

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

6 February 2018

C1/17/00470/CM - PLANNING APPLICATION FOR THE PURPOSES OF THE CHANGE OF USE OF FORMER QUARRY TO A WASTE RECYCLING FACILITY FOR THE TREATMENT OF WASTE WOOD BY USE OF MOBILE PLANT AND MACHINERY, IMPORTATION AND TEMPORARY STOCKING OF WASTE WOOD AND FINISHED PRODUCTS PRIOR TO REMOVAL OFF SITE ON LAND AT KIPLIN HALL QUARRY, KIPLIN HALL, NORTH YORKSHIRE, DL10 6AT ON BEHALF OF YORWASTE LIMITED (RICHMONDSHIRE DISTRICT) (CATTERICK BRIDGE, SWALE ELECTORAL DIVISION)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the change of use of former quarry to a waste recycling facility for the treatment of waste wood by use of mobile plant and machinery, importation and temporary stocking of waste wood and finished products prior to removal off site on land at Kiplin Hall Quarry, Kiplin Hall, North Yorkshire, DL10 6AT on behalf of Yorwaste Limited.
- 1.2 This application is subject to an objection from Richmondshire District Council Planning Department, Kiplin Parish Council, Scorton Parish Council and one member of the public having been raised in respect of this proposal on the grounds of traffic impacts, hours of operation and noise levels and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 The site to which this application relates is located within the former Kiplin Hall Quarry, a former sand and gravel quarry originally operated by Steetley Quarry Products Ltd, then completed in later years by Lafarge Tarmac. The former quarry site was located in both Hambleton and Richmondshire, the application site is located in Richmondshire, with the boundary of Hambleton District Council being approximately 40 metres to the east. The site is located approximately 1.3 kilometres to the east of the village of Ellerton-on-Swale and approximately 0.9 kilometres to the north-west of the village of Kiplin, as shown in Appendix A on the 'Committee Plan'. The site is located approximately five kilometres from the A1. Access to the site is gained via the existing hard surfaced former quarry access road to the north of the site, off the B6271, as shown in Appendix B on the 'Site Location Plan'. The application site itself is located in the former sand and gravel quarry plant site, which extended over five hectares. The application site covers an area of approximately 2.2 hectares.

- 2.2 The application site includes the existing quarry infrastructure, this includes the sand and gravel processing plant in the south of the site with some remaining stockpiles, as shown on in Appendix C on the 'Existing Site Plan'. The site also includes a two storey office in the centre of the site and another single storey main office building on the western boundary of the site, adjacent to the site's weighbridge. The only other structures on site are a pumphouse north of the weighbridge and office building and storage containers on the eastern boundary. The existing application site comprises of a hardstanding surface as the site's current processing plant.
- 2.3 The nearest residential property to the application site is known is Richmond Drive Lodge and is located approximately 100 metres north east of the application site boundary. Additional residential properties are located within 250 metres to the north east of the application site including the properties known as 'The Cottage', 'Home Farm Mews', 'Kiplin Mews', 'Baytree House' and 'The Gardeners Cottage'. There are no views of the application site from any residential property due to the existence of extensive mature trees and vegetation which exists around the former quarry site and at Kiplin Hall and the screening bunds approximately 4 metres high that were erected to screen the quarry plant operation. To the west of the application site is a lake which acts as a surface water run off lagoon, to the south of this lake is a Solar Array farm which was approved on 23 December 2015 (ref. C1/15/00835/CM).
- 2.4 The location of the application site is of a rural nature, being located within the open countryside. The landscape surrounding Kiplin Hall Quarry consists of agricultural land to the north, Kiplin Hall to the east, the River Ure to the south and Ellerton Quarry to the west and south west.
- 2.5 The application site is located approximately 300 metres to the west of Kiplin Hall which is a Grade I Listed Building, as shown in Appendix D on the 'Landscape Context Plan'. Further buildings at the Hall are Grade II Listed, which includes the East Gateway and Lodge, the North West Gateway and Lodge, Servants Wing, an Outbuilding, Gatepiers, gates and railings to the east of the Hall. It is considered that the application site is within the setting of the Listed Building. The application site is also located within a Flood Zone 3 and on the edge of a Flood Zone 2, as shown on Appendix E on the 'Flood Plain Map'. The River Swale is situated approximately 500 metres south of the application site. There are no further constraints considered relevant to the determination of this planning application.

Planning History

- 2.6 Since the first grant of planning consent (ref: C1/21/16/PA, C2/87/081/0013) in 1989 for the extraction of sand and gravel at Kiplin Hall Quarry, the quarry benefitted from the grant of a number of planning permissions, including in respect of: extensions to the time for the completion of extraction, the use and retention of a field conveyor to import material between Ellerton Quarry and the site (between 1996 and approximately 2013) and regarding enabling importing material from other quarries for onward sale, but many of which are not considered relevant to the determination of this current planning application. However, the following planning permissions are those considered most relevant to the determination of the current planning application.
- 2.7 Planning permission (C1/21/33/PA) to extend the quarry to enable extraction from land to the west of the main office building was granted on 21 November 1996. On 29 August 2001, planning permission was granted (C1/21/33A/CM) for the extension of time limits for the commencement and completion of sand and gravel extraction from that particular area of land by 4 June 2014. An extension of time until 4 June 2014 for the life of the main quarry area at Kiplin Hall Quarry including the quarry plant site located in Phase 1 was granted on 1 September 2003 (Decision No.

C1/21/16D/CM, C2/03/081/0013E). Restoration to a mix of agriculture, water areas, and tree planting formed part of the approved schemes for both the main quarry and the land to the west of the main office to be followed by a five year aftercare period. The existing access to the quarry from the B6271 was always intended to be retained to enable access to the land by agricultural vehicles.

- 2.8 On 1 August 2012, planning permission was granted (ref: C2/12/01354/CCC) for an extension of time to continue the development, retain the plant and machinery and restoration of the site for a further 3 years to 4 June 2017. This consent covered the area of land of the plant site, which incorporates the current application site. Within planning permission C2/12/01354/CCC, condition 6 requires that a scheme of restoration and landscaping for the site be submitted to the County Planning Authority within 6 months of the 4 June 2017. To date this scheme has not yet been submitted.
- 2.9 On 23 December 2015 permission was granted (ref. C1/15/00835/CM) on the former Kiplin Hall Quarry site for the installation of 160kw (640 no. panels) ground mounted photovoltaic Solar Array to generate electricity for Kiplin Hall. The location of this was to the west of the red line boundary area of this application and to the south of the existing lake. This permission has now been implemented and expires on 23 December 2040, with the site to be reinstated and returned to agriculture.

