladding provide some visual relief and interest to the building”*. Please refer to Appendix G.
- 3.5 The air cooled condenser would have a gross external area of a maximum of 200 square metres. It would be 10 metres in width and 20 metres in length and would reach a maximum height of 21 metres.
- 3.6 Within the northern portion of the Site a new small substation and reception/weighbridge building is proposed. The reception/weighbridge building would control the incoming and outgoing traffic and provide an office, meeting room and welfare facilities for staff and visitors. A visitor car park would be located adjacent to the reception building. The reception/weighbridge building would have a gross external area of 91.2 square metres and extend to 5.5 metres in height. This building, like the main GEF building, would have a curved roof design and similar materials.
- 3.7 The electricity generated by the GEF would be transmitted to the local 11kV grid via a substation at the Site and then to the local area grid (66kV) at the existing Yedingham Primary Substation (1 km south of the village of Yedingham and 3.4km north east of the Site). The application details show two potential cable route options to connect the proposed development to the Yedingham Primary Substation. Option 1 is to lay the cable to the east along the verge of the A64 before directing it north along the verge of the Malton Road (B1528) and south at Yedingham along Station Road to the substation itself. Option 2 is to lay the cable in a western direction along the verge of the A64 before directing the cable north along the verge of Station Road to the substation.
- 3.8 It is proposed to extend the internal access road along the eastern site of the landfill site and loop round to meet the external service yard to be constructed on the eastern side of the GEF building. In addition 20 car parking spaces are proposed, 10 of which are to be located within the southern portion of the Site adjacent to the GEF. 10 are to be located within the northern portion of the Site adjacent to the reception/weighbridge building.
- 3.9 The proposed GEF would receive and consume circa 65,000 tonnes of non-recyclable, primarily non-fossil fuel derived, waste ('Fuel') per annum from the adjacent waste transfer, recycling and treatment facilities (to be retained) at Knapton Landfill. In order to supply the 65,000 tonnes of Fuel to the GEF it is estimated that Knapton Landfill would receive around 80,000 tonnes of source waste material per annum. This waste would go through a pre-treatment process at the existing waste transfer and recycling buildings at Knapton Landfill where recyclable materials such as glass and metals would be extracted. These recyclable materials would leave the Knapton Landfill site as part of the ongoing waste transfer and recycling operations at Knapton Landfill. The sorted non-recyclable waste (such as rubber, plastics etc)

would then be passed through shredders to ensure the Refuse Derived Fuel (RDF) is of optimal consistency before being delivered to the GEF. The GEF would produce 8 MW of electricity equivalent to powering circa 16,000 homes a year. The GEF would be designed to be “CHP-ready” i.e. to be easily re-configured to supply heat to match local demand. The Applicants are currently exploring the potential to transmit surplus renewable heat and energy generated by the facility to local energy intensive businesses including the nearby Maltings.

- 3.10 The application states that *“The Proposed Development represents a more efficient and environmentally sustainable method of disposing of non-recyclable waste than existing operations or other currently available alternatives”*. The GEF would accept waste primarily from many of the same sources as are currently accepted into Knapton Landfill (excluding the municipal, residential and food waste fractions currently comprised in the landfill waste stream also known as ‘black bag waste’) but would be delivered using a reduced number of dedicated vehicles with higher payload capacities.

Traffic

- 3.11 It is proposed that an average of ten 44 tonne HGVs, with a typical payload of 24 tonnes per day would deliver the non-recyclable waste to Knapton Landfill for treatment (20 arrivals and departures per day). Following pre-treatment an internal vehicle would move the Fuel to the GEF. These vehicles would not enter the public highway and are only associated with onsite operations. In addition to the above it is anticipated that there would be a further 10 two way movements per day associated with cars for staff and visitors arriving at the Site. The traffic generated by the proposed development is set out in the table below:

Type of Trip	Average
Number of vehicle movements / working day delivering non-recyclable waste to Knapton Quarry	20
Estimated payload of delivery vehicles	24 tonnes
Estimated number of non-waste vehicles / working day	10
Total vehicle movements / working day	30
<i>Vehicle movement definition, egress = 1 movement, ingress = 1 movement</i>	

Hours of operation

- 3.12 It is proposed that the facility would receive waste into the reception building during the following hours: Monday to Saturday: 0630 to 1830 and Sunday: 0900 to 1730. No deliveries shall be made outside these hours including Bank Holidays and Public Holidays. The applicant states that *“In order to ensure the facility operates 24 hours a day the GEF will store up to three day’s supply of Fuel within the waste reception area of the GEF building”*.

Employment

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

External Lighting

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

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

Landscaping

- 3.15 The applicant states that the material extracted during the creation of the development platform ('cut and fill' to situate the GEF building at lower level than existing land) would be used to remodel the landform, particularly within the eastern portion of the Site where a planted screen bund would be created. The proposals are shown on the drawing attached to this report at Appendix E. The applicant states *“It is anticipated that there will be a balance of material between cut and fill operations. The earthworks design and woodland planting together will provide screening and break up the outline of the building when viewed from key vantage points. The landform has been sensitively designed to reflect the existing landscape character. Planting will comprise predominantly native species that will filter views to the development and over time assimilate the building into the landscape. The proposed landscape design will also create a range of new habitats including woodland, hedgerows, chalk grassland, and ponds/wetlands that will significantly increase the biodiversity of the area”*. The applicant also states *“The landform design and associated planting will reinforce existing screening of the GEF by landform and woodland. Where there is little natural screening at present (i.e. predominantly from the east) the proposed landform design and woodland planting will provide a screen to the lower half of the building and associated external areas. As woodland planting matures the screening effect of the landscape proposals will increase”*.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on 29 November 2016 and the subsequent re-consultation on 1 March 2017 following the receipt of further environmental information comprising a Regulation 22 submission on heritage and landscape and visual impacts, dated February 2017. As required by the Regulations, notification of the Secretary of State (National Planning Casework Unit) of the planning application was undertaken on 29 November 2016.

- 4.1 **Ryedale District Council (Planning)**- responded on 5 January 2017 and state that their comments are focussed on the siting, scale and design of the proposed building and its impact upon the landscape. Ryedale District Council (Planning) highlight that the application site is located within the Yorkshire Wolds Landscape Character Area, designated as an Area of High Landscape Value. The response makes reference to the requirements of policies SP13 (Landscapes) and SP20 (Generic Development Management Issues) of the Ryedale Plan.
- 4.1.1 The response states that the scale and height of the proposed building represents a significant building in this particular location and within Ryedale and that there are only limited examples of buildings in Ryedale that have heights of 23m notwithstanding the building also having components reaching 33m in height.
- 4.1.2 Ryedale District Council (Planning) state that *“The site is located on the Yorkshire Wolds rising escarpment, giving rise to public viewpoints to the south from the A64 and beyond. There will also be views of the proposal across the Vale of Pickering from settlements and viewpoints on and adjacent to the A170 and from the rising land within the North York Moors. In addition there are reservations about the impact of the proposal upon the network of public footpaths to the east and south of the application site. It is considered that the introduction of the proposed development will not be consistent with the special scenic qualities of the landscape and be contrary to Policy SP13 of the Local Plan Strategy. Although it may be possible to partly mitigate some of this impact through a carefully considered landscaping scheme”*. Ryedale District Council (Planning) also state that *“Furthermore, the scale of the proposed activity in*

this currently undeveloped rural area will give rise to a significant change in the character and appearance of the area”.

- 4.1.3 In summary Ryedale District Council (Planning) state that there are significant concerns regarding the scale of the proposed building and its impact upon the landscape and it is considered to be contrary to the requirements of policies SP13 and SP20 of the Ryedale Plan. Ryedale District Council (Planning), do however, acknowledge that there could be significant benefits associated with the scheme and that it is for NYCC to weigh the above comments in the overall planning balance.
- 4.1.4 On 16 March 2017, in response to the reconsultation on further information, the Ryedale District Council (Planning) confirmed that they maintain the view that the proposed development is not consistent with Policy SP13 of the Local Plan Strategy- Ryedale Plan by virtue of its scale and height and its impact upon the special scenic qualities of the landscape. However RDC recognise that the landscape harm has to be weighed in the balance by NYCC alongside the benefits of the proposed development.
- 4.2 **Environmental Health Officer (Ryedale)-** responded on 5 January 2017 (observations contained within Ryedale District Council (Planning) response) with comments on air quality and noise.
- 4.2.1 With regard to air quality the EHO notes the applicant’s proposals for odour mitigation and the adoption of Standard Operating Procedures. The EHO notes that the processes will be regulated by the Environment Agency and they will have to ensure that the application can achieve all regulatory air quality objectives or their own other specific pollutant environmental limit values, in addition to the control of odours.
- 4.2.2 With regard to noise the EHO notes that the development would operate 24 hours a day and therefore it is critical that the proposed development does not cause noise issues to nearby surrounding sensitive receptors. The EHO states that this is particularly important at the sensitive evening and night times as the road traffic on the A64 reduces significantly on a night time.
- 4.2.3 The EHO notes that the applicant’s noise consultant acknowledges that at this stage the number and physical size of significant sources is unknown and therefore notional point source limits are proposed which are then converted to an overall sound power limit at the site. The EHO states that *“in the absence of manufacturers noise data and information regarding the proposed buildings’ acoustic properties, noise limits at the surrounding residential receptors were used to derive at source noise limits”.*
- 4.2.4 In noting that the applicant relies on BS4142 in order to derive suggested receptor noise levels and relies on the reduction of a partly open window to give a reduction of 10-15dbLA the EHO states *“Due to the issue of having an absence of manufacturer’s noise data and information regarding the proposed buildings acoustic properties or the number and size of noise sources, there is some logic in using this approach as a starting point in designing the facilities to achieve a certain acoustic standard. The approach is however too simplistic for dealing with this application and setting planning conditions based on these levels. The proposed development will have a number of sources of noise. The levels are likely to fluctuate depending on temperature, loading etc. There is no assessment of any anticipated tonal characteristics that maybe audible. The suggested Receptor Noise Limits are in some cases still significantly higher than the measured existing background noise levels e.g. the proposed Receptor Noise Limit for Position 3 (West Wold Farm and Wolds Way Caravan and Camping site) is 12dbLA above the background. The reduction afforded by a partially open window will be of no relevance to a person camping at the site”.*

- 4.2.5 The EHO recommends consideration of pre-commencement conditions to cover the submission, approval and implementation of a Noise Impact Report and Construction Environmental Management Plan.
- 4.3 **North York Moors National Park-** responded on 13 February 2017 and confirmed that the key consideration for the NYMNPA is visual impact on the setting of the Park. The NYMNPA states *“Subject to NYCC satisfying itself that there will be no significant plume from the stack, this Authority considers the development would not be likely to have an adverse impact on the setting of the National Park or on the public enjoyment of views out from the National Park due to the distance from the Park boundary and the backdrop of the higher ground of the Wolds beyond or the enjoyment of the Wolds Way National Trail and as such have no objections”*.
- 4.3.1 On 31 March 2017 the NYMNPA National Trails Officer stated *“The Yorkshire Wolds Way National Trail is rightly renowned for the exceptional peace and tranquillity that it affords its users. As Yorkshire Wolds Way National Trail Officer I would like to express my concern that the tranquillity for those users of the Yorkshire Wolds Way including those staying at the Yorkshire Wolds Caravan and Camping Park should not be negatively impacted by this proposal. If the Authority is minded to approve this proposal it should be satisfied that all necessary measures have been taken to ensure that there are no negative noise impacts on Yorkshire Wolds Way users. I am objecting to the above proposal, unless the Authority can be satisfied that any additional noise levels can be contained”*.
- 4.4 **NYCC Heritage - Ecology-** responded on 12 December 2016 and confirmed that the Ecological Impact Assessment has been carried out in accordance with current standards and guidance and that it is not expected that there will be any direct impacts arising from the development. The County Ecologist also recommends that cable route Option 1 is pursued as this has the least impact on ecological features.
- 4.4.1 The County Ecologist states that *“Possible indirect effects may occur as a result of disturbance to bat foraging habitat, in the form of lighting and noise, however the Environmental Statement predicts that these impacts will be minimal, provided that mitigation measures proposed for woodland and hedgerow protection and a sensitive lighting plan are adhered to. These should be secured by condition”*.
- 4.4.2 The County Ecologist also recommends the inclusion of conditions to cover a pre commencement check for badgers, a survey of vegetation prior to removal during nesting bird season and also the submission of a Biodiversity Enhancement and Management Plan (BEMP) as recommended within the applicant’s Environmental Statement.
- 4.4.3 On 9 March 2017, in response to the reconsultation on further information, the County Ecologist confirmed that *“the additional information does not relate directly to ecology and it has therefore not changed the advice provided in my previous response to the application (dated 12th Dec 2016), as such the recommendations and advice within that response are still valid and should be taken into consideration in the determination of the application”*.
- 4.5 **NYCC Heritage - Principal Landscape Architect-** responded on 22 December 2016 and sets out detailed comments on the Landscape and Visual Impact Assessment (LVIA) and highlights queries and requests for further information. The Principal Landscape Architect states *“This is for a permanent industrial scale development on a greenfield site in the open countryside and within the Wolds Area of High Landscape Value (justified at the Ryedale Local Plan Inquiry 1999). The proposed development would comprise a large building and stack which, although carefully designed in itself, would have potential to be seen from a wide area as it would be sited on the visually sensitive north facing scarp of the Wolds which faces the flat open Vale of Pickering.*

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

- 4.5.1 In summary the Principal Landscape Architect states that the application cannot be supported in terms of landscape for the following reasons:-

“There is conflict with planning policy on landscape. In particular the proposal conflicts with NPPF in that it does not accord with the Local Plan (specifically Ryedale Local Plan Strategy Policy SP13), and it conflicts with National Planning Policy Framework (NPPF) paragraph 17 as the proposal does not respect the intrinsic character and beauty of the countryside. It is also not in accordance with NPPF paragraphs 58 and 109.

There is further conflict with national and local policy in that while the proposed development site is adjacent to a landfill site (soon to be restored to rural land uses), it is not within or adjacent to ‘previously used land’ under the National Planning Policy Framework definition. The permanent and irreversible nature of the proposed development is in contrast with the temporary nature of the existing landfill and waste transfer and composting operations, which are only permitted for the lifetime of the landfill operation which is due to cease in 2017, followed by an estimated 4 years of restoration to rural land uses. The proposed buildings, associated vehicle movements, noise and lighting would perpetuate indefinitely this area of disturbance within the Wolds landscape. There are no restoration proposals to return the land to its original contours and rural land uses, should the proposed use come to an end. The incremental loss of tranquility, including urban intrusion, loss of dark skies, and traffic noise, is an issue. In the Minerals and Waste Local Plan (Publication Stage) Knapton Quarry is only safeguarded for composting, and the duration would be limited by the current terms of planning permission”.

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

- 4.6 **NYCC Heritage - Archaeology**- responded on 12 December 2016 and acknowledged that the submitted geophysical survey has identified a number of features of archaeological interest within the proposed development area and the significance of these features is not currently understood. The County Archaeologist states that *“The Vale of Pickering and Yorkshire Wolds are rich in archaeological remains, particularly for the prehistoric and Roman periods. These remains can include high status finds such as Bronze Age and Iron Age burial mounds and settlements of the Roman and Anglo-Saxon periods”*.
- 4.6.1 The County Archaeologist notes that the applicant’s Environmental Statement indicates that archaeological trial trenching is required to fully characterise the significance of the anomalies visible in the geophysical survey. The County Archaeologist supports the proposal for trial trenching and recommended that this takes places prior to a planning decision being made rather than being carried forward as a condition of consent.
- 4.6.2 With regards to the cable connections the County Archaeologist supports the recommendation for archaeological monitoring during installation.
- 4.6.3 In response the applicant has requested that consideration is given to the trial trenching being secured by a pre commencement condition as an alternative to completing the trial trenching pre determination due to costs and the timescales for the project potentially effecting the viability of the development.
- 4.6.4 The County Archaeologist encourages the provision of trial trenching prior to determination if at all possible and highlighted on 17 January 2017 that *“If trial trenching is carried forward as a (pre commencement) planning condition this could expose the developer to an unknown level of risk and cost, particularly if archaeological remains are found to be extensive, complex and include sensitive features such as human remains or well-preserved organic deposits. The extent of archaeological mitigation necessary if such deposits are present could potentially reduce the viability of the development”*. If a conditioned approach is adopted the County Archaeologist recommends conditions requiring the submission of an WSI prior to the commencement of development and also a scheme of archaeological investigation evaluation and assessment of any archaeological remains within the application area.
- 4.6.5 The applicant acknowledges the risk and states that the below-ground archaeology within the application site is relatively well-understood based on the 2014 geophysical survey and desk-based assessment. The applicant states that *“As stated in the desk based assessment and the ES chapter, it is unlikely that the archaeology will be of greater than low/local to moderate/regional significance which means that it could be dealt with by appropriate mitigation in the form of an archaeological investigation (the nature of which - watching brief or full excavation - will depend on the results of the trial trenching). As such it is less important to carry out trial trenching pre-determination”*.
- 4.6.6 On 9 March 2017, in response to the reconsultation on further information, the County Archaeologist confirmed no additional observations to make in light of the amendments and that previous advice dated 12 December 2016 (and followed up in an email dated 17 January 2017) remains valid.
- 4.7 **Scampston Parish Council**- responded on 11 March 2017 and raise the following concerns:
1. Noise from the site both during the development and ongoing noise pollution should the development be passed.
 2. Persistent or intermittent smell emanating from the site and the need for measures to minimise this should the site be developed.

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

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

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

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

- 4.9.1 In conclusion Wintringham Parish Council state *“this proposal appears to be the wrong development in the wrong place – it would surely be better to locate it much closer to the UK’s main centres of population, which is where most of the waste originates (many of the vehicles currently using the landfill site travel long distances, anecdotally from Ireland and the south west of England). This would significantly reduce the vehicle miles required to service the plant, allow a shorter feed into the electricity National Grid, and potentially support the supply of heat from the plant to industry (which is unlikely to be viable in the current location). Locating the plant nearer to the source of the waste would be a much greener solution than the one proposed by Knapton Green Energy”*.
- 4.10 **Highway Authority (LHA)**- responded on 9 December 2016 and note that the existing access complies with their design standards for visibility splays. The LHA highlight that the access for the site is off the A64 trunk road which is under the control of Highways England who should be consulted as they oversee the operation of the road. The LHA confirm that they have no objections to the application.
- 4.10.1 On 2 March 2017, in response to the reconsultation on further information, the LHA noted that the further information has no effect on traffic and transportations matter connected with the site and they wish to make no further comments.
- 4.11 **Highways England**- responded on 13 December 2016 and confirms no objection on the grounds of highways traffic and transportation impact should the Council wish to grant consent.
- 4.11.1 With regard to traffic Highways England state *“It is clear that in the short term the existing landfill and recyclables are around 100,000 tonnes which is greater than the proposed GEF. Although there is an increase in staff the overall level of traffic generation is unlikely to be higher than the existing facility”*.
- 4.11.2 With regard to road safety and the accident data provided by the applicant Highways England states *“It can be concluded that the existing operation of the landfill site does not give rise to highways safety issues, as such there is no reason to believe that the proposed use, which will generate similar or lower levels of traffic, will give rise to a highway safety issue”*.
- 4.11.3 On 22 March 2017, in response to the reconsultation on further information, Highways England provided further comments and confirm no objection, however have recommended that conditions should be attached to any planning permission granted in relation to the following.
1. A standard Construction Traffic Management Plan [CTMP] condition ensuring that Highways England is agreeable to the CTMP methods.
 2. A condition requesting that the scheme relating to the power line elements that cross and are adjacent to the Strategic Road Network (SRN) is agreed in full with Highways England before commencement of construction, including in relation to:
 - The construction methods of that element of the scheme; and
 - The detailed proposals regarding the permanent form of that element of the scheme (including agreement to the deliverability of that element of the scheme).
- 4.12 **Environment Agency**- responded on 5 January 2017 and confirmed no objections to the proposed development. The Environment Agency acknowledge and welcome the fact that the proposed facility would result in non-recyclable waste being moved up the ‘waste hierarchy’ away from landfill to energy recovery.
- 4.12.1 The Environment Agency states that *“The applicant will need to demonstrate that the proposed use of bottom ash as a restoration material within the adjacent landfill will*

be suitable for this use. The proposal indicates a novel treatment (by vitrification) of the fly ash. This process will also need to be controlled by us under the environmental permitting process. There would also need to be an agreed option for the proper end point deposit of the treated fly ash material”.

- 4.12.2 The Environment Agency strongly support the use of rainwater harvesting to meet the water needs on site and the recycling of the water used to raise steam. The Environment Agency also confirm that the site lies in flood zone 1 (low risk) and therefore have no comments to make on flood risk.
- 4.12.3 The Environment Agency confirm that the development will require an Environmental Permit and that the Environment Agency do not currently have enough information to know if the proposed development can meet their requirements to prevent, minimise and/or control pollution. The applicant should be aware that a permit may not be granted. A permit will only be granted where the risk to the environment is acceptable. The Environment Agency highlight that they advise that there is parallel tracking of the planning and permit applications to allow any issues to be resolved if possible at the earliest stages and this would avoid the potential need for any amendments to the planning application post-permission.
- 4.12.4 The Environment Agency notes that the applicant has chosen not to parallel track the applications and as a result are not able to offer detailed advice or comments on permitting issues impacting upon planning. The Environment Agency response includes guidance to the applicant on pollution control, CHP requirements, energy efficiency requirements, groundwater protection, land contamination and water resources (abstraction licence).
- 4.12.5 On 3 March 2017, in response to the reconsultation on further information, the Environment Agency confirmed that they have no further comments to make in relation to the additional information submitted and their comments made on 5 January 2017 remain valid.
- 4.13 **North Yorkshire Fire and Rescue Service-** responded on 14 March 2017 and stated *“At this stage in the planning approval process the fire authority have no objection to the proposed development. The fire authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the fire authority. The proposals/plans should ensure that the requirement B5 of Schedule 1 to the Building Regulations 2000 (as amended), access and facilities for the fire service will be met”.*
- 4.14 **Natural England-** responded on 13 December 2016 and confirmed that the proposal is unlikely to affect any statutorily protected sites or landscapes and refer to their Standing Advice for protected species.
- 4.14.1 On 9 March 2017, in response to the reconsultation on further information, Natural England confirmed that the additional information to the original application *“is unlikely to have significantly different impacts on the natural environment than the original proposal”.*
- 4.15 **Yorkshire Water Services Ltd-** responded on 1 December 2016 and confirmed that a water supply can be provided under the terms of the Water Industry Act, 1991. The response also confirms that this proposal is in an area not served by the public sewerage network and the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.
- 4.16 **NYCC SUDS Officer-** responded on 13 February 2017 and made comments on surface water management. The NYCC SUDS Officer recommended that the

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

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

4.17 **Historic England-** responded on 15 December 2016 and stated that the application has not provided the assessment of significance of heritage assets as required by the NPPF and as a consequence it was not possible to understand the impact of the scheme on the significance of heritage assets or establish the public benefit balance and therefore the application should not be determined. Historic England drew particular and specific attention to Scampston Hall and Gardens and stated that *'this is a complex heritage site with multiple designations'*. Historic England state that it will be important to demonstrate that the contribution setting makes to the historic park and garden has been understood through the identification of key viewpoints.

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

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

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

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

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

4.18 **Thornton IDB-** has not responded.

4.19 **NYCC Public Rights of Way Team-** responded on 13 December 2016 and request the inclusion of an informative on any permission granted which requires that *"No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development"*.

- 4.19.1 On 2 March 2017, in response to the reconsultation on further information, the PRoW team confirmed that no rights of way are affected by this proposal.
- 4.20 **Health & Safety Executive**- has not responded.
- 4.21 **Civil Aviation Authority**- has not responded.
- 4.22 **Ministry of Defence Safeguarding Organisation**- has not responded.
- 4.23 **National Grid (Plant Protection)** - has not responded.
- 4.24 **Northern Powergrid (Yorkshire)** - has not responded.
- 4.25 **NYCC Strategic Policy and Economic Growth Team**- responded on 27 February 2017. The response states:-

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

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

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

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

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

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

Notifications

- 4.26 **County Cllr. Janet Sanderson**- was notified of the application by letter.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of eight Site Notices posted on 1 December 2016 (responses to which expired on 22 December 2016). The Site Notices were posted in the following locations: at the site entrance and in the villages of West Knapton (2), East Knapton (2), Wintringham (2) and West Heslerton (1). A Press Notice appeared in the Malton Gazette & Herald on 7 December 2016 (responses to which expired on 21 December 2016).
- 5.2 A total of 22 neighbour notification letters were sent on 29 November 2016 and the period in which to make representations expired on 20 December 2016. The following properties received a neighbour notification letter:
1. WEST WOLD FARM, WEST KNAPTON
 2. BARN COTTAGE, WEST KNAPTON
 3. EAST FARM, WEST KNAPTON
 4. HARTSWOOD LODGE, EAST KNAPTON
 5. HARTSWOOD BUNGALOW, EAST KNAPTON
 6. MILL GRANARY, EAST KNAPTON
 7. MILL BARN, EAST KNAPTON
 8. MILL HOUSE, EAST KNAPTON
 9. HARTSWOOD FARM, EAST KNAPTON
 10. BARN COTTAGE, KNAPTON WOLD ROAD, MALTON
 11. EAST FARM, KNAPTON WOLD ROAD, MALTON
 12. WOLDS WAY LAVENDER, SANDY LANE, WEST KNAPTON
 13. ST EDMUND'S CHURCH, MAIN STREET, EAST KNAPTON
 14. KNAPTON HALL COTTAGE, MAIN STREET, EAST KNAPTON
 15. FLAT 1 KNAPTON HALL, MAIN STREET, EAST KNAPTON
 16. ELM TREE FARM, MAIN STREET, EAST KNAPTON
 17. CORNER FARM, MAIN STREET, WEST KNAPTON
 18. WHITE COTTAGE, EAST KNAPTON
 19. MILL GRANGE, EAST KNAPTON
 20. SOUTH FARM, KNAPTON WOLD ROAD
 21. WOLDS WAY CARAVAN & CAMPING, KNAPTON WOLD ROAD
 22. KNAPTON HALL, MAIN STREET, EAST KNAPTON
- 5.3 A total of 39 letters of representation have been received of which 18 raise objections to the proposed development and 21 are in support. The approximate locations of the objectors and supporters are shown on the plan attached to this report at Appendix B.
- 5.4 The reasons for objection are summarised as follows:-
- Use of greenfield land in rural location and area of high landscape value
 - Visual, odour, noise, wildlife and light pollution impacts
 - 24/7 operation
 - Traffic
 - The screening provided by the wood to the south cannot be relied upon
 - 33 metre stack would be an eyesore
 - huge industrial building in a very prominent position will detract from the landscape value
 - Impact upon tourists particularly those using nearby caravan and camping site
 - Impact upon users of nearby bridleways and the Wolds Way National Trail
 - No alternative sites have been considered
 - No specific requirement for industrial building to be site at Knapton Quarry
 - Comparisons between existing levels and proposed levels for both traffic and pollution are not a justified comparisons as landfilling ends in early 2017. As such, the proposal should consider and compare with future expected levels, i.e. when the existing landfill operation has ceased.

