

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**6 February 2018**

**C3/17/01366/CPO - PLANNING APPLICATION FOR THE PURPOSES OF THE CONSTRUCTION OF A WASTE TRANSFER STATION (1920 SQ. METRES), SITE OFFICE (84 SQ. METRES), PUMP HOUSE BUILDING (36 SQ. METRES), WEIGHBRIDGE AND ASSOCIATED OFFICE (137 SQ. METRES), 2 NO. STORAGE CONTAINERS (30 SQ. METRES), 3 NO SPRINKLER WATER TANKS, 5 NO. 8 METRE HIGH FLOODLIGHTS, CAR PARKING (640 SQ. METRES), VEHICLE ACCESS AND TURNING AREA, 2 METRE HIGH PALISADE PERIMETER FENCE AND GATES AND BOUNDARY PLANTING (RE-SUBMISSION) ON LAND AT TOFTS ROAD, KIRBY MISPERTON, YO17 6BG ON BEHALF OF NYCC WASTE & COUNTRYSIDE SERVICES (RYEDALE DISTRICT) (PICKERING ELECTORAL DIVISION)**

**1.0 Purpose of the report**

- 1.1 To determine a planning application for the construction of a Waste Transfer Station (1920 sq. metres), site office (84 sq. metres), pump house building (36 sq. metres), weighbridge and associated office (137 sq. metres), 2 No. storage containers (30 sq. metres), 3 No sprinkler water tanks, 5 No. 8 metre high floodlights, car parking (640 sq. metres), vehicle access and turning area, 2 metre high palisade perimeter fence and gates and boundary planting (Re-submission) on land at Tofts Road, Kirby Misperton, YO17 6BG on behalf of NYCC Waste & Countryside Services.
- 1.2 This application is subject to 13 objections having been raised by local residents (summarised in paragraph 5.3 of this report) and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 The application site comprises an agricultural field and a stretch of Tofts Road which connects east- west to the A169 Malton Road. The site is located approximately 2 kilometres north east of Kirby Misperton and approximately 3.5 kilometres south of Pickering. The site is located within a predominantly agricultural area. The application site is 0.8 hectares in area and is currently flat agricultural grassland with an agricultural land classification of Grade 4, which is poor and normally associated with grassland and limited arable crops. The site boundary comprises a mixture of mature hedgerow with intermittent mature trees.
- 2.2 There are a number of detached residential properties and farm houses within the surrounding area. The closest residential property is Hiblings Farm 50 metres to the north. On the northern side of Tofts Road there are two vehicular access points to the land comprising Hiblings Farm. Hiblings Farm also comprises a Camping and Caravan site in the field opposite the site of the permitted Waste Transfer Station. The Camping and Caravan site was granted change of use planning permission ref. 12/00757/FUL by Ryedale District Council in 2013. The planning conditions limit the use of the Camping and Caravan site to between March and October each year, with the number of users limited to 10 caravans/motorhomes and 10 tents at any one time and static caravans are prohibited. There are no fixed or permanent buildings or caravans located at the site but it is understood that the site will reopen in March 2018. The site currently contains a number of storage containers on stilts.

- 2.3 Other nearby residential properties include Carr House Farm (also a Camping and Caravan Park) 600 metres to the west, Briardene on the corner of the junction between Tofts Road and the A169 to the east and 250 metres to the south-east is the residential property of Lynwood and the Beansheaf Hotel adjacent to the junction of Kirby Misperton Road and the A169. To the immediate east of the application site is Beansheaf Industrial Estate, which includes a number of industrial warehouse buildings (10 units). At the junction of Tofts Road and Malton Road is located the North Yorkshire County Council Highways Depot (Area 4). The industrial estate mainly comprises of agricultural vehicle and machinery specialists.
- 2.4 The application site is located within Flood Zone 3 and also within the boundary of the Thornton Internal Drainage Board (IDB). The land to the immediate south of the application site, the southern half of the field, is grassland recorded as a potential Site of Important Nature Conservation but is not locally registered and was previously deleted. A wind turbine stands in a field 300m to the north west of the application site. There are no further constraints considered relevant to the determination of this planning application. A plan showing the application site is attached to this report at Appendix A.

#### Planning History

- 2.5 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- 2.6 On 26 August 2014 planning permission ref. C3/14/00005/CPO was granted for the construction of a Waste Transfer Station and associated Staff Welfare Building along with associated local highway improvements at Tofts Road, Kirby. The permission is subject to 30 planning conditions. The permission has been implemented but not completed although the highways works relating to the A169, which comprised carriageway widening works to accommodate the right hand turn lane, have been completed (Phase 1). If permission is granted for the development the subject of this application then the development permitted by C3/14/00005/CPO could not be physically completed on site due to the overlapping footprint of the WTS buildings.
- 2.7 On 15 October 2014 approval ref. NY/2014/0294/A30 was given for details reserved by Condition No's. 6, 24 and 27 of Planning Permission ref C3/14/00005/CPO which relates to highway works details, surface water drainage scheme and landscaping.
- 2.8 On 10 September 2015 approval ref. NY/2015/0218/A27 was given for details reserved by condition No.'s 6, 8, 11, 12, 24 and 27 of Planning Permission Ref C3/14/00005/CPO which relates to highway improvements, culverting of the watercourse, precautions to prevent the deposit of mud on the public highway, provision of storage areas, surface water drainage and landscaping.
- 2.9 On 6 October 2017 the County Planning Authority registered an application ref. NY/2017/0220/73 under Section 73 of the Town and Country Planning Act 1990 for the variation of condition No's. 2 & 24 of Planning Permission Ref. C3/14/00005/CPO (Waste Transfer Station) which relates to alterations to the width of the Tofts Road carriageway on land at Tofts Road, Kirby Misperton. The application was granted planning permission ref. C3/17/01242/CPO on 21 December 2017.

### **3.0 The proposal**

- 3.1 Planning permission is sought for the construction of a Waste Transfer Station (1920 sq. metres), site office (84 sq. metres), pump house building (36 sq. metres), weighbridge and associated office (137 sq. metres), 2 No. storage containers (30 sq. metres), 3 No sprinkler water tanks, 5 No. 8 metre high floodlights, car parking (640 sq. metres), vehicle access and turning area, 2 metre high palisade perimeter fence and gates and boundary planting (Re-submission) on land at Tofts Road, Kirby Misperton, YO17 6BG on behalf of NYCC Waste & Countryside Services.

- 3.2 The proposed development is a purpose-built Waste Transfer Station (WTS) facility for the receipt of municipal waste from kerbside collections undertaken by the Waste Collection Authority (District Council) and from the Household Waste Recycling Centres together with a small proportion of commercial waste. The maximum annual throughput would be 30,000 tonnes of waste comprising 25,000 tonnes of municipal waste and 5,000 tonnes of construction, demolition and excavation waste. The proposed site layout is shown at Appendix B and the facility would consist of the following elements:
- Waste Transfer Station building (1920 sq. metres);
  - Site office (84 sq. metres);
  - A weighbridge and associated office (137 sq. metres);
  - Sprinkler pump house building (36 sq. metres) and 3no. sprinkler water tanks (and underground fire water storage);
  - 2 No. steel storage containers (30 sq. metres in total);
  - 5 No. 8 metre high column mounted floodlights;
  - Car park comprising 30 standard parking bays and 1 disabled bay (640 sq. metres);
  - Vehicle access and turning area;
  - Vehicle wash area;
  - 2 metre high palisade perimeter fencing and gates; and
  - Boundary planting.
- 3.3 The proposed site layout indicates that the site would be accessed off Tofts Road and the site office would stand to the east of the entrance gates on the northern side of the site and adjacent to a new tarmac car park for office staff, drivers and operatives. To the south of the car park would stand the storage containers, sprinkler pump house and associated water tanks and the weighbridge and associated office would be positioned parallel to the western boundary of the site. The main WTS building would stand parallel to the eastern boundary of the site and the vehicle access and turning area would be immediately to the west of the WTS and the vehicle wash area would be created adjacent to the southern boundary of the site.
- 3.4 The proposed WTS would measure approximately 65 metres in length by 32 metres in width and would stand at a height of 13.3 metres to the ridge. The lower parts of the walls of the building would comprise fairfaced concrete push walls which would stand 3.9m above floor level and would be externally visible on the eastern, part northern and part southern elevations of the building. On these elevations the mid to upper parts of the building would comprise plastic coated metal composite panels with a colour finish of Camouflage RAL 110 50 10 or similar (green/brown). There would be eight fan units installed along the east facing elevation of the building. The western elevation of the WTS would be the front of the building and externally would comprise plastic coated metal composite panels with a colour finish of green/brown. The elevation would include four ventilation louvres. The western elevation is the only side with access points into and out of the building which comprise three separate openings for HGVs each 6.2 metres wide and 8.1 metres high and three separate openings for pedestrian access. The HGV openings would incorporate rapid action steel roller shutter doors (colour finish to be confirmed) and would be flanked by low level crash protection bollards and barrier rails. The building would have a pitched roof with a covering of plastic coated metal composite panels with a colour finish of green/brown to match the walls and the roof would incorporate polycarbonate rooflights. An indicative sketch of the WTS building is included at Appendix C.

- 3.5 The proposed site office would measure approximately 9 metres in length by 9.6 metres in width and would stand at a height of 3.2 metres to the ridge of the shallow pitch roof. There would be a ramped entrance to the main pedestrian entrance in the south facing elevation. Additional pedestrian entry/exit points would be on the eastern and western elevations and there would be windows on all sides of the building. Externally the walls and roof of the site office would be painted steel with the final colour finish to be confirmed.
- 3.6 The proposed ramped weighbridge would measure 31.4 metres in length and 3 metres in width and an office would stand on a platform immediately to the east of the weighbridge. The weighbridge office would have a flat roof and would measure approximately 5 metres in length and 2.9 metres in width and would stand at a height of 2.5 metres.
- 3.7 The proposed sprinkler pump house building would be constructed from Glass Reinforced Plastic (GRP) and would measure 6.1 metres on each side and would stand at a height of 2.8 metres. The building would have a flat roof, lockable double doors on the west facing elevation and would stand on a 600mm high concrete base with guard rails. To the east of the pump house building there would be a row of three sprinkler water tanks each 4.7 metres in diameter and 12.6 metres high.