3.0 The Proposal

- 3.1 Planning permission is sought for the change of use of the majority of the former quarry plant site to a waste recycling facility for the treatment of waste wood by use of mobile plant and machinery, importation and temporary stocking of waste wood and finished products prior to removal off site on land at Kiplin Hall Quarry, Kiplin Hall, North Yorkshire, DL10 6AT on behalf of Yorwaste Limited.
- 3.2 This application is for a permanent change of use from part of the former Kiplin Hall sand and gravel quarry to a waste recycling facility for the treatment of wood waste, the proposed application does not include any details of restoration, however after consultation responses from the Landscape Officer this has been amended to a temporary permission until 23 December 2040 to match the Solar Array Farm. The site area for the proposal is 2.2 hectares. The processing plant at Kiplin was principally used for mineral extracted on site or from Ellerton immediately next to Kiplin via conveyor, with very little imported to the site so there was limited import traffic impact. The site would have a maximum 30,000 tonnes of throughput per annum, the information submitted by the agent states the majority of waste wood is to be received from Brompton, Catterick, Thirsk and Northallerton however has since stated this is not all inclusive and so material is to be sourced from all over the County. The Agent has also stated that, if approved, waste wood operations from other Yorwaste sites in the area including Tancred would be moved to the Kiplin site. The company and site would be accredited under the biomass supplier's list scheme. The environmental permit is currently not held and would be applied for if planning permission was received. The site would employ two machine and plant operatives, one weighbridge clerk and a site manager. The proposed hours of operation from the agent for the operation of the site were originally 7:00- 21:00 Monday to Friday, 7:00-13:00 Saturday and no works Sundays or bank holidays. A response though was received from the agent stating they are happy for the hours of use to be conditioned to the following:

7:00- 18:00 Monday to Friday

7:00-13:00 Saturday

No works Sundays or bank holidays.

- 3.3 There are no built extensions to existing buildings proposed for this development with existing buildings to be retained having previously functioned as offices. The existing processing plant would be removed off site along with ancillary infrastructure used by the current quarry, as shown in Appendix F on the 'Proposed Site Plan'. The existing site offices and weighbridge on the western boundary of the site would be retained to be used in connection with the proposed development. The main site/weighbridge office to be retained is a brick built building, with a pitched tiled roof approximately 4 metres in height at its highest point, being approximately 15 metres in length by 8 metres in width. The second office building to be retained is a two storey L-shaped building approximately 8 metres in length by 10 metres in width, with a height of approximately 5 metres. This second office building has a flat ply membrane roof and is located in the centre of the site and also includes an attached external metal staircase.
- 3.4 The proposed site would use mobile plant and equipment, with a shredder and screening equipment being brought onto site when needed, on a campaign basis, with campaign events of approximately six to eight weeks. The agent confirms that the noise survey has been completed in regards to having one shredder being operational at the site at one time. The proposal also includes the retention of the existing access and access track, including the large area of existing hardstanding concrete slab which was utilised by Sand and Gravel quarry. No further hardstanding is proposed to stop any increase in surface water run-off. There is also no new lighting proposed at the site, so any new lighting would need to be approved through a further planning application.

Operations

- 3.5 Once material brought onto site has been weighed it would be deposited onto raw material stockpiles. The imported waste wood would be stored externally on an area of hardstanding. This external waste wood storage area would comprise unprocessed stockpiled areas in the south of the site. The mobile processing plant would be situated in the middle of the site, north of the stockpile areas. The wood after being processed would then be stored to be sold as bio-fuel in stockpiles on the west of the site, north of the processing area, as labelled on Appendix F showing the 'Proposed Site Plan'. The waste wood would be stockpiled until between 2,000 and 5,000 tonnes was located on site. After which it would be financially viable to bring in the Shredder and Screening mobile plant equipment. The agent acknowledges in the further information submitted on 29 November 2017 that the conclusions of the reports have been completed assuming the use of only one shredder on site, which can be controlled by an appropriate planning condition.
- 3.6 The processing would include material being fed into the hopper for the shredder unit, this is to reduce the size of the wood, this would be completed and placed in large scale stocking bays, at present there are some concrete push wall bays approximately 4 metres in height, however the agent has stated it has not yet been decided whether further bays are required, if further bay were required these would be dealt with through a further planning application. The currently bays on site the agent states would though mitigate the noise from the shredder. The shredded material would then feed onto a screen deck where it would be graded in size, in accordance with the requirements of the site. It would then go through an Eddy Current Separator to ensure any metals have been removed from the processed wood. Once processed this would be stored in accordance with size and type on the site prior to being used as bio fuel.

Transport

- 3.7 The access to the site would be unchanged from the existing arrangements. The operational vehicular traffic would continue to access the site from the north via the B6271, the agent has confirmed it would be acceptable for all loaded HGV's leaving the site to be sheeted to lessen the impacts on the area. The weighbridge would also remain unchanged through this proposal. The agent states the load sizes and HGV type would vary ranging from load sizes of 4 tonnes up to 17 tonnes. The proposal would generate up to 13 HGV movements a day, with the agent stating a worst case scenario of 70 movements per week. The HGV traffic would use a HGV route which provides access to the A1 at lower levels than previously consented. The site would give sufficient parking provision for all members of staff and visitors.

Cultural Heritage

- 3.8 A Cultural Heritage Statement found that there is no archaeology within the application site, therefore no archaeological monitoring is proposed with this development. The agent states *"The development with the site would have little impact upon nationally Designated Heritage Assets. The historic setting of the Grade I Listed Building of Kiplin Hall would not be negatively impact upon by the proposed change of use and operation of the site, its landscape having already been altered by previous extraction activity"*. The Kiplin Hall Estate is shown in Appendix G attached to this report.

Landscape and Visual

- 3.9 The application includes the retention of perimeter storage bunds which would provide visual and acoustic screening to the west. The retention of surrounding vegetation and standoffs would also ensure root protection areas are not affected. The maximum height for the wood stockpiles and mobile plant equipment would be 4 metres, which is the same height as the existing bunds. There is established tree planting on the site's perimeter, which would remain in situ and would not be disturbed, as shown in Appendix H on the 'Site Section Photographs'. The agent states that during operation the impact would be very similar to the impact the mineral operation had on the area. The agent acknowledges the need for the site to be restored to agriculture when the temporary change of use expires, further stating after the decommissioning of the facility and the removal of the mobile plant and stockpiles there would be low to medium beneficial effects on a range of landscape elements for the site. The Agent states no lighting is proposed other than the lighting already in place on site installed at the former quarry site. The intention would be that outdoor activities other than by road going vehicles would not take place after hours of darkness for safety.

Noise

- 3.10 The noise report provided with this application considers the effects on noise sensitive receptors of Richmond Drive Lodge, The Cottage and Kiplin Hall to the west, as shown on Appendix I on the 'Noise Receptor Locations Plan'. The report details the effects of the proposed operational hours of Monday – Friday 07:00 – 18:00, Saturday – Sunday 07:00 – 13:00. Furthermore the report assesses the proposal assuming only one shredder to be in use on the site as stated in paragraph 3.5. Stating the assessments indicate there would be a small increase in maximum predicted effects of +2 dBA, which is below the level considered to be adverse. With the worst case effects being 2-3 short term events per annum. The agent states in an ideal scenario the shredding run would start when 5,000 tonnes of waste was stockpiled however as importation would continue during this period the figure processed would be closer to 10,000 tonnes with the campaign events being stated as lasting approximately six to eight weeks. There would be no night time shredding/screening operations to take place. The agent states throughout the rest of the year noise levels would not be any different to at present. The agent confirms the

mitigation which is stated in the noise report would be implemented to lessen the effects of noise on the area, this would include:

- a) adhere strictly to the stated operating hours of the site and ensure that any site
- b) working hour restrictions are effectively communicated to all site staff and subcontractors;
- c) ensure plant and machinery is regularly well maintained;
- d) the use of any audible alarms at the site should be reviewed, and where
- e) practicable, these devices should be replaced with silent or low-noise alternatives;
- f) avoid unnecessary horn usage and revving of engines;
- g) switch off equipment when not required;
- h) keep internal haul routes and access roads clear and well maintained;
- i) minimise drop heights of materials where possible; and
- j) operatives should be trained to employ appropriate techniques to keep site noise
- k) to a minimum, and should be effectively supervised to ensure that best working practice in respect of noise minimisation is followed.

