North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

29 August 2017

Publication by Local Authorities of Information about the handling of Planning Applications

Report of the Corporate Director – Business and Environmental Services

This report outlines the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 1 (the period 1 April 2017 to 30 June 2017).

Information on Enforcement Cases is attached as an Appendix.

Recommendation: That the reported be noted.

DAVID BOWE Corporate Director, Business and Environmental Services

Authors of Report: Jo Brownless & Amy Taylor

Background Documents to this Report: Application Files

Information on planning applications can be accessed via the County Council's Online Planning Register at the following web address:

<u>https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx</u> (Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

County Matter' Planning Applications (i.e. Minerals and Waste related applications)

Table 1: 'County Matter' planning applications determined during quarter 1 (the period 1 April2017 to 30 June 2017).

	of applications mined	5		
Number of deleg	gated/committee	Delegated:	Committee:	
decis	sions	4	1	
	Speed of	f decisions		
Under 13 weeks	13- 16 weeks (if major, 13 and if EIA 16 weeks)	Over 13/16 weeks within agreed Extension of Time (EoT)*	Over 13/16 weeks without or outside of agreed EoT	
2	2 0		0	

*Article 34 of the Town and Country Planning (Development Procedure Order) 2015 provides for authorities to agree with the applicant to determine the planning application beyond the statutory 8/13/16 week period. This is referred to as an agreement for the extension of time (EoT) for the determination of the planning application. In instances where the application is determined within the agreed period the application is counted as satisfying the timeliness requirement.

Table 1a: Performance on 'County Matter' planning applications(NYCC Service Plan target - 60%)

2017/18	Quarter 1	Quarter 2	Quarter 3	Quarter 4
	(Apr-Jun)	(Jul-Sept)	(Oct-Dec)	(Jan-Mar)
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	100% (no.5/5)	(no./)	% (no./)	(no. /)

Table 1b: "Special measures" ** performance on 'County Matter' planning applications

2017/18	Quarter 1	Quarter 2	Quarter 3	Quarter 4
"Special Measures" stat. No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT) over rolling two year period	(01/07/14- 30/06/16) : 88.2% (30/34	01/10/14- 30/09/16) % (/)	01/01/15 – 31/12/17) % (/)	1/04/15– 31/03/17 2017): % (/)

** Under section 62A of the TCPA 1990 LPAs making 50% or fewer of decisions on time are at risk of designation ("Special Measures")

Table 1c: "Special measures" performance table for County Councils as at end March (Q4)

				24 mo	nths to end o	of March 2017 P			
Planning authority	ONS Code	Major decisions over 16 weeks ¹	PPA, EoT or EIA decisions not within agreed time	PPA, EoT	Total	Total major decisions within 13 weeks and PPA, EoT, or EIA decisions within agreed time	Number of quarters with non- returns	% major decisions within 13 weeks and PPA, EoT or EIA decisions within agreed time without penalty for missing data	% major decisions within 13 weeks and PPA, EoT or EIA decisions within agreed time with penalty for missing data
Hertfordshire	E10000015	0	0	21	34	34	0	100.0	100.0
Lancashire	E10000017	0	1	34	72	71	0 0	98.6	98.6
Kent	E10000016	1	. 1	36	69	67	Õ	97.1	97.1
Leicestershire	E10000018	0	1	17	57	55	0	96.5	96.5
Essex	E10000012	1	1	37	72	69	0	95.8	95.8
Worcestershire	E10000034	0	1	16	24	23	0	95.8	95.8
Staffordshire	E1000028	0	3	42	68	65	0	95.6	95.6
Gloucestershire	E10000013	1	0	26	39	37	0	94.9	94.9
Hampshire	E10000014	2	2	31	95	90	0	94.7	94.7
West Sussex	E10000032	2	1	21	46	43	0	93.5	93.5
Cambridgeshire	E1000003	2	0	21	30	28	0	93.3	93.3
Cumbria	E1000006	4	0	18	70	65	0	92.9	92.9
Buckinghamshire	E1000002	2	0	14	26	24	0	92.3	92.3
Devon	E1000008	0	4	30	73	67	0	91.8	91.8
Warwickshire	E10000031	1	1	11	31	28	0	90.3	90.3
East Sussex	E10000011	0	3	9	30	27	0	90.0	90.0
Lincolnshire	E10000019	3	6	36	111	99	0	89.2	89.2
North Yorkshire	E1000023	1	3	26	36	32	0	88.9	88.9
Northamptonshire	E1000021	3	2	21	54	48	0	88.9	88.9
Nottinghamshire	E10000024	4	6	36	90	77	0	85.6	85.6
Oxfordshire	E1000025	6	4	27	69	58	0	84.1	84.1
Derbyshire	E1000007	0	9	30	58	47	0	81.0	81.0
Suffolk	E10000029	13	1	1	89	72	0	80.9	80.9
Somerset	E1000027	7	2	27	51	41	0	80.4	80.4
Surrey	E1000030	4	6	36	65	52	0	80.0	80.0
Norfolk	E1000020	21	1	32	129	103	0	79.8	79.8
Dorset	E1000009	7	6	22	37	23	0	62.2	62.2