#### Landscaping

- 3.8 The proposed landscape scheme aims to avoid the loss of hedgerows and trees along the western boundary which screen views of the development site. In addition native hedgerow with hedgerow trees are proposed along the southern boundary to provide additional screening of the building. The application details indicate that locally sourced native tree and shrub planting would be used with the aim that they would establish quickly and become an effective and dense visual screen. These would be bare root transplants, i.e. 'whips' of selected standards (bare root or root-balled) 10-12cm girth, 3.0-3.5m high where quicker establishment is required to provide screening. It is proposed that all trees and hedgerow planting would be maintained for a period of 3 years and if any plants die within this period they would be replaced.

#### Site operation

- 3.9 The majority of deliveries to the site would be made using refuse collection vehicles (RCVs). The material would then be bulked-up in the purpose built WTS building and then transferred into articulated lorries to go to other licensed facilities for actual recycling, treatment or final disposal. All material delivered to/removed from the site would be done so within sheeted/contained vehicles.
- 3.10 All vehicles delivering waste would first stop at the weighbridge and waste reception area and then move on to the WTS building. Waste within the vehicle would only be discharged when the vehicle was fully within the building. Once discharged, waste materials would be sorted and bulked using either a 360 degree wheeled loader or front loading shovel. Processed material would then be placed into the body of an articulated lorry prior to its transfer off-site to appropriately permitted facilities for recycling, treatment or final disposal.

#### Vehicle movements

- 3.11 The application details state that each day a maximum of 11 Heavy Goods Vehicles (RCV's) would deliver waste to the site and the RCVs bringing waste to the site would depart empty in the same hour equating to a total of 22 daily movements. Each day one articulated lorry would arrive at the site empty and remove the bulked-up waste from the site for recycling, treatment or final disposal elsewhere equating to a total of 2 daily movements of the articulated lorry.

- 3.12 The five members of office staff (based at the site at any one time) and the RCV drivers and on-site operatives would travel to the site independently by private car and they make up the remainder of the traffic movements.

#### Hours of operation

- 3.13 It is proposed that the facility would be open and operational every day Monday-Sunday and Bank Holidays (except Christmas Day, Boxing Day and New Year's Day) between the hours of 07:00 - 18:00.

#### External Lighting

- 3.14 The site would be lit by 8 metre high column mounted floodlights spaced along the northern and western perimeter of the site and also adjacent to the car park. In addition there would be six wall mounted lights on the northern and western elevations of the WTS at a height of 8 metres above ground level.

#### Employment

- 3.15 The application details indicate that the proposed development would create five full time jobs.

### **4.0 Consultations**

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on 20 October 2017.

- 4.1 **Ryedale District Council (Planning)**- note that the site is located in open countryside and adjacent to a group of large 'industrial' buildings and state that *"Whilst the proposed building is larger than that previously proposed its revised orientation on the plot is considered to relate better to the existing building that is immediately to the east of the proposed transfer station"*.
- 4.1.1 RDC observe that the building will be apparent locally in the landscape and highlight that attention to materials and landscaping will mitigate its visual impact, particularly when viewed from the south along Kirby Misperton Road.
- 4.1.2 RDC confirm that the Council's Environment Specialists have made specific comments on construction noise, operational noise and the control of odour and dust (see paragraph 4.2 below). In addition to the recommended conditions and mitigation it is suggested that external lighting should also be the subject of an appropriate planning condition should permission be granted. RDC confirm that subject to the above they have no objection to this proposal.
- 4.2 **Ryedale District Environmental Health Officer (EHO)**- have made specific comments on construction noise, operational noise and the control of odour and dust. The response recommends that if permission is granted it includes conditions to cover a Construction Environmental Management Plan, limits on hours of construction activity (08:00 — 18:00 hrs Mondays to Fridays and 09:00 — 13:00 hrs on Saturdays and at no times on Sundays and Bank or Public Holidays), limits on hours of operational activity and HGV movements (07:00 — 18:00 hrs Mondays to Saturdays and at no times on Sundays and Bank or Public Holidays), use of noise attenuation equipment on all plant, machinery, equipment and vehicles, use of alternatives to standard vehicle reversing alarms and the completion of a noise impact assessment. With regard to odour and dust conditions are requested to secure the prior approval of the odour control unit and its operation and dust control measures, to ensure no external storage or processing of waste and to prohibit any burning of materials at the site.
- 4.3 **Pickering Town Council**- has no objections to the application.

- 4.4 **Highway Authority-** accept that with the proposed improvements to both Tofts Road and the A169 the level of traffic expected can be accommodated on the immediate road network. The improvements proposed for Tofts Road will result in a priority give way arrangement and therefore a limit on the number of daily HGV movements is recommended to ensure this operates satisfactorily. The LHA recommend the inclusion of conditions to cover a maximum number of movements of 50 per day, details preventing surface water from non-highway areas discharging on to the existing or proposed highway, construction of the new access to highways specification, creation of visibility splays, the highway improvement works, the bridging/culverting of the watercourse, parking and turning areas, precautions to prevent mud on the highway and a construction management plan.
- 4.5 **NYCC Heritage – Ecology-** note the ecological survey work from 2012 and 2016 and that no evidence of protected species or significant habitats was found, although trees and hedgerows on the site were presumed to support common breeding birds. While the site is agriculturally-improved grassland, the County Ecologist notes that it does contain features such as tussocky sward structure, seasonally-waterlogged areas and common plants associated with permanent pastures. This is reinforced by the fact that the Jacobs report (Appendix C) refers to the presence of Curlew and Skylark during the original survey. These are both Red List birds of conservation concern and Species of Principal Importance identified under Section 41 of the Natural Environment & Rural Communities Act 2006.
- 4.5.1 The County Ecologist recommends the inclusion of conditions requiring the planting and maintenance of a native-species hedgerow along the southern boundary of the site, with a method statement to be agreed prior to the commencement of works and also a plan to mitigate the effects of lighting on biodiversity should be agreed prior to the commencement of development. In addition informatives are requested in relation to vegetation clearance and walkover surveys for badgers.
- 4.6 **NYCC Heritage - Principal Landscape Architect-** has requested a detailed Landscape Plan showing mitigation screen planting of native species along the southern boundary and the protection of the existing hedgerow and hedgerow trees along the boundary retained and incorporated into the new planting.
- 4.7 **NYCC Heritage – Archaeology-** acknowledges that an archaeological geophysical survey was carried out in 2014 and the results of the geophysical survey were negative and suggested that the archaeological potential of the site is low. The County Archaeologist has no objection to the proposal and has no further comments make.
- 4.8 **Yorkshire Water Services Ltd-** has not responded.
- 4.9 **Environment Agency (EA)-** have no objections to the proposed development subject to it being constructed in accordance with the submitted Flood Risk Assessment (FRA) and a condition that requires spoils to be removed from the floodplain. The EA also advise that an Environmental Permit will be required.
- 4.10 **Thornton IDB-** state that the Board have been consulted on a regular basis by the Applicant's technical team regarding surface water discharge which enters the Board-maintained watercourse in relatively close proximity to the site (Toft Swang Drain). Providing that the Board recommendations as far as surface water discharge are not exceeded, the Board have no objection to the proposals.
- 4.11 **Kirby Misperton Parish Council-** has not responded.

- 4.12 **NYCC Arboricultural Officer-** has no objections to the application.
- 4.13 **National Grid (Plant Protection) -** has not responded.
- 4.14 **CE Electric UK-** has not responded.
- 4.15 **SUDS & Development Control Officer-** has not responded.

#### **Notifications**

- 4.16 **County Cllr. Greg White-** has been notified of the application by letter.

### **5.0 Advertisement and representations**

- 5.1 This application has been advertised by means of five Site Notices posted on 19 October 2017 (responses to which expired on 9 November 2017). The Site Notices were posted in the following locations: the entrance to Carr House Farm, the entrance to the proposed WTS site, the entrance to Hiblings Farm, the entrance to Beansheaf Industrial Park and in the village of Kirby Misperton. A Press Notice appeared in the Malton Gazette & Herald on 25 October 2017 (responses to which expired on 8 November 2017).
  
- 5.2 A total of 15 Neighbour Notification letters were sent on 17 October 2017 and the period in which to make representations expired on 7 November 2017. The following properties received a neighbour notification letter:
  1. Carr House Farm Tofts Road Kirby Misperton
  2. Briardene Malton Road Pickering
  3. Hiblings Farm Malton Road Pickering
  4. Tofts Farm Malton Road Pickering
  5. Beansheaf Hotel Malton Road Kirby Misperton
  6. Lynwood Beansheaf Malton Road Kirby Misperton
  7. Beansheaf Cottage Malton Road Kirby Misperton
  8. Greenacres Malton Road Kirby Misperton
  9. Beansheaf Garage Malton Road Kirby Misperton
  10. Robsons Tractors, Unit 1 Beansheaf Industrial Park Tofts Road Malton
  11. Frank Curtis Ltd Beansheaf Industrial Park Tofts Road Malton
  12. Units 3 – 4 Beansheaf Industrial Park Tofts Road Malton
  13. Unit 8 Beansheaf Industrial Park Tofts Road Malton
  14. Unit 8A Beansheaf Industrial Park Tofts Road Malton
  15. Units 9 – 10 Beansheaf Industrial Park Tofts Road Malton
  
- 5.3 A total of 13 letters have been received from occupants, employees and users of land at Hiblings Farm and Camping and Caravan Park. The approximate locations of the objectors and supporters are shown on the plan attached to this report at Appendix A. Below is a summary of the concerns raised:-
  - The additional road works on the A169 have been removed or reduced
  - The junction of the A169 and Tofts Road is dangerous
  - Effect on the operation of businesses associated with Hiblings Farm and Campsite if access is restricted during the 3 month construction phase
  - If permission is granted the hours of construction work should be limited to Monday –Friday 8-6pm, Saturday 9-1pm, no working Sundays, Bank or Public holidays and all plant, machinery, equipment and vehicles should be fitted with noise attenuation equipment.
  - The hours of operation and HGV movements should be limited.
  - The operation of the WTS would have an adverse impact on quality of life and caravan and campsite business through traffic, visual, noise, vibration, odours, light intrusion, wildlife along with potential for pests and vermin.