Dust Management

3.11 The management of dust would be controlled under environmental permit. The dust management scheme states there are no significant health impacts predicted from the proposed development, with the potential for increase in exhaust emissions also considered to be negligible. The sheeting of the vehicles is not mentioned in the report but would be conditioned separately to mitigate the impacts. The Dust management scheme included the proposed mitigation which would be followed:

- reduce drop height wherever practicable;
- protect activities from prevalent wind direction wherever possible;
- dampen stored materials;
- screen stored materials from remote dusty fractions;
- restrict vehicle speed;
- provide effective dust suppression systems; and
- sweep/wash paved roads.

Ecology

3.12 An Ecology Survey Assessment was undertaken, due to the nature of the proposed site it is considered the site is of low ecological importance with the proposed development likely to have no significant effects on the site. The agent states where impacts are considered to be present mitigation has been suggested which would be followed if any permission was granted. The report also recommended that scattered trees be retained and protected wherever possible.

Drainage/ Flood Risk

3.13 The site's existing self-contained drainage system would be used which drains on site surface water to onsite treatment facilities. It is considered that there is low to medium risk of flooding occurring at this location, due to its location relative to Flood Zone 3. The agent states the proposal would not increase the risk of flooding to the area and any such event would be able to be contained within the site. A flood evacuation plan would also be in put in place as a contingency.

4.0 Consultations

4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 25 July 2017 and the subsequent re-consultation (on 26 October 2017) following the receipt of further information relating to an Assessment of the setting of Kiplin Hall.

- 4.2 **Richmondshire District Council (Planning)** - A response was received on 31 July 2017 objecting to the proposal as the scheme would result in additional traffic on local roads, to the detriment of the amenity of local residents and potentially highways safety. In addition, on the basis of the cluster of designated heritage assets which clearly have a setting. The District state the current landscaping of the site including the bund and planting screen the site and visually make it an integral part of the landscape. The District state though that the setting of Kiplin Hall is broader than the visual impact and have concerns about the potential noise and lighting in the winter months which would detrimentally impact on the ambience enjoyed by the complex of buildings around Kiplin Hall.
- 4.2 **Hambleton District Council (Planning)** – A consultation was sent on 24 January 2018, any response received after the publication of the report will be reported at planning committee.
- 4.3 **Environmental Health Officer (Richmondshire)** – A response was received stating this application is very close to the border with Hambleton and it would be more appropriate for the Hambleton Environmental Health Officer to respond in regards to the potential impacts of noise and dust on residential properties in this area. They do though request an informative stating an Environmental Permit would be required for the proposal. A further response was received on 30 October 2017 stating no further comments.
- 4.4 **Environmental Health Officer (Hambleton)** – A response was received on 29 September 2017 stating the proposed development is in close proximity to nearby residential properties and the EHO has concerns the impact noise from the development could cause, however does not object to the proposal. The EHO has assessed the noise report submitted and requests conditions regarding the details of screening to be submitted prior to commencement and a limitation of the hours of operation to the hours which are assessed in the noise report stating operations until 9pm could have an adverse effect on the amenity of the area.
- 4.5 **Richmondshire DC - Conservation Officer** – no response to date.
- 4.6 **Natural England** – A response was received on 18 July 2017 stating the proposal would not damage or destroy the interest features for which the Swale Lakes SSSI has been notified. Therefore advising the authority that the SSSI is not a constraint in regards to this application.
- 4.7 **Environment Agency York** – A response was received on 18 July 2017 stating no objections to the proposal from a planning perspective, as long as it is constructed in accordance with the Flood Risk Assessment. The Environment Agency though would not comment on the adequacy of the flood response procedure. The consultee also advises the applicant the development would require an environmental permit. A re-consultation response was received on 2 November 2017 stating no further comments.
- 4.8 **NYCC Heritage - Ecology** – A response was received on 3 July 2017 stating the Ecologist was satisfied with the scope and extent of the ecological survey and assessment. The Ecologist is in agreement with the conclusions and recommendations of the report and if they are followed the proposal would be unlikely to have any significant negative effects. The ecologist requests measures identified within Table 17 and Appendix E6 paragraphs 1.1.8 and 1.1.9 of the Extended Phase 1 Habitat Survey (Ref. CE-KP-1162-RP01, dated 9 March 2017) to be included within the development proposals to maximise biodiversity. Therefore a condition in regards

to this would be attached to any permission. A re-consultation response was received on 30 October 2017 stating no further comments on the application.

- 4.9 **NYCC Heritage - Principal Landscape Architect** – A response was received on 17 July 2017 recommending that this proposal would have negative effects on the landscape setting of Kiplin Hall, with further information being required in regards to the extent of other land within the control of the operator. The consultee requests this as the development depends on land outside the red line boundary for mitigation and also recommends that should the Council be minded to approve the application consideration should be given to a Section 106 Agreement to ensure the perimeter soil storage bunds and areas which provide essential mitigation are managed for the duration of the development. The Landscape Architect's justification for this arises from the wording of the Landscape and Visual Appraisal report which states the extended use of the site would mean the development would have cumulative adverse effects, due to delays in the restoration of the site. This is not helped by the red line boundary for the site not including all the essential mitigation around the site which was put in place for the mineral processing plant including soil contained within the bunds, which would be needed as screening and for the restoration of the site.
- 4.9.1 The Landscape Architect states the landscape issues cross over with heritage issues with the proposal being within the curtilage of a Grade I listed building, with concerns the landscape would not be restored as expected. Therefore conditions are requested in regards to time limiting the permission to 23 December 2040, to be the same as the Solar Array Farm, along with associated restoration of the site and a condition stating in the event that the waste recycling facility ceases to operate for a continuous period of 12 months before the completion of development the site would be restored in line with the approved restoration scheme.
- 4.9.2 The Landscape Architect goes on to give justification on why the application conflicts with policy stating the restoration plan was approved in 1987 and an extension of time was granted in 2012, which expired on 4 June 2017. In regards to PPG guidance. The Landscape Architect advises mineral working is a temporary use of land which should be restored for beneficial after-use. Further stating this application would delay the last phase of the restoration with the site still being in minerals and waste use if this is permitted. The Landscape Architect states the Solar Arrays were not an issue due to the reversible, low lying nature of them and how the site could be restored around them.
- 4.9.3 The next policy point the Landscape Architect states is the impact the proposal would have on the landscape character including tranquillity stating the Landscape and Visual Appraisal Document gives a fair appraisal of the landscape context. The Landscape Architect states this proposal conflicts with North Yorkshire Waste Local Plan (2006), Policy 4/3 Landscape Protection, which states waste management should not have an unacceptable effect on the character of the landscape. The Landscape Architect states the proposal would have less effect than the mineral operation but would be harmful in comparison to the restoration, stating there would be a cumulative effect with the Solar Arrays. Further stating this is in conflict with the NPPF Paragraph 58 as there is no relationship between the design and local character.
- 4.9.4 In regards to the impact on the Grade I listed building and the other 7 listed features the Landscape Architect states the proposal is in conflict with Chapter 12 of the NPPF as the proposal is only separated from the designated landscape by screening bunds which would eventually be removed as part of the restoration of the site which would not take place until after 23 December 2040, due to the Solar Arrays permission. The Landscape Architect also states it is in conflict with Chapter 12 as new development