County Council's own development' Planning Applications

Table 2: County Council's own development planning applications determined during quarter1 (the period 1 April 2017 to 30 June 2017)

Total num de			17	7			
Mino	r ¹ /Major ² /EIA ³		Mino	r:	Maj	or:	EIA:
			15		2	2	0
	lelegated/commit	tee	Del	egate	d:		Committee:
C	lecisions			15			2
	9	Speed of	decision	S			
Under 8 weeks	8- 13 weeks (if Major)) weeks EIA)	we Ex	er 8/13/1 eks with agreed tension o me (EoT	in of	Over 8/13/16 weeks without or outside of agreed EoT
8	0		0		9		0

¹A 'minor' development application is one where the floor space to be built is less than 1,000 square metres or where the site area is less than one hectare.

²A 'major' development application is one where the floor space to be built is more than 1,000 square metres or where the site area is more than one hectare. All minerals and waste related applications fall within the definition of major development.

³An EIA development application is one considered likely to have significant environmental effects and is accompanied by an Environmental Statement.

Table 2a: Performance on County Council's own development minor planning applications (NYCC Service Plan target - 65%)

2017/18	Quarter 1	Quarter 2	Quarter 3	Quarter 4
	(Apr-Jun)	(Jul-Sept)	(Oct-Dec)	(Jan-Mar)
No. of County Council's own	100% (no.	% (no./)	%	% (no./)
development minor applications	15/15)	Cumulative	(no./)	Cumulative
determined within 8 weeks or within		total	Cumulative	total
agreed Extension of Time (EoT)		% (no. /)	total	% (no. /)
			% (no. /)	

Author of report: Amy Taylor – Monitoring & Compliance Officer

 Table 3: List of all 'County Matter' planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q1 i.e. 30

 June 2017

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Killerby Sand and Gravel Quarry, Killerby, North Yorkshire NY/2010/0356/ENV (C2/10/02487/CCC)	Extraction and processing of sand and gravel including the construction of a site access, conveyors, bridges, associated plant and machinery with restoration to agriculture, nature conservation and wetland	22.9.10	Committee	Reported to Members at the meeting of the Committee which took place on 4 th April 2017.	Yes - further EoT secured 'til 29 th September 2017 due to awaiting the signing of a Section 106 Legal Agreement.
Blubberhouses Quarry, Kex Gill NY/2011/0465/73	Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036	6.12.11	Committee	Additional information was received from applicant company in January of last year and, amongst others, the Highway Authority, responding to consultation, stated their comments were to be held in abeyance awaiting discussions with regard to the <i>'corridor</i> <i>of interest'</i> along the A59. It is understood that further progress is being made with proposals for a major re-alignment of the A59 at Kex Gill.	No - further EoT to be requested.
Ripon Quarry, North Stainley NY/2011/0429/ENV (C6/500/95/D/CMA)	Extension to existing sand and gravel workings	07.12.11	Committee	Public consultation has been undertaken on the further environmental information received from the applicant company and work continuing on progressing through responses received.	Anticipated to be reported on 29 th August 2017