## 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 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 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.



- 6.7 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 10 of the of the NPPF (Meeting the challenge of climate change, flooding and coastal change) paragraph 100, advises that *‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere’*. It is further noted that further advice on schemes should be sought from the Environment Agency and internal drainage boards.
- 6.9 Paragraph 103 of the NPPF, advises that in determining planning applications, Local Planning Authorities should *‘ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:*
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
  - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems’.*
- 6.10 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.
- 6.11 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.

- 6.12 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.
- 6.14 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”*.
- 6.15 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”*.
- 6.16 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)

- 6.17 The National Planning Policy for Waste (NPPW) replaced ‘Planning Policy Statement 10: Planning for Sustainable Waste Management’ (PPS 10) published in 2006.

- 6.18 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"*.
- 6.19 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"*.
- 6.20 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.
- 6.21 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”.

6.22 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).

6.23 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.

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

6.25 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”.*

6.26 It is considered that criteria a, c, d, 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.*
- 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”.*

### 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 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”*.

### 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 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”*.
- 6.40 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

- 6.41 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)
- 6.42 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): hereafter referred to as the MWJP.
- 6.43 The Tofts Road site is proposed as a safeguarded non-hazardous waste transfer site (Plan period up to 31 December 2030). The MWJP was submitted to the Secretary of State for Communities and Local Government on 28 November 2017 for independent examination and the hearings are due to start on 27 February 2018. 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. However the relevant policies are set out in full below:-

### Draft Policy W01 (Moving waste up the waste hierarchy)

- "1) Proposals will be permitted where they would contribute to moving waste up the waste hierarchy through:
- i) the minimisation of waste, or;
  - ii) the increased re-use, recycling or composting of waste, or;
  - iii) the provision of waste treatment capacity and small scale proposals for energy recovery (including advanced thermal treatment technologies), which would help to divert waste from landfill.
- 2) Further capacity for the large scale recovery of energy from waste (in excess of 75,000 tonnes annual throughput capacity), including through advanced thermal treatment technologies, will only be permitted in line with Policy W04 and where any heat generated can be utilised as a source of low carbon energy or, where use of heat is not practicable, the efficient recovery of energy can be achieved.
- 3) The provision of new capacity for the landfill of residual non-inert waste will be permitted where it can be demonstrated that it is the only practicable option and sufficient permitted capacity within the Plan area is not available. Proposals for the extension of time at existing permitted landfill sites with remaining void space will be supported in principle, where necessary either;
- (i) to maintain capacity for disposal of residual waste, or;
  - (ii) to achieve the satisfactory restoration of the site.
- 4) Landfill of inert waste will be permitted where it would facilitate:
- i) a high standard of quarry reclamation in accordance with agreed reclamation objectives, or;
  - ii) the substantial improvement of derelict or degraded land where it can be demonstrated that the import of the waste is essential to bring the derelict or degraded land back into beneficial use and the scale of the importation would not undermine the potential to manage waste further up the hierarchy".



#### Draft Policy W10 (Overall locational principles for provision of waste capacity)

“The allocation of sites and determination of planning applications should be consistent with the following principles:

- 1) Providing new waste management capacity within those parts of the Plan area outside the North York Moors National Park and the Areas of Outstanding Natural Beauty, unless the facility to be provided is appropriately scaled to meet waste management needs arising in the designated area and can be provided without causing unacceptable harm to the designated area.
- 2) Maximising the potential of the existing facility network by supporting the continuation of activity at existing time limited sites with permission, the grant of permission for additional capacity and/or appropriate additional or alternative waste uses within the footprint of existing sites and, the extension to the footprint of existing sites.
- 3) Supporting proposals for development of waste management capacity at new sites where the site is compatible with the requirements of Policy W11; and the site is located as close as practicable to the source/s of waste to be dealt with.  
This means:
  - a) For new facilities serving district scale markets for waste, particularly LACW, C&I and CD&E waste, or for facilities which are not intended to serve the specialised needs of particular industries or businesses, giving priority to locations which are within or near to main settlements in the area (identified on the key diagram) or, for facilities which are intended mainly to serve localised needs for waste management capacity in more rural parts of the Plan area, including agricultural waste, where they are well-located with regard to the geographical area the facility is expected to serve;
  - b) For larger scale or specialised facilities expected to play a wider strategic role (e.g. serving multi-district scale catchments or which would meet specialised needs of particular industries or businesses), these will be located where overall transportation impacts would be minimised taking into account the market area expected to be served by the facility”.

#### Draft Policy W11 (Waste site identification principles)

“The allocation of sites and determination of planning applications for new waste management facilities should be consistent with the following principles:

- 1) Siting facilities for the preparation for re-use, recycling, transfer and treatment of waste (excluding energy recovery or open composting) on previously developed land, industrial and employment land, or at **or adjacent to\*** existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby. Where the site or facility is proposed to deal mainly with waste arising in rural areas then use of redundant agricultural buildings or their curtilages will also be acceptable in principle and, for agricultural waste, appropriate on-farm locations;
- 2) Siting facilities for the open composting of waste on previously developed land, industrial land, **or adjacent to\*** existing waste management sites and, where the site or facility is proposed to deal with small scale waste arisings in rural areas, the curtilage of redundant agricultural buildings or other appropriate on-farm locations. Where development of new capacity on greenfield land is necessary then preference will be given to sites located on lower quality agricultural land. Sites for the composting of waste where the process may release bioaerosols should be located at least 250 metres from the nearest residential building;

- 3) Siting facilities involving the recovery of energy from waste, including through anaerobic digestion, on previously developed land, industrial and employment land, or at **or adjacent to\*** existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby, including where the energy produced can be utilised efficiently. For facilities which can produce combined heat and power, this includes giving preference to sites with the potential for heat utilisation. Where the site or facility is proposed to deal mainly with agricultural waste through anaerobic digestion including energy recovery, then use of redundant agricultural buildings or their curtilages and other appropriate on-farm locations will also be acceptable in principle;
- 4) Siting facilities to support the re-use and recycling of CD&E waste at the point of arising (for temporary facilities linked to the life of the associated construction project) and at active mineral workings where the main outputs of the process are to be sold alongside or blended with mineral produced at the site; as well as at the types of sites identified in 1) above, where these are well related to the sources of arisings and/or markets for the end product;
- 5) Siting facilities to provide additional waste water treatment capacity, including for waste water containing Naturally Occurring Radioactive Materials, at existing waste water treatment works sites as a first priority. Where this is not practicable, preference will be given to use of previously developed land or industrial and employment land. Where development of new capacity on greenfield land is necessary then preference will be given to sites located on lower quality agricultural land. Siting of facilities for management of waste water from hydrocarbons development will also be considered under the requirements of Policy M18 where relevant;
- 6) Providing any additional capacity required for landfill of waste through preferring the infill of quarry voids for mineral site reclamation purposes, giving preference to proposals where a need for infill has been identified as part of an agreed quarry reclamation scheme and where any pollution control concerns can be mitigated to an acceptable level.

In all cases sites will need to be suitable when considered in relation to physical, environmental, amenity and infrastructure constraints including existing and proposed neighbouring land uses, the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities, in line with national policy”.

*\*text in bold is the wording added as part of the ‘Addendum of Proposed Changes to Publication Draft’ (July 2017).*

#### Draft Policy D06 (Landscape).

- “1) *All landscapes will be protected from the harmful effects of development. Proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures.*
- 2) *For proposals which may impact on nationally designated areas including the National Park, AONBs, and the adjacent Yorkshire Dales National Park, a very high level of protection to landscape will be required. Development which would have an unacceptable landscape impact on these areas will not be permitted.*
- 3) *Protection will also be afforded to the historic character and setting of York and to areas defined as Heritage Coast. Permission will only be granted where it would not lead to an unacceptable impact on the historic character or setting of York or on the undeveloped character of Heritage Coast, unless the need for, or benefits of, the development outweigh the harm caused.*
- 4) *Where proposals may have an adverse impact on landscape, tranquillity or dark night skies, schemes should provide for a high standard of design and mitigation, having regard to landscape character, the wider landscape context and setting of the site and any visual impact, as well as for the delivery of landscape enhancement where practicable”.*

- 6.44 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.
- 6.45 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 are 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)”.*
- 6.46 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.
- 6.47 This exercise assessing the degree of consistency with the NPPF 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)

- 6.48 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.
- 6.49 The ‘saved’ policies relevant to the determination of this application are:
- 4/1 – Waste Management Proposals
  - 4/3 – Landscape Protection
  - 4/15 - Archaeological Evaluation
  - 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

- 6.50 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.*

6.51 '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.

'Saved' Policy 4/3 – Landscape protection

6.52 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"*.

6.53 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.

6.54 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 4/15 - Archaeological Evaluation

6.55 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"*.

6.56 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

6.57 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.

6.58 '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

6.59 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.

6.60 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

6.61 'Saved' Policy 5/3 of the North Yorkshire Waste Local Plan 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'.

6.62 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.

6.63 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)

6.64 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"*.

6.65 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 SP14 - 'Biodiversity'
- 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'.

6.66 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"*.

6.67 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'*.

6.68 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."*

- 6.69 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."*
- 6.70 SP17 'Managing Air Quality, Land and Water Resources' includes policies relevant to the proposed development which state as follows:-
- *"Flood risk will be managed by (inter alia) requiring the use of sustainable drainage systems and techniques*
- 6.71 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"*.
- 6.72 SP20 'Generic Development Management Issues', 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 light of the abovementioned policies the main considerations in this instance are principle of the development, design, landscape and visual impact, the impact upon the environment and local amenity (noise, odour, dust, light, litter and vermin), traffic impact, flood risk and site drainage, archaeology and ecology.