must make a positive contribution to the local character and distinctiveness, with it also affecting the tranquillity of the area. The Landscape Architect also states Kiplin Hall has some protection from Hambleton Core Strategy Policy CP16 and Development Plan Policy DP28 in regards to developments maintaining, protecting and enhancing assets of historical interest. The Landscape Architect states the proposal is in conflict with NYCC Waste Local Plan Policy 4/14 and Richmondshire Local Policy CP12 as this land is associated with the hall.

- 4.9.5 Another point the Landscape Architect states is *“the impact on views from Kiplin Hall, publicly accessible viewpoints, and local properties”* with visitors to Kiplin Hall and local residents regarded as receptors of high sensitivity. The Landscape Architect states the existing woodland is likely to screen most of the site in distant views from the countryside. For mitigation the site uses off-site primary mitigation instead of new planting or vegetation clearance. The landscape bunds used for mitigation are temporary being needed for restoration. It is acknowledged by the Landscape Architect that these would be fairly effective however should not be relied upon for visual and acoustic screening without management, as currently it is not clear how they would be retained under the control of the applicant. The need for the use of the bund as mitigation would prevent the partial restoration of the site, if it was able to be completed earlier than anticipated. The Landscape Architect states effects of the application on residential premises are likely to be low or in some cases negligible, with no views of the site from other settlements.
- 4.9.6 A further response from Maralyn Pickup after the previous Landscape Officer left the authority was received on 9 November 2017 this stated the proposals makes use of existing off-site bund and existing planting, with these temporary bunds containing stored soil needed for restoration. Stating *‘although likely to be fairly effective should ideally not be relied on for visual and acoustic screening without management’*. The Landscape Architect further requests a management plan is required to retain and improve the screening value of vegetation from receptors of high sensitivity at Kiplin Hall. Further stating *‘the plan should favour or supplement the planting with species with winter screening characteristics, e.g. holly, oak, etc. A formal agreement e.g. section 106 agreement would ensure that these bunds and areas of planting are managed for the duration of the development’*.
- 4.9.7 The Landscape Architect states the tranquillity issues have now been addressed through the Setting Assessment and conditions should be applied to agree and implement measures to avoid artificial light escaping from the site during working hours and at night. Stating also conditions should be added to implement the recommendations of the Noise Assessment in order to minimise and reduce noise and that the conditions originally requested by the Landscape Architect should also be applied in regards to the temporary permission and restoration.
- 4.10 **Highway Authority** – A response was received on 12 July 2017 stating the design for the site access must have a visibility splay of 160 metres by 2.4 metres. To the east is at an acceptable level however to the west is only 148 metres by 2.4 metres. Therefore request the applicant to see if the visibility can be improved by removing some shrubs that have grown near the site boundary or the overhanging branches. If this does not improve visibility the site boundary would have to be amended to provide the necessary visibility. Following the submission by the applicant of details stating the shrubs could be removed to improve visibility, a further Highways Authority response was received on 30 October 2017 stating no objections to the proposed development.
- 4.11 **Yorkshire Wildlife Trust** – A response was received on 7 August 2017 stating the Trust is happy with the conclusions of the Extended Phase 1 Ecology Survey and

hope an appropriate landscaping plan is provided to enhance any open areas for biodiversity. A re-consultation response was received on 9 November 2017 stating no comments on the further information.

- 4.12 **Historic England** – A response was received on 11 July 2017 stating Kiplin Hall dates back to 1625 and has historical value due to being built by Lord Baltimore, founder of Maryland. Stating Kiplin Hall has aesthetic value in terms of its appearance and communal value open to the public, which is Grade I listed along with a number of ancillary Grade II structures in the vicinity. Historic England has concerns regarding this proposal noting the existing mineral provision included the restoration of the landscape after operations had ceased. Therefore, it is disappointed that these are not taking place. Historic England state an industrial plant near this Grade I house, the associated traffic movements and potential noise is likely to some extent degrade the setting of Kiplin Hall, especially in winter, when there would be outdoor lighting. Further stating the impacts would fail to sustain and enhance the significance of Kiplin Hall and its setting.
- 4.12.1 The Historic England recommendation states concerns on heritage grounds with issues and safeguards outlined in order to meet the requirements of paragraphs 131, 132 and 134 of the NPPF. They state conditions should be applied to any consent to cover restoration of the landscape as soon as the permission for the present solar array expires and also cover working days and time which they consider should avoid opening dates and times for the grounds of the house.
- 4.12.2 A further response was received on 6 November 2017 stating in light of the Setting Assessment submitted on 20 October 2017, Historic England are broadly content with the application on heritage grounds. Subject to conditions being applied to agree and implement measures to avoid artificial light escaping the site during working hours and at night, while also implementing the recommendations in the noise survey. Historic England also suggest a condition to the effect that the proceeds from the proposed facility will be used for the maintenance and upkeep of the hall and associated heritage assets. Historic England therefore does not object to the proposal on heritage grounds and considers the proposal does not conflict with the requirements of paragraphs 131, 132 and 134 of the NPPF.
- 4.13 **Highways England** - Responded on 29 June 2017 stating no objection and stated the same again on 3 November 2017.
- 4.14 **NYCC Heritage – Archaeology** – A response was received on 11 July 2017 stating that the development area has very low archaeological potential given previous quarrying. The Archaeologist states it appears that the development would involve little or no ground disturbance therefore it would have little impact on archaeological remains and has no objection to the proposal.
- 4.15 **Kiplin Parish Meeting** – A response was received on 18 July 2017 stating some of the information in the Supporting Statement is misleading after discussing with the applicant the proposal at the Kiplin Hall Parish Meeting. Firstly in regards to the waste being transported only from local centres in close proximity, to which the Agent stated waste would be brought from across the County. Secondly in regards to the times of crushing/shredding activities which the supporting statement states would not be undertaken on any weekends, bank holidays or any of the local school holidays; to which the agent said there would be no adherence to. Thirdly issues in regards to the impact of noise on nearby premises and how this would be monitored. The Parish Council also states discrepancies between the vehicle movements and size of loads from what is stating in the transport statement to what was said at the Parish Meeting. The Parish Council requests the discrepancies between the reports submitted and

Yorwaste's view of the operation to be rectified through submitting further information. Therefore a fresh assessment needs to be completed. Finally requesting the term 'campaign' in regards to shredding be clarified as it is not explained in the report.