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Darrington Quarry, Darrington Leys, Knottingley NY/2012/0020/73 (C8/40/8AH/PA)	Application to vary condition no's 1, 2, 29, 30, 31 and 32 of Planning Permission C8/40/8AF/PA for a new restoration scheme, retain the existing plant and to extend the time period in which to implement the restoration scheme	20.01.12	Committee	Awaiting revised details.	No
Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT NY/2015/0306/ENV (C6/500/277/CMA)	Planning Application accompanied by an Environmental Statement for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme	11.11.15	Committee	Awaiting responses from the applicant to objections received from neighbouring residents. Work continues on reviewing consultation responses received and any issues arising.	Anticipated to be reported on 29 th August 2017
Forcett Quarry, East Layton, Richmond, North Yorkshire NY/2016/0042/ENV (C1/16/00174/CM)	variation of condition no's 1 & 15 of planning permission ref. C1/29/15P/CM dated 7 September 2011 to allow the continuation of limestone extraction for a further 10 year period until 31 August 2026	03.03.16	Committee	The application was reported to Committee on 25 th October 2016 Members resolved to grant planning permission subject to prior completion of Legal Agreement. Awaiting completion of Legal Agreement before planning permission is issued. Engrossments circulated for signature.	Extension of time until 2 June 2017 agreed further extension to be requested

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Womersley Quarry, off Stubbs Lane, Womersley, DN6 9BB NY/2016/0073/ENV (C8/41/107A/PA)	variation of condition No's 1, 2, 3, 5, 6, 14, 18 & 20 of Planning Permission ref. C8/2012/0035/CP dated 4 September 2012 for the continuation of tipping of colliery waste from Kellingley Colliery and soil materials from other locations for a further two years until 13th May 2018, revised tipping materials and revisions to the vehicle route, revised restoration scheme and landscaping	12.05.16	Committee	Further environmental information received proposing revised restoration scheme- now subject of reconsultation exercise. It is anticipated that item will be reported to Committee on 24 October 2017	Yes- requested until 31 October 2017.
Scorton Quarry, Richmond, North Yorkshire NY/2016/0094/ENV (C1/16/00507/CM)	variation of condition No's 1, 20, 23 & 52 of planning permission ref. C1/39/34G to allow the continuation of sand and gravel extraction for a further 4 year period until 31 December 2020 with final restoration by 31 December 2021 and removal of the plant site by 31 December 2022 and amendments to the phasing and direction of working and a reconfigured layout for the conveyor	21.06.16	Committee	The application was reported to Committee on 4 April 2017 Members resolved to grant planning permission subject to prior completion of Deed of Variation Legal Agreement. Awaiting completion of Legal Agreement before planning permission is issued. Draft Deed of Variation has been sent to the applicants solicitor and currently awaiting comments	Extension of time until 2 June 2017 agreed further extension to be requested
Brotherton Quarry, Byram Park, York Road, Knottingley, Brotherton NY/2016/0087/73A (C8/50/0220/PA)	variation of condition No. 6 of Planning Permission Ref. C8/2013/1064/CPO to refer to an updated Dust Monitoring Scheme which removes the requirement to actively monitor for fugitive dust	29.06.16	Delegated	Awaiting completion of a legal agreement.	No – (to be requested, once draft legal agreement is in circulation)

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby NY/2016/0185/ENV (C8/2016/1471/CPO)	8 hectare extension to the existing limestone quarry into Area 5 & 6 from the current working Area 4 and east in Area 7 to 20 metres AOD to provide 4.4 million tonnes of limestone and restore the site with engineering fill from the existing waste treatment facility to create 1 in 2.5 slopes against the exposed face	28.11.16	Committee	Further information received from the applicant (1 st March 2016) has been duly consulted upon by the County Planning Authority. Application is being progressed to Committee for determination.	No – (Extension of time has been requested – awaiting agents response)
Land to the South of Knapton Quarry Landfill Site, Knapton NY/2016/0194/ENV (C3/16/01918/CPO)	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	14.11.16	Committee	Awaiting Committee determination.	Extension of time requested until 21 July 2017 but not agreed. Further extension to be requested.

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Middleton Lodge, Kneeton Lane, Middleton Tyas NY/2016/0220/73	variation of condition No's. 1, 6, 7, 10, 12, 14, 20, 24, 26, 27, 29, 30 & 33 of Planning Permission Ref. No. C1/14/00747/CM which relates to phasing and restoration	18.11.16	Committee	Awaiting further information from the applicant prior to re-consultation.	No – (to be requested upon receipt of the further information)
Former Stillingfleet Mine Site, Escrick Road, Stillingfleet NY/2016/0251/FUL - C8/999/16U/PA -	change of use of part of the former coal mine site to create a waste transfer 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	1.2.17	Committee	Awaiting further information from applicant on how to move forward with the application.	No – (to be requested upon receipt of the further information)
High Rails Farm, Ripley, Harrogate, HG3 3DL NY/2016/ 0255/73A - (C6/17/00322/CMA)	Application to vary condition No. 1 of Planning Permission Ref. No. C6/6/93/592/A/CMA for the extension of time for the purpose of crushing and screening for recycling purposes of builder's waste/road sweeper waste for a further 6 years until 17 April 2023	13.1.17	Committee	Awaiting further information from the applicant prior to re-consultation.	No – (to be requested upon receipt of the further information)
Former Kellingley Colliery, Turvers Lane, Kellingley, Selby, WF11 8DT NY/2017/0018/ENV– (C8/2017/0455/CPO)	variation of condition No's. 2, 17, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 & 61 of Planning Permission Ref. No. C8/2013/0677/CPO which relates to the omission of the domestic coal area, rearrangement of the internal access routes and	24.1.17	Delegated	Awaiting further information from the applicant prior to re-consultation.	Draft Deed of Variation received in July 2017 requiring deposit on the statutory