### Principle of the proposed development

- 7.2 The proposed development is in response to the reduction in the number of landfill sites and to meet increasing recycling targets and would enhance the network of Waste Transfer Stations (WTS) within the County. WTSs allow for the receipt, sorting and bulking up of waste for onward transportation to facilities for recycling, treatment and final disposal which is in line with the principles of the NPPW which seek to drive waste up the waste 'hierarchy'. It is relevant to note that 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 (WTS) as referred to in Policy SP10 (Physical Infrastructure) of the Ryedale Plan- Local Plan Strategy (2013). The development site is proposed for industrial use in line with 'saved' policy 5/3(a) of the NYWLP and is also a safeguarded non-hazardous waste transfer site in the draft MWJP (Plan period up to 31 December 2030) and aligns with the aims of Draft Policy W01 of the MWJP (Moving waste up the waste hierarchy). The proposed land use in this location, the purpose of the WTS and the need for the development and the associated sustainability and accessibility credentials have previously been deemed acceptable and therefore it would not be appropriate to revisit the principle of the development of a WTS at this site.

### Design, landscape and visual impact

- 7.3 The development site is 8,100m<sup>2</sup> in area and this size would provide the necessary floor area required for the waste transfer services as well as the facilities required for on-site staff. The site would also provide sufficient area to accommodate a weighbridge and turning circles of the vehicles to provide safe movement/servicing across the site.
- 7.4 The layout and orientation of the proposed WTS building has been designed with the objective to avoiding potential noise conflict with adjacent land uses. The position of the WTS has been turned 90 degrees from that previously approved which would have had the building constructed across the central part of the site facing northward towards Tofts Road. It is now proposed that the front of the building, which incorporates the three HGV access points, would be west facing away from Tofts Road, the industrial site and nearest residential receptors. In the interests of safe movement of pedestrians and vehicles the layout also provides staff and visitor parking, welfare and office facilities in the northern part of the site separate from the operational waste management area in the southern part of the site which would involve HGV entry/exit, weighing, turning and washing activities.
- 7.5 The proposal alters the scale of the previously approved development in relation to the WTS building. The building would have a footprint of 1920m<sup>2</sup> (previously approved building was to be 1890m<sup>2</sup>) and would contain a variable number of moveable bays and would provide the necessary floor area required for the waste transfer operation. The proposed WTS would stand 13.3 metres high which is 3.1 metres higher than the building previously approved. The size of the WTS building is determined by the minimum height required of the HGV entrance doors (approx. 8 metres) and the "tipping height" once the vehicles are inside the building. The District Council note that the proposed building is larger than that previously proposed but state that *"its revised orientation on the plot is considered to relate better to the existing building that is immediately to the east of the proposed transfer station"*.
- 7.6 The WTS would consist of fairfaced concrete walling at the lower level and plastic coated metal composite panels with a green/brown colour finish for the upper walls and roof. The external appearance is robust and functional and appropriate in light of the proposed use and would be consistent with the surrounding industrial and agricultural buildings and as a result the WTS would not be unduly obtrusive. Similarly the site office, which would be positioned adjacent to the main entrance, would have steel clad external walls and roof and would be of a scale that would be in keeping



with the neighbouring buildings. It is considered that the scale, materials and colour finishes of the proposed WTS building would be consistent with adjacent buildings in the industrial estate and the siting and orientation of the WTS parallel to the neighbouring industrial unit allows the large scale functional buildings to be read together as a continuation of the industrial estate.

- 7.7 With regard to the visual impact, the gable end of the WTS building would face north towards the Hiblings Farm and campsite and would be largely screened by the sprinkler tanks to be installed to the north. The front of the building would be the main area of activity with three HGV entry/exit points and this elevation faces west away from the industrial estate and the residential properties to the north and north east.
- 7.8 The surrounding landscape is flat and in use as pastoral and arable farmland with boundaries defined by tree belts and hedgerows. Buildings are generally well dispersed throughout the area and are either grouped properties, individual farms or residential properties. The site is to the immediate west of the large industrial warehousing associated with Beansheaf Industrial Estate along with the NYCC highways depot. The application site is not subject to any national or local landscape designations.
- 7.9 It is proposed that the existing planting comprising trees and hedgerows along the western boundary would be retained and a new landscape screen of native hedgerow and trees along the southern boundary would add to the landscape resource and aid in further assimilating the buildings into the landscape and screen views from the south (Kirby Misperton Road). The new tree planting would be of a standard (bare root or root-balled 10-12cm girth, 3.0-3.5m high) to ensure quicker establishment. The District Council acknowledge that the landscaping would mitigate its visual impact, particularly when viewed from the south along Kirby Misperton Road. With regard to the proposals set out in the application the County Principal Landscape Architect has requested a detailed Landscape Plan showing the proposed screen planting of native species along the southern boundary and the protection, retention and incorporation of the existing hedgerow and hedgerow trees along the western boundary. In light of this the landscape planting, protection and appropriate maintenance would be secured by planning condition (Condition 25) if permission is granted.
- 7.10 Due to the flat topography and mature hedgerows, trees and tree belts there is a limited range of visibility, however the rural views that can be obtained from adjacent properties, businesses, roads and footpaths would alter as a result of the development. However, the existing views from these receptors are generally towards the existing industrial estate and development of the proposed building together with the abovementioned mitigation would not result in a significant adverse effect on existing views. In line with the requirements of 'saved' policy 4/1(e) of the NYWLP (2006) the landscape screening would effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character and it is considered that there would not be an unacceptable effect on the character and uniqueness of the landscape and as a result there is no significant conflict with the requirements of 'saved' policy 4/3 of the NYWLP (2006). With regard to emerging local policy (D06 Landscape of the MWJP) it is considered that, having taken into account the proposed mitigation measures in the form of the landscape screen and continued management of new and existing planting, there will be no unacceptable impact on the quality and character of the landscape.
- 7.11 With regard to design, landscape and visual impact it is concluded that subject to conditions controlling the mitigation screen planting (Condition 25) and external colour finishes (Condition 32) the development would not result in unacceptable conflict with the requirements of 'saved' policies 4/1(a, d & e), 4/3 and 5/3(d) of the NYWLP (2006) and policies SP16, SP19 and SP20 of the 'Ryedale Plan - Local Plan Strategy' (2013).

### Local amenity (noise)

- 7.12 The plant and equipment likely to be used during the construction of the facility has been assessed across the worst case activities, namely excavation, foundations and paving. The assessment identified that the highest predicted noise level arising from construction noise would be 56 dB at Hiblings Farm during the “paving” scenario. This would be 9 dB below the day time noise limit of 65 dB and is considered to represent the worst case construction activity at the nearest noise sensitive receptor to the site.
- 7.13 The District EHO has recommended limiting the hours of construction activity to between 08:00 — 18:00 hrs Mondays to Fridays and 09:00 — 13:00 hrs on Saturdays and at no times on Sundays and Bank or Public Holidays and this shall be secured by condition if permission is granted (Condition 24). In addition suitable noise mitigation measures would be detailed in a Construction Environmental Management Plan (secured by Condition 11 if permission is granted). The District EHO has also highlighted best practice for reducing noise during construction which will be included as an informative. In light of the above it is anticipated that construction noise levels would not exceed the limits during the noisiest phases of construction.
- 7.14 Once constructed the WTS would only operate during daytime hours, and all waste management activities would take place within the building itself. The Applicant has proposed hours of operation of between 07:00 and 18:00 on a daily basis 7 days a week including Bank Holidays (except for Christmas Day, Boxing Day and New Year's Day). It should be noted that the proposed hours of operation are beyond those allowed by the extant permission which prohibits operations on Sundays and Bank (or Public) Holidays and the adverse impact is the subject of a number of the objections from local residents. The noise assessment has considered the operation of the following: a telehandler heaping waste; an excavator heaping waste; a vehicle dumping waste; an excavator filling lorry; a telehandler picking up glass; a vehicle idling; dropping of glass into a recycle bin; and an excavator moving glass once it has been dropped.
- 7.15 The layout of the site has been designed to minimise the noise emissions. The west facing WTS building has been orientated so that the openings are facing away from the nearest noise sensitive receptors at the adjacent businesses, farms and residential properties to the north, north-east and south east.
- 7.16 The noise assessment demonstrates that the noise emitted from the proposed WTS (at Hiblings Farm and Beansheaf Restaurant) would be generally at least 5 dB below measured daytime ambient noise levels. On this basis, operations at the WTS are likely to lead to less than a 1 dB increase in daytime noise levels experienced at Hiblings Farm and Beansheaf Restaurant. Such increases would be imperceptible and represent only a ‘slight adverse’ noise impact.
- 7.17 With regard to traffic noise the A169 (Malton Road) is a relatively busy road with frequent road traffic, including HGVs. On the basis of the predicted HGV movements associated with the WTS, the results show that it is likely that road traffic noise levels would increase by less than 1 dB. As such, it would be expected that the impact of increased road traffic noise as a result of the WTS facility would be negligible.
- 7.18 The District EHO has recommended limiting the hours of operation and HGV movements to between 07:00 — 18:00 hrs Mondays to Saturdays and at no times on Sundays and Bank or Public Holidays which is as per the extant permission and in the interests of amenity this shall be secured by condition if permission is granted (Condition 15) and the Applicant has raised no concerns about this limitation. In addition, the EHO has requested the use of noise attenuation equipment on all plant, machinery, equipment and vehicles (Condition 16), use of alternatives to standard vehicle reversing alarms (Condition 17) and the completion of a noise impact

assessment (Condition 18) all of which would be secured by planning conditions should permission be granted.

- 7.19 In light of the above 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), 4/19 and 5/3(d & g) of the NYWLP (2006) or the relevant parts of policies SP17 and SP20 of the Ryedale Plan- Local Plan Strategy (2013).