- Waste recycling facilities should be deferred until the draft Minerals and Waste Joint Local Plan has been adopted.
- Evidence of the proposed technology being flawed and unproven and applicant should demonstrate it is financially viable
- Limited information on the handling of the by products from the Gasification process and its subsequent effects.
- visual assessment inaccurate claims that it won't be visible from the residential properties in the vicinity but the development site can be seen from various aspects of Mill Grange.
- building cannot be screened sufficiently well due to the slow growing nature of trees on Wold soil.
- HGV traffic is routed through the small village of Rillington.

5.5 The reasons for support are summarised as follows:-

- Make good use of waste and the investment will provide jobs and safeguard existing jobs
- Traffic would be less than existing
- Any traffic concerns are outweighed by potential green and economic benefits
- Impressive layout of the new plant and the 'green' technology
- More attractive and impressive building than many of the local farm buildings that have been put up
- Recycling is supported and this is an alternative to putting waste in the ground
- Energy from waste is preferred to depleting natural resources
- It will put the existing landfill and transfer station to good use
- The existing landfill has operated without serious inconvenience and the proposal would have even less of an impact.
- Vast improvement on the odour producing landfill site and methane gas must be flared off at present.
- broaden our energy mix and which will increase our local generative capacity
- it would contribute towards region's ambition to become self-sufficient in generating its own electricity
- location suitable in terms of landscaping, visual protection and distance from neighbouring habitation
- Positive for future of North Yorkshire

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

6.0 Planning policy and guidance

National Planning Policy

6.1 The policy relevant to the determination of this particular planning application provided at the national level is contained within the National Planning Policy Framework (NPPF) (published March 2012) and also the National Planning Policy for Waste (published October 2014).

National Planning Policy Framework (NPPF)

- 6.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.3 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development stating its approach as *“making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same”*. The Government defines sustainable development as that which fulfils the following three roles:
- **An economic role** – development should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
 - **A social role** – development supporting strong, vibrant and healthy communities; and,
 - **An environmental role** – development that contributes to protecting and enhancing the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.
- 6.4 The NPPF advises that when making decisions, development proposals should be approved that accord with the Development Plan and when the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this framework indicate development should be restricted.
- 6.5 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.6 Paragraph 17 of the NPPF states that core land-use planning principles should underpin both plan-making and decision taking. The 12 principles listed in the NPPF state that land-use planning should:
- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
 - not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating
 - sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

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

6.7 Paragraph 32 within Section 4 (Promoting sustainable transport) of the NPPF states that plans and decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

- *“function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping.”*

- 6.9 Paragraphs 93-98 within Section 10 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change. Paragraph 93 indicates that planning has a key role in “supporting the delivery of renewable and low carbon energy and associated infrastructure”.
- 6.10 Paragraph 97 encourages local planning authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources in order to increase the use and supply of renewable and low carbon energy. Local planning authorities are urged to have a positive strategy to promote energy from renewable and low carbon sources; and design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily.
- 6.11 Paragraph 98 states that “when determining planning applications, local planning authorities should:
- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas”.
- 6.12 Within Section 11 of the NPPF it is clear that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.
- 6.13 Paragraph 109 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity, preventing development from contributing to or being adversely affected by unacceptable levels of soil, air, water or noise pollution.
- 6.14 Paragraph 111 states “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.
- 6.15 Paragraph 112 states “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.
- 6.16 Paragraph 118 within Section 11 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. Paragraph 118 states: *“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles (inter alia): if significant harm resulting from a development cannot be avoided (through locating on*

an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

- 6.17 Paragraph 120 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that to prevent unacceptable risks from pollution, decisions should ensure that the development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area should be taken into account. Paragraph 122 states that *“In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”.*
- 6.18 Paragraph 123 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that *“Planning policies and decisions should aim to:*
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
 - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.*
- 6.19 Paragraph 128 within Section 12 of the NPPF states that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.*

National Planning Policy for Waste (published October 2014)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*“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”.

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

National Planning Practice Guidance (NPPG) (2014)

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

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

Air Quality

- 6.31 The NPPG confirms that legally binding limits exist for concentrations of all major air pollutants outdoors, including particulate matter (PM10 and PM2.5) as well as nitrogen dioxide (NO2). The NPPG states that particulate matter and NO2 *“can combine in the atmosphere to form ozone, a harmful air pollutant (and potent greenhouse gas) which can be transported great distances by weather systems”.*
- 6.32 The NPPG goes on to state that planning should take air quality impacts from new development into account *“where the national assessment indicates that relevant limits have been exceeded or are near the limit”.* The national assessment is identified as the annual assessment Defra undertake using monitoring and modelling information.
- 6.33 The NPPG explains that an assessment of whether national objectives is being met are undertaken by unitary and district authorities through the local air quality management (LAQM) regime. If the objectives are not being met, the relevant authority *“must declare an air quality management area and prepare an air quality action plan”.*
- 6.34 With regard to new developments, the NPPG identifies that air quality could be a relevant material consideration where: *“the development is likely to generate air quality impact in an area where air quality is known to be poor...where the development is likely to impact upon the implementation of air quality strategies and action plans and/or....lead to a breach of EU legislation”.* The NPPG states that air quality impacts could arise from significant traffic generation, new point sources of air

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

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

Design

- 6.38 The guidance states *“Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term”*.
- 6.39 When determining applications, the NPPG advises that *“Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies, and other material considerations”*. Where buildings *“promote high levels of sustainability”*, the NPPG advises that planning permission should not be refused on the basis of concerns about whether the development is incompatible with an existing townscape, if good design can mitigate the concerns.
- 6.40 In general, the NPPG states that *“Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinct patterns of development...while not preventing or discouraging appropriate innovation”*.
- 6.41 In relation to landscape impacts, the NPPG advises that development can be integrated into the wider area through the use of natural features and high quality landscaping. In addition, the NPPG promotes the creation of green spaces and notes that high quality landscaping *“makes an important contribution to the quality of an area”*.

Flood Risk and Coastal Change

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

Health and Wellbeing

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

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

Natural Environment

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

Noise

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

Renewable and low carbon energy

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

Waste

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

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

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

National Waste Management Plan for England (2013)

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

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

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

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

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

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

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

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

The Development Plan

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

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

6.65 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect, it is

worth noting that the following document contains emerging local policies that may be of relevance to this application:

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

- 6.66 The application site is neither proposed nor included as a preferred or allocated site. The existing open windrow composting operation on the adjacent landfill site is proposed as a safeguarded waste site (Plan period up to 31 December 2030). The relevant draft policies are considered to be W01 (Moving waste up the waste hierarchy), W10 (Overall locational principles for provision of waste capacity) and W11 (Waste site identification principles). The draft MWJP was published in November 2016 for representations and public consultation on a schedule of proposed changes is taking place over the summer 2017 prior to the submission of the Minerals and Waste Joint Plan for Examination in Public. At the current stage, it would not be appropriate to give any significant weight to this emerging document in respect of the development proposed in this planning application as representations have been received with regard to Policies W01, W10 and W11 that are currently unresolved.
- 6.67 The NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out of date because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations which local planning authorities should take into account from the day of its publication.
- 6.68 If, following the 12 month transitional period given to local planning authorities to ensure compliance of their Local Plans with the NPPF, a new or amended plan has not been adopted, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (paragraph 215 of the NPPF). The closer the policies in the plan to the policies in the NPPF the greater the weight that may be given. In addition paragraph 216 of the NPPF states that *“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*
and
 - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*
- 6.69 The relevant policies within the NPPF have been set out above and within the next section the relevant ‘saved’ policies from the North Yorkshire Waste Local Plan (adopted 2006) are outlined and the degree of consistency with the NPPF is considered. This exercise is not applicable to the policies contained within the more recently adopted ‘Ryedale Plan: Local Plan Strategy’ (adopted September 2013) as the Local Plan Strategy is a post-NPPF adoption and has been deemed to be in compliance with the general aims of the NPPF.

North Yorkshire Waste Local Plan (NYWLP) (adopted 2006)

- 6.70 In the absence of an adopted Minerals and Waste Joint Plan and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the ‘saved’ policies can now be considered as comprising of the Development Plan. The ‘saved’ policies relevant to the determination of this application are:
- 4/1 – Waste Management Proposals
 - 4/3 – Landscape Protection
 - 4/7- Protection of Agricultural Land

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

'Saved' Policy 4/1 – Waste Management Proposals

- 6.71 This Policy states:
Proposals for waste management facilities will be permitted provided that:
- a) *the siting and scale of the development is appropriate to the location of the proposal;*
 - b) *the proposed method and scheme of working would minimise the impact of the proposal;*
 - c) *there would not be an unacceptable environmental impact;*
 - d) *there would not be an unacceptable cumulative impact on the local area;*
 - e) *the landscaping and screening has been designed to effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character;*
 - f) *where appropriate, adequate provision is made for the restoration, aftercare and management of the site to an agreed afteruse;*
 - g) *the proposed transport links are adequate to serve the development; and,*
 - h) *other environmental and amenity safeguards would effectively mitigate the impact of the proposal;*
 - i) *it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with the waste;*
 - j) *the location is geographically well located to the source of the waste thereby according with the proximity principle.*
- 6.72 This 'saved' Policy of the NYWLP is directly relevant to the development currently under consideration. In accordance with paragraph 214 of the NPPF, an analysis of consistency shows the NPPF to be silent on matters raised in criteria a), b), i) and j). With regard to criterion f), Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the imposition of appropriate conditions, where necessary.
- 6.73 As the NPPF does not provide specific waste policies, the NPPW has also been reviewed in relation to the proposed development in terms of compliance with criteria a), i) and j). There is nothing specifically related to criteria b) and f) within the NPPW.
- 6.74 With regard to criterion a) this is consistent with the NPPW which sets out locational criteria for waste management facilities and states that the type and scale of the facility should be taken into account when deciding on appropriate locations.
- 6.75 In terms of criterion i), the Best Practicable Environmental Option (BPEO) is a set of procedures with the goal of managing waste and other environmental concerns. BPEO assessment is a method for identifying the option that provides "*the most environmental benefit*" of "*least environmental damage*". The technique is not reflected in NPPW or the NPPF, but the principles of putting forward the most sustainable option i.e. movement of waste up the waste hierarchy is set out in NPPW. Therefore, although criterion i) does not conflict with the provision of NPPW it should be given less weight for this reason. NPPW reflects the proximity principle set out in criterion j), therefore, this point should be given weight.

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

'Saved' Policy 4/3 – Landscape protection

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

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

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

'Saved' Policy 4/15 - Archaeological Evaluation

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

6.83 The Policy does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The NPPF acknowledges that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Therefore, the NPPF guidance should be given more weight in this instance.

'Saved' Policy 4/16 - Archaeological Sites

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

6.85 The Policy does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The NPPF acknowledges that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Therefore, the NPPF guidance should be given more weight in this instance.

'Saved' Policy 4/18 – Traffic impact

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

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

'Saved' Policy 4/19 – Quality of life

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

6.89 It is considered that full weight can be given to 'saved' Policy 4/19 as the NPPF makes clear that the effects of pollution on the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account.

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

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

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

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

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

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

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

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

‘Saved’ Policy 5/10 – Incineration of Waste

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.106 Policy SP16 ‘Design’ states, inter alia, that “To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

- *Topography and landform that shape the form and structure of settlements in the landscape*
- *The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale*
- *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
- *The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement*
- *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
- *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.”*

6.107 SP17 ‘Managing Air Quality, Land and Water Resources’ includes policies relevant to the proposed development which state as follows:-

- *“Land resources will be protected and improved by (inter alia) prioritising the use of previously developed land*
- *Flood risk will be managed by (inter alia) requiring the use of sustainable drainage systems and techniques*
- *Air Quality will be protected and improved by (inter alia) only permitting development if the individual or cumulative impact on air quality is acceptable and appropriate mitigation measures are secured”.*

6.108 Policy SP18 ‘Renewable and Low Carbon Energy’; states “Developments that generate renewable and/or low carbon sources of energy will be supported providing that individually and cumulatively proposals:

- *Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering;*

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

6.109 SP19 ‘Presumption in Favour of Sustainable Development’ carries forward the presumption contained in the NPPF and states that the Council will take a positive approach when considering development proposals and *“always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”*. The policy states that *“planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise”*.

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

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

7.0 Planning considerations

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

Principle of the development

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

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

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

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

Need

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

Location

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

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

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

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

Design, landscape and visual impact

- 7.19 The GEF building would measure 56 metres in width and 109 metres in length and would have a stepped roof design (curved): the higher part to accommodate the gasification plant area and the lower being the waste (RDF) reception area. The roof height over the gasification plant reaches a maximum height of 23 metres. The roof height over the waste reception area reaches a maximum height of 13.5 metres. The building would also include a 1 metre diameter emissions stack with an overall height of 33 metres (subject to Permit). It is understood that the emissions from the stack would not comprise of any visible gases or smoke and therefore the only visible plume would result from the condensation of water vapour in cold conditions.
- 7.20 The Applicant states that the size of the building is dictated by the internal energy from waste technology and the practical requirements of the end use. The Applicant states that the stepped and curved roof is preferred to a standard industrial building design in order to limit the number of sharp and rectangular corners and visual edges in response to the landscape setting. Externally the building would be faced predominantly in metal cladding coloured mid grey and dark green to the walls and light grey to the roof. Timber cladding would be used at the entrance area of the building (see Appendix G). The reception/office building in the northern part of the site would have a gross external area of 91.2 square metres and extend to 5.5 metres in height. This building, like the main GEF building, would have a curved roof design and similar external materials and finishes.
- 7.21 A landscape and visual impact assessment has been provided within Chapter 8 of the Environmental Statement (ES). The site is located on the north facing scarp of the Yorkshire Wolds which forms the southern flank of the Vale of Pickering and within a locally designated Area of High Landscape Value. The land surrounding the application site, notwithstanding the A64, is predominantly in agricultural use. The site is in the open countryside and the new buildings would be visible from surrounding vantage points including the nearby A64. The adjacent waste transfer buildings are a temporary use of land associated with the landfill operation and therefore the only other visible permanent industrial operation is the West Knapton malting factory (Maltings) to the north which is prominent on the skyline.
- 7.22 It is noted that there would be views available from visual receptors to the northwest, north and north east at distances of 1-1.5km. The main views towards the site are from the A64 travelling in both easterly and westerly directions. Vehicles travelling east towards Scarborough would have views across the fields towards the proposed GEF where it would be positioned below Knapton Wood. Travelling west along the A64 towards Malton the road user would have views across adjacent farmland towards the site for a short section, west of Hartswood Lodge.
- 7.23 There is a public bridleway (along Knapton Wold Road) approximately 500 metres to the west of the site and a public bridleway that runs 250 metres to the south of the application site (separated by Knapton Wood). In addition the Wolds Way National Trail runs in an east-west alignment which at its closest point is approximately 250 metres to the south of the application site (also separated by Knapton Wood). From viewpoints from the south the application site is screened by existing mature woodland planting and benefits from changes in the level of the intervening land. However due to the size of the GEF building it would be visible above the track side hedgerows along the public bridleway to the west.
- 7.24 There is little or no natural screening at present particularly along the eastern side of the site and in response the Applicant proposes to reduce the levels in the immediate area of the site by up to 6 metres to create a level platform for the GEF as shown in the

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

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

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

Impact upon Agricultural Land

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

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

Local amenity (Noise)

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

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

Local amenity (Air quality)

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

Local amenity (Odour)

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

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

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

Local amenity (Dust)

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

Local amenity (external lighting)

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

Local amenity (Litter, Vermin and Birds)

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

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

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

Fire Prevention

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

Public Rights of Way

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

Traffic Impact

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

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

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

Cultural Heritage (Designated heritage assets)

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

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

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

Cultural Heritage (Archaeology)

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

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

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

Flood risk and site drainage

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

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

Ecology

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

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

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

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

Economic impact – Employment and tourism

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

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

8.0 Conclusion

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

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

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

9.0 Recommendation

9.1 It is recommended that **PLANNING PERMISSION BE REFUSED** for the following reasons:

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

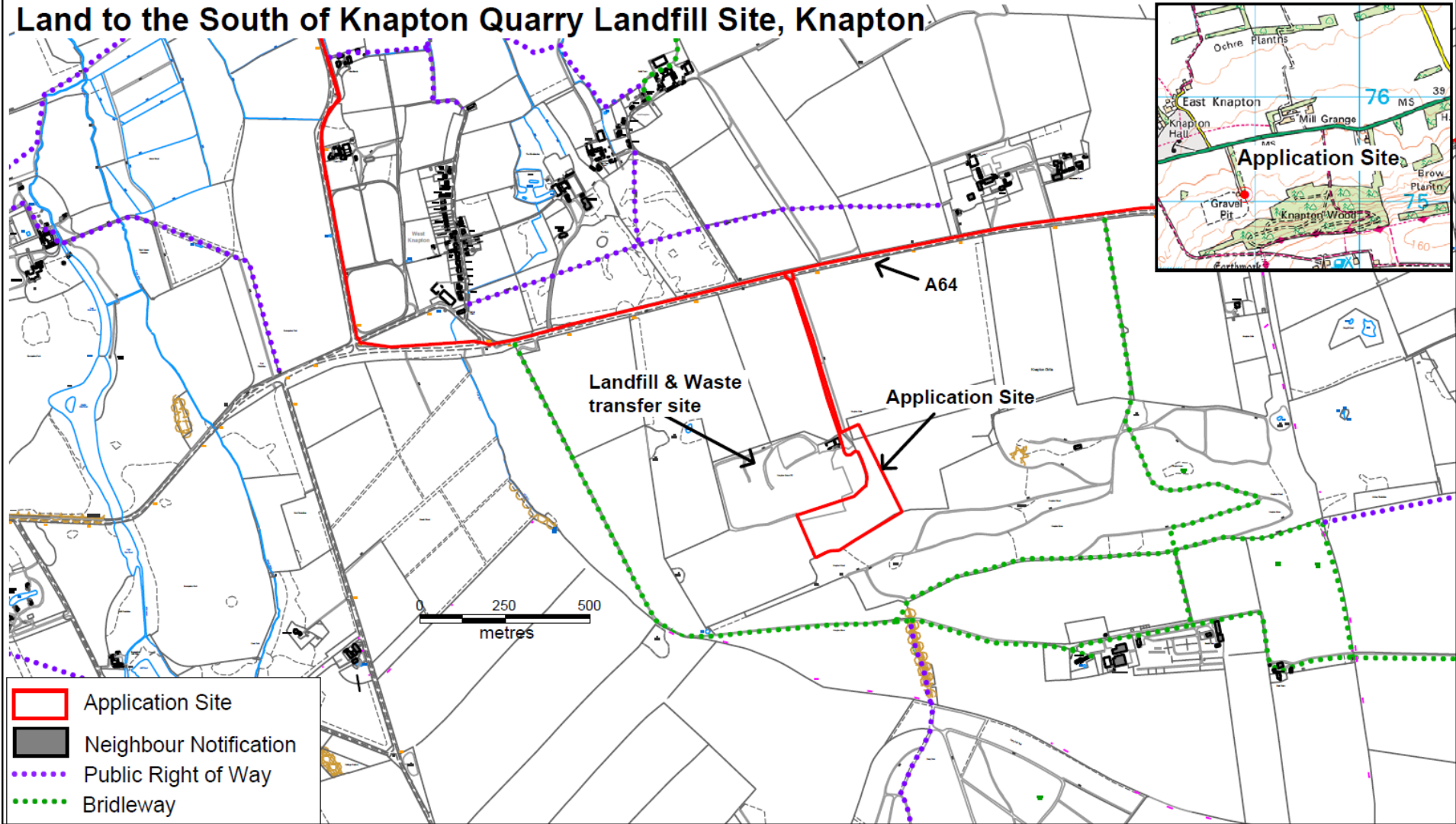
DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Alan Goforth

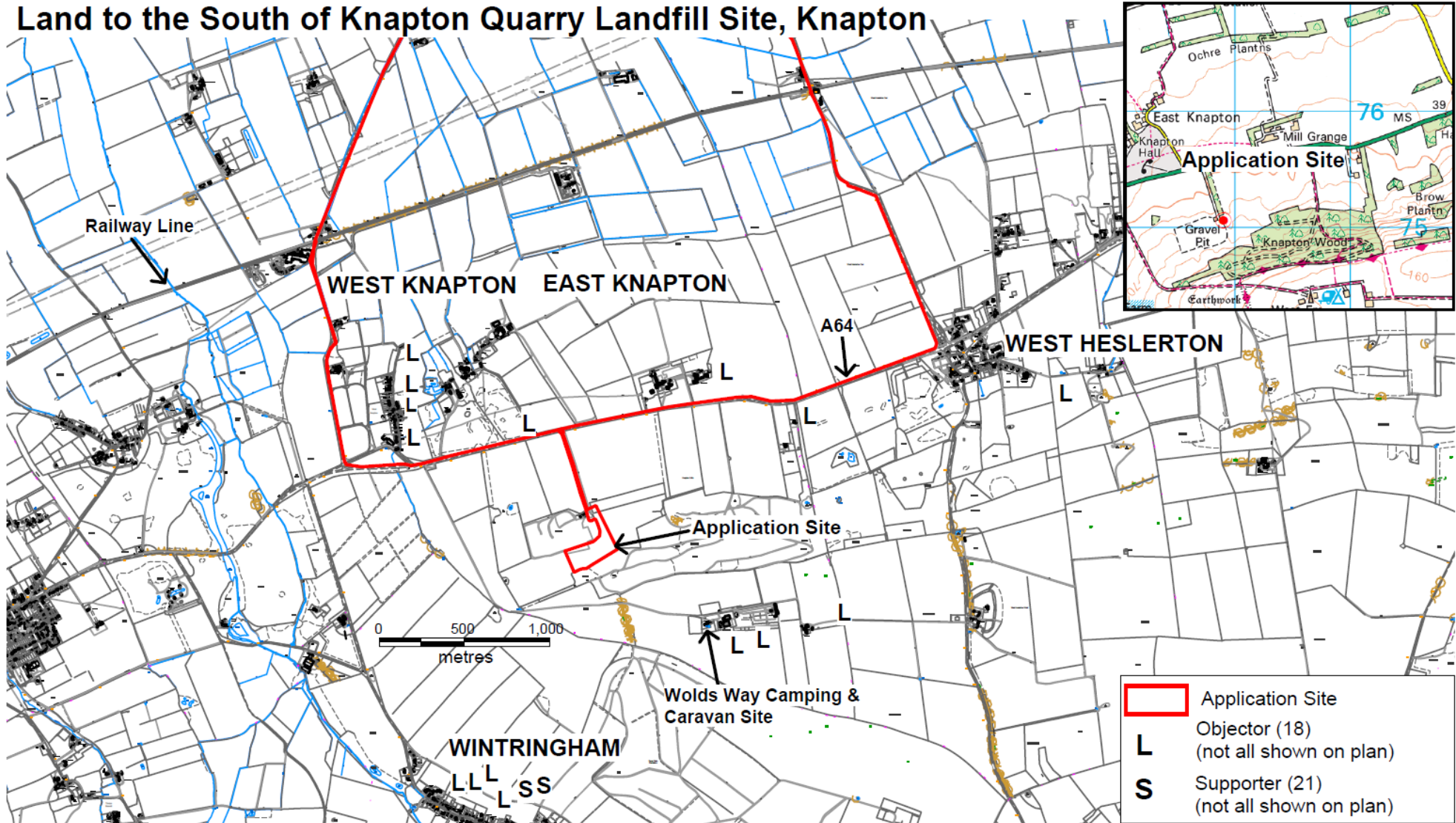
Background Documents to this Report:

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

Appendix A - Site Location and constraints

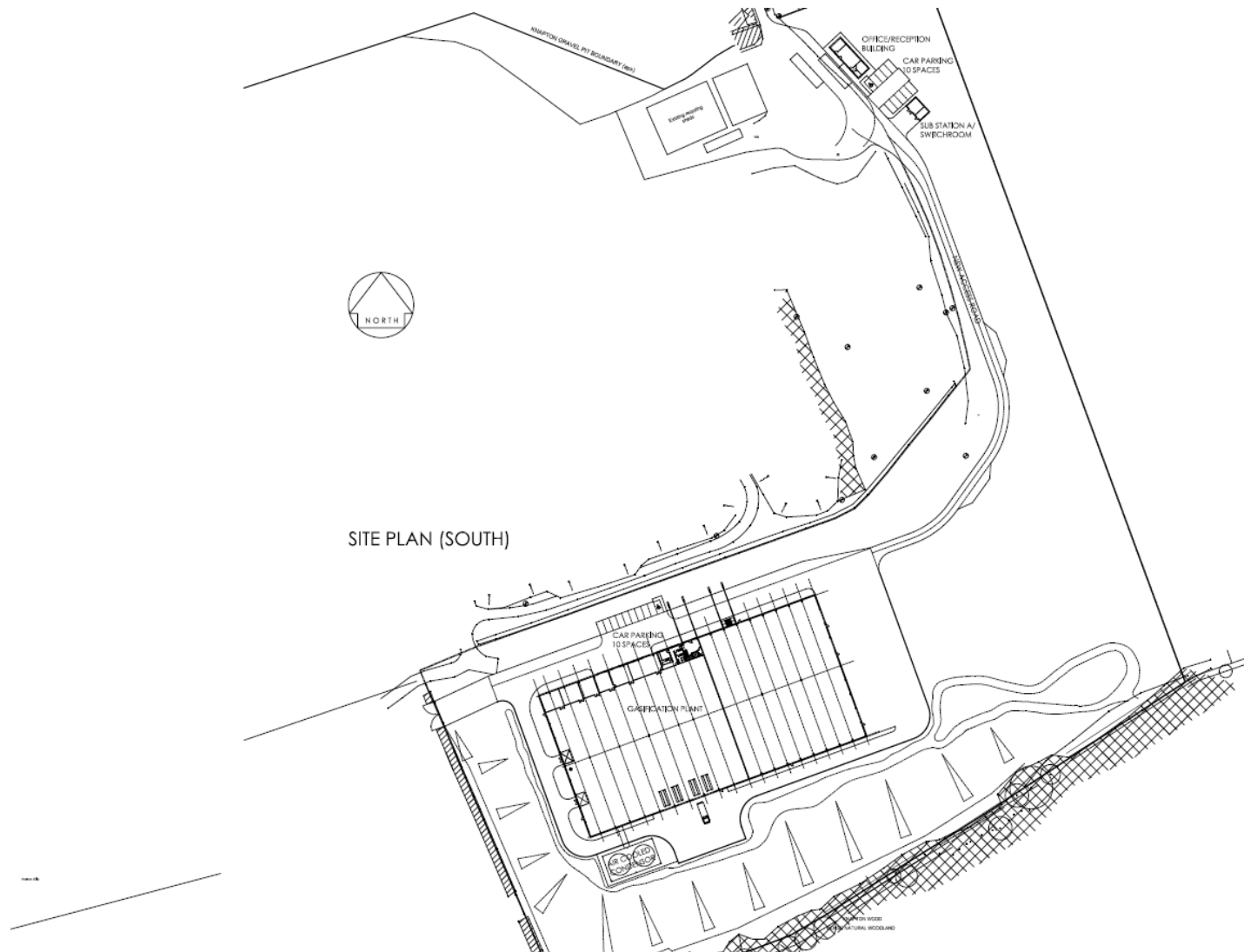


Land to the South of Knapton Quarry Landfill Site, Knapton









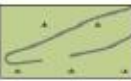





Appendix D - Proposed Site Plan (extract)



Appendix E- Proposed Site Plan showing landscaping

LEGEND

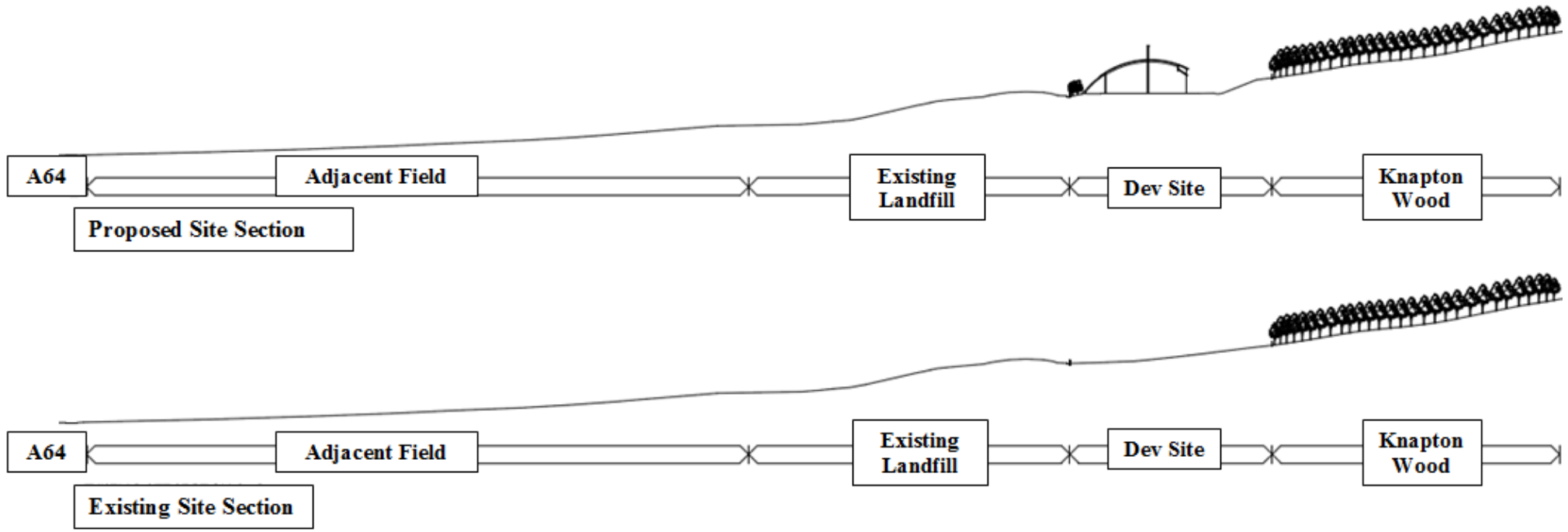
-  Existing Woodland
-  Existing Hedgerow
-  Proposed Half Standard Trees
-  Proposed Woodland planting
-  Proposed Woodland Edge/Hedgerow planting
-  Proposed Wildflower meadow
-  Proposed Swale
-  Existing contours
-  Proposed contours
-  Site Boundary



Plant	Percentage	Species	Quantity	Percentage
Apple	10	Malus domestica	10	10
Birch	10	Betula pubescens	10	10
Cherry	10	Prunus avium	10	10
Hawthorn	10	Crataegus monogyna	10	10
Maple	10	Acer sycamore	10	10
Oak	10	Quercus robur	10	10
Rose	10	Rosa rugosa	10	10
Sumac	10	Rhus typhina	10	10
Willow	10	Salix caprea	10	10
Yew	10	Taxus baccata	10	10

Plant	Quantity	Percentage
Apple	10	10
Birch	10	10
Cherry	10	10
Hawthorn	10	10
Maple	10	10
Oak	10	10
Rose	10	10
Sumac	10	10
Willow	10	10
Yew	10	10

Appendix F- Site Sections



Appendix G - Visualisations of GEF facility









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 Heselerton 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 200,000m³ 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 200,000m³, 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.

