

North Yorkshire County Council
Business and Environmental Services
Planning and Regulatory Functions Committee

19 December 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 2 (the period 1 July 2017 to 30 September 2017).

Information on Enforcement Cases is attached as an Appendix.

Recommendation: That the reported be noted.

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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:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(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 quarter2 (the period 1 July 2017 to 30 September 2017).

Total number of applications determined		3	
Number of delegated/committee decisions		Delegated: 0	Committee: 3
Speed of 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
0	0	3	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 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	100% (no.5/5)	100% (no. 3/3)	% (no./)	(no. /)
No. of 'County Matter' applications determined within 13/16 weeks discounting Extension of Time agreements (EoT)	40% (no. 2/5)	0% (no. 0/3)		

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) 87.1% (27/31)	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")

County Council's own development' Planning Applications

Table 2: County Council's own development planning applications determined during quarter 1 (the period 1 July 2017 to 30 September 2017)

Total number of applications determined		21		
Minor¹/Major²/EIA³		Minor: 21	Major: 0	EIA: 0
Number of delegated/committee decisions		Delegated: 21		Committee: 0
Speed of decisions				
Under 8 weeks	8- 13 weeks (if Major)	13- 16 weeks (if EIA)	Over 8/13/16 weeks within agreed Extension of Time (EoT)	Over 8/13/16 weeks without or outside of agreed EoT
12	0	0	8	1

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 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of County Council's own development minor applications determined within 8 weeks or within agreed Extension of Time (EoT)	100% (no. 15/15)	95.2% (no.20/21) Cumulative total 77.7% (no. 28/36)	% (no./) Cumulative total % (no. /)	% (no./) Cumulative total % (no. /)
No. of County Council's own development minor applications determined within 8 weeks discounting Extension of Time agreements (EoT)	53.3% (no. 8/15)	57.1% (no.12/21) Cumulative total 55.5% (no.20/36)	% (no./) Cumulative total % (no. /)	% (no./) Cumulative total % (no. /)

Table 3: List of all ‘County Matter’ planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q2 i.e. 30 September 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 30 th November 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 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	Reported at the meeting on 29 th August 2017. Members resolved to grant permission subject to a legal agreement.	No

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	Committee Report in preparation.	No
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.	No- Extension of time until 2 June 2017 agreed further extension to be requested once S106 signed

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- which has been subject of re-consultation exercise. Item will be reported to Committee on 19 December 2017	Yes- until 12 January 2018.
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. Deed of Variation signed off on 21 November 2017 and permission issued on 23 November 2017.	Yes agreed until 24 Nov 2017
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	The application was reported to Committee on 29 August 2017 Members resolved to grant planning permission subject to prior completion of Legal Agreement. Awaiting completion of a legal agreement.	No – further extension to be requested once S106 signed
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	Item will be reported to Committee on 19 December 2017	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	Further information received and Re-consultation completed. Committee report to be completed.	No – (to be requested upon confirmation of being placed on committee agenda)
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 revised layout of the rail handling facility at Former Kellingley Colliery, Turvers Lane, Kellingley, Selby, WF11 8DT	24.1.17	Delegated	Delegated report in preparation.	No

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
NY/2017/0028/FUL (C8/2017/0515/CPO)F ormer Kellingley Colliery, Turvers Lane, Kellingley, Selby, WF11 8DT	construction of a road to access the Southmoor Energy Centre (engineering operation)	27.3.17	Delegated	Delegated report in preparation.	[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	Approved 6.11.17	Yes
NY/2017/0129/FUL (C3/17/00604/CPO) Knapton Quarry Landfill site, Knapton	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	15.5.17	Committee	Item will be reported to Committee on 19 December 2017	requested until 12 Jan 2018 – no response received
NY/2017/0155/COU (C1/17/00470/CM) Kiplin Hall Quarry, Kiplin Hall, North Yorkshire, DL10 6AT	change of use of former quarry to a waste recycling facility for the treatment of waste wood by use of mobile plant and machinery, importation and temporary stocking of waste wood and finished products prior to removal off site	22.6.17	Committee	Awaiting further information from applicant	No – (to be requested upon confirmation of being placed on committee agenda)

* 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 2 (the period 1 July 2017 to 30 September 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						
Whitewall Quarry	Ryedale	7 (2 complainants)	Noise, speed of vehicles and dust on highway	Dates between 06/07/17 & 25/08/17	Speed of vehicles on public highway not a planning matter, referred to Police. Operator reminded to keep public highway leading from site access in a clean condition. Investigations ongoing with regard to noise complaints.	Partially
Former Greens Of Skipton Ltd, Ings Lane, Skipton	Craven	1	Alleged unauthorised processing of waste wood	02/08/17	Joint investigation between NYCC and Craven DC ongoing.	No
Scorton Quarry	Richmondshire	1	Alleged non-compliance with planning permission reference C1/39/34G/CM with regard to the site boundary and storage of soils	22/09/17	Following investigation, it was concluded that all works that had been carried out were in compliance with the planning permission.	Yes
County Council Development						
Brooklyn House, Norton	Ryedale	1	Alleged non-compliance with planning permission reference C3/16/00147/CPO with regard to the location and height of a bin store	18/07/17	Complaint investigated. Bin store relocated to correct position and re-built to correct height.	Yes
Athelstan School	Selby	1	Alleged non-compliance with planning permission reference C8/58/69AB/PA and unauthorised installation of new hardstanding	26/09/17	Complaint investigated. Planning application is forthcoming at the time of writing, to regularise those works which are currently not authorised.	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 Matters						
Crossgates Quarry	Harrogate	1	Alleged disposal of waste in quarry void	12/04/17	Planning application was submitted to regularise works and is currently being determined by the County Planning Authority.	Partially
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
County Council Development						
None.						

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

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of complaints/alleged breaches of planning control received	12	11 Cumulative total no. 23	Cumulative total no.	Cumulative total no.

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

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of complaints of the total number of 'live' complaints resolved	83% (no. 10/12)	27% (no.3 /11) Cumulative total 57% (no. 13/23)	% (no. /) Cumulative total % (no. /)	% (no. /) Cumulative total % (no. /)

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

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of resolved complaints resolved within 20 days of receipt	80% (no. 8/10)	100% (no. 3/3) Cumulative total 85% (no. 11/13)	% (no. /) Cumulative total % (no. /)	% (no. /) Cumulative total % (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 2 (Minerals and Waste Sites only)

Site	District	Date Visited
Skipton Rock Quarry	Craven	03/07/17
Nosterfield Quarry	Hambleton	04/07/17
High Rails Farm	Harrogate	04/07/17
Gebdykes Quarry	Hambleton	19/07/17
Potgate Quarry	Harrogate	19/07/17
Pallett Hill Quarry	Richmondshire	24/07/17
Black Quarry	Richmondshire	02/08/17
Barton Quarry/Middleton Lodge Quarry	Richmondshire	03/08/17
Copley Lane Landfill	Selby	08/08/17
Grey Yaud Quarry	Richmondshire	09/08/17
Allerton Park Landfill Site	Harrogate	25/08/17
Ripon Quarry	Harrogate	06/09/17
Wath Quarry	Ryedale	20/09/17
Hensall Sand Quarry	Selby	28/09/17