Local amenity (dust and odour)

- 7.20 The construction period has the potential to generate dust nuisance in the vicinity of the development site. The main construction activities have been assessed and these comprise initial site earthworks; stockpiling of materials on site; and heavy duty vehicle haulage of materials to and from the construction site.
- 7.21 It is acknowledged that the construction dust impacts are temporary in nature and limited to the duration of the construction period. Furthermore potential dust nuisance is only likely to arise during periods of dry weather, with the wind blowing across the construction site towards the receptor at a time when mitigation measures are not being fully employed.
- 7.22 The potential impacts on the surrounding receptors during the construction phase would be reduced through the adoption of appropriate dust mitigation measures. Such mitigation could include avoiding the use of plant or machinery that would create dust; dampening down areas at risk of creating fugitive dust; regular site inspections for spillage of dust with any such spillage being dealt with promptly; erection of barriers around site; installing wheel washing facilities if appropriate; and importation of washed fill materials. The Applicant proposes that suitable mitigation measures would be detailed in a Construction Environmental Management Plan (secured by Condition 11 if permission granted) to minimise the effects of airborne dust as per the recommendation of the District EHO.
- 7.23 During the operational phase all loading, unloading, sorting and bulking of waste would take place within the WTS which would be ventilated with air withdrawn from the centre of the building maintaining the WTS at negative pressure reducing the risk of the release of dust emissions.
- 7.24 The potential impacts from odour may arise during the operational phase through the movement, handling and storage of waste material which includes putrescible waste from domestic waste collections.
- 7.25 The west facing WTS building has been orientated so that the openings are facing away from the nearest odour sensitive receptors at the adjacent industrial estate and the farm and residential properties to the north and north-east. The WTS building will be ventilated with a negative pressure maintained within the building reducing external odour emissions. Air would be withdrawn from the building and ducted off for treatment in an external odour control unit before being vented to air. The odour control unit would comprise a wet scrubber and bio-filter unit to remove odourous compounds and particulates from the air.
- 7.26 The Applicant states that all waste would be handled and stored within the WTS building behind fast acting roller shutter doors and the short turnaround of wastes at the facility should prevent any serious odour problems. During normal operations, the maximum holding time within the WTS for putrescible materials will be limited to 24 hours minimising the degradation of the potentially malodourous material. As an exception it is anticipated that there will be occasions, not more than twice a year, where waste material maybe retained within the building for a maximum of four days;

to account for Bank and statutory holiday periods. During this period the building would remain closed and the internal air treated through the odour control unit.

- 7.27 The District EHO has no objections subject to the inclusion of conditions requiring the prior approval of the odour control unit and dust control measures (Condition 13) and also a restriction to ensure no external storage or processing of waste (Condition 14). The Environment Agency has no objections but advises that an Environmental Permit will be required for the WTS.
- 7.28 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..
- 7.29 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.
- 7.30 It is considered that, if planning permission is granted, the facilities design and the mitigation measures to be secured by condition would sufficiently control dust and 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), 4/19 and 5/3(d & g) of the NYWLP (2006) or policies SP17 and SP20 of the Ryedale Plan- Local Plan Strategy (2013).

#### Local amenity (external lighting)

- 7.31 The site would be lit by five 8 metre high column mounted floodlights spaced along the northern and western perimeter of the site and also adjacent to the car park. In addition there would be six wall mounted lights on the northern and western elevations of the WTS at a height of 8 metres above ground level.
- 7.32 The Applicant observes that the immediate area, though rural, is not devoid of lighting as there is already floodlighting in the area at the commercial units off Tofts Road near Malton Road, adjacent to the proposed site. In light of the character and receptors in the locality, the lighting that would emanate from the WTS would have minimal impact to the existing character of the area.
- 7.33 There have been no concerns raised by the District EHO and whilst there is some local concern the submitted lighting plan indicates that there would be no light spillage beyond the site boundary. In addition any negative impact would be mitigated with use of flat glass lanterns and 10° uplift angle. The lighting would only be in use where and when operationally necessary or to ensure the health and safety of staff (Condition 22). It is considered that the proposed lighting would have limited impact and would not cause significant harm to the surrounding landscape character 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 and Vermin)

- 7.34 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.
- 7.35 The Applicant's proposed mitigation is to ensure that all waste delivered to the site would be received and stored within the main WTS building 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 waste materials at the site. If planning permission is granted a planning condition would be attached to the permission to ensure these proposed mitigation measures are implemented (Condition 14).
- 7.36 The Applicant has confirmed that the site would be swept regularly to ensure roads are kept clean of litter, dust and debris. Delivery vehicles would be enclosed RCVs to control potential litter migration into the surrounding environment. 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.
- 7.37 It is considered that in light of the aforementioned mitigation measures and that no waste is to be stored or handled 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), 4/19 and 5/3(d & g) of the NYWLP (2006) or the relevant part of policy SP20 of the Ryedale Plan- Local Plan Strategy (2013).

#### Highways impact- Traffic and transport

- 7.38 The proposed WTS is to be developed on land south of Tofts Road, which is located off the A169 Malton Road. Tofts Road is initially a well surfaced, single carriageway road providing access to the NYCC highways depot, the Beansheaf Industrial Estate and an operational farm with caravan site and Hiblings Farm. However, beyond the Industrial Estate, Tofts Road narrows becoming a single track road, the surface of which is in a varying state of repair. The road is also constrained by the existing ditches to the north and south.
- 7.39 A series of improvements to Tofts Road have been approved as part of permission ref. C3/17/01242/CPO dated 21 December 2017 (see paragraph 2.9 of this report). The planning permission requires that a 276 metre length of Tofts Road be subject to full carriageway reconstruction. In addition there would be carriageway widening and tapering between the existing 3m up to 6.5m in width. The approved works include the provision of appropriate road markings and signage for priority traffic and 'Give Way'. The improvements also include a stacking lane for HGVS on Tofts Road and a condition on the permission limits the use of the lane to no more than 6 HGVs at any given time.
- 7.40 A concern has been raised that the previously approved highway improvement works associated with the A169 have been removed or reduced. However this is not the case as the first phase of the previously approved development has been implemented and the A169 has been widened to accommodate the right hand turn lane onto Tofts Road. The road is also due to be resurfaced and the road marking reinstated as part of the development. There has also been concerns raised about the safety of the A169 and Tofts Road junction however this application does not seek to alter the junction from that previously deemed acceptable and appropriate

visibility splays can be achieved. A Road Safety Audit has been completed and approved for the junction with the A169 and there has been analysis of collision data for the five year period up to August 2017 for the area covering the length of Tofts Road and the vicinity of its junction with the A169. No collisions are recorded as having occurred on Tofts Road over this period; one collision has been recorded as having occurred in the vicinity of the junction with the A169. This has been recorded as serious, as a result of driver failure to give way. In light of the analysis of collisions, accidents history and traffic survey data and the inclusion of mitigation measures and highways improvements the approved works would make the road safer for the new Waste Transfer Station, but also for all existing road users.

- 7.41 The application is accompanied by a Transport Assessment (TA) which takes account of existing development on Tofts Road and existing neighbouring land uses that generate trips in peak hours and share the road. The TA includes junction assessments to identify whether the development would result in any capacity constraints at the relevant junctions, and to establish the potential delays and queues that may form as a result of the additional traffic at peak time on A169 Malton Road and Tofts Road.
- 7.42 Each day a maximum of 11 Heavy Goods Vehicles (RCV's) would deliver waste to the site and the RCVs bringing waste to the site would depart empty in the same hour equating to a total of 22 daily movements. Each day one articulated lorry would arrive at the site empty and remove the bulked-up waste from the site for recycling, treatment or final disposal elsewhere equating to a total of 2 daily movements of the articulated lorry. Five members of office staff (based at the site at any one time) and the RCV drivers and on-site operatives would travel to the site independently by private car and they make up the remainder of the traffic movements. The Transport Assessment concludes that there would be no significant detrimental impact to nearby junctions.
- 7.43 The Local Highway Authority (LHA) accept that with the proposed improvements to both Tofts Road and the A169 the level of operational traffic expected can be accommodated on the immediate road network. The LHA note that the approved improvements for Tofts Road would result in a priority give way arrangement and therefore recommend a limit on the number of daily HGV movements (maximum of 50 movements per day) to ensure this operates satisfactorily (Condition 31). In addition no more than 6 HGVs associated with the development shall be permitted to park on Tofts Road at any one time (Condition 30).
- 7.44 The LHA also recommend the inclusion of conditions to secure details preventing surface water from non-highway areas discharging on to the existing or proposed highway (Condition 3), construction of the new access to highways specification (Condition 2 & 5), creation of visibility splays (Condition 4), completion of highway improvement works (Condition 6 & 7), the bridging/culverting of the watercourse (Condition 10), parking and turning areas (Condition 8), precautions to prevent mud on the highway (Condition 9) and a construction management plan (Condition 11).
- 7.45 The application is accompanied by a Travel Plan to be managed by a Travel Plan Co-ordinator with the aim of encouraging and promoting more sustainable modes of transport. The Travel Plan involves the provision of information on walking, cycling and car sharing and the Co-ordinator will ensure that staff and visitors are provided with advice on how to travel to the site by these modes. It is proposed that the Travel Plan would be updated one year after site occupation and then annually thereafter, in the form of monitoring reports.

- 7.46 This application does not propose any change to the nature or scale of HGV movements associated with the development previously deemed acceptable and carries forward proposals to improve Tofts Road (widen). Whilst there would be a degree of short term disruption arising from the construction works for those neighbouring residents and businesses with access off Tofts Road it is not considered to be on a scale likely to result in a significant adverse impact on local amenity and the design of the works complies with policies SP16 and SP20 of the Ryedale Plan- Local Plan Strategy (2013).
- 7.47 It is considered that the proposed development is appropriate in terms of capacity and safety and will not have a detrimental impact upon the local highway network including Tofts Road. It is considered that the development complies with the relevant highway related parts of 'saved' policies 4/1(g), 4/18 and 5/3(e) of the Waste Local Plan (2006) and the second bullet point of Policy SP6 of the Ryedale Plan- Local Plan Strategy (2013).