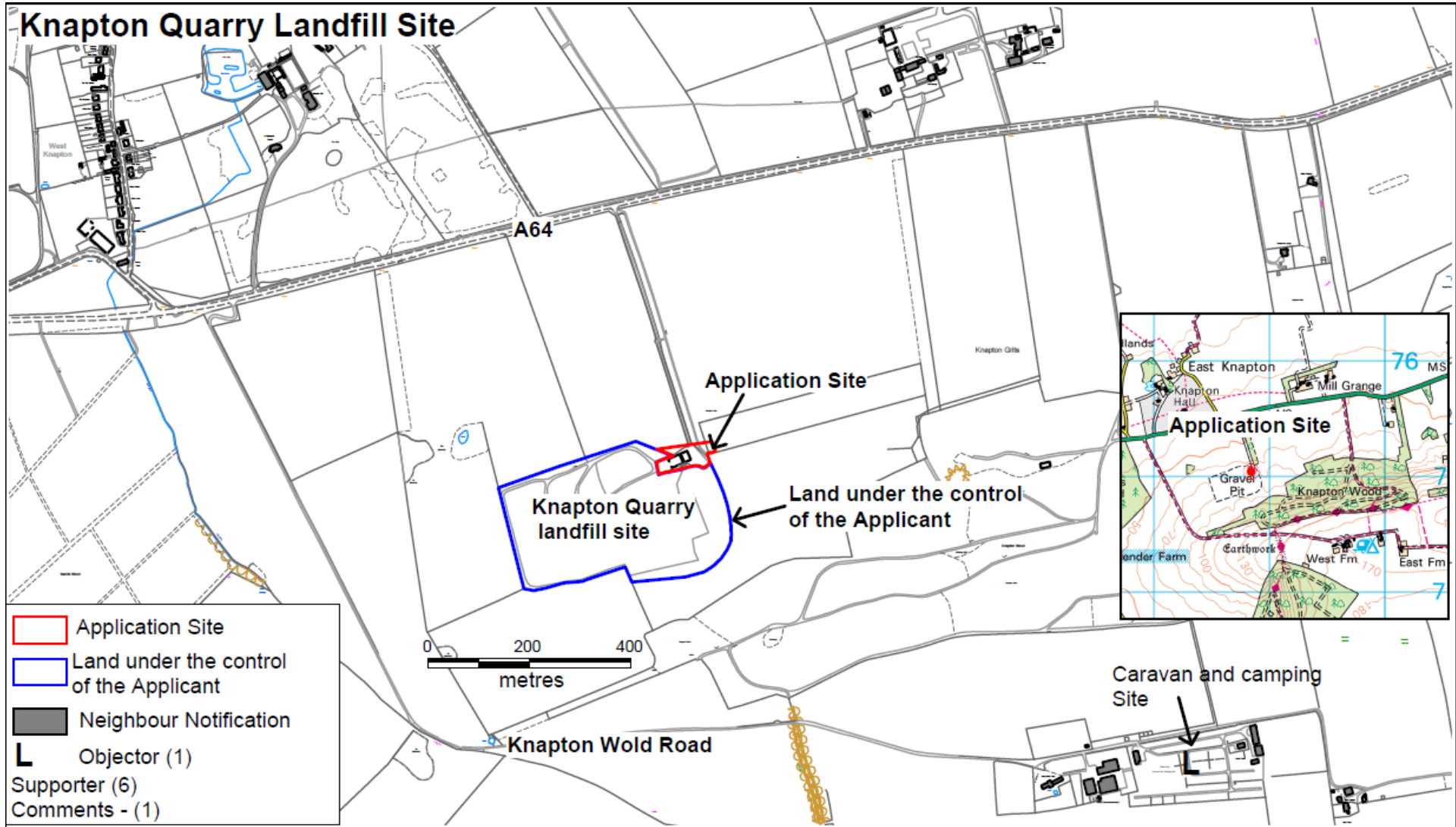
DAVID BOWE
Corporate Director, Business and Environmental Services

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.

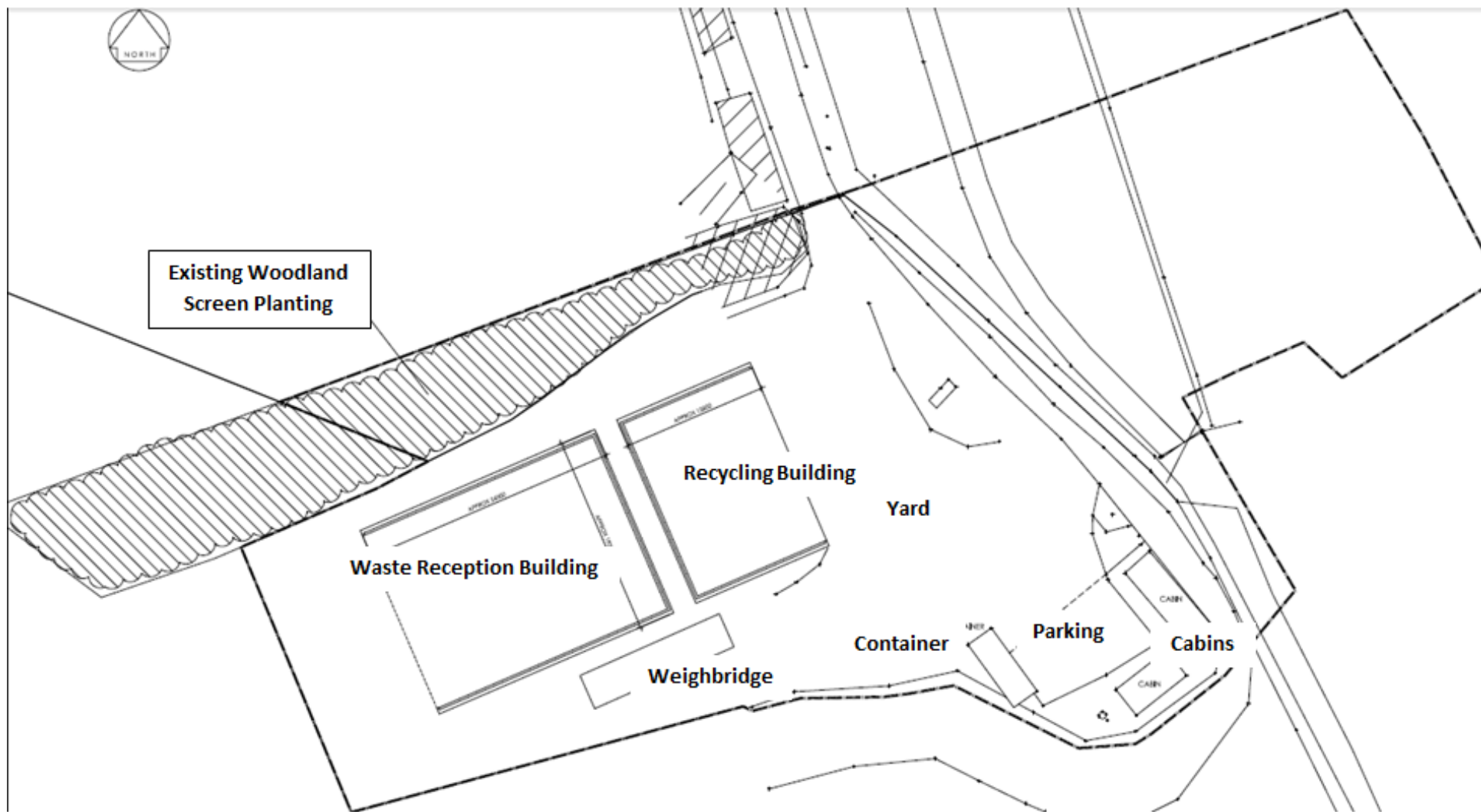
Appendix A - Site Location, constraints and representations



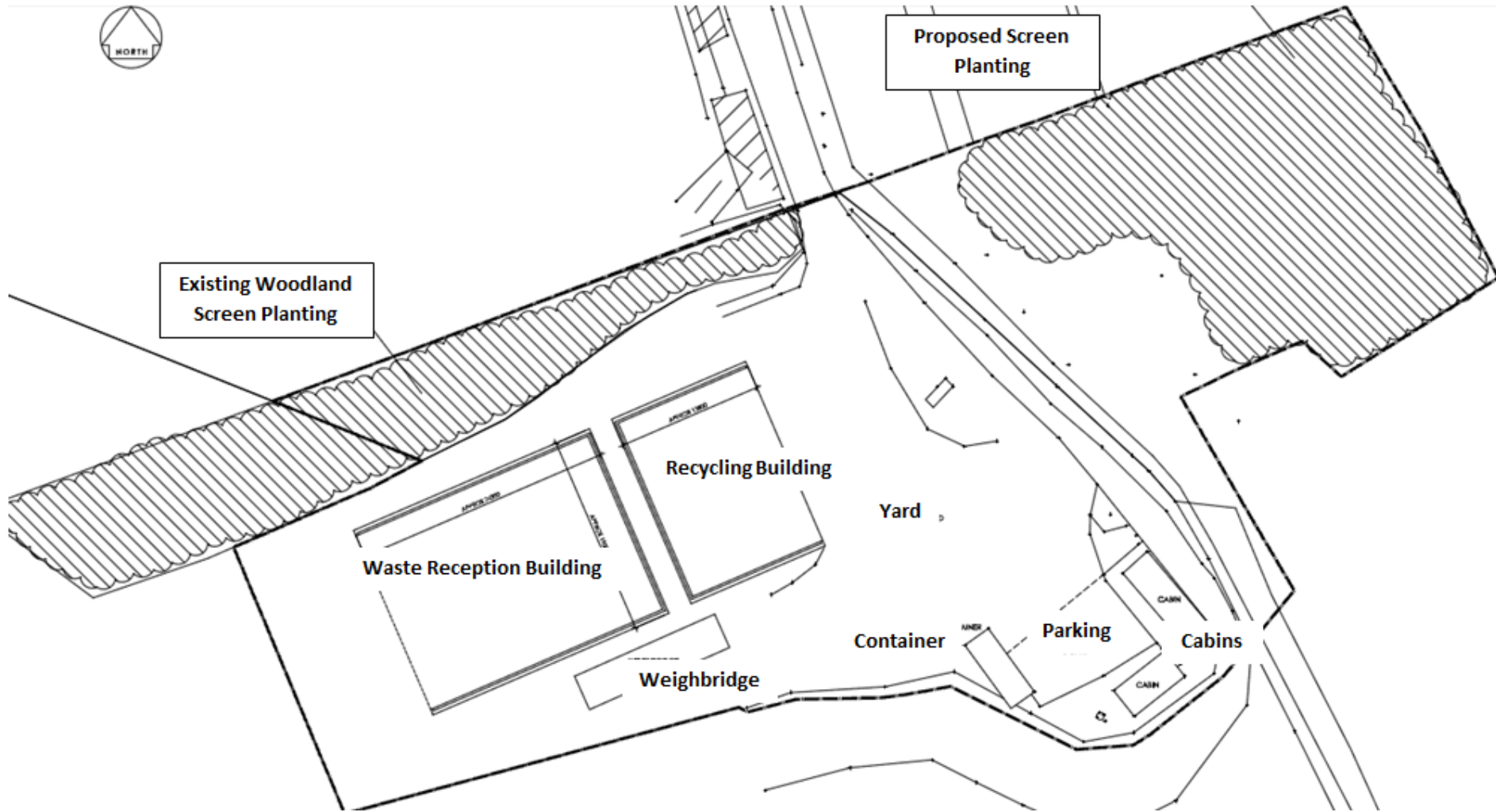
Appendix B - Aerial photo



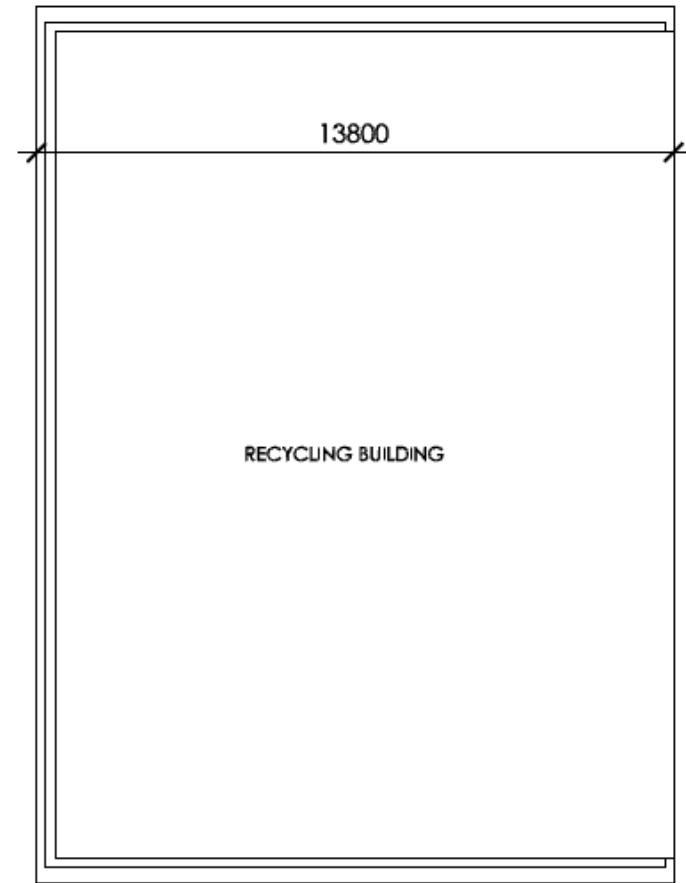
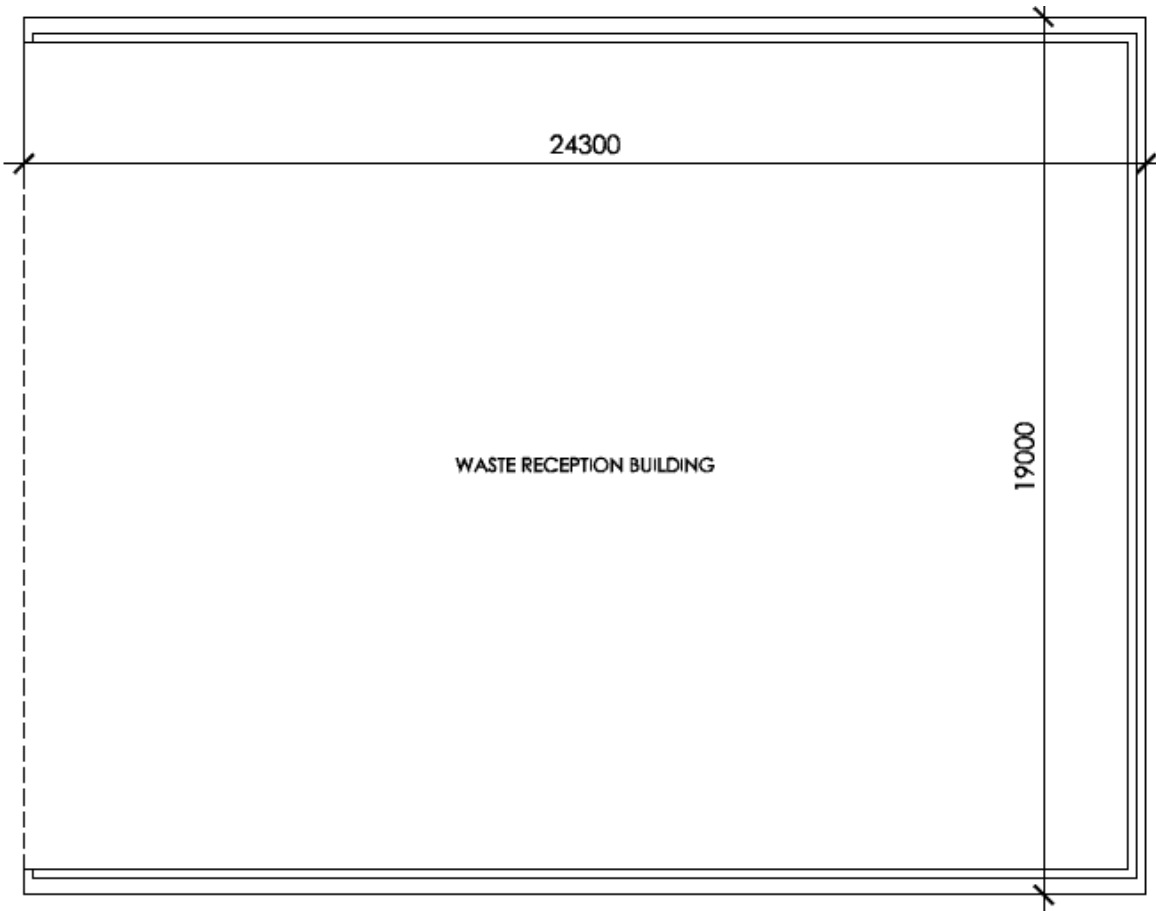
Appendix C- Existing Site Plan



Appendix D- Proposed Site Plan

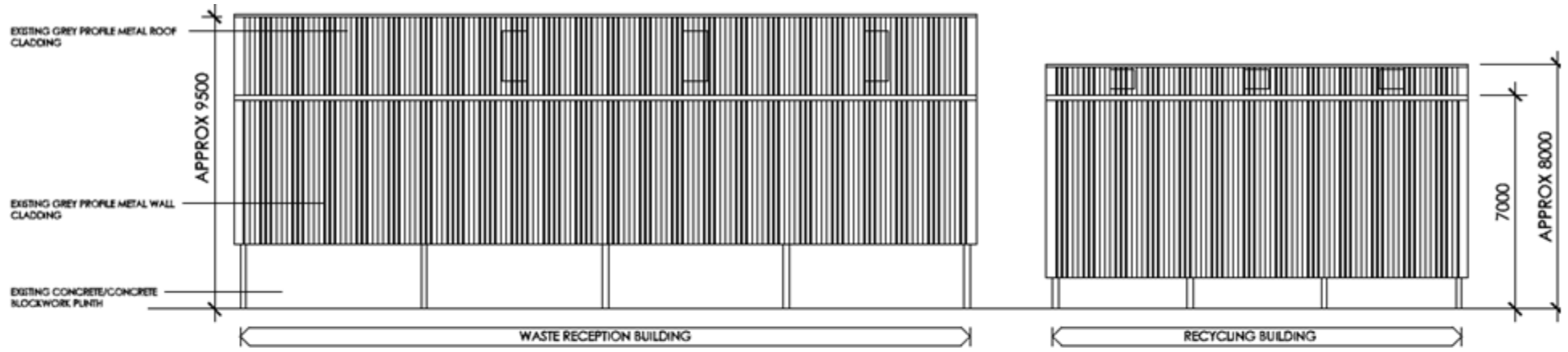


Appendix E- Existing /Proposed Floor Plan

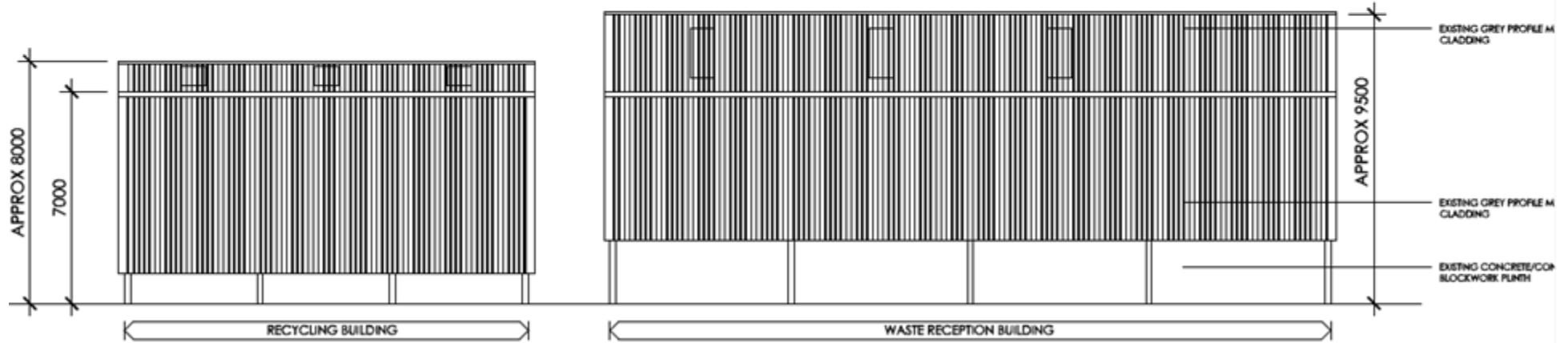


EXISTING/PROPOSED FLOOR PLANS

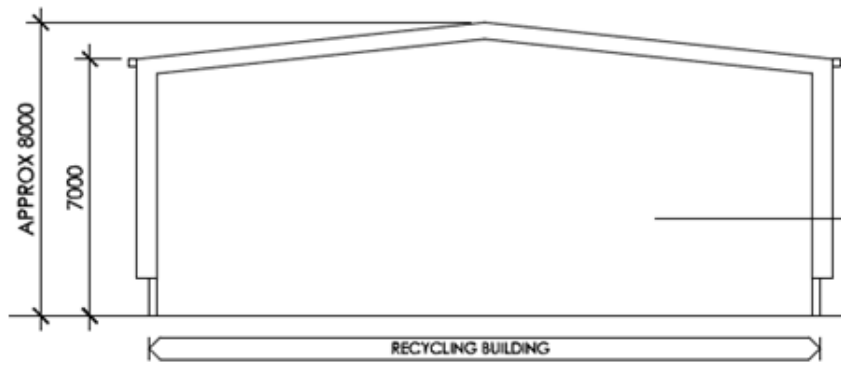
Appendix F- Existing/Proposed Elevations



EXISTING/PROPOSED SOUTH ELEVATION



EXISTING/PROPOSED NORTH ELEVATION

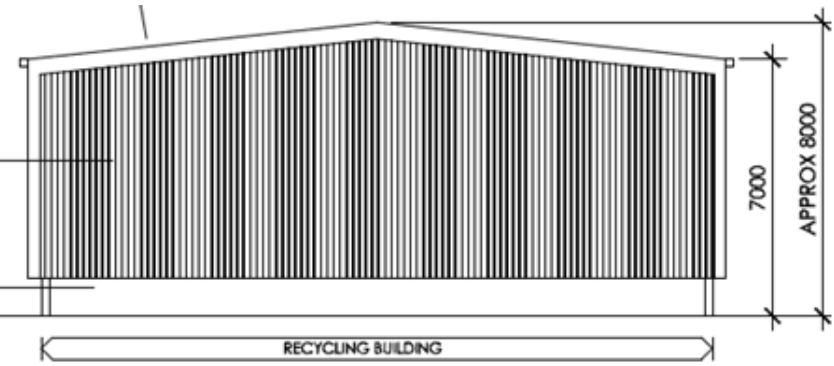


EXISTING/PROPOSED EAST (FRONT) ELEVATION

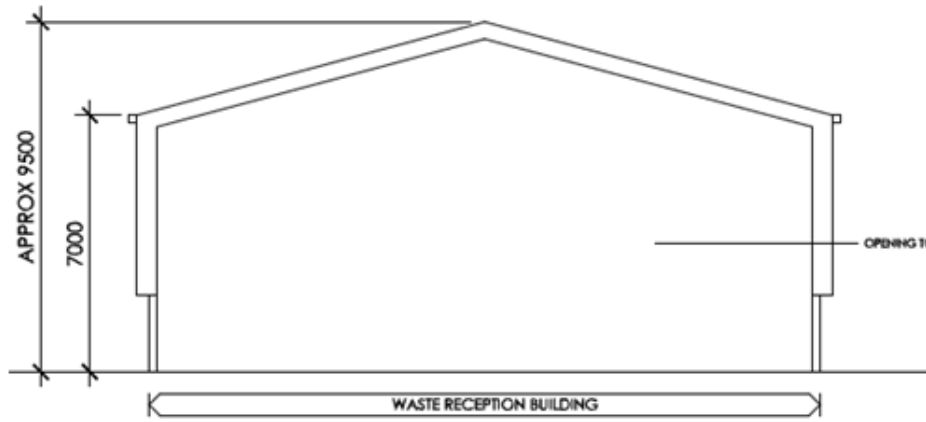
EXISTING GREY PROFILE METAL WALL
CLADDING

OPENING TO FRONT ELEVATION

EXISTING CONCRETE/CONCRETE
BLOCKWORK FINISH

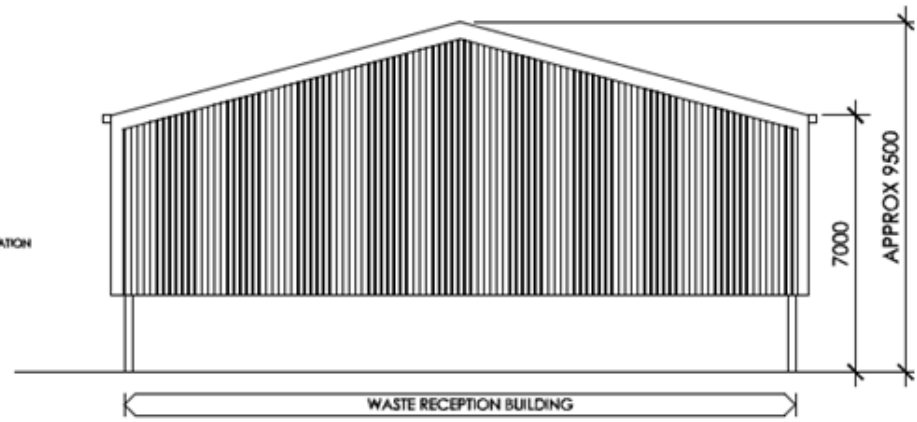


EXISTING/PROPOSED WEST (REAR) ELEVATION



EXISTING/PROPOSED WEST (FRONT) ELEVATION

OPENING TO FRONT ELEVATION



EXISTING/PROPOSED EAST (REAR) ELEVATION

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

18 JULY 2017

C8/999/16U/PA - PLANNING APPLICATION FOR THE PURPOSES OF THE CHANGE OF USE OF PART OF THE FORMER COAL MINE SITE TO CREATE A WASTE TRANSFER STATION FOR CONSTRUCTION AND DEMOLITION WASTES, INSTALLATION OF A WEIGHBRIDGE, A SKIP STORAGE AREA, PORTABLE AMENITY CABIN (30 SQ. METRES) AND THE PROVISION OF CAR PARKING SPACES ON LAND AT FORMER STILLINGFLEET MINE SITE, ESCRICK ROAD, STILLINGFLEET ON BEHALF OF ASA RECYCLING GROUP LTD (SELBY DISTRICT) (ESCRICK 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 change of use of part of the former coal mine site to create a waste transfer station for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces on land at Former Stillingfleet Mine Site, Escrick Road, Stillingfleet on behalf of ASA Recycling Group Ltd.
- 1.2 This application is subject to four objections from members of the public and also objections from Stillingfleet, Escrick and Kelfield Parish Councils (summarised in paragraphs 4.6 - 4.8 and 5.3 of this report) and is, therefore, reported to this Committee for determination.