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
	revised layout of the rail handling facility at Former Kellingley Colliery, Turvers Lane, Kellingley, Selby, WF11 8DT				planning register.
NY/2017/0515/FUL (C8/2017/0515/CPO) Former Kellingley Colliery, Turvers Lane, Kellingley, Selby, WF11 8DT	construction of a road to access the Southmoor Energy Centre (engineering operation)	27.3.17	Delegated		[Linked application to the above]
Percyfields, Low Moor Lane, Lingerfield, Scotton, Knaresborough, HG5 9JB NY/2017/0029/FUL - (C6/17/01234/CMA)	deposit of 24,000 tonnes of inert subsoil and topsoil to level land (including drainage) for the creation of 2 No. football pitches	14.3.17	Delegated	Highways response received requesting further information. Awaiting further information to be sent in by the applicant.	No – (to be requested upon receipt highways response)
Eggborough Sandpit, Weeland Road, Hensall, Goole, North Yorkshire, DN14 0RL NY/2017/0038/73A – (C8/37/177E/PA)	variation of condition No. 6 of Planning Permission Ref. C8/2015/0769/CPO for the reduction of the frequency of the noise monitoring reports to be carried out on an annual basis	8.3.17	Committee		

* The Development Management Procedure Order 2015 (Part 9, Article 40, Paragraph 13) allows for Local Authorities to "*finally dispose*" of applications for which the statutory period for determination has elapsed and the subsequent period for appealing against non-determination has passed.

Monitoring & Compliance Statistics Report – Quarter 1 (the period 1 April 2017 to 30 June 2017) 2017/2018

Table 1 – Complaints/alleged breaches of planning control received this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters	S					
Crossgates Quarry	Harrogate	1	Alleged disposal of waste in quarry void	12/04/17	M & C Officer visited site and contacted site operator (HACS) who advised that they intend to restore the former quarry at the request of the landowner. M & C Officer advised that previous planning permission had expired and a new planning permission would need to be sought. Further to meeting with HACS, planning application is being prepared.	Partially
Wilton Heights	Ryedale	1	Alleged disposal of waste in quarry void	21/04/17	M & C Officer visited site and contacted landowner who advised that material will be removed.	Yes
Pollington Airfield	Selby	2	Alleged non-compliance with conditions relating to storage of waste, noise and dust		M & C Officer been in contact with site agent who has confirmed all operations are in compliance with planning permission. Visit arranged for August 2017.	Yes
Whitewall Quarry	Ryedale	2	Noise and blasting	15/05/17 & 05/06/17	County Planning Authority confirmed in writing on 22 March 2017 to all complainants, that there would be no further prior notification of blasting operations. Complainants were advised to contact site operator directly to arrange for notifications from them direct (to date none have requested this). Blasting records show vibration levels well within permitted limits. Investigations ongoing with regard to noise complaints.	Partially
Allerton Waste	Harrogate	1	Alleged non-compliance with planning permission with regard	16/05/17	M & C Officer had visited the site on 26 April to monitor compliance with development, prior to complaint being received.	Yes