#### Flood risk and drainage

- 7.48 There is the potential of flood risk and a Flood Risk Assessment (FRA) has been prepared which considered the impact of flooding on the proposed development and also whether the proposed development would increase flood risk elsewhere.
- 7.49 A WTS is a 'less vulnerable' development based on the NPPF classification. In terms of development compatibility, this type of site is appropriate in fluvial Flood Zones 1, 2 and 3a. The site is partially within Zone 2 and partially within Zone 3a, and the development is therefore considered appropriate in principle. The FRA indicates that the site is at risk from flooding from fluvial sources (rivers) and potentially from the failure of land drainage infrastructure, however risk from surface water, groundwater and sewer flooding is low.
- 7.50 The FRA concludes that the impact of the development on flood risk elsewhere is likely to be low, due to the scale of the site; however these impacts will require mitigation and management. In light of the FRA the Applicant has proposed measures to reduce the risk of flooding to the site, including the raising of the WTS building 600mm above the maximum 1 in 100 year fluvial flood level. This would also offer protection from flooding from other sources, such as the land and highway drainage ditches close to the site.
- 7.51 The Applicant states that in order to reduce the impact of the development on local flood risk, compensatory storage is proposed as mitigation for the loss of the Zone 3a floodplain of Pickering Beck, in which part of the site is located. The attenuation for the site and compensatory storage would be located under the car park. At the end of the attenuation, there will be an interceptor which all water will flow through prior to discharge.
- 7.52 The Environment Agency have no objections subject to the development being constructed in accordance with the FRA and a condition that requires spoils to be removed from the floodplain which will be included should permission be granted (Condition 20).
- 7.53 The surface water is proposed to be kept on site and discarded at the agreed rate of 2l/s via a pumped rising main. The Internal Drainage Board (IDB) have no objection subject to the surface water discharge, which enters the Board-maintained watercourse, not being exceeded.
- 7.54 It is considered that in light of the above the development would be designed to incorporate sustainable drainage principles, would not increase flood risk on site or elsewhere 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).

### Archaeology

- 7.55 With regard to non-designated heritage assets the application includes an assessment of potential archaeological remains and an archaeological geophysical survey and concludes that no physical impact from construction is predicted for archaeological remains. The County Archaeologist notes that the results of the geophysical survey were negative and suggested that the archaeological potential of the site is low and therefore has no objection to the proposal. In light of the above 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 and would comply with 'saved' policy 4/15 of the NYWLP (2006).

### Ecology

- 7.56 There are no statutory designated sites of nature conservation importance on or within 2 km of the site. With regard to non-statutory designated sites the field adjacent to the proposed development site (the southern half of the field) is a 'deleted' Site of Importance for Nature Conservation (SINC) which is species poor.
- 7.57 The application is accompanied by extended Phase 1 Habitat Surveys from 2012 and 2016 which identified habitats comprising poor improved grassland (pasture); species poor hedgerows; and small areas of marshy grassland. No protected or notable flora was recorded on the site but the site and associated areas were identified as being important for breeding birds.
- 7.58 In response the Applicant proposes that in order to avoid destruction of breeding bird's nests, that any vegetation that will be affected by development works is either removed outside of the bird breeding season, between October to February inclusive, or if these dates are not achievable the site should first be checked by a suitably qualified ecologist to ascertain the absence of active nests.
- 7.59 With regard to the potential for bats and badgers on the site the Applicant states that no work will be undertaken at night to reduce impact on any of this type of mammal using the site and in response the County Ecologist has requested a condition requiring a plan to mitigate the effects of lighting on biodiversity (Condition 23). In addition the Applicant has confirmed that a badger set survey will be completed. These actions are in line with the recommendations of the County Ecologist who requested the inclusion of informatives on any permission granted in relation to vegetation clearance and walkover surveys for badgers.
- 7.60 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. In light of the new native tree and hedgerow planting and protected vegetation 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).

## **8.0 Conclusion**

- 8.1 The principle of the waste management land use has previously been established and the proposed development is considered to be in line with the NPPW and also emerging local policy which seek to drive waste up the waste 'hierarchy'. 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 set out in Appendix B of the NPPW. The proposal involves the receipt, sorting and bulking up of waste materials within the WTS building and there would be no treatment or disposal would take place at the site and as a result no significant impacts relating to



noise, litter, odour or vermin are anticipated which is in accordance with the locational criteria (h, i, j & k) set out in Appendix B of the NPPW. There would be controls on hours of operation and HGV movements, dust, lighting and noise and the associated vehicle movements would 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 and there is no conflict with 'saved' policies 4/1, 4/18, 4/19 and 5/3 of the NYWLP (2006).

- 8.2 There are no material planning considerations to warrant the refusal of this application for the construction of a Waste Transfer Station (1920 sq. metres), site office (84 sq. metres), pump house building (36 sq. metres), weighbridge and associated office (137 sq. metres), 2 No. storage containers (30 sq. metres), 3 No. sprinkler water tanks, 5 No. 8 metre high floodlights, car parking (640 sq. metres), vehicle access and turning area, 2 metre high palisade perimeter fence and gates and boundary planting (Re-submission).

## **9.0 Recommendation**

9.1 It is recommended that for the following reasons:

- i) The development is in accordance with 'saved' policies 4/1, 4/3, 4/15, 4/18, 4/19 and 5/3 of the North Yorkshire Waste Local Plan (2006), policies SP6, SP10, SP14, SP16, SP17, SP19 and SP20 of the Ryedale Plan- Local Plan Strategy (2013) and overall is consistent with the NPPF (2012) and the NPPW (2014);
- ii) The proposal does not conflict with the abovementioned policies as it is considered that the existing highway network is capable of handling the volume of traffic generated by the development, 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, residential amenity and the transport network

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

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the application details dated 15 September 2017 and the list of 'Approved documents' at the end of this Decision Notice and the following conditions which shall at all times take precedence.
2. No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access shall be constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the County Planning Authority before any part of the development is brought into use.
3. There shall be no access or egress by any vehicles between the highway and the proposed Waste Transfer Station site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the County Planning Authority. The works shall be implemented in accordance with the approved details and programme.

4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of Tofts Road from a point measured 2.4 metres down the centre line of the access to the adjacent commercial premises, Beansheaf Industrial Estate. The eye height will be between 1.05 metres and 2.0 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
5. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
  - a. The details of the access shall have been approved in writing by the County Planning Authority in consultation with the Highway Authority.
  - d. The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E7.
  - e. Any gates or barriers shall be erected a minimum distance of 3.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges
  - h. The final surfacing of any private access within 5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
6. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works until:
  - (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the County Planning Authority in consultation with the Local Highway Authority:
    - a. Provision of an improved right turn lane on the A169 at the junction with Tofts Lane and a widening of Tofts Road as indicated on drawing number 62240804-004-WSP-103-2 Rev P02, dated 14/09/17 (approved as part of planning permission ref. C3/17/01242/CPO on 21 December 2017).
  - (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
  - (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the County Planning Authority in consultation with the Local Highway Authority.
7. The development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the County Planning Authority under condition number 6:  
Provision of an improved right turn lane on the A169 at the junction with Tofts Lane and a widening of Tofts Road as indicated on drawing number 62240804-004-WSP-103-2 Rev P02, dated 14/09/17 (approved as part of planning permission ref. C3/17/01242/CPO on 21 December 2017).
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed and are available for use in accordance with the submitted Proposed Site & Block Plan drawing ref. YR17001/A/100.001 P2, dated 12/09/2017. Once created these areas

shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the County Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the County Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the County Planning Authority agrees in writing to their withdrawal.
10. There shall be no access or egress by any vehicles between the highway and the application site until:
  - a. Full technical details relating to the bridging/culverting of the watercourse adjacent to the site have been submitted to, and approved in writing by, the County Planning Authority in consultation with the Highway Authority; and
  - b. The surface water ditch at Tofts Road has been piped in accordance with the approved details.
11. No development shall take place until a Construction Environmental Management Plan has been submitted to, and approved in writing by the County Planning Authority in consultation with the Local Highway Authority and District Council. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for the following in respect of the phase:
  - a. the parking of vehicles of site operatives and visitors
  - b. loading and unloading of plant and materials
  - c. storage of plant and materials used in constructing the development
  - d. wheel washing facilities
  - e. measures to control the emission of noise, dust and dirt during construction
12. During the development, in the event that any unforeseen land contamination is found, the County Planning Authority shall be notified with immediate effect and all works cease until the extent of the contamination has been investigated and remedial action, which has been agreed in writing with the County Planning Authority, has been completed. The submission of a verification report is to be submitted and approved in writing by the County Planning Authority upon the completion of any remedial works.
13. No part of the development shall be brought into use until details of the odour control unit and its operation and dust control measures have submitted to and approved in writing by the County Planning Authority. The odour control unit and dust control measures shall be implemented in accordance with the approved details and shall be maintained in working order throughout the duration of the development.
14. There shall be no storage, handling or sorting of waste on the site other than within the confines of the Waste Transfer Building. All waste transfer operations shall take place with the Waste Transfer Station. All door openings on the WTS building shall be closed during operations except for the entry or exit of staff and vehicles.
15. There shall be no operations or movements of HGVs, or mobile plant and machinery on the site, or any HGV movements into or out of the site except between the following hours:  
07:00hrs – 18:00hrs Mondays to Saturdays;

And at no times on Sundays and Bank (or Public) Holidays.