2.0 Background

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

Site Description

- 2.2 The application site is located on the former Stillingfleet Mine Site which forms part of the Selby mine complex, the application site operational area would be 2.2 hectares and including the existing access road would be 2.75 hectares in total, as shown on the Committee Plan (Figure 1) attached to this report. It is located in the eastern part of the former Mine site, south of the wooded area screening the development from the north. The wider former Stillingfleet Mine Site is approximately 32 hectares in size, although only 8.2 hectares of this was previously operational. This operational area was mainly south and west of the proposed application site. The site lies approximately half a mile to the south-east of the village of Stillingfleet, 2 miles to the west of the A19, approximately 5½ miles to the north of Selby and 8 miles south of York. An upgraded 'C' class road, C307 (Escrick Road), provides access to the site from the A19 York to Selby road to the east and the B1222 Cawood Road to the west. The site is well screened by mature landscaping works and parking areas within it (Figure 2). There is also an existing access road approximately 500 metres long running from north to south, coming off the highway of the C307 (Escrick Road). There is an access to the Public Right of Way half way along the access road towards the site. Prior to the mine being granted permission in 1977 the site comprised open, undeveloped countryside.

- 2.3 A number of the more significant buildings have been removed from the site including the amenity block in 2012. In total 15 structures have been removed since site operations have ceased in 2004, these include the sewage treatment plant, store building, gas store and oil and grit interceptors.
- 2.4 At present the only operational part of the wider former mine site is the existing electrical generators, which are located behind existing buildings on the south-eastern part of the former pithead area, adjacent to the established landscaped bunds to the south and east (Figure 2). Although the facilities exist to draw Abandoned Mine Methane from Gascoigne Wood, Wistow, Riccall and Stillingfleet, Abandoned Mine Methane is only drawn from Stillingfleet under PEDL licence (PEDL 156 – EXL 250). Therefore the former Stillingfleet Mine Site is confirmed to be a derelict and redundant site as there are no other operations or developments currently extant and neither are there any proposals under consideration for alternative uses of the site.
- 2.5 The nearest residential property is 'Mount Pleasant' which is approximately 400 metres north-east of the application site as shown on the Committee Plan (Figure 1) attached to this report. The nearest concentration of residential properties is 1km to the north-east (village of Stillingfleet). The former mine site occupies a rural location but benefits from established landscape planting and boundary treatment comprising of a 2 metre palisade fence with embankments to the north approximately 4 metres high with mature mixed woodland planting approximately 50 metres in depth with deciduous trees ranging from approximately 5 to 10 metres high. This extensive mature wooded and landscaped bunds provide visual screening to the whole of the north of the site, which curves around the site's western boundary to the south of the site and slightly to the north-east, as shown on the Location Plan (Figure 3) attached to this report. On the eastern boundary there is a larger bund approximately 5 metres in height with trees approximately 5 metres in height intermittently located upon it, so a total height of up to 15 metres of screening. The access road is also screened to the west by a mixture of 3 metre high deciduous hedges and intermittent deciduous trees.
- 2.6 The surrounding area is characterised by an open arable landscape with dominant blocks of woodland. The site does not fall within, or in close proximity to any 'sensitive areas' (SSSI, SPA/SAC, SINC, RAMSAR, AONB) or Article 1(5) land (Conservation Area), Listed Buildings or Scheduled Ancient Monuments. A Public Bridleway no. 35.62/8/1 runs along the southern and part eastern boundary. A Public Footpath no. 35.62/20/1 runs along part eastern and part northern boundary off site, running parallel to the access road, then half way down the access road turns into the fields to the east of the site meeting up the Public Bridleway running along the east of the site. Heron Dyke runs parallel to southern boundary (Ouse & Derwent IDB).

Planning History

- 2.7 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- The outline planning permission (ref. no. C/8/999/16/PA) for Stillingfleet Mine was approved in 1977 for *'the erection of buildings, plant and machinery and the carrying out of other development in connection with the winning and working by underground mining of coal from the Barnsley Seam on land at Stillingfleet Moor'*. In addition to outline consent C/8/999/16/PA reserved matters approval C/8/999/16D/PA was granted in 1979 for 'the approval of reserved matters in respect of surface buildings, Stillingfleet Shaft Site, Stillingfleet. Condition 16 of the outline planning permission C/8/999/16/PA granted by the Council in 1977 states that:

'If the use of the two shafts for the purpose of conveying miners and equipment to work coal from the Barnsley seam is abandoned or shall cease for a period of not less than twelve months, the whole site shall be restored to a condition capable of agricultural production, in accordance with such scheme as may be approved in writing by the County Planning Authority, and any plant buildings and machinery shall be removed from the site within twelve months of the relevant date being the date of abandonment or termination of the twelve months period mentioned'.

- With regard to the closure of the Stillingfleet Mine Site in July 2004, UK Coal Mining Ltd. submitted a planning application to Selby District Council for the retention and reuse of existing suitable buildings, car parking and landscaping to provide accommodation and facilities for business, industrial and warehouse uses linked to Use Classes B1, B2, and B8 of the Town and Country Planning (Use Classes) Order 1987. This application was subsequently refused by Selby District Council in October 2005. In respect of the reasons for the refusal of the planning application it was considered the proposal was contrary to national guidance, regional policies and the Selby Local Plan (adopted February 2005) by reason of Stillingfleet Mine Site's location in the open countryside constituting a large scale inappropriate car dependent employment use in an unsustainable location.
- An application for temporary planning permission C/8/999/16Q/PA was granted in 2006 for the installation of 4 containerised methane mine gas electricity generators, the temporary drilling of a bore hole and an underground gas pipeline to the south of the site.
- On 27 August 2008 an application (ref. C8/999/16S/PA) to seek to extend the time period within which the site should be restored as specified in condition on the original planning permission for the Stillingfleet Mine Site to allow additional time for the consideration of potential alternative uses of the sites was refused.
- A prior notification of demolition was submitted to Selby District Council on 27 February 2012 which the District Council supported, for the removal of the amenity block. In total 15 structures have been removed from the site since site operations have ceased these include the sewage treatment plant, store building, gas store and oil and grit interceptors.
- The temporary permission for the methane gas turbines was due to expire at the end of December 2016 with a requirement that the structure be removed and the land reinstated within 6 months of the cessation of use. However, this permission was subject to a planning application under Section 73(A) (ref. C8/999/16T/PA) which was granted on the 18th June 2012 and permits the use of the equipment for the methane mine extraction until the 31st December 2029. The buildings retained and used in this process are:
 - Soluble Oil Pump House;
 - Methane Plant;
 - Process Water Tanks;
 - Shaftsmen's Cabin; and
 - Sub Station

2.8 It is currently the case that the Stillingfleet Mine Site has been inactive for over 10 years, ceased working in July 2004. During this period the remaining buildings and infrastructure associated with the former mining operations should have been removed and the site appropriately restored in accordance with schemes to be submitted to and approved by the County Planning Authority. However, despite the requirements of the relevant conditions requiring the existing buildings, plant, machinery and infrastructure to be removed some of these remain in situ and have gradually deteriorated with the consequences in the now visible physical dilapidation evident at the mine site. As of today 75% (15 of 20) have been removed, which would have been required to be removed by condition no. 16 of planning permission ref. no. C/8/999/16/PA. The Selby Local Plan Core Strategy was adopted in 2013 after enforcement action was first considered. The Core Strategy though now considers the redevelopment of the former Stillingfleet Mine Site to be acceptable (although any proposal would need to be considered upon its own merits against the policy). The reasons enforcement action cannot be taken now include the time limit for enforcement action (10 years) has passed, in addition to this there is the view that planning condition 16 of ref. C/8/999/16/PA requiring the land to be restored to a condition capable of agricultural production was also not considered achievable and the updated Selby Local Plan Core Strategy. Therefore on the basis of all the above it has not previously been considered expedient, reasonable nor in the public interest to pursue formal enforcement action on this site.

3.0 The Proposal

- 3.1 Planning permission is sought for the change of use of part of the former coal mine site to create a waste transfer station for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces on land at Former Stillingfleet Mine Site, Escrick Road, Stillingfleet on behalf of the ASA Recycling Group Ltd.
- 3.2 There are no built extensions to existing buildings proposed for this development with existing buildings having previously functioned as offices and stores, the Agent states *'both buildings have large internal open spaces offering good accommodation for the proposed uses'*. The majority of the waste would be processed inside the existing western processing building (former store building), as shown on Figure 4 attached to the report. This building is 52.4m in length by 17.6m wide, with an area of 922.2m². It also has a protruding front extension by 6.4m, which has an area of 128m². The eastern dry product storage building (former workshop building) is measured at 64m in length by 17.3m and an area of 1107.2m², with an extension to the rear of 8.1m by 21.1m and an area of 170.91m².
- 3.3 The Applicant has confirmed that the application is to re-use part of the former mine site as a waste transfer station, receiving construction and demolition wastes including plasterboard, glass wastes, plastic laminate, waste concrete tiles and blocks. The waste would be subject to strict waste acceptance procedures designed to exclude non-conforming materials, with any of the non-conforming waste being removed and stored in skips in the south east corner of the site, west of the quarantine area in the building, before being removed off site. Skips would be transported to and from the site using the same vehicles as those which bring in and take out the waste, using flatbed RoRo wagons. Waste would be tipped into stockpiles onto the concrete pad in the north of the application site. The construction and demolition waste would be the only stockpiles not in containers. The height of the stockpiles would be limited by the Environment Agency to 4m for laminate and 5m for all other stockpiles, as shown on the Proposed Site Plan (Figure 5) attached to this report. The runoff from the stockpiles would be managed within the existing drainage

system. The existing SUDs drainage facility on the site would have the capacity to handle the proposed surface water discharge from the site, which would be reduced by the adsorption with the external material stockpiles.

- 3.4 The stockpile of coarse aggregate product would be located east of the untreated stockpile of construction and demolition waste, limited to 5m in height. The untreated stockpile of construction and demolition waste would be located further east within the screening area also limited to 5m in height, as shown on the Proposed Site Plan (Figure 5) attached to this report. The site would have a limit of processing a maximum 75,000 tonnes of waste at any one time and in total over any one year; which is to be applied for through an environmental permit. The one way system to be implemented on site would mean the weighbridge is only used by incoming HGV's and not vehicles removing any material for recycling. The environmental permit is currently not held and would be applied for if planning permission was received. On the western boundary of the site there would be the plastic laminate and block storage area. The site would operate with the one-way traffic system, between the Dry Product Storage building and the stockpiles to the north. The exit road would then be to the south of this Dry Product Storage building, looping around it, with the route shown by arrows on the Proposed Site Plan (Figure 5) attached to this report.
- 3.5 The majority of waste brought to the site would be processed within the buildings, with a small amount of physical segregation and screening occurring on the hardstanding outside the buildings, using the loaders and plant equipment, as shown on Figure 5 as the 'screening area'. Plasterboard would be stored externally in sheeted stockpiles but would be treated inside the processing building, using a shedder and trommel screen to separate paper, wood and metal from the gypsum. Plastic laminate recovered from glass products would be located at the eastern side of the application site on the hardstanding, as a stockpile, as shown on Figure 5. This area would be bunded so as to retain any fire lighting liquids that may be within any material imported onto site. The laminate would be made into blocks, which would be stored with the untreated laminate in the stockpile area.
- 3.6 The mobile plant utilised mainly inside the building would include:
- 2 x Wheeled Loaders Case 821f;
 - 1 x Excavator Doosan 300x;
 - 1 x Jaw Crusher McCloskey J45;
 - 1 x Screener McCloskey 190;
 - 1 x Shredder Teresa tdsv20;
 - 1 x Trommel Screen Anaconda TD516;
 - 1 x Generator Cat 350 kvs super silent.
- 3.7 The Agent states *'the C&D waste will be tipped off outside and any materials such as wood, plastic, metals etc will be removed manually before the waste is taken inside for crushing. There may be some screening of the C&D waste outside if there are capacity problems within the processing building'*. The Jaw Crusher McCloskey, Shredder Teresa and Trommel Screen Anaconda would only be used inside the buildings, as shown on the Internal Building Layout Plan (Figure 6) attached to this report. Plasterboard would be treated inside the processing building using a shedder and trommel screen to separate paper, wood and metal from the gypsum, as shown on the Internal Building Layout Plan (Figure 6) attached to this report. Clean gypsum and other fines from processing would be kept in the Dry Stockpile Building before being removed off site.
- 3.8 A new weighbridge would be installed within the existing formation, where a weighbridge was previously placed on the former mine site, as shown on Figure 5 in the south west of the site. This would be 3.2m in width and 19.1m in length in the

south-east of the site. A portable single storey amenity cabin 3 metres wide by 10m and 2m in height would be sited west of the weighbridge in between that and the processing building, which would provide welfare facilities as shown on the Proposed Site Plan and Internal Building Layout (Figures 5 and 6) attached to this report. A water bowser would be used to damp surfaces and mitigate dust whenever necessary and misters and spray guns would also be installed within and around the external stockpile and processing areas. The Agent stated *'in dry windy conditions it can become difficult to maintain effective dust controls and so when local wind speeds exceed 20m per second site operations would be suspended'*, which would therefore be controlled by dust measures condition, requiring the installation of an anemometer.

- 3.9 The site would also include car and lorry parking which would be located east of the Dry Product Storage Building. The site would also operate under a one way system for incoming vehicles passing through the weighbridge to tip in the untreated stockpile area and then exit to the south of the dry product storage building before re-joining the site access, as shown on the Proposed Site Plan (Figure 5) attached to this report. HGVs used on site would comprise of approximately 40 percent rigid bodied 19 tonne loads and 60 percent articulated 29 tonne tippers with a maximum of 25 movements in each direction daily with a mixture of single loads and return loads. The Agent stated on 2 June 2017 *'all wagons will be hired in from local hauliers, but will be under the control of the Applicant. This will be a closed gate site'*. All road vehicles would be restricted to clean site areas, therefore no specific wheel washing facilities are proposed, but all vehicles would be inspected and cleaned before leaving the site.
- 3.10 The hours of working, including HGV movements and the site being operational proposed by the Agent are to be 07:00 to 19:00 on weekdays with 07:30 to 13:00 on Saturdays, with no working on Sundays or public holidays. The site would also provide approximately 10 jobs. The Agent states *'the location is ideal as it is relatively remote from habitation and the road access is good'*. They also commit to mitigating the effects by offering a commitment to prevent HGV's from travelling on the B1222 (meaning the C307 (Escrick Road) west of the site access so all traffic moves to and from the A19).
- 3.11 The Agent states no lighting is proposed other than the lighting already in place on site installed by the mine operator. The intention would be that outdoor activities other than by road going vehicles would not take place after hours of darkness for safety. A condition requiring the submission of details of any external lighting to be used on site would be attached to any permission. The entire site would be secured by a Heras type fence with panels of a height of 2 metres, including on the southern boundary which is currently open. A gate would also be provided for the site access of approximately 2 metres in height.
- 3.12 The market the site would serve would be the Applicant's existing customer base, which the Agent states is sensitive commercial information they are not willing to release. Also stating *'there are other recycling sites in the region including several in South Yorkshire. With regard to plasterboard, this one will be unique to the Region in that it will take waste plasterboard direct from the manufacturer and return high quality recycled gypsum that can be used to make new plasterboard'*. The facility would manufacture a variety of products and the primary products would be *'a range of aggregates including sub base and granular and general fills manufactured to WRAP Aggregate Protocol standards. Also produced would be gypsum from plasterboard and glass, again to WRAP protocol standards, fines for block manufacture and batching plants, paper and metals including aluminium. Any soils produced would be sold off-site under the CLAIRE regime. Materials that could not be recycled would be disposed of at the nearest authorised facility'*.

- 3.13 The Applicant estimates that 75,000 tonnes of waste per annum would be available and has contracts in place for most of this total. The Agent states the type of waste is produced at disparate sources and there is need for specialist treatment/recycling site such as this to do so. The waste would be brought in directly from source sites without the need for intervening waste transfer stations, with waste only being accepted on a contract basis with no individual small loads endure quality control and avoid non-conforming waste. The process would involve recycled gypsum being blended with other recycled products to give a bespoke product for concrete and concrete block manufacturing companies who are sourcing these materials as power stations are moving to biomass fuels and the waste is no longer usable in block manufacturing meaning there is a shortage of materials and this proposal would help solve this for the industry.
- 3.14 The Agent states the noise levels that may be generated by the use of this facility are unlikely to be excessive. Further stating the proposed hours of operation as set out in paragraph 3.10 are considered sufficient to mitigate this and as such the Agent considers that the impact of the proposed development upon the amenity of any sensitive receptors will be negligible.

4.0 Consultations

- 4.1 The consultees responses summarised within this section of the report relate to responses to the initial consultation on 3 February 2017 and the subsequent re-consultation (on 20 March 2017) following the receipt of further information relating to a transport statement.
- 4.2 **Selby District Council (Planning)** – A response was received on 15 February 2017 stating *'no objections or comments to make on the application'*, asking for the application to be determined against the relevant Selby Core Strategy and the Local Plan relating to development being outside the development limits and stating the consultation had been passed onto the Selby Environmental Health Officer. On 2 March 2017 Stillingfleet Parish Council sent a letter to Selby District Planning Department direct stating they were concerned about the proposal, asking why the District Council were not defending its own Core Strategy. A response to this was sent to Stillingfleet Parish Council copying in NYCC Planning Services stating that they have advised the County Council to consider the application in the context of the Selby District Core Strategy under Section 38 (6) of the Planning and Compulsory Purchase Act 2004. The Selby District Planning Department state the Selby District Environmental Health Department have commented on the noise impacts and have requested conditions on hours of use and HGV movements. Stating comments on dust and traffic will be considered by the County Planning Authority.
- 4.2.1 Selby District Council Planning were then asked by the County Planning Authority to confirm their original consultation response of 'no comment or objection' on 23 March 2017, asking whether they considered the application was in conflict with Selby Local Plan Policy. A response was received from Selby District Council Planning on 3 April 2017 confirming 'no objection' to the County Planning Authority, but stating Selby District Council Planning's comments to the Parish are more detailed but it would not be for the District to assess the application against their Development Plan as they are not the determining authority, therefore cannot confirm if the scheme is in accordance with the Development Plan as a whole or not.
- 4.3 **County Highway Authority** – A response was received on 15 February 2017, requesting further information in regards to traffic flows and a speed survey for the C307 (Escrick Road) near the site entrance. They stated until this information had been received a full assessment of the roads capacity to accommodate the vehicles

could not be completed. A further County Highways response was received on 23 March 2017 after the further information had been received on 20 March 2017. An update to this response was received on 16 June 2017 correcting the road name from the B1222 to the C307 (Escrick Road) at the entrance to the site. This response stated that the supplied additional information in the form of a speed survey and traffic flow data for the C307 (Escrick Road) County Road shows that the additional HGV trips generated by the proposal would account for 3% of total traffic flow and the County Highway Authority have no objections in regards to this. The County Highway Authority recommend that warning signs be placed either side of the access to improve safety and request a condition to be imposed for all vehicles leaving the site to turn right towards the A19. They recommend conditions regarding the access only being via the C307 (Escrick Road), being maintained in a safe manner, for visibility splays, the erection of warning signs, the installation of wheel washing facilities, a highways condition survey and of the routing of development traffic being approved by the County Planning Authority in consultation with the County Highways Authority.

- 4.4 **Environment Agency**– A response was received on 21 February 2017 giving comments stating an abstraction licence would be needed for the water used for dust suppression, if it is to be taken from local surface water or groundwater or will be needed in volumes greater than 20 cubic metres per day. It also states the development would require an Environmental Permit.
- 4.5 **Environmental Health Officer (Selby)** - A response was received on 22 February 2017, stating the operation of the plant would be subject to the Environment Agency in accordance with EA permitting, this would regulate air, land and water and seek to control the installation so it does not harm the environment or have a negative impact on residential properties. The Environmental Health Officer has no issues with the noise survey submitted by the Applicant and states that the operational hours should be conditioned to the hours of 07:00 to 19:00 on weekdays, 07:30 to 13:00 on Saturdays and no Sunday working and the maximum numbers of HGV movements would be 50 per day and no more than 6 in any one hour.
- 4.6 **Stillingfleet Parish Council** - A response was received on 3 March objecting to the application. Below is a summary of their objections:
- The application is in open countryside and must be assessed against the relevant Selby District Core Strategy and Local Plan including point 6.35 which states *'The former mine sites at Stillingfleet and Wistow are remote and are not considered suitable for re-use for large scale industrial activity'*. *The Applicant states that the development would bring back a major part of the mine site into use, which could be considered large scale industrial activity'*;
 - The proposal is attempting to use national waste disposal policy to override Selby DC Core Strategy Policy. Stillingfleet is a small secondary village surrounded by open landscape and would be overwhelmed by the size of this developments noise, pollution and the constant movement of heavy goods vehicles. The proposals submitted do not justify overriding Selby Core Strategy and the wishes of the residents of Stillingfleet;
 - Noise concerns and issues with how the noise survey was undertaken;
 - Traffic concerns regarding the 50 HGV movements every day and concerns that there are no road signs or routing avoiding Stillingfleet Village. Strongly refuting that there are no unacceptable impacts or that local roads are adequate for the anticipated increase in HGV's;
 - Stating the Applicant could use a Rotherham recycling centre and also questions the Applicant's links to British Gypsum;
 - The potential problems dust could cause;

- The wording *'there would be no contamination of the former mine site'* is considered to be suspect and that an assessment should be obtained prior to determination, including the method of dealing with foul sewage;
- The natural environment may be affected by the proposed activities. Especially if the benchmark for the site is taken from the abutting agricultural land or even a silent derelict site;
- Paragraph 6.44 of the planning statement fails to observe that a key condition of the mine site consent was that it should be returned to agriculture once mine operation had finished. Any consent should be time limited to match the energy plant (methane production application Ref. C8/999/16T/PA).

4.7 Kelfield Parish Council - A response was received on 9 March 2017 objecting to the application, which stated:

- The condition to return the site to agriculture has never been revoked therefore further development on the site should not take place until this issue has been resolved. The benefits of this proposal do not outweigh the harm to the local communities, with a large-scale industrial development not being appropriate in this rural location.
- The proposal is considered to be large scale industrial activity which is in conflict with the Selby District Core Strategy as it is outside the development limits of Stillingfleet in open country site, being specifically against clause 6.35 *'The former mine sites at Stillingfleet and Wistow are remote and are not considered suitable for re-use for large scale industrial activity'*. Impacts on Kelfield as a secondary village because of the size and nature of the proposed development due to the noise, pollution and constant heavy traffic movements. The Selby District Core Strategy should be used to protect the nature of these villages and the surrounding agricultural landscape.
- The storage of 75,000 tonnes of waste is a cause for considerable concern and if approved should be conditioned to ensure adequate safety measures to prevent contamination of soil and watercourses. No hazardous waste should be allowed to be stored or processed on the site and if approved the development should be conditioned and strictly monitored.
- Concern regarding noise from the operation of a crusher, which would affect nearby residential properties.
- The impact of 50 highways movements a day would have on the local highways network including noise. The application should be conditioned to prevent HGV's travelling through Stillingfleet village, also asking for a travel plan to be submitted and agreed to with any permission.
- The problem of dust there should be adequate means of control and be conditioned appropriately.

4.8 Escrick Parish Council - A response was received on 15 March 2017 objecting to the application. This reiterated the points of Stillingfleet and Kelfield Parish Councils stating it fully supports their representations. With some additional points being made regarding the scale of the approval setting a precedent for the determination of future expansion proposals. The Parish Council also state this would be a piecemeal approach overturning and undermining the recently adopted Selby District Policy.