- 4.15.1 A further response was received on 14 November 2017 stating the Parish had forwarded their concerns to County Councillor Annabel Wilkinson on the 9 November 2017 after the Parish Council Meeting. This raised concerns regarding: firstly, how 3 different sets of operating hours had been stated in planning documents, issues with proposed late night working and working on weekends, bank holidays or school holidays (the agent clarified the hours of operation to the Parish Council in a further consultation response and these are stated in paragraph 3.2 of the committee report). They further have concerns regarding if the shredder would be operated at weekends as it is stated in the planning statement it would not, however, the Yorwaste Operations Director has stated otherwise at the Parish Meeting.
- 4.15.2 Another issue the Parish state is the traffic movements and clarification on movements in and out of the site including inbound wood for processing as well as outbound wood chip, the Parish request clarification on if inbound traffic has been ignored on the Transport Statement. The final issue is in relation to noise and clarification on why there would only be 2-3 short term events with the worst effects if 30,000 tonnes of material is processed in 5,000 tonne campaigns, the Parish ask what is classed as short term, how long it takes to process 5,000 tonnes, if plant equipment would operate continuously, the number of shredders which would be used on site and if more than one if this has been evaluated by the noise survey and finally why night time shredding mentioned, when none is proposed.
- 4.15.3 The response on 14 November 2017 direct from the Parish also stated further information Yorwaste detailed at a Site Meeting on 11 November 2017 including that a second shredder would be brought in at times and possibly a third which is not stated in the planning statement, that there could be 40 vehicle movements a day including waste wood loads which is not stated in the Transport Statement and finally that waste wood would be stockpiled at the very northern end of the site which is contradictory to the Proposed Site Plan. Kiplin Parish Meeting request that these contradictions are cleared up so the operations of the site can be fully understood.
- 4.15.4 A response was received on 29 November 2017 responding to the Parish stating based on the consultation response from the Environmental Health Officer they are happy with the hours to be conditioned to 0700-1800 Mon-Fri and 0700-1300 on Saturdays and no works on Sundays or bank holidays. In regards to processing on weekends the agent stated 'The weekend working hours in the submitted assessments are based on no processing in weekend hours'. The agent states as a worst case scenario there would be 35 loads per week with 70 movements. The Agent further reiterates that materials would be sourced from throughout the county but would use the A1 and B6271 in all occasions. In regards to the campaign events the Agent state while campaigns are ongoing importation would continue and therefore the events would process closer to 10,000 tonnes of material, however the agent does not give any guidance on the length of these events or what length short term would be. The agent states the assessments submitted with the application assume the use of only one shredder with the agent stating 'this can be controlled through an appropriate planning condition'. An initial response was received from Kiplin Parish Council stating to understand the proposal fully the length of campaigns was still required. A response was received from the agent on 8 December 2017 stating campaign lengths would be approximately six to eight weeks in length and it is proposed that there would be three events per year.

- 4.15.5 A Kiplin Parish Meeting response was received on 14 December 2017 stating they are now able to comment on the application after the agent has now confirmed the ideal scenario of 3 campaigns a year, processing approximately 10,000 tonnes of waste. With it lasting six to eight weeks. The Parish state they are disappointed Yorwaste did not engage at the pre-application stage with the parish to fully demonstrate community involvement. Further stating Kiplin Parish Meeting is principally opposed to this application as the noise dust and vehicle movements are incompatible for the location with the leisure facilities offered by Kiplin Hall including enjoyment of the gardens and woodland walks. The Parish also states Kiplin Hall are the Landlord of the majority of residents most directly affected by the application, which inhibits their ability to speak freely via letters of objection.
- 4.16 **Scorton Parish Council** – A response was received on 10 August 2017 stating there would be a significant increase in HGV movements through Scorton and Northallerton, via the B1263 and Bolton Road junction can at times be busy, with these vehicles also having to pass Bolton on Swale Primary School. Parish Councillors queried the siting at the old quarry plant and stated it might be better placed at the current recycling plant on Richmond Road which would mean these additional traffic movements would not need to come through the village. A re-consultation response was received on 8 November 2017 stating Scorton Parish Council still object to this application as the original comments remain, they also add the working hours extend far too late to 9pm, which they state is outside the normal hours of this kind of facility.
- 4.17 **Brompton on Swale Parish Council** – A response was received on 14 August 2017 stating no objections or comments. A re-consultation response was received on 14 November 2017 stating no comments.
- 4.18 **Ellerton on Swale Parish Council** – no response to date.
- 4.19 **Bolton on Swale Parish Meeting** – no response to date.
- 4.20 **Fire and Rescue Service** – no response to date.

Notifications

- 4.21 **Cllr Carl Les** - was notified of the application on the 25 July 2017.
- 4.22 **Cllr Annabel Wilkinson** – A response was received on 20 July 2017 and 9 November 2017 further stating the concerns of Kiplin Parish Meeting.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of 3 Site Notice posted on 26 July 2017 (responses to which expired on 16 August 2017). The Site Notices were posted in the following locations: one east of the site entrance on the B6271 next to the entrance to Kiplin Hall, one west of the B6271 and one at the site entrance on the B6271. A Press Notice appeared in the North Yorkshire Advertiser on 11 July 2017 (responses to which expired on 25 July 2017).
- 5.2 Neighbour Notification letters were sent on 28 July 2017 and the period in which to make representations expired on 18 August 2017. The following properties received a neighbour notification letter:
- 1-4 Kiplin Mews, Kiplin, Richmond, DL10 6BQ
 - 1-2 Home Farm Cottages, Kiplin, Richmond, DL10 6AS
 - The Cottage, Kiplin, Richmond, DL10 6AT
 - Baytree House, Kiplin, Richmond, DL10 6AT

- Gardener's Cottage, Kiplin Hall, Kiplin DL10 6AT
- 5.3 A further neighbour notification was sent on 20 November 2017 and the period in which to make representations expired on 11 December 2017. The following property was notified:
- Richmond Drive Lodge, Kiplin, North Yorkshire, DL10 6AT.
- 5.4 A representation objecting to the application was received on 15 November 2017 raising objections on the grounds of:-
- Highways safety in regards to the impact of up to 40 lorries a day on the road between Northallerton and Scorton (The agent has confirmed that the number of HGV's would be limited to up to 13 HGV movements per day, which would be controlled through condition).
 - Noise Levels.