16. All plant, machinery, equipment and vehicles used on the site shall be equipped with effective noise attenuation equipment which shall be regularly maintained.
17. Prior to the commencement of the operation of the site, details of the proposed alternatives to standard vehicle reversing alarms shall be submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented and maintained throughout the duration of the development.
18. Within 2 months of the commencement of operations a noise assessment shall be undertaken and submitted to the County Planning Authority. In the event that noise issues are identified, remedial measures and the timescales for their implementation shall be submitted to and approved in writing by the County Planning Authority.
19. The development hereby permitted shall be carried out in strict accordance with the approved Flood Risk and Drainage Assessment produced by Alan Wood & Partners (ref: JAG/AD/JD/39928-Rp001), dated 21 September 2017 and the following mitigation measures detailed:
  - i. Provision of compensatory flood storage in line with the volume calculated within the Flood Risk Assessment, to be provided within Flood Zone 2. Details of the design are to be submitted to and approved in writing by the County Planning Authority prior to the development commences and the compensatory storage must be completed before any other part of the proposed development.
  - ii. Finished Floor Levels must be set no lower than 22.73 metres above Ordnance Datum (AOD).
  - iii. Any fencing to the site should be designed such that it allows the free passage of water.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

20. All spoil is to be removed from the flood plain.
21. No development shall take place on each phase of the proposed works, until a surface water drainage scheme for the site, and for each phase of the works, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the County Planning Authority prior to the commencement of each phase of working. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - the surface water runoff rate to be restricted to the greenfield runoff rate;
  - sufficient attenuation and long term storage to at least accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event, plus 30% to account for climate change, and surcharging so the drainage system can be stored on the site without risk to people of property and without overflowing into the watercourse;
  - details of how the scheme shall be maintained and managed after completion;
  - please note that if surface water is being discharged to a watercourse under the control of the Internal Drainage Board, then all surface water drainage details must be agreed with the Internal Drainage Board, then all surface water drainage details must be agreed with the Internal Drainage Board before the development commences.

22. All external lighting shall only be in use when the Waste Transfer Station is in operation.
23. Prior to the commencement of development a detailed plan to mitigate the effects of lighting on biodiversity during construction and operation phases should be submitted to and approved in writing by the County Planning Authority. Thereafter the plan shall be implemented as approved.
24. There shall be no construction works permitted except between the following hours:  
08:00 – 18:00hrs Monday to Friday  
09:00 – 13:00hrs Saturdays
- And at no times on Sunday and Bank (or Public Holidays)
25. Prior to the commencement of development full details of both hard and soft landscape proposals should be submitted to and approved in writing by the County Planning Authority. These details shall include, as appropriate:
- All existing trees, hedgerows, shrubs, other plants, walls, fences and other features which are to be retained on the site and on adjoining land in the same ownership
  - Proposed means of enclosure, access and circulation routes for pedestrians and vehicles, materials, services, and structures such as lighting and storage units.
  - Proposed planting (native-species hedgerows and trees) with details on location, species, size of plant, numbers, density, support and protection, ground preparation, planting method, mulch and aftercare.
- Thereafter the scheme shall be implemented as approved.
26. All planting, seeding or turfing set out in the details approved under Condition 25 shall be carried out in the first planting season following the commencement of development. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the County Planning Authority gives its written consent to any variation.
27. No materials shall be burned at the site.
28. Prior to the commencement of the operation of the Waste Transfer Station, details of the measures to be implemented to ensure that the peripheral vegetation and any adjoining land around the site is maintained free of windblown litter at all times, shall be submitted to and approved in writing by the County Planning Authority. Such measures shall include details of the immediate measures to be undertaken to rectify the effects of any pollution that may occur and the measures to be taken to prevent further pollution in such circumstances. Thereafter, the approved measures shall be implemented throughout the duration of the development.
29. Prior to the commencement of the construction works associated with the Waste Transfer Station, details of the Fire Suppression System to be installed and operated at the site shall be submitted to and approved by the County Planning Authority. Thereafter, the approved system shall be maintained in full working order at all times.
30. No more than 6 HGVs associated with the development hereby approved shall be parked on Tofts Road at any one time.

31. The number of HGV movements shall not exceed 50 movements per day (e.g. 25 in 25 out). Records of the number of HGV movements per day shall be maintained and made available to the County Planning Authority on request.
32. Prior to the commencement of aboveground construction work details of materials, colours and finishes of the proposed buildings, structures and means of enclosure shall be submitted to and approved in writing by the County Planning Authority. Thereafter all such works shall be carried out in accordance with the approved details.

Reasons:

1. To ensure the application is carried out in accordance with the application details.
2. To ensure safe and appropriate access and egress to the premises in the interests of highway safety and the convenience of prospective users of the highway.
- 3-7. In the interests of highway safety and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.
- 11-19. To safeguard local amenity and to minimise the potential for environmental harm.
- 20-21. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and that there is no loss of flood storage during the construction of the development.
22. In the interests of protecting local amenity.
23. To reduce hazards to nocturnal wildlife, including protected species.
24. In the interests of protecting local amenity and in the interests of protecting tourism.
25. In the interests of protecting the character of the area and visual amenity.
26. In the interests of minimising the potential for environmental harm and in the interests of local amenity.
27. In the interests of protecting local amenity.
28. To prevent the risk of damage through fire and to protect local amenity.
- 29-31. In the interests of highway safety.
32. In the interests of local amenity.

Informatives:

Highways

- There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.
- It is recommended that the applicant consult with the Internal Drainage Board, the Environment Agency and/or other drainage body as defined under the Land Drainage Act 1991. Details of the consultations shall be included in the submission to the County Planning Authority. The structure may be subject to the Highway Authority's structural approval procedures.

#### Environment Agency

- This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, unless a waste exemption applies. The applicant is advised to contact the Environment Agency local waste team via the Environment Agency Customer Contact Centre (03708 506 506) to discuss the issues likely to be raised. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.
- The provision of a water supply has not yet been confirmed. If mains water is not available an abstraction licence may be required. If the applicant intends to abstract more than 20 cubic metres of water per day from a surface water source (e.g. stream or drain) or from underground strata (via borehole or well) for any particular purpose then they will need an abstraction licence. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.
- The preliminary risk assessment considers water quality, if any potential impacts upon the water environment are identified, these should be assessed in terms of the Water Framework Directive. This assessment should be in terms of both surface water and groundwater and ultimately ensure that the proposal does not lead to deterioration of any overall water body statuses or individual element statuses of any WFD water bodies.

#### Ecology

- Vegetation clearance should preferably be undertaken outside the bird breeding season (March to August inclusive) in order to ensure full compliance with the Wildlife & Countryside Act 1981. If this is not possible, any dense vegetation (e.g. tree, shrubs, hedgerows, brambles) should be checked by a suitably experienced ecologist prior to clearance.
- A walkover survey should be undertaken prior to development to check for any new evidence of Badger activity on or adjoining the site. This is recommended in line with the Ecology report because over 12 months have elapsed since the last survey was undertaken, and Badger setts are protected under the Protection of Badgers Act 1992.

#### Noise during construction

In order to minimise noise emissions, all construction work should be undertaken following best practice, including the guidance within BS 5228-1: 2009. Best practice measures that might be employed include the following:

- Fitting of more efficient exhaust sound reduction equipment to earth moving plant where possible;
- Fitting more efficient sound reduction equipment to compressors and generators;
- Pneumatic tools to be fitted with suitably designed muffler or sound reduction equipment to reduce noise without impairing efficiency;
- Ensuring that air lines to pneumatic equipment do not leak;
- Optimising haul roads to minimise noise emissions to noise sensitive receptors;

- Switching off plant and equipment when not in use

#### Approved Documents

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
YR17001/PDAS/A Rev A	Sept 2017	Planning, Design and Access Statement
---	---	Appendix A- Landscape and Visual Impact Assessment
---	---	Appendix B- Air Quality and Odour
---	---	Appendix C- Ecology
---	---	Appendix D- Noise and Vibration
---	---	Appendix E- Preliminary Risk Assessment
---	21/09/2017	Appendix F- Flood Risk and Drainage Assessment
---	---	Appendix G- Heritage Statement
---	---	Appendix H- Transport Assessment
---	---	Appendix I- Travel Plan
---	---	Appendix K- Lighting Report
YR17001/A/050.001 P1	03/08/2017	Site Location Plan
YR17001/A/050.002 P1	03/08/2017	Proposed Contractors Access Plan
YR17001/A/050.003 P1	17/09/2017	Proposed Waste Transfer Station Existing Site Plan
YR17001/A/050.005 P1	19/09/2017	Proposed Waste Transfer Station Existing Topographical Survey
YR17001/A/120.003 P2	09/10/2017	Proposed Elevations
YR17001/A/100.001 P2	12/09/2017	Proposed Site & Block Plan
YR17001/A/100.003 P1	21/09/2017	Proposed Lower Ground Floor Plan
YR17001/A/100.004 P2	09/10/2017	Floor plan, elevations and roof plan
YR17001/A/100.005 P1	09/10/2017	Proposed Weigh Bridge - Floor Plan, Elevations & Roof Plan
YR17001/A/100.006 P2	09/10/2017	Proposed Roof Plan
YR17001/A/100.007 P1	09/10/2017	Proposed Pump House Plans & Elevations
YR17001/A/330.001 P1	10/10/2017	Proposed Site Area - Proposed Flood Light, Gate and Fencing Elevations
YR17001/A/660.002 P1	August 2017	Proposed Site Area Lighting 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.*