4.8.1 It also refers to the fact that the site is not an allocated site in the draft North Yorkshire County Council Minerals and Waste Joint Plan (MWJP) being prepared by NYCC, City of York Council and the North York Moors National Park Authority stating it is therefore contrary to this local policy also and should be refused on this basis. It also states concerns about how the extra HGV traffic would affect the major road network of the A19 and the extra noise which would be generated by this traffic. With the additional 50 HGV movements exacerbating problems of traffic passing through the village further. It requests that any approval to be conditioned with no vehicles

being allowed to travel through Stillingfleet and other villages on the C307 (Escrick Road) or routing via Cawood Bridge.

- 4.8.2 It also states that the impact on the highways should be combined with the effect of traffic from other approved applications in the area which are not yet implemented and the proposed strategic waste site allocations in the Draft NYCC Minerals and Waste Plan, which includes the anaerobic digester at the former North Selby Mine site and the large site at the former Escrick brickworks, which the Parish Council state both would have massive traffic implications. The parish's final point states there is a large extent of waste sites within reasonable proximity of where construction waste is stored and no good grounds have been shown to overrule NYCC Draft Waste Policy or Selby District policy as there is no need for a separate waste 'feeder' transfer station, therefore they consider that this application is unnecessary and contrary to policy and should therefore be refused.
- 4.9 **NYCC Heritage - Landscape Architect** – A response was received on 1 March 2017 stating further information is needed, the area is rural and the acceptability of the proposal depends on the planning status of the site in relation to its existing use, the agreed restoration objectives and the level of screening and mitigation which is currently available on site. The Landscape Architect acknowledges the supporting statement asserts mounding and planting is sufficient to screen the site and they states there is potential for conflict with local policy and does not include sufficient space for planting. It is also stated that any buildings should be in a recessive colour to make sure they are unobtrusive and request a condition for the approval of lighting prior to commencement of works.
- 4.9.1 The Agent responded to this on 2 March 2017 stating a specific landscape impact assessment was not prepared as it is fully screened from outside view from mature planting and mounding which was put in place with the original mine application, by the Agent assumes, the National Coal Board. The Agent considers there should be no additional requirement for off-site planting to screen the proposed operations further as the public rights of way are also outside the perimeter mounding and planting.
- 4.9.2 A further Landscape Architect response was received on 15 March 2017 stating that after visiting the site and seeing views from the Public Rights of Way from the south, east and north, they would agree that at present the application site is currently '*very well screened by landform and planting*'. To the east the mounding is lower and planting may have a role here but that at present this was not a problem. Further stating noise from the current methane plant could be heard from the Public Right of Way. Therefore the Landscape Architect has no landscape issues with the proposal but states the effect of noise on the tranquillity of the surrounding area which is of rural character is unlikely to be appropriate.
- 4.9.3 A further Landscape Architect response was sent on 3 July 2017 this stated the Landscape Architect '*would strongly recommend that the issue of restoration the former mine site is clarified before this application is determined*'. The response stated that condition 16 of the 1976 planning application ref. C8/999/16/PA requires the site to be restored to a condition capable of agricultural production and an application in 2008 ref. C8/999/16S/PA for an extension of time within which the site should be restored was refused permission. The Landscape Architect states this application should include consideration of how the final restoration would be affected by the scheme, the Landscape Architect feels it would be premature determine the application without contextual information to show how the restoration of the waste transfer station would be carried out as part of a wider approved scheme.

- 4.9.4 The Landscape Architect asserts the restoration of the site as a whole after this length of time may need altering but the principle of restoration to a rural land use is still appropriate, stating the site is clearly isolated with the countryside and the NPPF definition of previously used land does not apply due to this being a former minerals site. Stating the granting of the temporary permission for mine methane gas electricity generation up to 2029 does not prejudice the restoration of the remainder of the site or full restoration when the permission expires. The Landscape Architect concludes that this proposal though is not directly comparable as the methane gas electricity generation is related to the previous use of the site but a waste transfer station is not and has less justification.
- 4.9.5 The final point is that the mitigating screening by mounding and planting being good, even from the nearby Public Right of Way, which was confirmed on 15th March 2017, is correct however a concern is that the planting is outside the red line boundary of the site, so would not be under the control of the Applicant. The Landscape Architect considered that the planting would have been intended to be temporary and should not be relied on for long term mitigation, as it does not appear to be being managed by the land owner. It is likely that the woodland would benefit from some woodland management.
- 4.10 **NYCC Heritage - Ecology** – A response was received on 3 February 2017 stating there are no concerns from an ecological point of view provided best practice is followed to avoid pollution of air and water, as the application is restricted to areas of existing hardstanding. In addition, as there are no significant alterations to existing buildings, no bat survey is required.
- 4.11 **Ouse and Derwent IDB** – A response was received on 21 February 2017 stating that the Board does have assets adjacent to the site, which are known to be subject to flooding in high flows. The Board requests that, where possible the risk of flooding should be reduced with surface water being managed in a sustainable way. The Board notes the Applicant's comments in the Flood Risk Assessment which states the development would not increase the impermeable footprint of the site therefore they are satisfied that the current drainage arrangements for the site are adequate and have no further comments to make.
- 4.12 **NYCC Public Rights of Way** - A response was received on 2 March 2017 stating the only concern is that the public rights of way are kept open for public use during the construction or as part of the plan. It stated if temporary closures or permanent diversions are required that the proper applications are made.
- 4.13 **Fire and Rescue Services** – Were consulted on 4 July 2017 and any comments received after the publication of the report will be reported at the Planning and Regulatory Functions Committee.
- Notifications**
- 4.14 **County Councillor Elizabeth Casling** - Was notified of the application by letter and a response was received on 27 February 2017 objecting to the application stating ideally the site should have been returned to agriculture as the original planning conditions for the mine site stated. Given the cost that is not going to happen therefore the site should be left as it is. The County Councillor states the proposal is contrary to Selby Core Strategy Policy and that the traffic implications of 50 vehicle movements a day are also a massive intrusion to the remote village, questioning the route to the A19, which is already congested. Enforcement to stop the lorries routing through Stillingfleet village would be necessary. The final point states that this application would be similar to placing industrial activity in a small rural community, with the dust noise and traffic implications all making it wrong.

- 4.15 **County Councillor Richard Musgrave** – Was notified of the application on 22 May 2017 following the County Council Elections on 4 May 2017.

5.0 **Advertisement and Representation**

- 5.1 The proposal has been advertised by means of 3 Site Notices posted on 16 February 2017 (responses to which expired on 9 March 2017). The Site Notices were posted in the following locations: 2 at the site entrance and another at the end of the public right of way which passes south of the site, joining with Kelfield Road. A Press Notice appeared in the Selby Times on 9 February 2017 (responses to which expired on 23 February 2017).
- 5.2 A Neighbour Notification letter was sent on 3 March 2017 and the period in which to make a representation expired on 24 March 2017. The following property received a neighbour notification letter:
- Mount Pleasant Farm, Cawood Road, Selby, North Yorkshire, YO19 6HS.
- 5.3 Four members of the public have sent in representations objecting to the application. The main material planning considerations raised in these objections include:
- The increased vehicle movements decreasing road safety, with HGV traffic along A19 and C307 (Escrick Road) currently being minimal. Both the capacity and safety elements of the proposal are not acceptable as the traffic to and from the site would be on an industrial scale;
 - This application not being accurate when commenting on the former mine road traffic activity. The coal mine would not have generated historical and extensive usage of the site by cars and HGV's, when the mine had quite limited traffic and the road size was for the 600 workforce for the mine;
 - The effects of noise on amenity for local residents, users of the bridleway and public right of way generated by the proposal in regards to HGV traffic and the site operations;
 - Dust would be impossible to control. In dry and winder conditions these would be on a much wider scale and lead to contamination of adjacent land, negatively impacting on the health and amenity of local residents;
 - The impact of lighting on residential amenity with operations continuing until 19:00 Monday to Friday. In winter months this would result in light pollution, which is undesirable in this rural location;
 - The dismissal of wildlife issues on the surrounding area, with the field adjacent to the proposal having nesting lapwings, barn owls, buzzards and green woodpeckers. Refuting the Agents *statement 'overall, the proposed development does no harm to the natural environment'*;
 - The application is not in line with North Yorkshire County Council Waste Local Plan Policy 5/2 or 5/7 because of the locational criteria as it is in a rural agricultural area;
 - The application is in conflict with the Selby Local Plan and Core Strategy which states that inappropriate rural use would not be permitted at the mine site as it is *'not suitable for re-use for large scale intensive economic activities'*;
 - The methods undertaken for the noise survey and how this was completed, including the noise decay, the process to come to the report's conclusions and how it is dependent on stockpiles. With the suggestion tha the data having been heavily adapted in favour of the development. Requesting that a further noise survey is completed.
- 5.4 In these representations certain elements are classed as not being material planning considerations these include:

- The Parish Council and objectors have raised concerns in relation to the future development of the wider former mine site (outside of the boundary of the current application).

6.0 Planning policy and guidance

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

- National Planning Policy Framework (NPPF) (published March 2012)
- National Planning Policy for Waste (NPPW) (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 within the Core Planning Principles of the NPPF states factors which should underpin planning decisions. The relevant policies for this proposed development include:

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

- *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*
- 6.7 Paragraph 58 within Section 7 (Requiring Good Design) of the NPPF states that local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
 - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
 - *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
 - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;*
 - *and are visually attractive as a result of good architecture and appropriate landscaping.*
- 6.8 Paragraph 109 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states 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.
- 6.9 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.
- 6.10 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’.
- 6.11 Paragraph 120 of the NPPF, advises that planning decisions should ensure that 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 or proposed development to adverse effects from pollution, should be taken into account*’. The NPPF advises in paragraph 111, that planning 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*’. The NPPF notes that planning decisions should ‘*focus on whether the development itself is an acceptable use of the land and the impact of the use*’.

National Planning Policy for Waste (2014) (NPPW)

- 6.12 Within the National Planning Policy for Waste (NPPW), Chapter 1 of the document notes that the planning system plays a key role in delivering the country's waste ambitions through '*recognising the positive contribution that waste management can make to the development of sustainable communities*'. Furthermore, it is noted that it is important that ambitions are also achieved by '*helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment*'. Furthermore, it is advised that this document provides a framework to enable waste to be disposed of or recovered '*in line with the proximity principle*'.
- 6.13 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'.
- 6.14 It should be noted that a footnote is included in the NPPW 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’.

- 6.15 Paragraphs 2 to 6 of the NPPW relate to the preparation of Local Plans in respect of the evidence base, identification of need, identifying suitable sites and Green Belt protection and are not directly relevant to the determination of planning applications for waste management facilities.
- 6.16 Paragraph 7 of the NPPW, provides guidance to Local Planning Authorities in the determination of waste planning applications, advising that they 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’.*
- 6.17 Within Appendix B of the NPPW, it is noted that in addition to the type and scale of any proposed facility, Local Planning Authorities should consider the following factors in assessing the suitability of a proposed waste site:
- 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;*
 - l) *potential land use conflict’.*

National Planning Practice Guidance (PPG) (2014)

- 6.18 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This

was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

Air Quality:

- 6.19 The PPG guidance on the assessment of the impact of a proposed development on air quality should be *'proportionate to the nature and scale of the development proposed and the level of concern about air quality'* and may be considered as part of an Environmental Impact Assessment if one is required. In order to minimise the impacts of a proposed development on air quality for example in controlling dust and emissions this can be secured through the use of conditions as necessary.

Light pollution:

- 6.20 Light intrusion occurs when the light 'spills' beyond the boundary of the area being lit. For example, light spill can impair sleeping, cause annoyance to people, compromise an existing dark landscape and/or affect natural systems (e.g. plants, animals, insects, aquatic life). It can usually be completely avoided with careful lamp design selection and positioning:
- Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow (the brightening of the night sky).
 - Good design, correct installation and ongoing maintenance are essential to the effectiveness of lighting schemes.

- 6.21 Lighting only when the light is required can have a number of benefits, including minimising light pollution, reducing harm to wildlife and improving people's ability to enjoy the night-sky:
- Lighting schemes could be turned off when not needed ('part-night lighting') to reduce any potential adverse effects e.g. when a business is closed or, in outdoor areas, switching-off at quiet times between midnight and 5am or 6am. Planning conditions could potentially require this.
 - Impact on sensitive wildlife receptors throughout the year, or at particular times (e.g. on migration routes), may be mitigated by the design of the lighting or by turning it off or down at sensitive times

Noise:

- 6.22 This states how noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. Local planning authorities' plan-making and decision taking 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.

- 6.23 It also states that 'neither the Noise Policy Statement for England nor the NPPF (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'.

- 6.24 In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it

may be appropriate to seek experienced specialist assistance when applying this policy.

Waste:

- 6.25 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’.
- 6.26 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’.
- 6.27 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 NPPW. 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’.
- 6.28 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’.

The Development Plan

- 6.29 Notwithstanding that the abovementioned national planning policy is a significant material consideration, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the Development Plan consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils ‘saved’ under direction of the Secretary of State; and,
 - any planning policies contained within Development Plan Documents adopted under the Local Development Framework regime.
- 6.30 The Development Plan for the determination of this particular application comprises the following:
- The extant ‘saved’ policies of the North Yorkshire Waste Local Plan (2006);
 - The extant policies of the Selby District Core Strategy Local Plan (2013);
 - The ‘saved’ policies of the Selby District Local Plan (2005);
- 6.31 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption, as stated in

paragraph 216 of the NPPF. 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), hereafter referred to as the MWJP.

6.32 The draft MWJP was published in November 2016 for representations. Consultation is about to commence on an Addendum schedule of proposed changes for an 8 week period over summer 2017 prior to the submission of the Minerals and Waste Joint Plan for Examination in Public (EiP) which is expected to take place later this year. When the MWJP is submitted the representations received in connection with the consultation on the Addendum, together with the representations received on the Publication document, as part of the information supplied for the EiP. The most relevant policy is:

- Policy W05: Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste).

6.33 Draft Policy W05 of the Publication Draft Joint Plan deals with Construction, Demolition and Excavation waste which states:

- 1) Net self-sufficiency in capacity for management of CD&E waste will be supported through:
 - i) Permitting proposals which would deliver increased capacity for recycling CD&E waste where the development would be consistent with the site locational and identification principles in Policies W10 and W11;
 - ii) Permitting proposals for additional transfer station capacity for CD&E waste where it can be demonstrated that additional provision would help reduce overall impacts from road transport of waste and the development would be consistent with the site locational and identification principles in Policies W10 and W11;
 - iii) Permitting proposals for additional landfill capacity for CD&E waste where it would be consistent with the principles set out in Policy W01 parts 3) and 4);
 - iv) Permitting proposals for extending the time allowed to use remaining void space at existing CD&E landfill sites that are the subject of time-limited permissions.
- 2) Provision of capacity for management of CD&E waste is also supported through site allocations for:
 - i) Allocations for recycling of CD&E waste:
 - Land at Potgate Quarry, North Stainley (WJP24)
 - Land at Allerton Park, near Knaresborough (WJP08)
 - Land at Darrington Quarry, Darrington (MJP27)
 - Land at Barnsdale Bar, Kirk Smeaton (MJP26)
 - Land at Went Edge Quarry, Kirk Smeaton (WJP10)
 - Land at Duttons Farm, Upper Poppleton (WJP05)
 - ii) Allocations for landfill of CD&E waste:
 - Land at Brotherton Quarry, Burton Salmon (WJP21)
 - Land at Duttons Farm, Upper Poppleton (WJP05)
 - Land adjacent to former Escrick Brickworks, Escrick (WJP06)

Proposals for landfill at sites WJP05 and WJP06 will only be permitted as a means of enabling reclamation of any mineral workings developed in connection with allocations MJP52 and MJP55 as relevant.

Sites MJP26, MJP27, WJP10 and WJP05 are located in the Green Belt and any development will need to comply with relevant national and local Green Belt policy.

- 3) Proposals for development of the allocated sites for recycling or landfill referred to in 2) above will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.

6.34 The Stillingfleet former mine has not been submitted for consideration through the MWJP and is not proposed for allocation or identified in the plan as a site having potential for development to recycle, transfer or treat Construction and Demolition waste. 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 because there are currently, until the matter is considered at EiP, representations which have been received with regard to Policy W05 in the Publication document that challenge the soundness of that aspect of the MWJP.

North Yorkshire Waste Local Plan (NYWLP) (adopted 2006)

6.35 In the absence of an adopted Minerals and Waste Joint Plan (MWJP) 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;
- 5/2 – Waste Recovery
- 5/7 - Facilities for the Recycling of Construction and Demolition Wastes.

6.36 'Saved' Policy 4/1 – Waste Management Proposals 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.

- 6.37 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.
- 6.38 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.
- 6.39 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.
- 6.40 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.
- 6.41 '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.
- 6.42 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.
- 6.43 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.
- 6.44 'Saved' Policy 4/3 – Landscape protection 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'.

- 6.45 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.
- 6.46 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.
- 6.47 'Saved' Policy 4/18 – Traffic impact 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.
- 6.48 '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.
- 6.49 'Saved' Policy 4/19 – Quality of life 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.
- 6.50 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.
- 6.51 'Saved' Policy 5/2 – Waste Recovery states that:
Proposals for facilities relating to the recovery of waste will be permitted subject to adequate environmental and amenity safeguards at the following locations as shown on Inset Maps No. 1 & 2
- a) Barnsdale Bar Landfill & Quarry
 - b) Jackdaw Crag
- Proposals outside these areas will be considered in light of other policies of Chapter 5.
- 6.52 As a policy specific to the Local Plan area the NPPF is silent on matters set out in this policy.
- 6.53 'Saved Policy 5/7 states Proposals for recycling facilities for construction and demolition wastes will be permitted provided that:
- a) the proposed site is suitably located within an existing, former or proposed industrial area of a character appropriate to the development; or
 - b) the proposed site is suitably located within a redundant site or building; or
 - c) the proposed site is appropriately located within, or adjacent to active or worked out quarries or landfill sites; and
 - d) that where relevant it does not prejudice the restoration and afteruse of the quarry or landfill site; and
 - e) the highway network and site access can satisfactorily accommodate the traffic generated; and

- f) the proposal will not have an unacceptable impact on local amenity or the environment.
- 6.54 Criterion a) and b) and f) are broadly consistent with national policy in the NPPF and NPPW in terms of new development on previously developed land, and can therefore be afforded full weight in the determination process.
- 6.55 Criterion c) and d) are not relevant to the application under consideration. 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) comply with and can therefore be afforded full weight.
- 6.56 The Selby Local Plan Core Strategy (adopted 2013) has particular relevance in the determination of this application and the policies most relevant include:
- SP1 - Presumption in Favour of Sustainable Development;
 - SP2 - Spatial Development Strategy;
 - SP13 - Scale and Distribution of Economic Growth;
 - SP18 - Protecting and Enhancing the Environment;
 - SP19 - Design Quality.
- 6.57 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’.
- 6.58 Policy SP2 sets out the principles guiding the location of all forms of new development in Selby and includes a statement relevant to the determination of this application. It states that the location of future development within Selby District will be based on the following principles (inter alia):
- ‘...(c) Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the reuse of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances’.
- 6.59 Policy SP13 of the Selby District Core Strategy states that ‘Support will be given to developing and revitalising the local economy in all areas’, with the most relevant considerations for this application being as follows:
- ‘B. Strategic Development Management

1. Supporting the more efficient use of existing employment sites and premises within defined Development Limits through modernisation of existing premises, expansion, redevelopment, re-use, and intensification.

C. Rural Economy

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

1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings;
2. The redevelopment of existing and former employment sites and commercial premises;

D. In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity’.

- 6.60 Further to this Policy SP13 of the Selby District Core Strategy gives policy justification on this specific site stating:

‘Former mine sites at Whitemoor and Riccall, which already have the benefit of planning consent, are acknowledged locations for meeting the needs of existing indigenous employment. The remaining two former mine sites at Stillingfleet and Wistow are remote and are not considered suitable for re-use for large scale or intensive economic activities. (Part of the former North Selby mine site also falls within the administrative boundary of the District although the majority of the site, including the remaining buildings, is within the City of York Council area).

It will be necessary for any re-use of these former mine sites to consider and remediate any mining legacy issues that may be present to ensure that no public safety issues arise from their beneficial re-use.

The Council recognises that the limited extent of many homeworking situations allow them to be operated as permitted development. However, of those that require planning permission, support will be given to proposals that are supported by evidence that the scale and nature of the activity does not compromise wider sustainable development objectives. Further guidance will be provided through a future Development Management Local Plan.

Employment development outside the Designated Service Villages will be carefully assessed against development management, environmental and highways criteria, to ensure proposals are sustainable and considerable weight is attached to safeguarding the character of the area and minimising the impact on existing communities.’

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

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

1. Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance
3. Promoting effective stewardship of the District’s wildlife by:

- a) Safeguarding international, national and locally protected sites for nature conservation, including SINCs, from inappropriate development.
 - b) Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site
 - c) Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate...
7. Ensuring that new development protects soil, air and water quality from all types of pollution.
8. Ensuring developments minimise energy and water consumption, the use of non-renewable resources, and the amount of waste material’.

6.62 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’.*

Selby District Local Plan (2005)

6.63 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 following the adoption of the Core Strategy.

- 6.64 Within the Selby District Local Plan, the ‘saved’ policies relevant to the determination of this application are:
- ENV1- Control of Development;
 - T1- Development in Relation to the Highway network;
 - T2- Access to Roads.
- 6.65 This ‘saved’ policy ENV1 Control of Development 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’.
- 6.66 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.
- 6.67 ‘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.
- 6.68 ‘Saved’ Policy T2 states that ‘Development proposals which would result in the creation of a new access or the intensification of the use of an existing access will be permitted provided:
- 1) There would be no detriment to highway safety; and
 - 2) The access can be created in a location and to a standard acceptable to the highway authority.

Proposals which would result in the creation of a new access onto a primary road or district distributor road will not be permitted unless there is no feasible access onto a secondary road and the highway authority is satisfied that the proposal would not create conditions prejudicial to highway safety’.

- 6.69 It is considered that limited weight can be attached to 'saved' Policy T2 as the NPPF, with regards to transport, 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.

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 principle of the development, location, local amenity, contamination and drainage, fire risk, landscape and visual impact, impact on ecology and highways matters, site restoration and section 106 agreement.

Principle of the Proposed Development

- 7.2 The use of an industrial piece of land of this nature receives general support within the NPPF in seeking to conserve the natural environment. The application site, in its present condition, exhibits characteristics comparable to brownfield (previously developed) land. It is former industrial land which is now derelict and redundant, with industrial buildings and concrete hardstanding throughout. A number of the more significant buildings have been removed from the wider former Stillingfleet Mine Site including the amenity block for which a prior notification of demolition was submitted to Selby District Council on 27 February 2012 which Selby District Council supported. In total 15 structures have been removed from the site since site operations have ceased these include the sewage treatment plant, store building, gas store and oil and grit interceptors.
- 7.3 The Methane Gas Plant application in 2012 ref. C8/999/16T/PA had 2 plans with a red line boundary when submitted, one of which was the entire former mine site and the other the electricity generation equipment application site. Condition 8 of that consent states *'The development hereby permitted shall cease and all buildings, plant, machinery and equipment shall be removed from the site removed by 31 December 2029, or within 6 months of cessation of use of the buildings, plant, machinery and equipment, and the area previously so occupied reinstated in accordance with a detailed scheme to be submitted to and agreed in writing by the County Planning Authority by 31 October 2028, or within three months of the cessation of use, whichever is the sooner'*. It is considered that condition 8 applies to the development area for the electricity generation equipment creating a new planning unit. The restoration of the remainder of the wider 32 hectare mine site, including the area of this waste application, is not included in this and thus is now without development control procedures. This is due to the reasoning in paragraph 2.8 which states enforcement action in regards to the restoration of the wider site is not considered expedient and cannot now be taken. There is no longer provision for restoration of the entire former Stillingfleet Mine Site through development control procedures and therefore the site is able to be classed as previously developed land (PDL).
- 7.4 The NPPF advises that *'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'*. This is also supported by Selby District Core Strategy Policy SP1 in regards to the presumption in Favour of Sustainable Development. It is also supported by Policy SP2 which has the principles of the re-use of existing buildings for employment purposes, outside the development limits. Policy SP13 gives further site specific support for the application and is discussed in more detail in paragraphs 7.10-7.16 below. Furthermore, the construction of a waste

management facility in this location receives support within 'saved' Policy 5/7 of the North Yorkshire Local Plan, in instances where such facilities are located within existing or former industrial areas provided that the character of the proposal is suitable to the area.

- 7.5 Furthermore, it is noted within the NPPW, that there is general support for sustainable waste management facilities which move waste up the 'Waste Hierarchy', making it preferable to reduce, re-use and recycle waste therefore, reducing the need to landfill. It is noted that Appendix B of the NPPW confirms that consideration must be given to the suitability of a proposed site, against the criteria it specifies, in the determination of a planning application, to ensure the likely impact of the proposed development. In this instance the relevant criteria of appendix B of the NPPW are c) landscape and visual impacts; d) nature conservation; f) traffic and access; g) air emissions, including dust; j) noise, light and vibration; and l) potential land use conflict'. This is also supported by the Planning Practice Guidance for Waste which states that when waste sites are not allocated an Applicant should be able to also demonstrate that the facility would not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy. This report in its considerations will deal with all these factors.
- 7.6 At the local level 'saved' policy 5/7(b) of the NYWLP (2006) states that proposals for recycling facilities for construction and demolition wastes will be permitted provided that the proposed site is suitably located within a redundant site or building. The proposal comprises the use of a redundant mine site and 2 buildings and in this respect the proposal complies with 'saved' policy 5/7(b) of the NYWLP (2006). With regards to point 5/7(a) although it is not within an industrial area as such, with greenfield land surrounding the development, it is located within an area with some industrial characteristics due to the Stillingfleet Mine Site having industrial-type buildings and hardstanding already in place. However, the application does not meet the locational criteria of (c) as the site is not within an active quarry or landfill site. In regards to criteria (d) the site would prejudice the restoration condition for the former mine site; however, the site has not been restored within the relevant time limits and, at present, the site could not be fully restored until 2029 when the methane plant permission expires. With regards to criteria (e and f) of policy 5/7 and the highways network satisfactorily accommodating the traffic generated and not having an unacceptable impact on local amenity or the environment, this will be dealt with later in this report. Therefore the application does not fully comply with policy 5/7, but does meet the locational aims of points 5/7 (a) and (b) being in a former industrial site which is redundant.
- 7.7 One of the objections in regards to the application gives Policy 5/2 as a reason to refuse the application as the proposal does not meet its locational criteria however the policy has the caveat of *'proposals outside these areas will be considered in light of other policies of Chapter 5'*. Therefore this application is to be judged against the other policies in Chapter 5 of the NYWLP (2006), specifically Policy 5/7 discussed above.
- 7.8 The Agent asserts that North Yorkshire County Council has acknowledged the significant capacity shortage for inert waste recycling in the Minerals and Waste Joint Plan and the applicant believes 75,000 tonnes of waste per annum would be available and has contracts in place for most of this total. However the applicant would not detail the contracts as this is sensitive commercial information. This application site is not allocated in the MWJP, it does though identify locational criteria for this type of development. Policy W05 supports development *'where it can be demonstrated that additional provision would help reduce overall impacts from road transport of waste'*. However, Policy W05 can be only given very limited weight in the

determination of the application as matters to do with that policy are subject to objections that are currently unresolved pending the consideration of the MWJP at EiP which is expected to take place in spring 2018.