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
Recovery Park (AWRP)			to Claro House development		Claro House development has been subject to a number of non-material amendments and confusion has been caused over the demolition and re-build of Claro House and outbuildings which were approved by the County Planning Authority. M & C Officer confirmed this to complainant. Case closed.	
Cattal Waste Transfer Station	Harrogate	1	Alleged non-compliance with planning permission with regard to storage of waste and hours	25/05/17	M & C Officer contacted site operator and gave timeframe for which the site must be brought into compliance (storage of waste outside not permitted). Site Operator confirmed this would be done and M & Officer advised that spot visits would be undertaken to monitor this.	Yes
Betteras Hill Landfill	Selby	2	Alleged non-compliance with planning permission with regard to noise, dust and hours of use	25/05/17	M & C Officer contacted site operator and visited site to ensure compliance with planning permission. Operator is aware of conditions and has confirmed these will be adhered to.	Yes
County Counci	I Development					
Richmond School	Richmondsh ire	2	Alleged out of hours use of the school pavillion	10/04/17 & 11/04/17	M & C Officer contacted School and advised of permitted hours of use. School intend to vary hours of use by way of planning application and submitted one on 7 June 2017 which remains invalid.	Yes

Table 2 – Updates on 'live' complaints/alleged breaches of planning control received prior to this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matter	S					
Pollington Airfield	Selby	1	Alleged non- compliance with conditions relating to storage of waste and dust	29/11/16	M & C Officer been in contact with site agent who has confirmed all operations are in compliance with planning permission. Visit arranged for August 2017.	Yes
Whitewall Quarry	Ryedale	14 (3 complainants)	Noise and blasting	Various dates between 06/01/17 and 17/03/17	County Planning Authority confirmed in writing on 22 March 2017 to all complainants, that there would be no further prior notification of blasting operations. Complainants were advised to contact site operator directly to arrange for notifications from them direct. Investigations ongoing with regard to noise complaints. Case on-going.	Partially
Brickworks Plantation, Easingwold	Hambleton	1	Alleged tipping of waste clays and soils on land	27/03/17	Development understood to possibly be in relation to planning permission granted by Hambleton District Council for the erection of holiday lodges etc.	Yes
County Counc	il Developmen	t		-		
None.						

Table 3 – Number of complaints/alleged breaches of planning control received by quarter

Quarter 1	Quarter 2	Quarter 3	Quarter 4
(Apr-Jun)	(Jul-Sept)	(Oct-Dec)	(Jan-Mar)
12	Cumulative total no.	Cumulative total no.	Cumulative total no.
	Apr-Jun)	Apr-Jun) (Jul-Sept) 12 Cumulative	Apr-Jun) (Jul-Sept) (Oct-Dec) 12 Cumulative Cumulative

Table 4 – Number of complaints/alleged breaches of planning control resolved by quarter

2017/18	Quarter 1	Quarter 2	Quarter 3	Quarter 4
	(Apr-Jun)	(Jul-Sept)	(Oct-Dec)	(Jan-Mar)
Number of complaints of the total	83% (no.	% (no. /)	% (no. /)	% (no. /)
number of 'live' complaints resolved	10/12)	Cumulative	Cumulative	Cumulative
	-	total	total	total
		% (no. /)	% (no. /)	% (no. /)

Table 5 – Number of complaints/alleged breaches of planning control resolved by quarter

2017/18	Quarter 1	Quarter 2	Quarter 3	Quarter 4
	(Apr-Jun)	(Jul-Sept)	(Oct-Dec)	(Jan-Mar)
Number of resolved complaints	80% (no.	% (no. /)	% (no. /)	% (no. /)
resolved within 20 days of receipt	8/10)	Cumulative	Cumulative	Cumulative
		total	total	total
		% (no. /)	% (no. /)	% (no. /)

Existing Enforcement Issues

Formal Enforcement notices served by the County Council

No notices were served during this period.

Table 6- Monitoring and Compliance Visits undertaken in Quarter 1 (Minerals and Waste Sites only)

Site	District	Date Visited
Darrington Quarry	Selby	10/04/17
West Tanfield Landfill Site	Hambleton	11/04/17
Wensley Quarry	Richmondshire	19/04/17
Kirby Misperton A Wellsite	Ryedale	20/04/17
Kirby Misperton B Wellsite	Ryedale	20/04/17
Marishes Wellsite	Ryedale	20/04/17
Malton A Wellsite	Ryedale	20/04/17
Malton B Wellsite	Ryedale	20/04/17
Jackdaw Crag Quarry	Selby	15/05/17
Whitewall Quarry	Ryedale	26/05/17
Betteras Hill Landfill	Selby	01/06/17
Ripon City Quarry	Harrogate	02/06/17
Allerton Park Quarry	Harrogate	07/06/17
Leases Farm Quarry	Hambleton	12/06/17
Skipton Rock Quarry	Craven	14/06/17
Brotherton Quarry	Selby	29/06/17