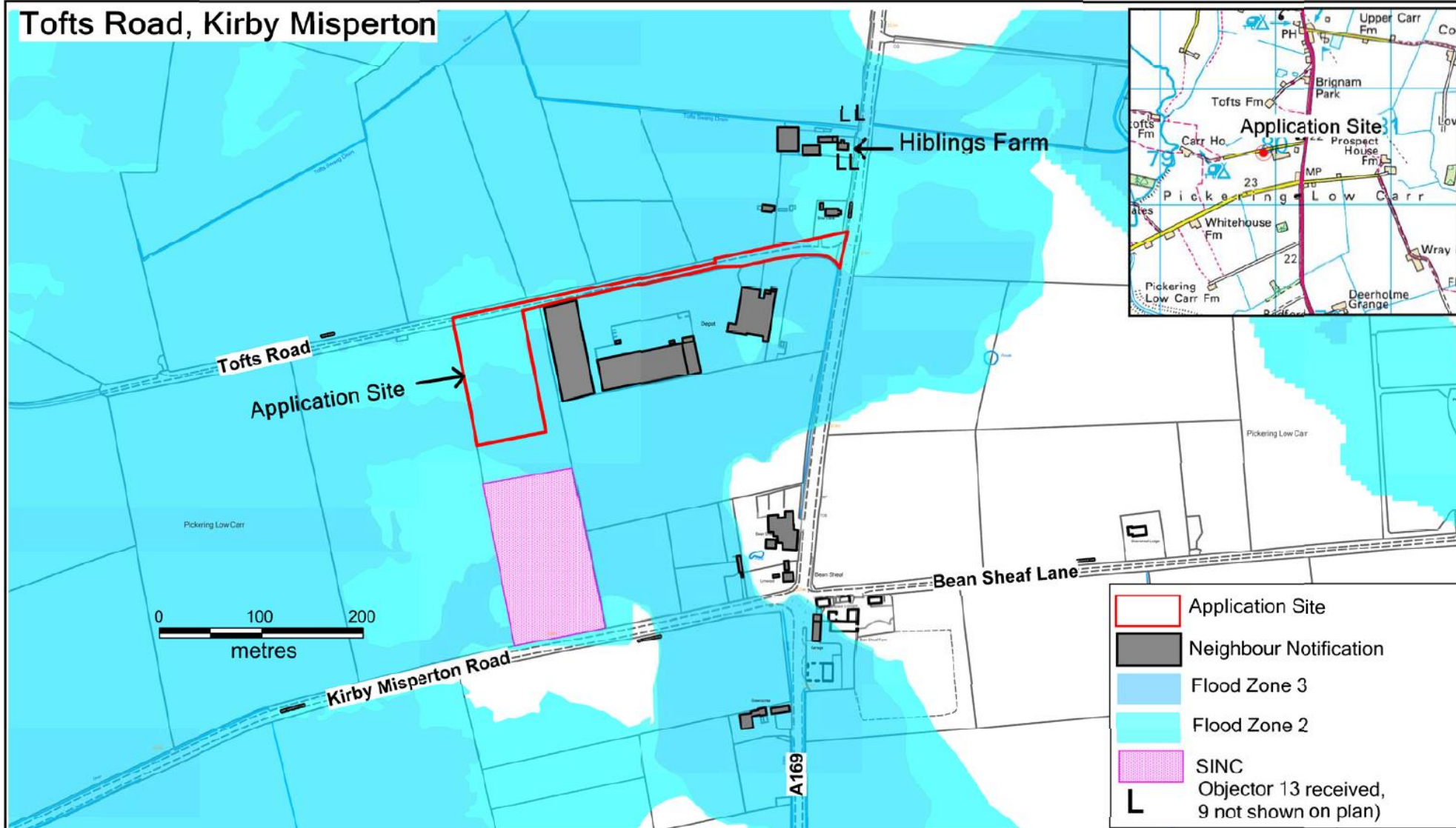
**VICKY PERKIN**  
**Head of Planning Services**  
**Growth, Planning and Trading Standards**

Author of report: Alan Goforth

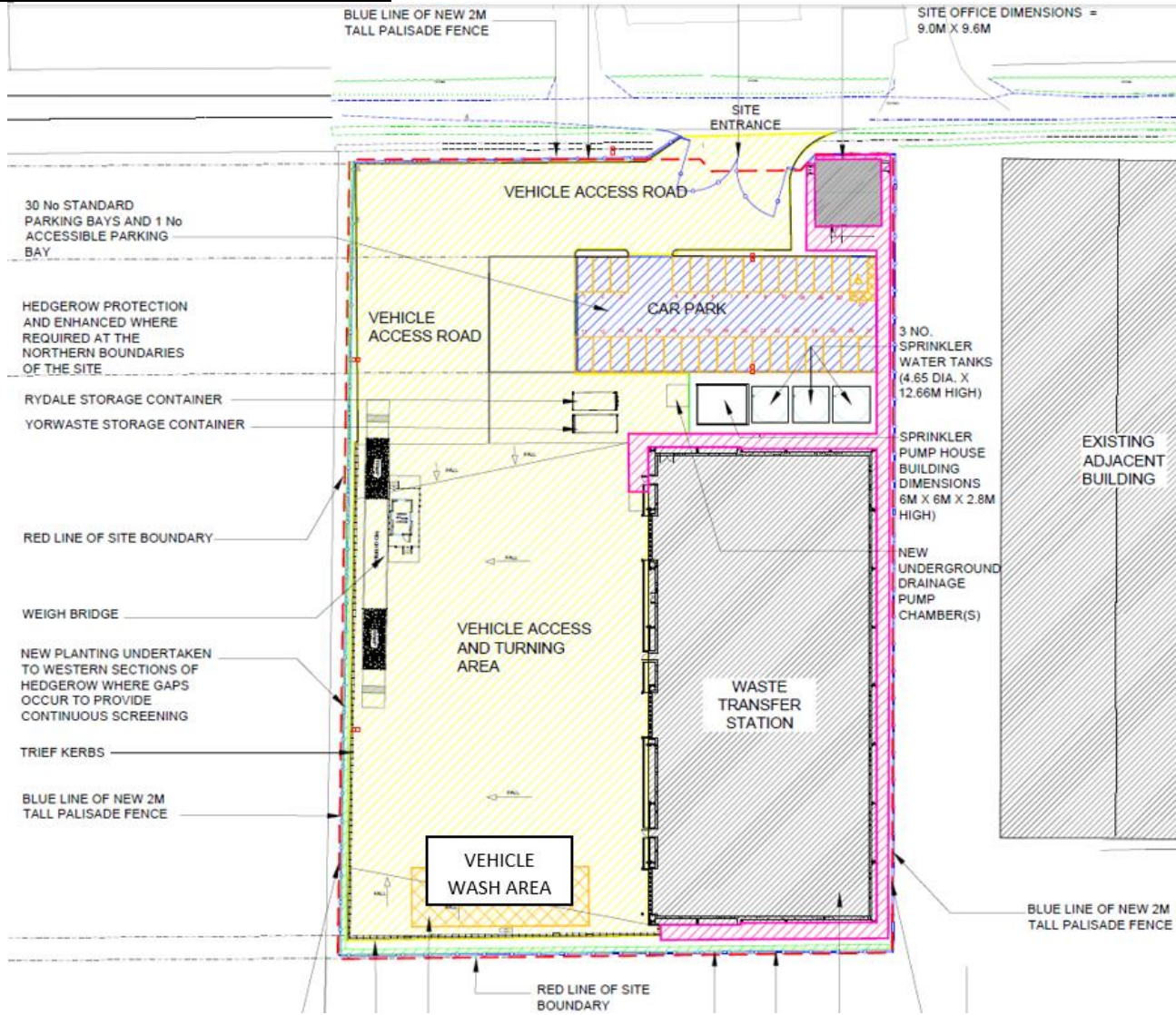
Background Documents to this Report:

1. Planning Application Ref Number: C3/17/01366/CPO (NY/2017/0251/FUL) registered as valid on 17 October 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.

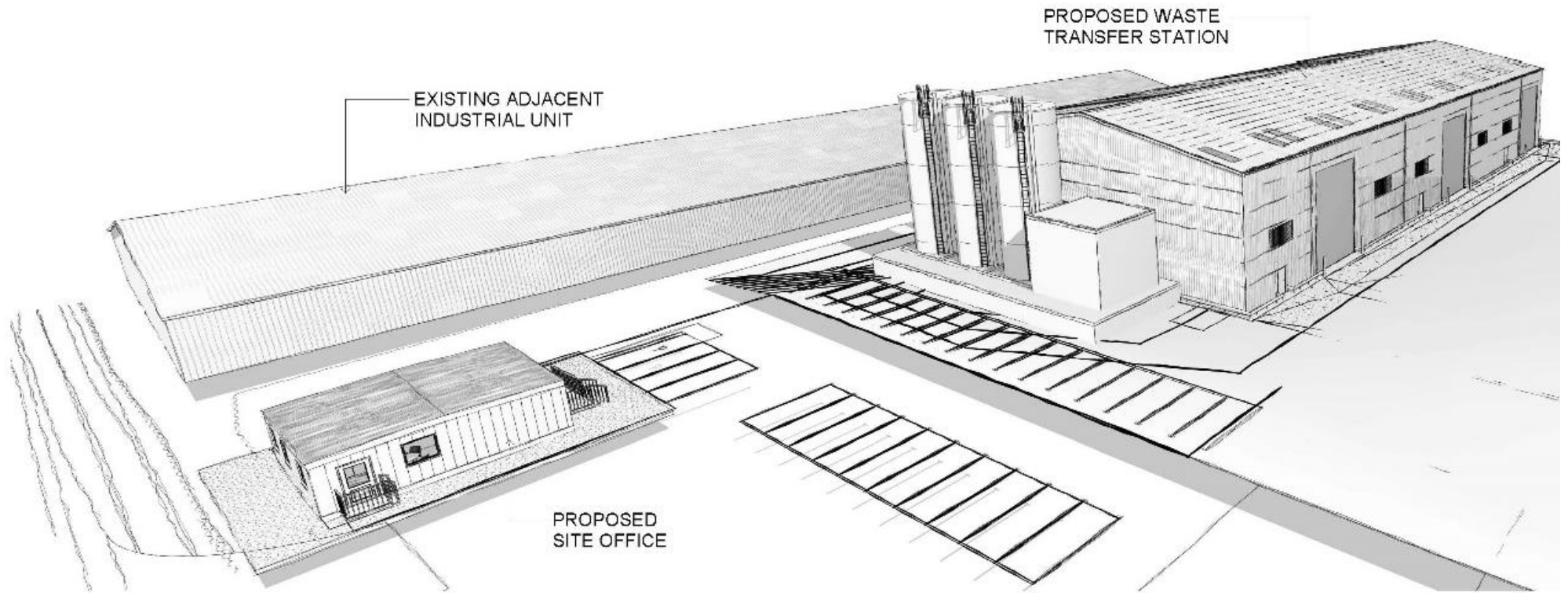
Appendix A- Application site, constraints and representations



Appendix B- extract from Proposed Site & Block Plan



Appendix C- extract from Applicant's Design & Access Statement



**Figure 7.2 - Sketch showing proposed view from the North West of the Site**