- 7.9 The Agent clarified in response to Stillingfleet Parish Council that the total of 75,000 tonnes of waste stated in the application form is the total amount of waste which would be able to be processed in total over any year, the Agent also stated on 2 June that 75,000 tonnes would also be the limited amount of any waste on site at any one time and would be monitored by the EA for permit purposes via the total amount received through the weighbridge. The Agent has confirmed that an application would be made to the Environment Agency for permission for a limit of 75,000 tonnes of waste passing through the site per annum.
- 7.10 Objections from residents and the Parish Councils state this application conflicts with the Selby District Core Strategy Policy SP13, supporting text of this policy gives site-specific recommendations in regards to the former Stillingfleet Mine Site. The Landscape Architect also has comments regarding conflicts with Local Policy in terms of this proposal. Part C of Policy SP13 is in regards to the Rural Economy and supports this application through the re-use of the buildings and the creation of a formal employment site. The policy justification acknowledges that meeting the needs of local employment has been achieved at this site in the past, however it is a remote site and in policy terms is not considered suitable for re-use for '*large scale or intensive economic activities*'. In terms of the wider former Stillingfleet Mine Site this development would not be classed as a large scale proposal as it is not located upon a significant proportion of the wider former Stillingfleet Mine Site which is 32 hectares in total or the 8.2 hectare operational total (25.6% of the wider former mine site). The application site as shown on Figure 3, is only 2.2 hectares (6.9% of the wider former mine site and 26.8% of the operational former mine site) and including the access road is only 2.75 hectares, (8.6% of the wider former mine site).
- 7.11 The assessment of scale is not just in regards to hectares, but has a broader meaning in regards to the wider area including the effects of the intensity of the proposal and size of the existing buildings used and stockpiles proposed. Furthermore it includes of the level of activity which is located upon the site. This proposal would not give rise to cumulative impacts which would intensify the level of development to a level where it was considered unacceptable on the site as a whole or the local area. The proposal would use two of the remaining buildings on the site, which are of a moderate scale, but which are placed well within the site. The more significant buildings on the former mine site such as the amenity building and other buildings mentioned in paragraph 7.2 have been demolished. The stockpiles which would be located on the existing hardstanding within the application site would intensify the use of the area, which is currently derelict, however the 4m and 5m maximum height of the stockpiles, the size of the area they would be located upon and the location of the stockpiles being screened by the trees to the north would mean that the proposal would not be '*large scale*' or '*intensive*'. Therefore in terms of the footprint of the development with the use of the existing buildings, the size of the stockpiles and the impacts on the wider area this proposal would not have sufficient large scale impacts to warrant a recommendation for refusal.
- 7.12 It is noted that Selby District Council have not expressed any objection to the application in terms of the scale or location. In 2005 Selby District Council refused an application for the change of use of the existing buildings, as stated in Paragraph 2.7. This was refused due to it being a large scale inappropriate car dependent employment use in an unsustainable location. Since then the Selby District Core Strategy has been produced and was adopted in 2013. In 2005 there was no criteria in place for the re-use of the site, however Selby Core Strategy Policy SP13 now

gives criteria for the re-use of this sites stating it is not supported for 'large scale' re-development. Although the policy does add the caveat in part 'D', *'In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity'*. Therefore any development would need to be considered sustainable to gain support. It is acknowledged the Parish Councils do not want this application setting a precedent for the scale of development in the area, specifically on the former mine site. In this instance the application would not create an environment which would be unsustainable or large scale. Nevertheless, if this permission was approved and a further development on the site came forward, the cumulative impacts on the whole site would have to be taken into account.

- 7.13 The Policy SP13 justification also states that any re-use must consider and *'remediate any mining legacy issues that may be present to ensure that no public safety issues arise from their beneficial re-use'*. In this instance the application would not have a significant effect on the existing site, with the existing hardstanding not being removed and the existing buildings being re-used. There would also be no public safety issues from the re-use, with no consultees having any objections in regards to the safety of the site, in particular the responses from the County Highway Authority on highways safety aspects and the Environment Agency and Selby Environmental Health Officer on contamination and the local amenity impacts.
- 7.14 Selby District Council's Core Strategy (2013) justification also states support would be given if a proposal is *'supported by evidence that the scale and nature of the activity does not compromise wider sustainable development objectives.'* This proposal would be time limited to the earliest point the entire site could be restored by using a planning condition to align the life of the proposed waste transfer site to the existing permitted life of the coal mine methane gas extraction permission (ref. C8/999/16T/PA), as the current plant currently on site requires the access road to be kept in place. At present the area of this application for the Waste Transfer Station and the rest of the wider former Stillingfleet Mine Site could though be restored prior to this date. However there is no confirmation from Agent, Applicant or landowner the site would be restored. The NPPF encourages the re-use of brownfield land and in this instance the proposed use would be classed as acceptable as it would not add any long-term significant impacts on the existing site, the environment or on residential amenity. The Selby District Core Strategy (2013) also promotes the re-use of previously developed land (PDL), the application site is justified in paragraph 7.3 as why it is able to be categorised as PDL. It is also consistent with the NPPF Paragraph 111 and states one of the main objectives in the Spatial Strategy and Core Policies as being *'Promoting the efficient use of land including the re-use of existing buildings and previously developed land for appropriate uses in sustainable locations giving preference to land of lesser environmental value'*.
- 7.15 The Selby District Core Strategy (2013) further states, *'to ensure proposals are sustainable and considerable weight is attached to safeguarding the character of the area and minimising the impact on existing communities'*. It is considered that the former Stillingfleet Mine Site is a former industrial site of a character appropriate for a waste processing and transfer facility as it is facilitating the re-use of the redundant land, including its existing buildings, and has an existing access road which has sufficient visibility and capacity. The original screen planting for the mine also helps to successfully mitigate the impacts of the former Mine site on the local area.
- 7.16 The Selby District Core Strategy (2013) continues to state, *'employment development outside the Designated Service Villages will be carefully assessed against development management, environmental and highways criteria'*. This proposal would also not significantly alter the character of the area as the proposed

development comprises the use of existing buildings. The main change would be to the character of traffic to the site as Stillingfleet Mine when operational did not have HGV traffic, the highways impact of this is considered in paragraphs 7.50 – 7.60 of this report. It is considered although this proposal is outside the Designated Service Village for employment use, it has been assessed as acceptable against the stated criteria in Policy SP13 justification, paragraph 6.59. This is also in accordance with NPPF paragraphs 14 and 120 with the development being an appropriate use for the location not having an adverse negative effect on the area. It is acknowledged though that there would be a change in traffic character as this nature of HGV traffic was not used when the mine was operational, which will be discussed further, later in the report.

- 7.17 The proposed development would utilise the redundant buildings and infrastructure of the facility, which use ceased in July 2004 and the built infrastructure with large areas of hardstanding have been left dormant since. Therefore this is not in conflict with Selby District Policy ENV 1 in regards to the control of development due to the lack of a significant impact of the character of the area and the former mine site itself. Furthermore it is compliant with the core planning principles set out in paragraph 17 of the NPPF and also paragraph 111 of the NPPF in respect of land-use planning decisions that encourage the effective use of land.
- 7.18 For the reasons detailed above it is considered that the principle of the development has been established as being in accordance with the principles of the NPPW, NPPF, Planning Practice Guidance and the site suitability elements of 'saved' Policy 5/7 of the NYWLP (2006). It should be noted that Selby District Council was asked to give a view on the compliance of the development with Selby District Council's policies but has declined; nonetheless, it is considered that Policy SP1, SP2 and SP13 of the Selby District Core Strategy (2013) and 'Saved' Policy ENV 1 of the Selby District Local Plan (2005) are applicable and the proposal does for the reasons detailed above comply with these policies, subject to consideration of the suitability of the application site in relation to its impact upon the local environment, character of the local area and upon amenity.

Location

- 7.19 As discussed in the preceding paragraphs of this report the suitability of the site for a waste management facility is considered broadly acceptable in planning terms. However a number of objections have argued that the site is not an appropriate location for a waste management facility, which is a key consideration and have raised concerns that the proposed facility does not meet Local Policy for what would be acceptable.
- 7.20 The proposed development is considered to be a sustainable use contributing to the provision of a facility for re-using waste materials that might otherwise go to landfill. The granting of planning permission in this instance would not compromise the relevant requirements set down in 'saved' Policy 4/3 of the NYWLP (2006) concerning Waste Management Proposals which state "*facilities will be permitted providing the siting and scale of the development is appropriate*".
- 7.21 Objections including those from the Parish Councils, dispute there being no similar facility in the area, stating it is unnecessary for the local population to suffer the impacts of a development which is not dealing with waste from that area, and that waste should be recycled or disposed of close to its source. It would though not be appropriate to restrict the source of input materials through planning controls. The contracts and source of waste material is a commercial matter and is governed by market forces. The Agent has stated the Applicant is not willing to release details of the contracts already in place as this is sensitive commercial information. In

accordance with recent case law, the costs associated with the transport of the waste and market forces would regulate the waste movement such that the facility would be likely to represent the 'Nearest Appropriate Installation' (in respect of the 'proximity principle') for the treatment of that waste.

- 7.22 The Agent states although there are other recycling facilities in the region, including several in South Yorkshire, this facility would be unique in the region as the only one which would take waste plasterboard direct from the manufacturer and return high quality recycled gypsum which can be used for new plasterboard. Although it must be acknowledged, in this report, that other recycling centres in the area may be able to take the same waste even if they do not at present. The proposal gives additional provision which would help reduce overall impacts from road transport of waste. The Agent states this type of waste is produced at disparate sources and there is need for specialist treatment/recycling site such as this to do so. The waste would be brought in directly from source sites without the need for intervening waste transfer stations, with waste only being accepted on a contract basis with no individual small loads endure quality control and avoid non-conforming waste.
- 7.23 Overall, it is considered that the proposed facility would contribute to the delivery of an integrated and adequate network of waste management installations by providing a waste recovery facility. It offers an opportunity for additional facility in the District to move waste up the 'waste hierarchy' and divert it away from the less sustainable option of disposal to landfill, and given the conclusions on the principle of the development, it is considered that the capacity to be provided by the facility would help ensure that construction waste can be dealt with at the 'Nearest Appropriate Installation' and help ensure its management in accordance with the 'proximity principle' of the NPPW (2014) and 'saved' Policy 4/1 of the NYWLP (2006).

Local Amenity

- 7.24 A significant consideration in the determination of any waste application is the potential impacts of the development upon the amenity of local residents, other sensitive receptors and the environment. The significance of this matter is addressed in both National Policy and Local Planning Policy, which seeks to limit the impact of developments upon local residents, and which must be taken into consideration in the determination of waste planning applications. Concerns have been raised by local residents in the main, due to the impact that the development will have upon local amenity. The potential adverse effects of noise, dust and external lighting on occupiers of the nearest residential properties are key considerations in the acceptability of this development in the proposed location. With 'saved' policies 4/1 and 4/19 of the NYWLP (2006), seeking to ensure that waste management facilities do not have an unacceptable effect on local amenity. These potential impacts are considered in the paragraphs below.

Local Amenity - Noise

- 7.25 The three Parish Councils and four objectors have stated concerns regarding the noise this proposal could give rise to and questions have been raised in relation how the noise survey was conducted. The Landscape Architect also has issues also with the current noise on site which is from the Methane Plant permission (ref. C8/999/16T/PA) and would not want this application to add to this.
- 7.26 On 29 March 2017 and 4 April 2017 the Agent provided further information from the Noise Consultant, after objections to the proposal detailed concerns with the information originally provided. The Agent forwarded information from the Noise Consultant in response to the objections which stated the 'daytime and night' was incorrect as the measurements were only taken during the day as there no night time operations were proposed. The Noise Consultant stated they simply repeated the

understanding from the Agent that the access road had been used for the access to the mine and did not know there was previously no major HGV use on the site. The Noise Consultant also stated the sound predictions do rely on the presence of stockpiles but this was agreed with the Agent. The Noise Consultant also stated the distance decay is correct, with the formula used applying to 'soft' surfaces described in BS 5228 as *'Soft ground is taken to refer to surfaces which are absorbent to sound, e.g. grassland, cultivated fields or plantations'* and therefore the sound propagating to Mount Pleasant Farm would be subject to absorption with no significant effects on their residential amenity.

- 7.27 The Agent gave a final response to the objections on 20 April 2017, stating the noise assessment works on a worst-case scenario principle where all machinery is operating; it incorporates mitigation and finds noise levels to be at acceptable levels. Stating the ambient noise recordings were taken on public land representative of the conditions of the nearby dwellings. Further stating the method used (BS) is standard practice for noise monitoring as it is the assumption that it is likely stockpiles would be present virtually all the time.
- 7.28 In terms of operational noise sources, activities would be carried out mostly within the waste transfer building and it is considered that the enclosed building would serve to reduce the noise emanating from the site to acceptable levels. The noise survey accesses the mobile plant equipment of the Crusher, Trommel Screener, and Shredder as giving acceptable noise levels whilst operational inside the building. These pieces of plant equipment have not been assessed for noise impacts outside the building so will be conditioned for only internal use. The loaders and mobile plant equipment have been assessed as having noise impacts which are acceptable for external use, not going above the levels to likely to have an effect on residential amenity. Whilst the proposed development would have an impact upon the residents of Mount Pleasant Farm, due to the environmental mitigation and controls which would be implemented and due to the distance that exists from this property to the application site. It is considered that the impacts upon the amenity of this property would not be adverse or unacceptable. As such it is considered that the impact of the proposed development upon the amenity of any sensitive receptors will be negligible.
- 7.29 The Selby District Environmental Health Officer (EHO) has considered the noise impact at the nearest noise sensitive receptors, which includes Mount Pleasant Farm approximately 400 metres north west of the application site and 250 metres west of the access road. The EHO has not objected to the application and acknowledges that *'The assessment concludes that noise from the development as assessed will be at the Lowest Observable Adverse Effect Level (LOAEL) at one dwelling on Kellfield Road and at the No Observed Effect Level (NOEL) at all other dwellings'*. Further noting that the main source of noise would be generated by vehicles entering and leaving the site, with vehicle movements noted at being a maximum of 50 movements per day. It is therefore considered that the impacts of noise can be mitigated through conditions so as not to result in environmental harm. In turn the application proposal is compliant with Planning Practice Guidance in regards to noise through not having *'a significant adverse effect'* and because *'a good standard of amenity can be achieved'*. The Environmental Health Officer has stated the noise survey, was conducted in a satisfactory manner and the levels it has shown are acceptable, so do not warrant an objection. The Environmental Health Officer has requested a condition to restrict the hours of operation and HGV movements to 07.00 – 19.00hrs Mondays to Fridays and 07.30 – 13.00hrs on Saturdays and no work on Sundays in the event that planning permission is granted for the development.
- 7.30 The proposed hours of operation as set out in paragraph 3.10 are considered to be such that the noise levels that may be generated by the use of this facility are unlikely

to be excessive. It is acknowledged that the nature of the local road of the C307 (Escrick Road) and HGV traffic could give rise to disturbance in the area, however there are no limitations on the use of the public highway by HGVs in the area and not all disturbance would necessarily be attributable to the HGVs arising from the proposed development. There are also no proposals for night time HGV movements and should permission be granted, the hours of HGV accessing the site would be controlled by condition in the interest of local amenity. It is considered that in light of the above concerns relating noise disturbance from HGV traffic would not be sufficient reason to warrant the refusal of the application.

- 7.31 The nature of the proposal is such that it would be considered unlikely to result in any adverse noise impacts upon residential amenity. The Environmental Health Officer has confirmed that the proposed development is unlikely to cause nuisance, which would result in a negative impact upon local amenity, which further supports this view.
- 7.32 For the reasons detailed above, it is considered that the proposed development would not have a significant impact upon the amenity of any local receptor in regards to noise. Therefore there would be no conflict with the national policy contained within the NPPF and NPPW, and it would be compatible with the aims of 'saved' policies 4/1, 4/18, 4/19 and 5/7 of the NYWLP (2006), 'saved' Policy ENV1 of the Selby District Local Plan (2005) and policies SP18 and SP19 of the Selby District Core Strategy (2013).

Local Amenity – Dust

- 7.33 In regards to dust it would be unreasonable to expect zero emissions of dust arising from the proposed waste facility. Given the separation distance between the application site and the nearest sensitive receptors (Mount Pleasant Farm), together with the main operations being undertaken within an enclosed building, it is considered that any dust arising from the operations at the site would not seriously harm residential amenity. This is consistent with Planning Practice Guidance for air quality which states mitigation should be proportionate to the size of the proposal, in this instance the effects of dust would be minimal and mitigated by condition with the Applicant stating *'in dry windy conditions it can become difficult to maintain effective dust controls and so when local wind speeds exceed 20m per second in dry conditions, all site operations would be suspended that have the potential to give rise to fugitive dust emissions beyond the Site boundaries'*.
- 7.34 Representations about this application have raised concerns regarding dust created by the site, including that the dust mitigation measures as stated in paragraph 3.8 of this report, such as the use of a water bowser, misters and spray guns would not be followed by the operator. This mitigation would be conditioned and compliance with the terms of the condition would be monitored by the County Planning Authority. Further mitigation to be controlled by condition would be the sheeting of any HGV's to the site which would also stop the spreading of further dust.
- 7.35 The existence of alternative statutory means of controlling pollution through the Environment Agency is a material consideration to be taken into account in determination of applications for development which would also be subject to those other forms of statutory control. The planning system should not be operated so as to duplicate environmental controls; although in this instance, land use planning controls and mitigation such as the internal processing, stockpile heights and the sheeting of vehicles are appropriate. This is because they would mitigate the amenity issues, visual impacts and highways concerns which are all land use issues. If planning permission is granted, it is considered that the facilities design and the mitigation measures proposed would sufficiently control the dust emissions arising from the site. The development would not give rise to any amenity issues associated with air

pollution and is not in conflict with the NPPF and NPPW and would be compatible with the aims of 'saved' policies 4/19 and 5/7(f) of the NYWLP (2006), 'saved' Policy ENV1 of the Selby District Local Plan (2005) and policies SP18 and SP19 of the Selby District Core Strategy (2013).

Local Amenity - Lighting

- 7.36 Concerns have also been raised in relation to the effects of the light illumination and spill from the site, as a result of the lighting already present on the site. Mitigation though is offered by ensuring that the lighting associated with the development is switched off outside of the hours of operation at the site, as such the impact of the lighting proposals would be minimal on surrounding properties and highways. The Agent further states no lighting is proposed other than the lighting already installed by the mine operator. The intention would be that outdoor activities other than by road going vehicles would not take place after hours of darkness for safety.
- 7.37 The EHO has not raised any concerns in relation to the lighting impact and it is considered that, due to the separation distance from residential receptors, the on-site lighting would not give rise to unacceptable levels of light pollution or disturbance in the local area. To ensure that this is the case, it is proposed that such mitigation would be controlled by condition, with any existing lighting to be used and any proposed new lighting would be approved in writing by the County Planning Authority. This is consistent with Planning Practice Guidance in regards to Light Pollution, as the impacts of the proposal would be mitigated sufficiently. In light of the above it is considered that the site would not give rise to any amenity issues associated with light pollution rendering no conflict with the national policy contained within the NPPF and NPPW. It would also be compatible with the aims of 'saved' policies 4/19 and 5/7(f) of the NYWLP (2006), which seek to ensure that proposed developments are appropriate to their location and would not result in impacts considered significantly detrimental to the local environment. The development's mitigation would also ensure there is no conflict with 'saved' Policy ENV1 of the Selby District Local Plan (2005) and policies SP17, SP18 and SP19 of the Selby District Core Strategy (2013).

Contamination and Drainage

- 7.38 The proposed development would involve using the existing areas of hardstanding. In response to the objectors concerns about contamination, the Agent stated the mine surface hardstanding would not be disturbed and all activities would take place within buildings or on extensive drained surfaces, therefore no contamination assessment has been required. Further affirming that no connection to the public sewers is required, as foul sewage would be dealt with in a portable system which would be taken off site as and when required to a suitable facility. It is considered that in light of the aforementioned conditions the development would not have an adverse impact upon the drainage of the site and the development is in compliance with the guidance contained within the NPPF and NPPW. To make sure the site is kept to a good level of quality, a condition for the maintenance of the hardstanding would be attached to any permission to be granted.

Fire Risk

- 7.39 Fire risk is a known issue with waste transfer stations, this is managed by the EA and the consultation response for this application stated that fire risk was not an issue. It is noted that fire safety is considered as part of the Environmental Permit regime and that the North Yorkshire Fire and Rescue Service have been consulted on this application with any comments received after the publication of the report will be reported at the Planning and Regulatory Functions Committee meeting. The application for the Environmental Permit would need to consider how to manage firewater arising from a fire and how the laminate stockpile area would be bunded so as to retain any fire lighting liquids that may be within any material imported onto site.

The suitability of proposed fire safety measures would be considered at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority. The fire prevention and management plan practices (approved as part of the Environmental Permit) involve stockpile height limits (max 5 metres) and separation distances between stockpiles and plant and machinery, fire rated concrete dividing walls, regular rotation, temperature monitoring, visual inspections, on site fire engine and firefighting measures and an evacuation plan.

Landscape and Visual Impact

- 7.40 In line with both National and Local Planning Policy, the potential impact of the development upon the character of the area represents a key consideration in the determination of all waste applications. The suitability of any site for the siting of a waste management facility must be assessed against any potential impacts that may occur upon the local environment. On this matter, it is noted that Paragraph 7 of the NPPW confirms that in the determination of waste management planning applications, local planning authorities must '*consider the likely impact upon the local environment and on amenity against the criteria set out in Appendix B*'.
- 7.41 The site is located within a predominantly rural location although there are a number of residential properties located nearby. Although the application site is located within open countryside, the site does not have any special designation preventing or limiting development upon it. The application site is located on the former Stillingfleet Mine Site and the existing hardstanding surface would not be disturbed. The development would also seek to retain boundary trees, hedgerows and vegetation, limiting the impact of the development. The application site is well contained by existing screen mounding and mature landscape planting along the site boundary and is not visible beyond the immediate boundary of the application area to the north and to the south. The stockpile heights would be maintained below the level of the surrounding landscaping bunds. It is therefore considered that the proposal is not in conflict with Selby Core Strategy Policy SP19 in regards to design quality as this would be an efficient use of the land not compromising the distinctiveness or character as it is already of derelict industrial use.
- 7.42 The topography of the surrounding area is predominately flat although the site benefits from good levels of natural, mature screening and is separated from neighbouring residences by fields in agricultural use. Public views of the application site do exist from a public rights of way to the east of the application site, however NYCC Public Rights of Way team have no concerns regarding this, as the proposal would not stop the use of the route. The route currently has a view of the existing coal mine methane generating station and the derelict mine site. The addition of stockpiles on the site would have an effect on the views from the Public Right of Way to the east however with the hardstanding and buildings already being on site it is not considered that any visual impact would be unacceptable. The site is classed of being of industrial natural and making use of the current buildings on site would improve the site making it more of an asset for the area. This would be in compliance with 'saved' policy ENV1 of the Selby District Local Plan (2005) and 'saved' policy 4/1 of the NYWLP (2006).
- 7.43 The nearest residential property to the proposed development is Mount Pleasant Farm, which is located approximately 400 metres north west of the application site and 250 metres west of the access road. It is considered that the distance between this property and the proposed development are sufficient to mitigate the impacts of the development upon the amenity of the residents. Views of the proposed development would be restricted due to existing surrounding trees, vegetation and topography. It is noted that Mount Pleasant Farm would be most affected by the vehicles accessing and departing the site, however there is screening from a mixture

of 3 metre high deciduous hedges and intermittent deciduous trees along this access.

- 7.44 The County Council's Principal Landscape Architect has commented that at present the application site is currently *'very well screened by landform and planting'* from the north. A further comment stated to the east the mounding is lower and *'planting might have a more important role, but currently I would agree that there is not a problem'*. Therefore planting on the eastern boundary of the site has not been proposed. The Landscape Architect also requested a condition for the approval of lighting prior to commencement of works. Stating the effect of noise on the tranquillity of the surrounding area, which is of rural character, is unlikely to be appropriate. The Landscape Architect in a further response on 4 July 2017 stated concerns about how the planting mitigating the impacts of the proposal is outside the red line boundary for the application. There are no plans though for this wooded area to be removed with it having matured and integrated into the rural landscape context of the area, with this land being outside the control of the Applicant and the landscaping being planted as part of the former mine site development it is not considered reasonable or necessary for the management of this land to be included in any permission granted.
- 7.45 A response to the consultation from NYCC Public Rights of Way was received on 2 March 2017 stating the only concern was that the routes to the east of the site are kept open for public use during the construction or as part of the plan. If temporary closures or permanent diversions are required then the appropriate applications would need to be made. As there is no construction involved in this application and the routes are not to be physically affected, it is considered the application is acceptable in terms of the NYCC Public Rights of Way team.
- 7.46 Whilst it cannot be stated that there will be no impact upon the character of the surrounding area due to the increased use of the access road and the views into the site from the public right of way to the east, it is considered that the impacts will not be significantly detrimental. As there are no new buildings associated with the development and the proposal would refurbish the two existing buildings which are of an industrial scale to a standard where they can be brought back into use, which is not considered to be inappropriate in the context of the proposal being on a former mine site. The scale, massing and appearance of the converted buildings are considered to be appropriate and would not be detrimental to the surrounding area when viewed over long distances. The Landscape Architect has also requested that the buildings be painted a recessive colour to mitigate the effects they would have from views of the site from the public footpath to the east. To this extent it is considered that the proposed development compiles with 'saved' policy 4/3 (Landscape Protection) of the NYWLP (2006) which advises that waste developments should only be permitted *'where there would not be an unacceptable effect on the character and uniqueness of the landscape'* and 'saved' policy ENV 1 of the Selby District Local Plan (adopted February 2005).
- 7.47 The land surrounding the application site is predominantly low lying and flat with intensive arable farming and industry. The orientation, scale and external appearance of the site is acceptable and it is considered unlikely that the use of the existing buildings would appear incongruous in the landscape. Furthermore the existing screening from trees to the north and bunds along the eastern boundary would be retained. The development does not intensify the scale of buildings on the site with no new buildings proposed; the site is suitably located within a redundant site and the effects on the current character of the site would be limited as there are no additional buildings or hardstanding proposed. The addition of stockpiles 4-5 metres located upon the hardstanding would be visible from the east but would not significantly affect

the visual appearance of the site, with the current use of the site being derelict and the existing buildings.

- 7.48 For the reasons detailed above, it is considered that the proposed development would not have an adverse impact upon the character of the area in which it is located, further supporting the appropriateness of the location of the development. The existing buildings, structures and site layout including stockpiles would be visually compatible with the local landscape in terms of scale, height and massing and would not result in any unacceptable adverse visual impact or detrimental effect on the character and uniqueness of the landscape. However, in the interests of general amenity, it is considered prudent to include a planning condition that removes 'permitted development' rights for any future change of use, buildings, fixed plant or areas of hardstanding (beyond that provided for in the proposed development). In light of the above it is considered that the development is in compliance with 'saved' Policy 4/3 of the NYWLP (2006), Policy SP19 of the Selby District Core Strategy (2013) and national policies in respect of design contained within paragraph 58 of the NPPF and paragraph 7 of the NPPW.