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)
 - Waste Management Plan for England (WMPE) (published December 2013)

National Planning Policy Framework (NPPF)

- 6.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.3 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development stating its approach as "*making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same*". The Government defines sustainable development as that which fulfils the following three roles:
- **An economic role** – development should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
 - **A social role** – development supporting strong, vibrant and healthy communities; and,
 - **An environmental role** – development that contributes to protecting and enhancing the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.
- 6.4 The NPPF advises that when making decisions, development proposals should be approved that accord with the Development Plan and when the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this framework indicate development should be restricted.
- 6.5 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.6 Paragraph 17 of the NPPF, outlines the overarching core principles that should underpin planning decisions which include:
- *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
 - *contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*
 - *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*
 - *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;*
 - *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'.*
- 6.7 Paragraph 32 within Section 4 (Promoting sustainable transport) of the NPPF states that plans and decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.8 Within the NPPF Chapter 7, titled 'Requiring Good Design', with Paragraph 58 stating that *'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'*. It also states that planning policies and decision should aim to *'ensure that developments:*
- *will function well and add well to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
 - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
 - *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
 - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
 - *are visually attractive as a result of good architecture and appropriate landscaping'.*

- 6.9 Within paragraph 61 of the NPPF, it is noted that that *'high quality and inclusive design goes beyond aesthetic considerations.'* Furthermore, it is noted that planning decisions should *'address the connections between people and places and the integration of new development into the natural, built and historic environment'*.
- 6.10 Paragraphs 93-98 within Section 10 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change. Paragraph 93 indicates that planning has a key role in "supporting the delivery of renewable and low carbon energy and associated infrastructure".
- 6.11 Within paragraph 100 of the NPPF, it is noted 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'*.
- 6.12 Within paragraph 103 of the NPPF, it is advised 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'*.
- 6.13 Chapter 11 of the NPPF, entitled 'Conserving and Enhancing the Natural Environment' outlines the role that the planning system has to play in enhancing the natural environment. Furthermore, it advises that the planning system should contribute by:
- *'protecting and enhancing valued landscapes, geological conservation interests and soils;*
 - *recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
 - *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;*
 - *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'*.
- 6.14 Paragraph 109 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity. It should also prevent new and existing development from contributing to being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

- 6.15 Within paragraph 120 of the NPPF, it is advised that planning decisions should ensure that development is *'appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account'*.
- 6.16 Within paragraph 123 of the NPPF, further guidance is provided in relation to the impacts of noise pollution on quality of life. It advises that planning 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 developments, including through use of conditions;*
 - *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'.*
- 6.17 Paragraph 128 within Section 12 ('Conserving and enhancing the historic environment') 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'*.
- 6.18 Paragraph 129 within Section 12 ('Conserving and enhancing the historic environment') of the NPPF states that *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal'*.
- 6.19 Within paragraph 131 of the NPPF, further guidance is provided for the determination of planning applications by local planning authorities in relation to the impact upon conserving heritage assets. It is advised that all such decisions should consider:
- *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *the desirability of new development making a positive contribution to local character and distinctiveness'.*
- 6.20 Furthermore, it is noted within paragraph 132 of the NPPF, that consideration should be given to the significance of a heritage asset whereby *'great weight should be given to the asset's conservation'*. In such cases, the greater the importance that is given to an individual asset, the greater the level of weight given to it should be. It is advised that harm should be avoided to heritage assets which can result from *'alteration to destruction of the heritage asset or development within its setting'*. The NPPF advises that heritage assets such as Grades I and II Listed Buildings are

awarded the highest significance and as such substantial harm should only occur in exceptional circumstances.

- 6.21 Paragraph 133 within Section 12 (Conserving and enhancing the historic environment) of the NPPF states *“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- *the nature of the heritage asset prevents all reasonable uses of the site; and*
 - *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
 - *the harm or loss is outweighed by the benefit of bringing the site back into use”.*
- 6.22 Paragraph 134 within Section 12 (Conserving and enhancing the historic environment) of the NPPF states *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.*
- 6.23 When determining the application consideration needs to be given to the bullet points in Paragraph 144 of the NPPF relevant to the proposed development, which states that *“When determining planning applications, local planning authorities should (inter alia):*
- *Give great weight to the benefits of the mineral extraction, including to the economy;*
 - *as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;*
 - *ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;*
 - *ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and*
 - *provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances”.*
- 6.24 Paragraphs 203-206 of the NPPF relate to ‘Planning conditions and obligations’. Paragraph 203 states that *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”.* With regard to planning obligations paragraph 204 states that *“Planning obligations should only be sought where they meet all of the following tests:*
- *necessary to make the development acceptable in planning terms;*
 - *directly related to the development; and*
 - *fairly and reasonably related in scale and kind to the development”.*

National Planning Policy for Waste (2014)

- 6.25 Within the National Planning Policy for Waste, Chapter 1 of the document notes that the planning system plays a key role in delivering the country's waste ambitions through *'recognising the positive contribution that waste management can make to the development of sustainable communities'*. Furthermore, it is noted that it is important that ambitions are also achieved by *'helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment'*. Furthermore, it is advised that this document provides a framework to enable waste to be disposed of or recovered *'in line with the proximity principle'*.
- 6.26 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"*.
- 6.27 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"*.

- 6.28 Paragraphs 2 to 6 of the NPPW relate to the preparation of Local Plans in respect of the evidence base, identification of need, identifying suitable sites and Green Belt protection and are not directly relevant to the determination of planning applications for waste management facilities.
- 6.29 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”.*
- 6.30 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).
- 6.31 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.
- 6.32 Appendix A of the NPPW comprises a diagram of the ‘Waste Hierarchy’ which is unchanged from that included in PPS10.
- 6.33 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”.

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

- a. *protection of water quality and resources and flood risk management*
Considerations will include the proximity of vulnerable surface and groundwater or aquifers. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care.
- c. *landscape and visual impacts*
Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.
- d. *nature conservation*
Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species.
- e. *conserving the historic environment*
Considerations will include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.
- f. *traffic and access*
Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports.
- g. *air emissions, including dust*
Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.
- 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.
- l. *potential land use conflict*
Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility”.

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

National Waste Management Plan for England (2013)

- 6.36 National waste planning policy in England forms part of a wider national waste management plan to meet the requirements of the Waste Directive. As previously set out, the UK Government adopted the National Waste Management Plan for England (NWMP) in December 2013.
- 6.37 It should be noted that *“This Plan provides an overview of waste management in England... It is not, therefore, the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan”*.
- 6.38 The NWMP identifies a commitment to achieving a zero waste economy. It states that: *“In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management”*. Later on, it identifies that the waste hierarchy is *“both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011”*. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery, and last of all disposal (e.g. landfill).
- 6.39 The NWMP recognises that it is: *“important to make sure that waste is optimally managed, so that the costs to society of dealing with waste, including the environmental costs, are minimised”*. It goes on to state: *“The key aim of the waste management plan for England is to set out our work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management”*.
- 6.40 It is noted within the NWMP that *“the Environment Agency is the main regulator of waste management in England. Among its responsibilities are the determination of applications for environmental permits required under Article 23 of the revised Waste Framework Directive; and carrying out inspection and other compliance assessment activities”* (page 12). In addition, *“The waste producer and the waste holder should manage waste in a way that guarantees a high level of protection of the environment and human health. In accordance with the polluter-pays principle, the costs of waste management shall be borne by the original waste producer or by the current or previous waste holders. The distributors of products potentially share these costs. The polluter-pays principle ensures that those responsible for producing and holding waste are incentivised to reduce and/or manage their waste in a way that reduces impacts on the environment and human health”*.
- 6.41 In terms of the location of new waste infrastructure, the NWMP highlights that: *“The Government’s ambitions for waste highlight the importance of putting in place the right waste management infrastructure at the right time and in the right location. We aim to have the appropriate waste reprocessing and treatment infrastructure constructed and operated effectively at all levels of the waste hierarchy to enable the most efficient treatment of our waste and resources”*.
- 6.42 The NWMP also refers to the nearest appropriate installation principle, advising that: *“The revised Waste Framework Directive establishes the principle of ‘proximity’. This is within the context of the requirement on Member States to establish an integrated and adequate network of waste disposal installations for recovery of mixed municipal waste collected from private households. The requirement includes where such collection also covers waste from other producers. The network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and*

technologies, in order to ensure a high level of protection for the environment and public health.