Impact on Ecology

- 7.49 The County Council's Ecologist has confirmed that as the proposal is to be located on existing areas of hardstanding there is no anticipated impact on the statutory or locally designated wildlife sites. Furthermore, the Ecologist has confirmed that the ecological impacts of the development provided best practice is followed for avoiding pollution of land and water. It is considered that the development in the proposed location is in keeping with the principles outlined within paragraph 17 of the NPPF, which seeks to locate developments on land of 'lesser environmental value', adding further weight in support of the application.
- 7.50 For the reasons detailed above, it is considered that the proposed development will have a negligible impact upon local ecology, further supporting the appropriateness of the site. The development is, therefore, considered to be in keeping with the principles of the NPPF in conserving and enhancing the natural environment as outlined in Chapter 11 of the Framework.

Highways matters

- 7.51 It is acknowledged that the majority of objections from residents and consultees to the application relate to highways matters, including from Stillingfleet, Kelfield and Escrick Parish Councils. Comments include concern about the impact of the proposed increase in traffic levels along both the C307 (Escrick Road) and the A19; concerns from residents and the Parish Councils have included the safety of the road junction at the site entrance onto the C307 (Escrick Road) due to the increased traffic levels and the increased traffic levels on the A19.
- 7.52 The Applicant has undertaken a Transport Statement, in line with Paragraph 32 of the NPPF, which considers the vehicular traffic impact of the development in light of the likely levels of traffic, which would be generated by the development, against past collision data, a junction assessment and natural traffic growth. The assessment concludes that *'both capacity and safety elements of the proposals are acceptable, as the proposed increase in traffic would not be discernible from the daily fluctuations in flows that can be expected on the local network, and can be readily accommodated within the operation of the adjacent highway network and the A19'*. It is noted that there has been no objection registered by County Highway Authority in relation to the proposal but a number of conditions are recommended to further reduce the impact of the proposed development upon the highway network. It is noted that the NPPF promotes improvements to transport networks surrounding development.

- 7.53 The application site is set back from the public highway C307 (Escrick Road) by approximately 650 metres. The private access road is a good quality tarmacked two-lane road with enough width for vehicles to pass by each other in each direction. It has good visibility along the length of the track and passing points are provided. Furthermore, the existing junction with the C307 (Escrick Road) has adequate visibility splays in both directions and these are to be conditioned to keep clear. It is considered that in terms of the access arrangements and highway safety the proposed development complies with 'saved' policy T2 of the Selby District Local Plan (2005).
- 7.54 The Applicant has indicated that the proposal would generate a maximum of 50 movements per day. The County Highway Authority has stated that this number of HGV's travelling to and from the site on the C307 (Escrick Road) travelling towards the A19 would not significantly increase the flow of traffic. The restrictions on HGV vehicle numbers to the site would be secured by way of a planning condition attached to any grant of planning permission, to control this. Therefore the local highway would satisfactorily accommodate vehicle movements likely to be generated and therefore the development complies with 'saved' policy 4/18 (Traffic Impact) of the NYWLP (2006) and 'saved' policy T1 of the Selby District Local Plan (2005).
- 7.55 The County Highway Authority consultation response states the traffic flow data revealed a 2 way flow of 1550 vehicles and HGV's made up 1.4% (21 vehicles) of this, this proposal would improve the percentage of HGV's to approximately 3% of the traffic flow which is acceptable. Further to this, the County Highway Authority has requested a condition to confirm the routing of the HGV's with also a proposed condition for all vehicles arriving from the A19 and exiting the site turning right towards the A19, with all vehicles being under the control of the Applicant. This though would be secured through a S106 legal agreement as stated in paragraph 7.64. It is considered that the highway network around the site is capable of absorbing the proposed traffic levels having been constructed for the purpose of serving the existing mine site, even though the mine site did not use HGV's to transport its spoil. The proposed traffic levels would though be subject to a limit set by planning condition.
- 7.56 Notwithstanding the potential for an increase in vehicle numbers, the HGV traffic is a new addition to the local highway network. The current and previous baseline for the site was none to very few HGV's arising from the mine site when operational. It is understood that Escrick Parish Council does have a concern about the potential cumulative traffic impact that could arise with this site in combination with the sites proposed for allocation in the area within the MWJP however, it is considered that this development would not significantly increase traffic numbers or affect the capacity of the highway. The County Highway Authority though confirms there are no highway objections to the proposed development. As such it is considered there would be no adverse impact upon the highway network.
- 7.57 Whilst it is noted that objections have been received in relation to the impact of the development on the highway network as stated in paragraphs 4.6-4.8 and 5.3, it is not considered reasonable to conclude a recommendation of refusal based on highway concerns. The Agent responded to these objections stating *'the location is ideal as it is relatively remote from habitation and the road access is good'*. They also commit to mitigating the effects of the proposal by offering a commitment to prevent HGVs from travelling on the B1222 (meaning the C307 (Escrick Road)) west of the site access so all traffic moves to and from the A19, which would be controlled by a S106 Agreement. It is considered that the proposed development would not have a detrimental impact upon the highway network, further supporting the appropriateness of the location of the development.

- 7.58 The Agent in responding to the objections also stated the proposal would equate to 1 HGV movement using the A19 junction every 7 minutes and that both the A19 and A64 are primary routes subject to expected traffic volumes for their status. Further stating a material increase an application would produce is classed as 5%, the additional average figure of 8 HGV movements per hour would not equate to this and would have a negligible impact being under 1% of overall movements, which is in line with Design Manual for Roads and Bridges, TD41/95, para 2.10. The Agent also in response to one of the objections states HGV's would not have to straddle the road as the proposed HGV's sizes are 8 metre rigid tippers or 9 metre articulated tippers, which would also be used for the removal of skips. This means that with the turn right filter being over 9 metres on the A19 there would be adequate carriage way space, causing no obstructions to north or south bound traffic.
- 7.59 In regards to mitigating the HGV's impacts on the area and increasing the safety of the highway a condition would also be included to make sure that any HGV would be securely sheeted in a manner such that no material may spill from the vehicle. The Agent in consultation with the County Highway Authority has also agreed to the addition of a wheel washing condition to be attached to any permission. However in negotiations have agreed with the County Highway Authority this would not require full wheel washing facilities and they would be happy to accept the vehicles being hosed down but would need a condition to reflect this to be part of any permission.
- 7.60 It has been evidenced above, that the surrounding highway network has been assessed as being capable of accommodating the predicted traffic levels to the site and that the proposed development would not have an adverse impact upon the local highway network. Therefore, it is considered that the proposed development is compliant with the principles of the NPPF as outlined in Chapter 4 of the Framework. The NPPF in paragraph 32, advises that development should only be prevented on transport grounds where the impacts are 'severe' and it is considered that there are no reasons to refuse the application on such grounds in light of the proposed legal agreement and improved highway related controls.
- 7.61 The vehicle movements would not have an unacceptable impact in terms of highway safety or capacity and the traffic generated can be satisfactorily accommodated in compliance with 'saved' policies with the transport link element of 4/1, 4/18 and the highway network element of 'saved' Policy 5/7(e) of the NYWLP Plan (2006). Therefore, this proposal is considered to be consistent with the traffic and access principles of the NPPF and NPPW as outlined within Appendix B of the document, which seek to ensure the existing highways networks are both suitable and able to cope with the pressures placed upon them by proposed developments, which adds further weight in support of the development. It is also in compliance with 'saved' policies ENV1, T1 & T2 of the Selby District Local Plan (2005).

Site Restoration

- 7.62 Stillingfleet, Escrick and Kelfield Parish Councils and objectors have raised concerns in relation to the future development of the wider former mine site. The Landscape Architect has also stated how this application should include the restoration of the site. This has been discussed in the principle of the development section in paragraphs 7.2- 7.19 of this report. The condition requiring the restoration of the former Stillingfleet Mine site to land capable of agricultural production has not been fully complied with and the former mine site has been non-operational for mining purposes for over 10 years. Paragraph 2.8 of this report explains the background in terms of expediency considerations and the time scale relevant to enforcement powers (10 years) and highlights that no formal enforcement action will be taken. This is also supported by the change in the planning policy context and it is therefore

considered that the current application should be determined on its merits in line with Selby Local Plan Core Strategy Policy (2013) and the NPPF (2012).

- 7.63 This proposal is within of the boundary of the wider former mine site and the Agent does not wish to take on responsibility for the restoration of the wider site, as they are leasing the specific application site from the owners of the wider former mine site Harworth Estates. The restoration of the wider former mine site to agricultural is therefore not a matter to be considered as part of the current application. In terms of the wider former mine site this development is not located upon a significant proportion of the wider former Stillingfleet mine site which is 32 hectares in total. The application site is 2.75 hectares in total, which is 8.6% of the wider former mine site. This proposal forms a separate planning unit, with its red line boundary (Figure 3) around the proposed site. The applicant has not indicated any other land within their control with the blue line boundary shown in Figure 3 being the same as the red line boundary, therefore the restoration of the wider former Mine Sites entirety cannot be conditioned for this application site and as stated in paragraph 7.3 there is no scope for enforcement of the original mine sites restoration.
- 7.64 The Methane Gas Plant currently on site also forms its own planning unit with a red line boundary, being 1.2 hectares in size, which is 3.8% of the wider former mine site. The Methane Gas Plant has a temporary permission until the year 31 December 2029, as stated in paragraph 7.14 and therefore the wider mine site could not be restored in its entirety until this date. The Agent has therefore agreed, via email correspondence on 8 March 2017, for this waste transfer station proposal to be a temporary permission until the same date of 31 December 2029. There has though been no confirmation from the Applicant, Agent or landowner that there are plans in place for the wider former Stillingfleet Mine Site to be restored. Nonetheless it is considered that the imposition of a proposed condition in respect of this waste related application can appropriately secure the long-term restoration of the application site.

Section 106 Legal Agreement

- 7.65 If planning permission is granted it is considered necessary to secure the following through a Section 106 Legal Agreement:-
- A requirement for HGVs travelling to and from the site to follow the agreed Travel Route from the site to the A19; and
 - Erecting two warning signs to Dia Number 506.1 warning of the junction, with the signs being placed within the highway at least 60m from the access.

8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the change of use of part of the former coal mine site to create a waste transfer station for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces.
- 8.2 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies, which comprise the Development Plan currently in force for the area and all other relevant material considerations.

9.0 Recommendation

- 9.1 For the following reasons:

- i.) the proposed development would not have a significant impact upon the local environment and would result in no significant adverse impacts which could not be mitigated;
- ii.) the proposed development would not have a significant impact upon the character of the surrounding area;
- iii.) the proposed development would not have a significant impact upon the amenity of any local receptor;
- iv.) the proposed development would not have an adverse impact upon the local highway network;
- v.) the proposed development is consistent with the principles of the NPPW (2014), NPPF (2012), Planning Practice Guidance, 'saved' Policies 4/1, 4/3, 4/18, 4/19, 5/2 and 5/7 of the NYWLP (2006). The proposal is in compliance with Selby Core Strategy (2013) Policies SP1, SP2, SP13, SP18 and SP19 and 'Saved' Selby Local Plan (2005) Policies ENV1, T1 and T2.

That, subject to the prior completion of a planning obligation to secure the following matters that are considered to be necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development :

- HGVs travelling to and from the site to follow the agreed Travel Route from the site to the A19; and
- Erecting two warning signs to Dia Number 506.1 warning of the junction, with the signs being placed within the highway at least 60m from the access.

PLANNING PERMISSION BE GRANTED subject to the following conditions:

Conditions

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.
2. The development hereby permitted shall be carried out in strict accordance with the application details dated 16 December 2016 and the following approved documents and drawings;
 - Ref. 10131/01A, Location Plan, dated 1 February 2017;
 - Ref. 10131/02A, Proposed Site Layout, dated 23 January 2017;
 - Ref. 10131/03, Internal Building Layout, dated 22 August 2016;
 - Ref. 10131/04, Amenity Cabin Elevation, dated 1 February 2017;
 - Ref. ASA/SM/SEPT16-01 Topographical Survey, dated 26 September 2016;
 - Ref. 157/01/sms/fra/1216, Flood Risk Assessment, dated December 2016;
 - No ref, Noise Impact Assessment, dated 28 December 2016;
 - No ref, Transport Statement, dated September 2016;
 - Ref. 1184 A, Addendum no 1 to Transport Statement , dated March 2017;
 - No ref, Supporting Statement, dated January 2017.
3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 or any other order revoking or re-enacting the order, no plant or buildings shall be erected within the application site without the prior grant of planning permission by the County Planning Authority.
4. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway onto the C307 (Escrick Road). The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway which may occur.

5. Existing visibility splays are provided giving clear visibility of 215m measured along both channel lines of the C307 (Escrick Road) road from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once the site is operational, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. There shall be no access or egress by any vehicles between the highway and the application site until vehicle wheel washing facilities have been installed on the access road to the site in accordance with details to be submitted to and approved in writing by the County Planning Authority. These facilities shall be kept in full working order at all times. All vehicles involved in the transport of waste materials or finished products to or from the site shall be thoroughly cleaned before leaving the site so that no mud or waste materials are deposited on the public highway.
7. There shall be no HGVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the County Planning Authority in consultation with the County Highway Authority.
8. There shall be no depositing of material in connection with the development until details of the routes to be used by HGV have been submitted to, and approved in writing by, the County Planning Authority in consultation with the County Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
9. There shall be no operations, lighting, or HGV vehicles movements to and from the site except between the following hours:
07:00hrs – 19:00hrs Mondays to Friday;
07:30hrs - 13:00hrs on Saturdays
And at no times on Sundays and Bank (or Public) Holidays.
10. The total number of Heavy Goods Vehicle movements on the highway associated with this development (comprising the total number of movements entering the application site plus the total number of movements leaving the application site) shall not exceed 50 per day (25 going into the site and 25 going out).
11. Records of the number of heavy goods vehicle movements per day, both accessing and egressing the site, shall be maintained in perpetuity and made available to the County Planning Authority upon receipt of a written request.
12. No waste other than construction and demolition wastes for processing shall be imported into the site, including plasterboard, glass wastes, plastic laminate, waste concrete tiles and blocks.
13. All HGVs associated with the importation of construction and demolition wastes and export of the processed material shall be securely sheeted or otherwise enclosed in such a manner that no material will be spilled on the public highway.
14. Existing Buildings on site shall be painted recessive colour and with a non-reflective within 6 months of the date of the planning permission and shall continue to be maintained in a good state of repair for the duration of the planning permission.
15. The existing hardstanding shall be maintained in a good state of repair for the duration of the planning permission.

16. Any lighting will not be brought into use until details of a final lighting scheme design, consisting of existing lighting and any additional lighting proposed lighting has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved scheme shall be implemented throughout the lifetime of the development.
17. Dust control measures shall be employed to minimise the emission of dust from the site. Such measures shall include the spraying of roadways and stockpiles and discontinuance of operations during periods of high winds over 20 metres per second, with the installation of an anemometer.
18. The development hereby permitted shall cease and all buildings, plant, machinery and equipment associated with the development shall be removed from the site by 31 December 2029, or within 6 months of cessation of use of the buildings, plant, machinery and equipment, and the area previously so occupied reinstated in accordance with a detailed scheme to be submitted to and agreed in writing by the County Planning Authority by 31 October 2028, or within three months of the cessation of use, whichever is the sooner.
19. All door openings on the waste transfer station building shall be closed during waste sorting operations.
20. The jaw crusher, Trommel Screener and shredder or any replacement machinery of the same sort are only to be used inside the two existing buildings.
21. No waste materials shall be stored or deposited to a height exceeding 4 metres for laminate and 5m for any other stockpile at any point within the site area as shown on drawing 'Proposed Site Layout Plan' Ref. 10131/02A Rev A.
22. A copy of the planning permission and any agreed variations, together with all the approved plans shall be kept available at the site office at all times.

Reasons

1. To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the development is carried out in accordance with the application details.
3. To reserve the rights of control by the County Planning Authority in the interests of protecting local amenity.
4. In the interests of both vehicle and pedestrian safety and the visual amenity of the area.
5. The interests of road safety.
6. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. In the interests of highway safety and the general amenity of the area.
8. In the interests of highway safety and the general amenity of the area.
9. In the interests of highway safety

10. In the interests of highway safety.
11. To enable the verification of vehicle movements limited under condition no. 11 above in the interests of highway safety and amenity.
12. In the interests of highway safety and the general amenity of the area.
13. In the interests of fire safety and general amenity of the area.
14. In the interests of the amenity of the area.
15. To safeguard the character of the site in the interest of visual amenity.
16. In the interests of the reduction of light pollution.
17. In the interests of protecting the amenity of the area.
18. To safeguard the rights of control of the County Planning Authority in respect of these matters.
19. In the interests of protecting the general amenity of the area.
20. In the interests of protecting the general amenity of the area.
21. In the interests of protecting the general amenity of the area.
22. To ensure that site personnel are aware of the terms of the planning permission.

Informatives

- An explanation of the terms used above in condition 4 (visibility splays) is available from the County Highway Authority.
- An abstraction licence would be needed for the water used for dust suppression, if it is to be taken from local surface water or groundwater or will be needed in volumes greater than 20 cubic metres per day. It also states the development would require an Environmental Permit.
- Public rights of way are to be kept open for public use as part of the plan.

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

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

DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Sam Till

Background Documents to this Report:

1. Planning Application Ref Number: C8/999/16U/PA (NY/2016/0251/FUL) registered as valid on 1 February 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.