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

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

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

National Planning Practice Guidance (PPG) (2014)

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

- Air Quality
- Design
- Natural Environment
- Flood Risk
- Light Pollution
- Noise
- Travel plans, transport assessments and statements in decision-taking
- Waste
- Conserving and Enhancing the Historic Environment

Air Quality

- 6.45 With regard to new developments, the NPPG identifies that air quality could be a relevant material consideration where: *“the development is likely to generate air quality impact in an area where air quality is known to be poor...where the development is likely to impact upon the implementation of air quality strategies and action plans and/or....lead to a breach of EU legislation”.* The NPPG states that air quality impacts could arise from significant traffic generation, new point sources of air pollution, and construction impacts e.g. dust arising's which could affect nearby sensitive locations.
- 6.46 If air quality could be a concern, the NPPG advises that Local Planning Authorities may want to know about:
- *“The ‘baseline’ local air quality;*
 - *Whether the proposed development could significantly change air quality...;*
and/or
 - *Whether there is likely to be an increase in the number of people exposed to a problem with air quality...”.*
- 6.47 The NPPG also notes that the Environment Agency can provide help on large or complex processes by identifying Environmental Permit requirements and whether there may be any significant air quality issues at the Permit stage.

- 6.48 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:

- 6.49 This states how good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It though must also “*reflect an areas function, history, culture and its potential need for change*’. Ensuring a development can:
- deliver a wide range of planning objectives.
 - enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
 - address the need for different uses sympathetically.
- 6.50 It is noted within the guidance that good quality design is considered to be ‘*an integral part of sustainable development*’. To assist in the assessment of the design of a new development, it is noted that the following considerations be taken into account:
- ‘*Layout – the way in which buildings and spaces relate to each other;*
 - ‘*Form – the shape of buildings;*
 - ‘*Scale – the size of buildings;*
 - ‘*Detailing – the important smaller elements of building and spaces*
 - ‘*Materials – what a building is made from*’.

Natural Environment:

- 6.51 The PPG underpins one of the NPPF core principles of protecting the character and visual integrity of the natural environment including designated landscapes and the wider countryside in general. Where appropriate the PPG promotes the undertaking of landscape assessments to accompany planning applications to provide an understanding of the character and local distinctiveness of the landscape by identifying the features that give it a sense of place.
- 6.52 The (Natural Environment) PPG also considers the impacts and the opportunities that development proposals may have on biodiversity and their effect and/or beneficial contribution to wildlife and wildlife habitat in the immediate and wider area. The PPG highlights areas where biodiversity maintenance and enhancement has potential to make a significant contribution to biodiversity including:
- ‘*habitat restoration, re-creation and expansion*’;
 - ‘*improved links between existing sites*’;
 - ‘*buffering of existing important sites*’;
 - ‘*new biodiversity features within development*’; and
 - ‘*securing management for long term enhancement*’.

Flood Risk and Coastal Change

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

Light pollution:

- 6.54 Light intrusion occurs when the light ‘spills’ beyond the boundary of the area being lit. For example, light spill can impair sleeping, cause annoyance to people, compromise an existing dark landscape and/or affect natural systems (e.g. plants, animals, insects, aquatic life). It can usually be completely avoided with careful lamp design selection and positioning:

- Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow (the brightening of the night sky).
- Good design, correct installation and ongoing maintenance are essential to the effectiveness of lighting schemes.

- 6.55 Lighting only when the light is required can have a number of benefits, including minimising light pollution, reducing harm to wildlife and improving people’s ability to enjoy the night-sky:

- Lighting schemes could be turned off when not needed (‘part-night lighting’) to reduce any potential adverse effects e.g. when a business is closed or, in outdoor areas, switching-off at quiet times between midnight and 5am or 6am. Planning conditions could potentially require this.
- Impact on sensitive wildlife receptors throughout the year, or at particular times (e.g. on migration routes), may be mitigated by the design of the lighting or by turning it off or down at sensitive times.

Noise:

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

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

- 6.57 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”.

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

Travel plans, transport assessments and statements in decision-taking

- 6.59 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”.*
- 6.60 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:
- 6.61 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”.
- 6.62 The guidance states, in respect of the use of unallocated sites for waste management facilities, that applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy. If the proposal is consistent with an up to date Local Plan, there is no need to demonstrate ‘need’.
- 6.63 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”.
- 6.64 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”.
- Conserving and Enhancing the Historic Environment:
- 6.65 This states authorities should set out their Local Plan with a positive strategy for the conservation and enjoyment of the historic environment. Heritage assets may be affected by direct physical change or by change in their setting; therefore it is important to assess the significance of a heritage asset and the contribution to its setting. Furthermore all heritage assets settings may have more significance than the extent of their curtilage. The guidance also requires authorities to consider the implications of cumulative change and whether a development materially detracts from the asset.

The Development Plan

- 6.66 Notwithstanding that the abovementioned national planning policy is a significant material consideration, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the Development Plan consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
 - any planning policies contained within Development Plan Documents adopted under the Local Development Framework regime.
- 6.67 The Development Plan for the determination of this particular application comprises the following:
- The extant 'saved' policies of the North Yorkshire Waste Local Plan (2006);
 - The extant 'saved' policies of the North Yorkshire Minerals Local Plan (1997);
 - The extant policies of the Richmondshire Local Plan Core Strategy (2014).
- 6.68 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 are 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.
- 6.69 The draft MWJP was published in November 2016 for representations. Consultation has commenced on an Addendum schedule of proposed changes for an 8 week period over summer 2017 prior to the submission of the Minerals and Waste Joint Plan for Examination in Public (EiP) which is expected to take place early next year. The MWJP was submitted to the Secretary of State for Communities and Local Government on 28th November 2017. The applicant did not submit the application site for consideration through the Joint Plan as a site for allocation for the recycling, transfer and treatment of C&I waste and is not listed in draft Policy W04 (Meeting waste management capacity requirements - Commercial and Industrial waste (including hazardous C&I waste) which states that "*Proposals for development of these sites will be supported subject to compliance with the development management policies in the Plan*".
- North Yorkshire Waste Local Plan (NYWLP) (2006)
- 6.70 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.
- 6.71 If, following the 12 month transitional period given to local planning authorities to ensure compliance of their Local Plans with the NPPF, a new or amended plan has not been adopted, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (paragraph 215 of the NPPF). The closer the policies in the plan to the policies in the NPPF the greater the weight that may be given.

- 6.72 Therefore, 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.
- 6.73 In the absence of an adopted Waste Core Strategy 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.
- 6.74 The 'saved' policies from the NYWLP relevant to the determination of this application are:
- 4/1 – Waste Management Proposals
 - 4/3 – Landscape Protection
 - 4/14 – Historic Environment
 - 4/18 – Traffic Impact
 - 4/19 – Quality of Life
 - 4/22 – Site restoration
 - 4/23 – Aftercare
 - 5/1 – Waste Minimisation
 - 5/3 – Recycling, Sorting and Transfer of Industrial, Commercial and Household Waste.