Figure 1 – Committee Plan

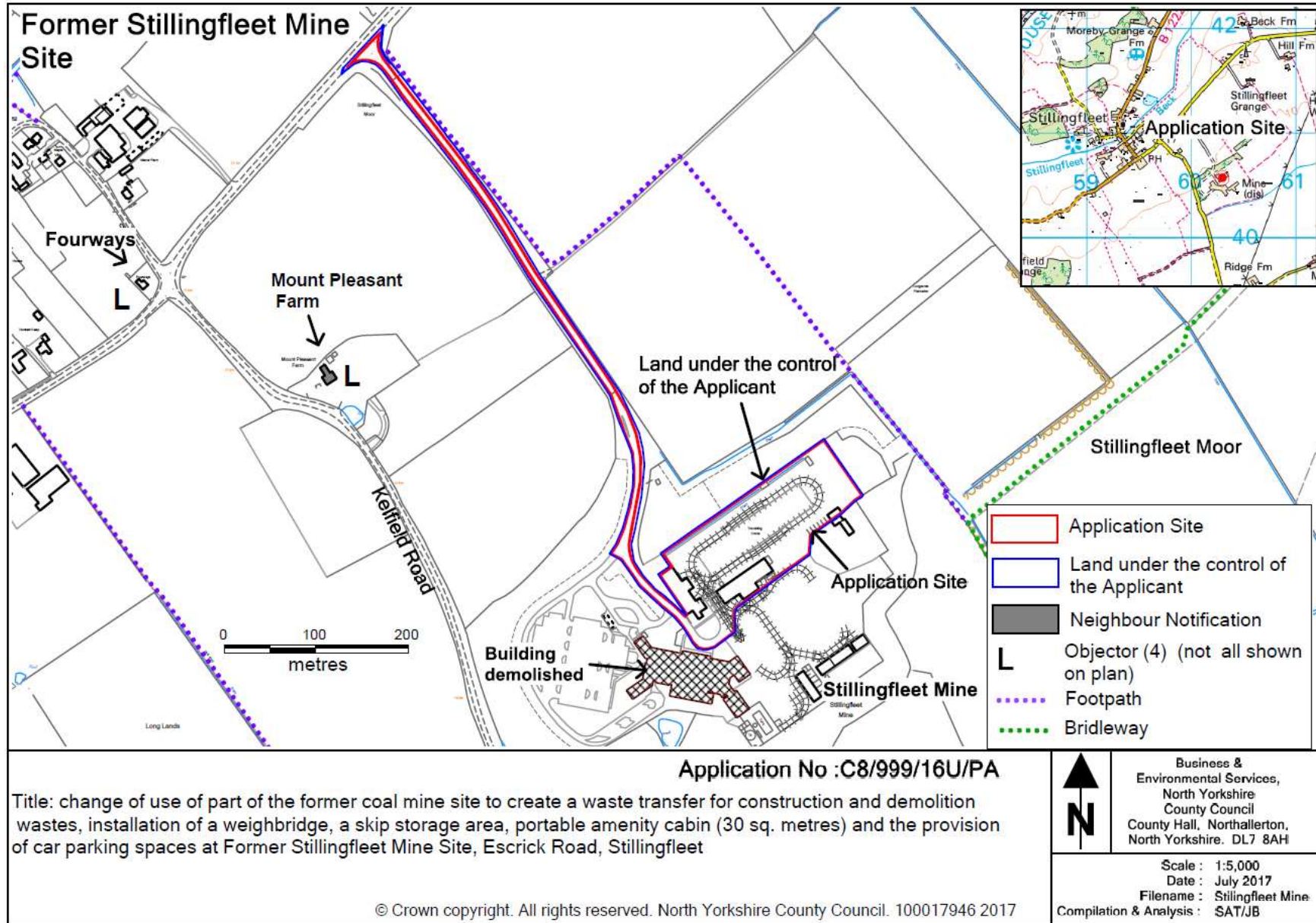


Figure 2 – Aerial Photo



Figure 3 – Location Plan



Figure 4 - Existing Site Plan

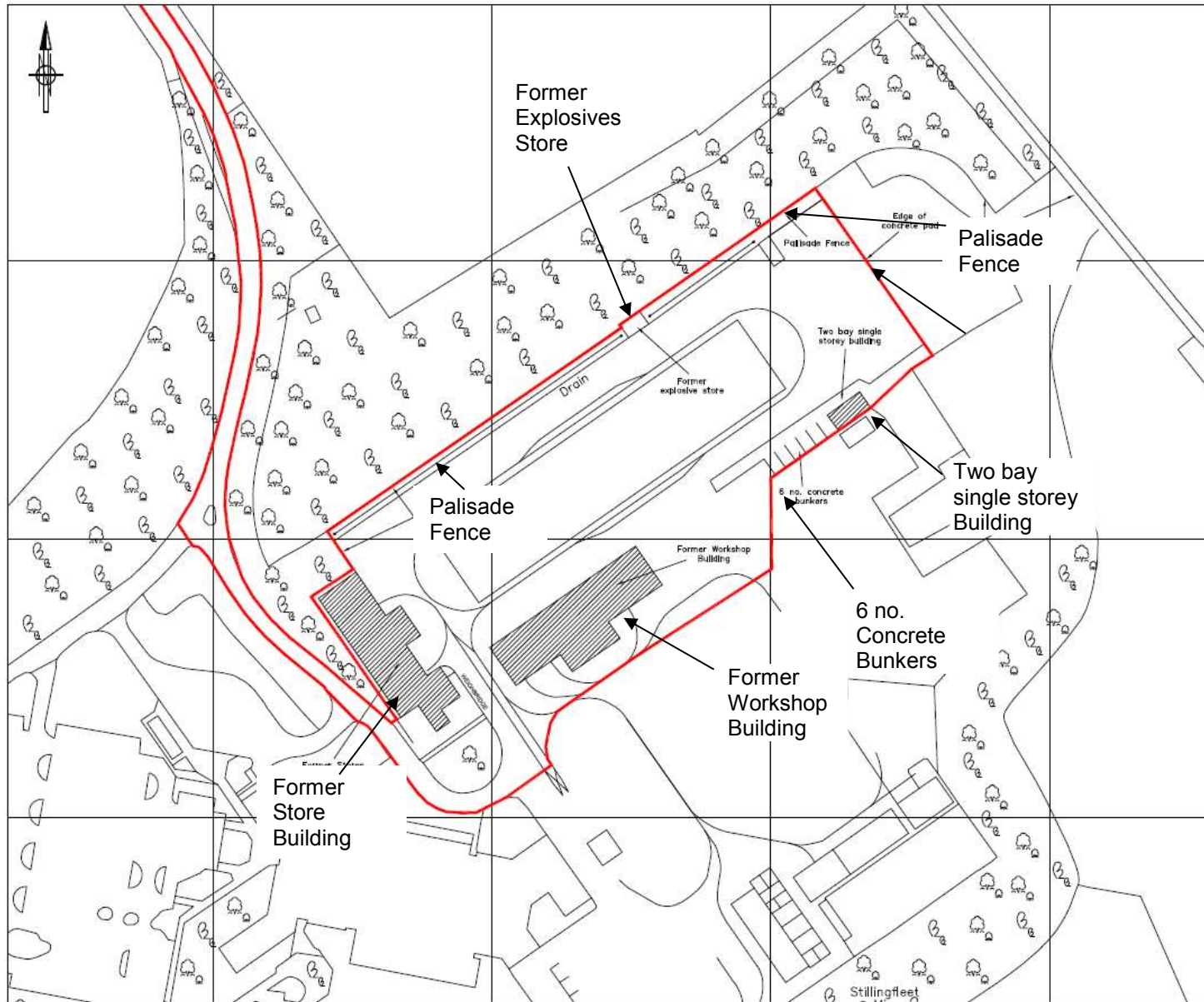


Figure 5 – Proposed Site Plan

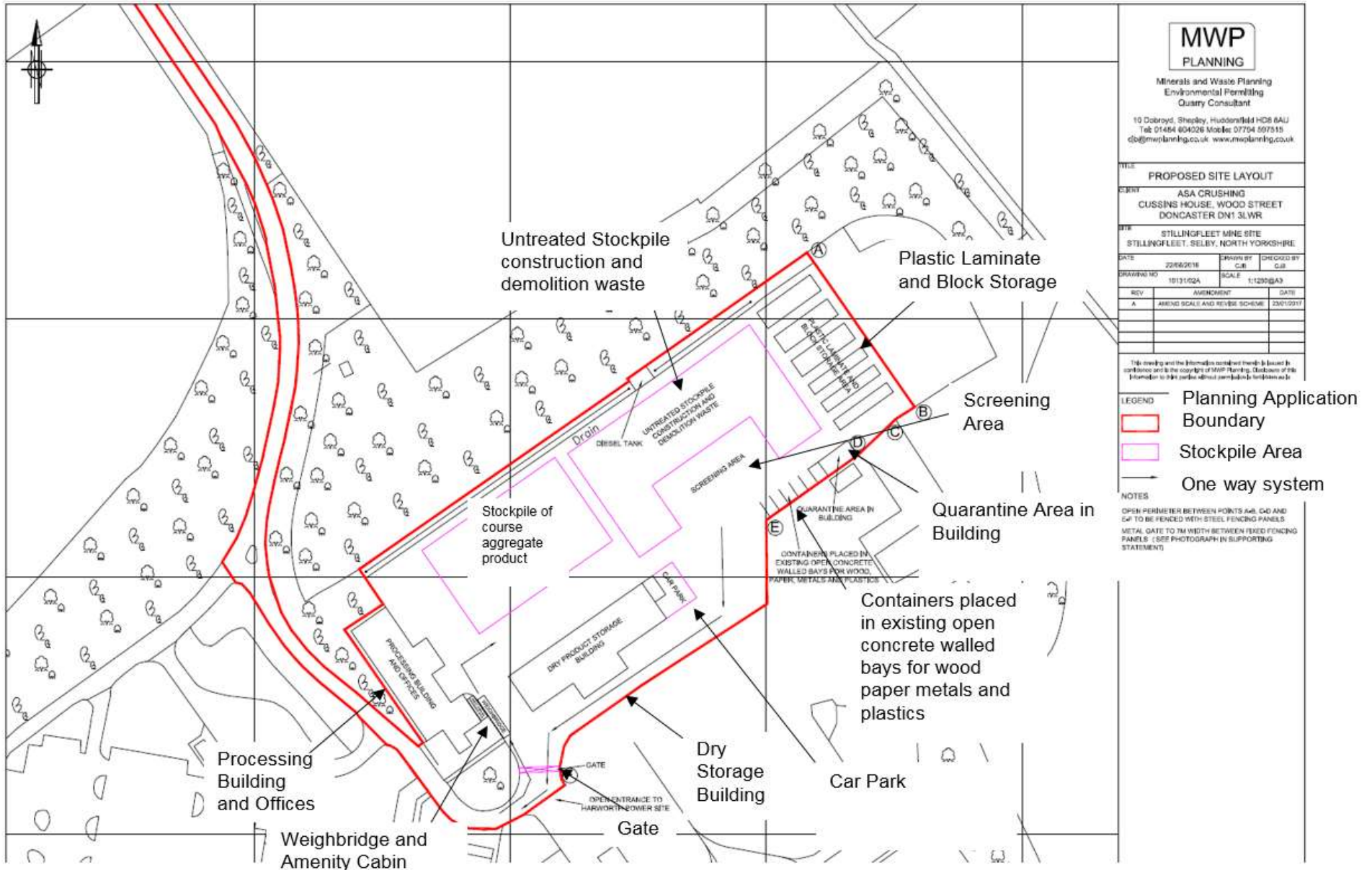
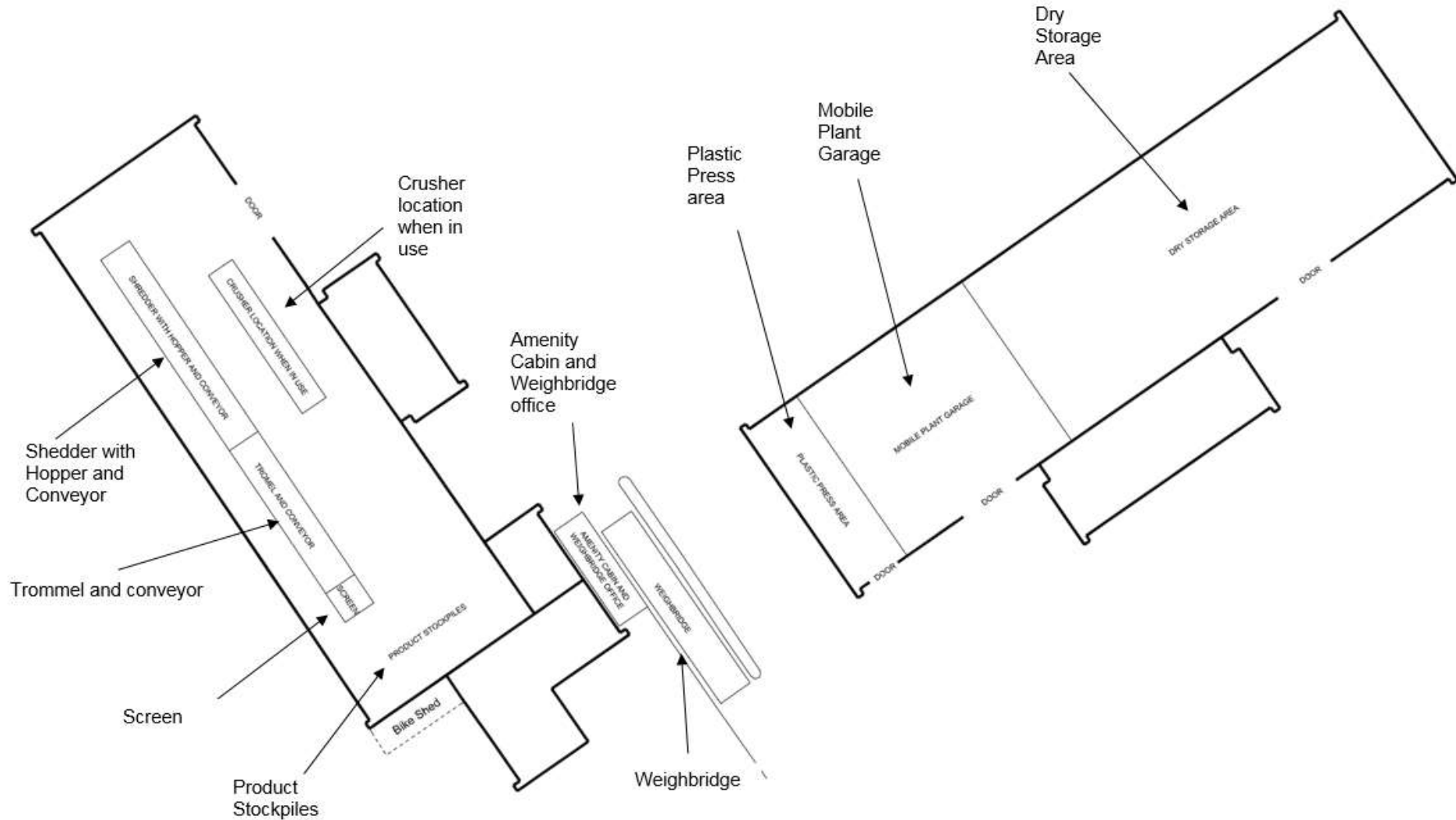


Figure 6 – Internal Layout Plan



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 than 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.

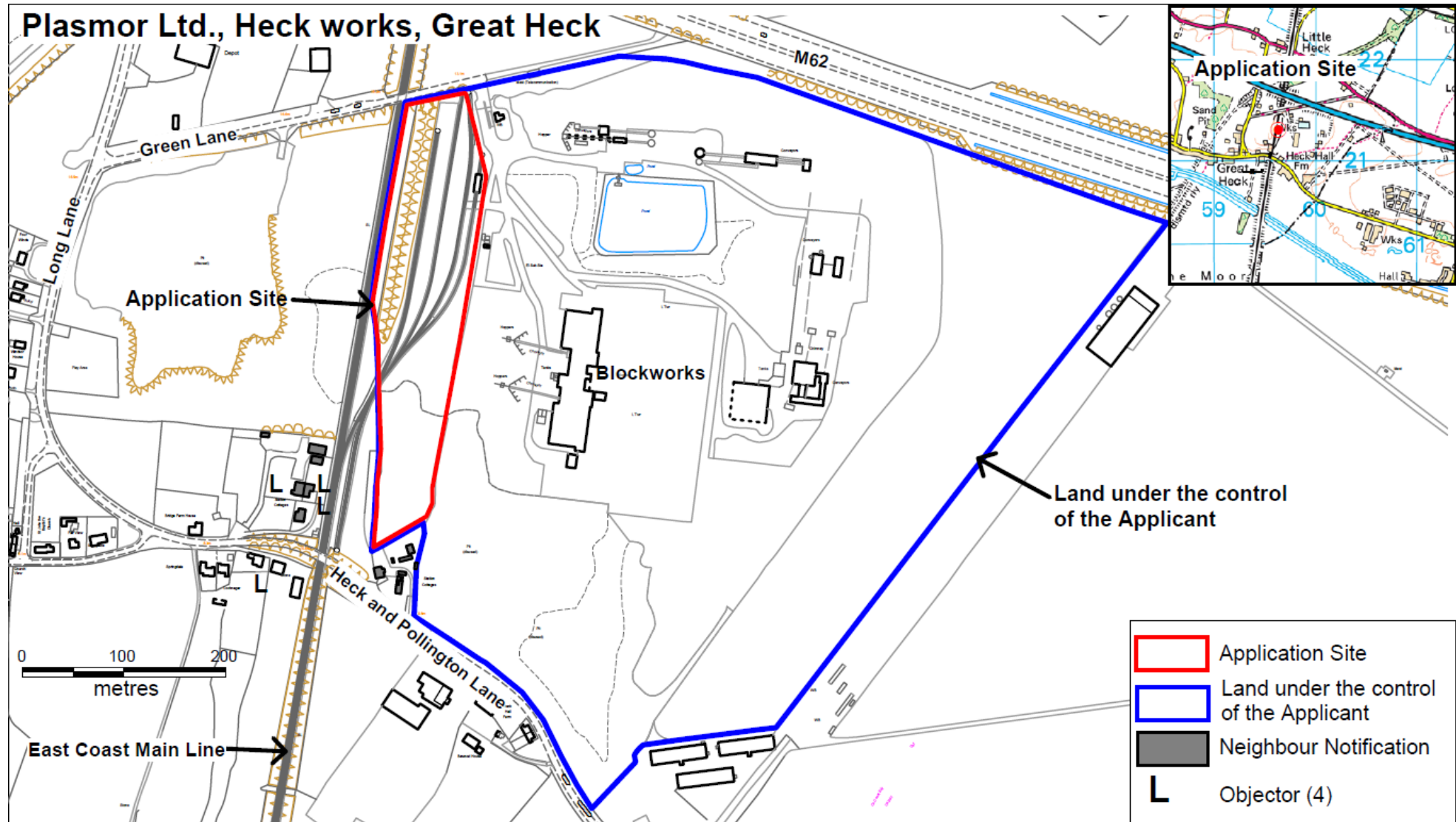
DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Alan Goforth

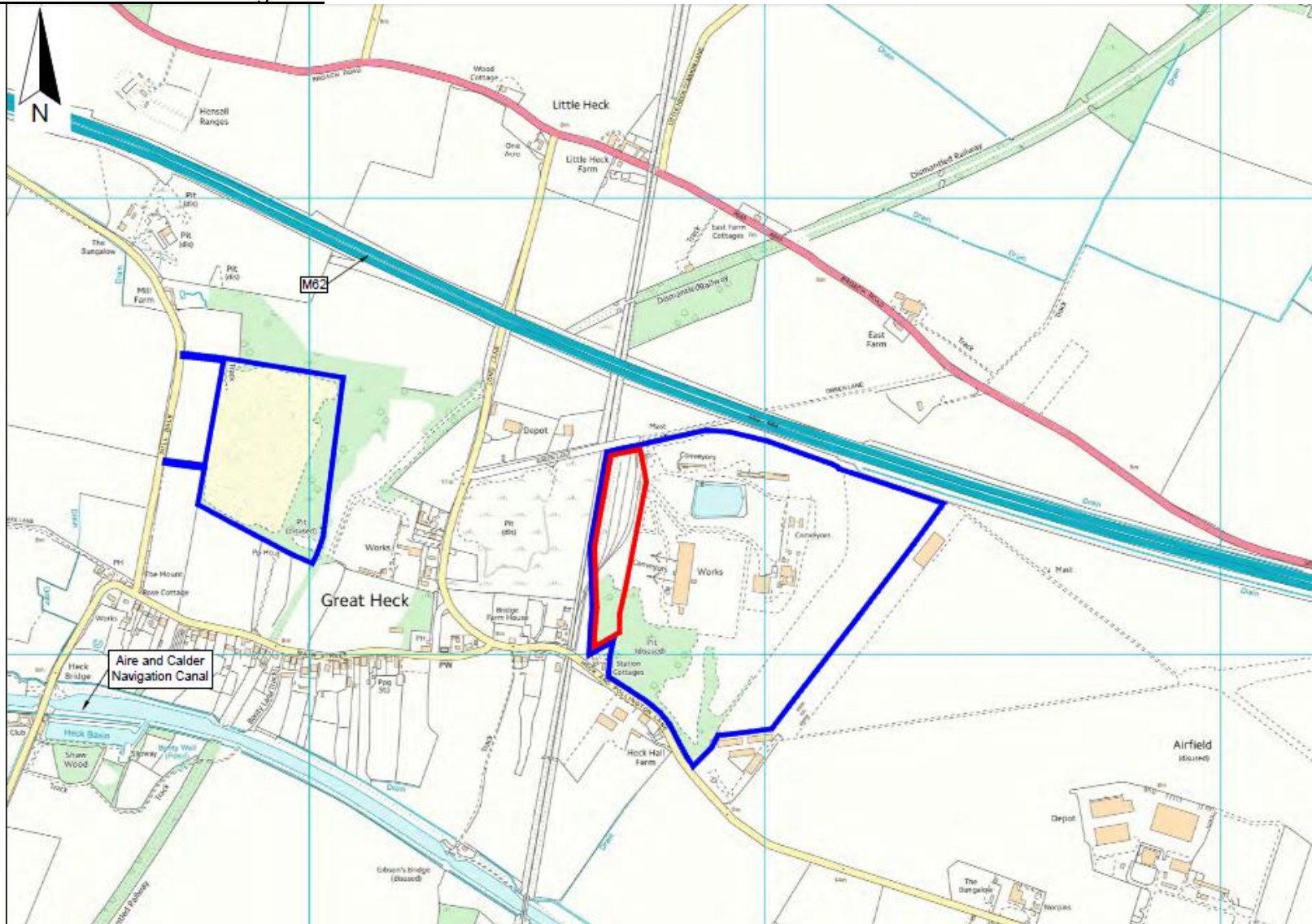
Background Documents to this Report:

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



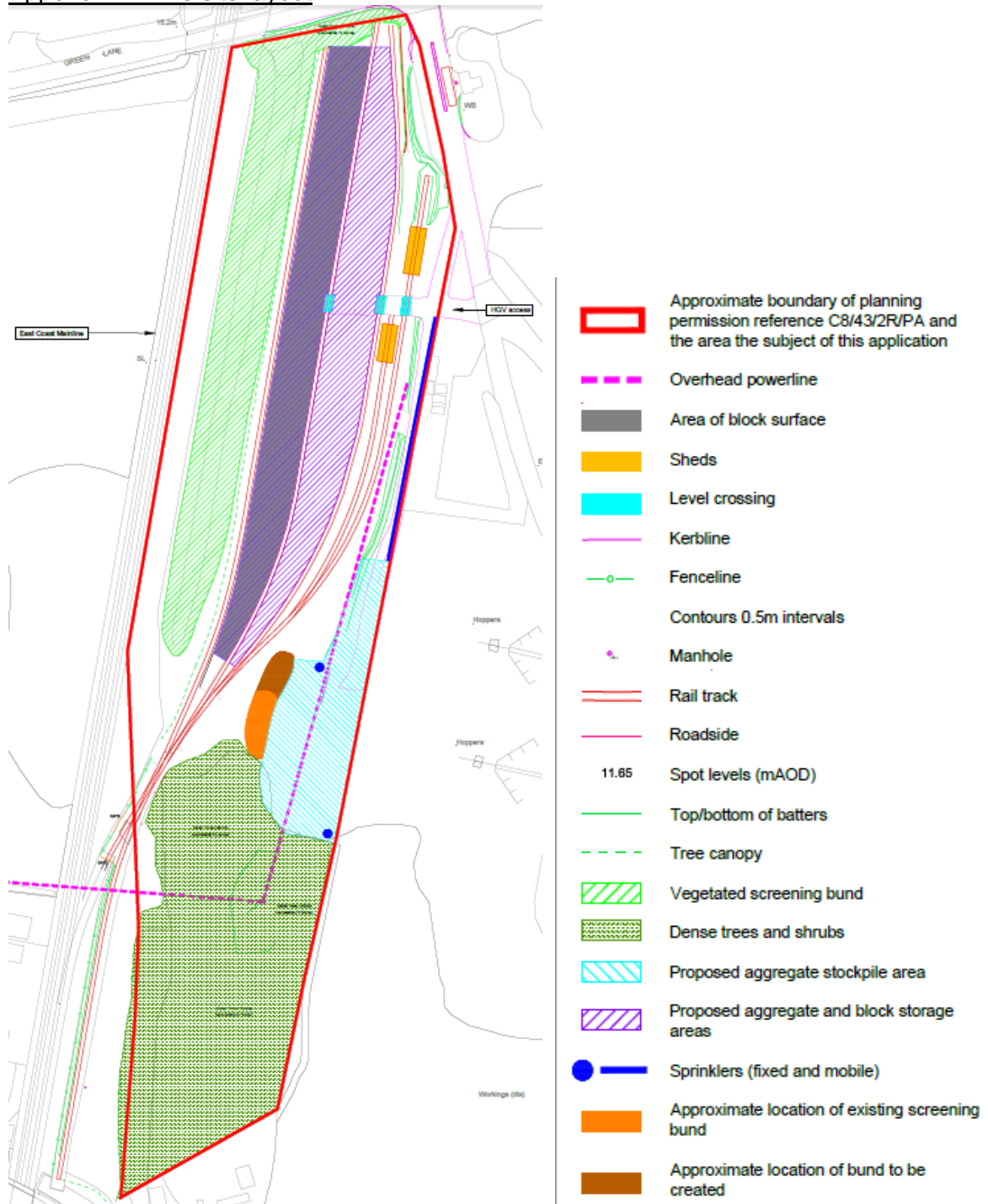
Appendix B- The site and surrounding area



Appendix C- Aerial Photo



Appendix D- The site layout



North Yorkshire County Council

Planning and Regulatory Functions Committee

18 July 2017

Items Dealt With Under the Scheme Of Delegation

Report of the Corporate Director – Business and Environmental Services

**The Items reported below have been determined between:
08 May to 18 June Inclusive**

A. COUNTY COUNCIL DEVELOPMENT

**C8/19/1219V/PA (NY/2017/0117/FUL) Selby CP School, Flaxley Road, Selby, North
Yorkshire, YO8 4DL**

Decision Notice: 12 June 2017

Part retrospective planning application for the retention of an existing prefabricated classroom unit 1273 (206 sq. metres) for a further six years
Details APPROVED

PLANNING PERMISSION GRANTED subject to conditions

**C2/17/00896/CCC (NY/2017/0095/73A) East Cowton Church of England Primary
School, East Cowton, Northallerton, DL7 0BD**

Decision Notice: 09 May 2017

Retention of prefabricated classroom unit 1615 (63 sq. metres) for a further 6 years

PLANNING PERMISSION GRANTED subject to conditions

**C5/63/2017/17973 (NY/2017/0077/FUL) Greatwood Community School, Pinhaw Road,
Skipton, BD23 2SJ**

Decision Notice: 14 June 2017

Demolition of existing temporary classroom unit (113 sq. metres), erection of double pre-fabricated classroom unit (177 sq. metres) glazed walkway (19 sq. metres), fan coil units and 5 No. wall mounted external lighting

PLANNING PERMISSION GRANTED subject to conditions

**C5/32/2017/17972 (NY/2017/0063/FUL) Glusburn Community Primary School, Colne
Road, Glusburn, Keighley, BD20 8PJ**

Decision Notice: 13 June 2017

Erection of a double pre-fabricated classroom unit (170 sq. metres), construction of tarmac hard standing (230 sq. metres), creation of footpaths (74 sq. metres), ramped access, fan coil units, 6 No. wall mounted external lighting, removal of existing shed (3.4 sq. metres), 1.3 metre timber fencing, and hedging to allow for the construction of 4 tarmac parking spaces (79 sq. metres) and soft landscaping works

PLANNING PERMISSION GRANTED subject to conditions

**C6/17/01237/CMA (NY/2017/0062/LBC) Holy Trinity Church of England Infant School,
Trinity Lane, Ripon, HG4 2AL**

Decision Notice: 19 May 2017

Minor alterations to the pitched roof of existing porch and toilet block, including re-covering of a natural slate roof in addition to the recovering of natural slate roofs to two classrooms

LISTED BUILDING CONSENT GRANTED

**C2/17/00889/CCC (NY/2017/0058/LBC) County Hall, Racecourse Lane, Northallerton,
DL7 8AD**

Decision Notice: 16 June 2017

Demolition of single storey office building with a total excavation area of 168 sq. metres and installation of 0.87 metre high steel railings within the Brierley Building courtyard. Internal alterations to include partial removal of internal walls to create larger office areas, the construction of an internal wall, the removal and reuse of original internal doors and the installation of new fire resisting doors

LISTED BUILDING CONSENT GRANTED

**C8/2017/0366/CPO (NY/2017/0046/FUL) Chapel Haddlesey Primary School, Mill Field
Road, Chapel Haddlesey, Selby, YO8 8QF**

Decision Notice: 13 June 2017

Erection of a prefabricated classroom unit (131 sq. metres) kitchen extension (16 sq. metres) external access (steps and ramp) and tree removal

PLANNING PERMISSION GRANTED subject to conditions

NY/2017/0035/A27

**Killinghall Church of England Primary
School, Crag Lane, Killinghall, HG3 2DW**

Decision Letter: 31 May 2017

Application for the approval of details reserved by condition No. 15 of Planning Permission Ref. C6/16/01468/CMA which relates to a Parking Management Plan

Details APPROVED

**C1/17/00180/CM (NY/2017/0032/FUL) Le Cateau Community Primary School, Le
Cateau Road, Catterick Garrison, DL9 4ED**

Decision Notice: 13 June 2017

Construction of a single storey extension to existing school hall (109 sq. metres) and external steps

PLANNING PERMISSION GRANTED subject to conditions

**C8/17/89Q/PA (NY/2017/0025/FUL) Kellington CP School, Roall Lane, Kellington,
Selby, DN14 0NY**

Decision Notice: 09 May 2017

Part retrospective application for existing canopy to the rear of the school (21.09 sq. metres) and erection of a canopy to the front of the school (45 sq. metres)

PLANNING PERMISSION GRANTED subject to conditions

C1/17/00246/CM (NY/2017/0064/FUL) **Hipswell Church of England Primary School,
Hipswell Road, Catterick Garrison, DL9 4BB**

Decision Notice: 16 June 2017

Demolition of an existing pre-fabricated classroom unit (68 sq. metres) and the erection of a new double pre-fabricated classroom unit (170 sq. metres), the erection of a brick built electrical kiosk (32.4 sq. metres), creation of a tarmac footpath (110 sq. metres), air coil units, 6 No. wall mounted external lighting the relocation of a steel container (7 sq. metres), solar shade and shed (7 sq. metres)

PLANNING PERMISSION GRANTED subject to conditions

B. COUNTY MATTER DEVELOPMENT

NY/2017/0107/NMT **Allerton Waste Recovery Park, Claro House,
Knaresborough, North Yorkshire, HG5 OSD**

Decision Letter: 09 June 2017

Application for a non-material minor amendment for a single storey extension to the western elevation of the incinerator bottom

Details APPROVED

C6/17/01775/CMA (NY/2017/0096/FUL) **Coldstones Quarry, Greenhow Hill, Pateley
Bridge, Harrogate, North Yorkshire, HG3 5JQ**

Decision Notice: 12 May 2017

Retention of existing toilet and shower block on land adjoining weighbridge office until 19th August 2047

PLANNING PERMISSION GRANTED subject to conditions

NY/2017/0088/A27 **Nosterfield Quarry (Langwith House Farm
extension), Long Lane, Well, Nosterfield,
Bedale, North Yorkshire, DL8 2QZ**

Decision Letter: 31 May 2017

Application for the approval of details reserved by condition No's 12 & 28 of Planning Permission Ref. C2/11/02057/FUL which relates to a survey recording the condition of the existing highway and flood warning notices

Details APPROVED

NY/2017/0060/SCR **Ripon City Quarry, Boroughbridge Road,
Ripon, North Yorkshire, HG4 1UG**

Screening Opinion issued: 10 May 2017

Request for a formal Screening Opinion for an extension of time to complete the extraction of permitted sand and gravel reserves until 31 December 2018

SCREENING OPINION ISSUED - The development has been considered on its own merits and on the basis of what is being proposed by Aggregate Industries UK Ltd. It is considered that the proposed extension of time to complete the extraction of permitted sand and gravel reserves until 31 December 2018 at Ripon City Quarry, Boroughbridge Road, Ripon, North Yorkshire, HG4 1UG **WOULD** fall within Schedule 1 of the EIA Regulations 2011 by virtue of Category 19 'Quarries and open-cast mines', as the application site is 84.9 hectares and, therefore, exceeds the 25 hectare criteria. It also falls under Category 21 as it is a change to a development listed in Schedule 1 where the extension in itself meets the threshold, and therefore an Environmental Impact Assessment is mandatory. Under the powers delegated to the Head of Planning Services, this letter therefore confirms that the County Council is of the opinion that the proposed development is **EIA development** and should be accompanied by an Environmental Statement.

NY/2017/0048/A27

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

Decision Letter: 12 May 2017

Application for the approval of details reserved by condition No's 25 & 26 of Planning Permission Ref. C8/2015/0280/CPO which relates to the new site access and surface water drainage

Details APPROVED

C4/17/00129/CC (NY/2016/0224/FUL)

Waste Water Treatment Works, Stainsacre Lane, Whitby, YO22 4NW

Decision Notice: 09 June 2017

Partial removal of an existing earth bund to locate inlet works consisting of an inlet channel (total area 134 sq. metres) with screens mounted in the inlet channel, screenings handling units, grit removal and grit handling units positioned on concrete plinths (total area 67 sq. metres) and an inlet works control kiosk (32 sq. metres). A sludge treatment facility adjacent to the inlet works comprising thickener feed tanks (320 sq. metres), centrifuge feed tanks (60 sq. metres), centrifuges (87 sq. metres), centrifuge feed pump (10 sq. metres) and associated control STF MCC kiosk (50 sq. metres) and odour control unit (24 sq. metres). A washwater system comprising washwater pumping station (6 sq. metres), control kiosk (22 sq. metres) and a washwater storage tank (12 sq. metres). A low voltage distribution board within a kiosk (22 sq. metres), and a thickener building kiosk (60 sq. metres). Construction of roads and hardstanding (1845 sq. metres)

PLANNING PERMISSION GRANTED subject to conditions

C5/63/2017/18024 (NY/2016/0177/ENV)

Eller Beck, Skipton Golf Course, Skipton, North Yorkshire (Skipton Flood Alleviation Scheme)

Decision Notice: 25 May 2017

Variation of condition no. 2 of planning permission Ref. C5/63/2013/14200 dated 3 September 2014 for changes to the final land levels of the scheme to the east of the proposed dam structure and spillway, provide an additional kiosk on a plinth (9.3 sq. metres) and 2 No. air vents with cowlings and a fenced compound on the crest of the embankment and alter the provision of the 16th and 17th holes of Skipton Golf Club

Details APPROVED

C6/17/01338/CMA (NY/2017/0073/A27)

Allerton Park Quarry, Knaresborough, HG5 0SD

Decision Letter: 22 May 2017

Application for the approval of details reserved by condition No's 20, 38 & 41 of Planning Permission Ref. C6/500/63/Q/CMA which relates to a long term monitoring and maintenance plan, dust control and monitoring scheme, details of site security measures

Details APPROVED

NY/2017/0134/SCR

Knapton Quarry Landfill Site, Knapton, YO17 8JA

Screening Opinion issued: 15 May 2017

Request for a formal Screening Opinion 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

SCREENING OPINION ISSUED - With regard to Schedule 2 of the above Regulations the County Council is of the opinion that the proposed development falls within the description provided within Schedule 2 paragraph 11(b) of the above Regulations. Having taken into account the criteria in Schedule 3 of the above Regulations the characteristics of the proposed development, the environmental sensitivity of the location; and the characteristics of the potential impact have been assessed and based on the scale, nature and location of the development it is considered that the proposed retention and change of use of existing waste transfer buildings and associated yard, weighbridge and ancillary structures to allow for waste recycling and pre-treatment operations at Knapton Quarry Landfill Site, Knapton, YO17 8JA **WOULD NOT** have significant impacts upon the environment.

To access the planning application details, consultation responses and a copy of the report and decision notice containing any planning conditions relevant to the development please access the County Council's Online Planning Register at the following web address: <https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx> (Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

DAVID BOWE
Corporate Director – Business and Environmental Services

Author of Report: Steph Christon

Background Documents: None