'Saved' Policy 4/1 – Waste Management Proposals

- 6.75 This is considered relevant to the determination of this application as the nature of the development is for a waste management facility. The policy advises that: *'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;*
 - 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'.*
- 6.76 Both the NPPF and the NPPW are silent on matters raised in criteria b), i) and j) of 'saved' Policy 4/1. With regard to criteria f), Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. However, consideration is given within Appendix B of the NPPW in relation to the testing the suitability of a proposed site in determining planning applications. With regards to criteria a), it is noted that the NPPF is silent on the matters raised, whilst paragraph 7 of the NPPW notes that consideration should be given to the type and scale of a proposed waste management facility. Therefore, only

partial can be afforded only to criteria a) of this policy in the determination of this planning application.

- 6.77 Criterion g) 'Saved' Policy 4/1, is considered to not conflict with the provisions of the NPPF. However, there are differences in the objectives in that criterion g) states that transport links should be adequate, whereas the NPPF states that improvements to the transport network should be considered as part of proposals. However, Appendix B of the NPPG notes that considerations should be given to the suitability of the of the highway network in the determination of an application and assessing the suitability of a site. Furthermore, consideration should be given in the extent to which a development would rely upon the existing highway network, rail networks and transport links to ports. Therefore, this policy is considered to be largely compliant with the NPPW and as such substantial weight can be afforded to this element of the policy in the determination of this application.
- 6.78 In terms of criteria c), d) and h) of 'saved Policy 4/1, the NPPF states that developments should contribute to and enhance the local environment, not give rise to unacceptable risks from pollution and cumulative effects should be taken into account rather than the wording in 'saved' Policy 4/1 which states that there should not be unacceptable impacts and that safeguards should mitigate the impacts. Although there is a slight difference in emphasis, the provisions of the Policy are considered to be generally conforming to the NPPF. Furthermore, Paragraph 7 of the NPPW notes that the potential harm to the local environment should be assessed in the determination of a planning application against the criteria set out in Appendix B of the document, the general thrust of which seeks to ensure that the suitability of a proposed site is assessed against a number of environmental criteria. Therefore, partial weight should be given to this element of the policy in the determination of this application.
- 6.79 Criterion e) of 'saved' Policy 4/1 requires that landscaping and screening should mitigate the impact of the development, being sympathetic to local landscape character. Therefore, it is considered that the Policy is consistent with the provisions of the NPPF, in particular paragraph 56-58 of the Framework, and Appendix B of the NPPW, both of which note the importance of developments responding to local character and landscapes, however more emphasis should be given to protecting and enhancing valued landscapes. Therefore, this element of the policy should be afforded partial weight in relation to this planning application.

'Saved' Policy 4/3 – Landscape protection

- 6.80 This is considered relevant to the determination of this application as the development has the potential to impact upon the local landscape. The policy advises that *'Proposals for 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 the local landscape character'*. It is considered that this Policy is broadly in line with the principles of the NPPF in conserving and enhancing the natural environment as detailed within Chapter 11 of the Framework. However, whilst the Framework outlines the importance of protecting and enhancing landscapes, this relates to those described as 'valued landscapes' and therefore, does not relate to all landscapes. The NPPF does advise on the importance of the planning system in enhancing biodiversity. This is in part supported by Appendix B of the NPPW which makes reference to considering 'landscapes or designated areas of national importance however, the NPPW further notes the importance of considering whether a development respects landscape character in ascertaining the suitability of a site in the determination of planning applications. It is, therefore, considered that full weight

can be given to this Policy in the determination of this planning application with regards to the NPPW.

'Saved' Policy 4/14 - Historic Environment

- 6.81 This states Proposals for waste management facilities will only be permitted where there would not be an unacceptable effect on listed buildings, registered parks, gardens and historic battlefield. 'Saved' Policy 4/14 does not conflict with the provisions of the NPPF (Paragraph 128-136).

'Saved' Policy 4/18 – Traffic impact

- 6.82 This is considered relevant to the determination of this application as the development involves the transport of waste materials by vehicles. The policy advises that 'Where rail, waterway or other environmentally preferable modes of transport are not feasible, 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 trunk road network and would not have an unacceptable impact on local communities'. It is considered that this policy is generally in compliance with the principles of the NPPF as outlined in Chapter 4 of the Framework. However, it is noted that differences do exist in that the NPPF advises that improvements to the transport network, in addition to the use of sustainable transport methods, should be considered as part of developments that are likely to result in significant amounts of vehicle movements. However, the locational criteria contained within Appendix B of the NPPW notes that the suitability of the road network, the reliance placed upon it, the rail network and transport links all require consideration in testing the suitability of a site in determining a planning application. Therefore, whilst this policy demonstrates some conformity with the NPPW and can be given some weight, it is considered that greater weight be given to the NPPG in this instance.

'Saved' Policy 4/19 – Quality of life

- 6.83 This is considered relevant to the determination of this application as the development has the potential to impact upon the local environment and residential amenity. The policy advises that '*Proposals for waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity*'. The NPPF provides guidance in relation to how planning decisions should aim to conserve and enhance the natural environment. Paragraph 109 of the Framework advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. In addition, Paragraph 123 of the NPPF states:

'Planning Policies and decision 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 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*'.

- 6.84 Furthermore, it is noted that the NPPW confirms that environmental impacts and impacts upon amenity are to be considered against the Locational Criteria set out in Appendix B when determining planning applications. It is noted that Appendix B includes factors such as visual impacts, air emissions including dust, odours, noise, light and vibrations. It is, therefore, considered that 'saved' Policy 4/19 is consistent with the NPPF and NPPW. Therefore, this policy should be given considerable weight in the determination of this planning application.

'Saved' Policy 4/22 Site Restoration

- 6.85 This states that "Proposals for waste disposal should demonstrate that the restoration proposals will restore and enhance, where appropriate, the character of the local environment". With regard to policy 4/22 Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. In this case the waste disposal would allow for the restoration of the former quarry and it is considered that the above policy which seeks restoration appropriate to the locality is considered compliant with the NPPF and should be given weight.

'Saved' Policy 4/23 Aftercare

- 6.86 This states that "Planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity uses will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified afteruse". With regard to policy 4/23 Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. The Policy aims to secure an aftercare scheme and Policy 4/23 is, therefore, considered to be compliant with the NPPF.

'Saved' Policy 5/1 – Waste Minimisation

- 6.87 This states that "Proposals for major development should include a statement identifying the waste implications of the development and measures taken to minimise and manage the waste generated. Permission will not be granted where this has not been adequately addressed".

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

- 6.88 This is considered relevant to the determination of this application as the development involves the sorting and transfer of waste materials. The policy advises that: *'Proposals for facilities for recycling, sorting and transfer of industrial, commercial and household wastes will be permitted provided that:*
- a. *The proposed site is suitably located with an existing, former or proposed industrial area of a character appropriate to the development; or*
 - b. *The proposed site is suitably located within a redundant site or building;*
 - c. *The proposed site is appropriately located within or adjacent to active or worked out quarries or landfill sites; and*
 - d. *The operations are carried out in suitable buildings; and*
 - e. *The highway network and site access can satisfactorily accommodate the traffic generated; and*
 - f. *That in appropriate cases it does not prejudice the restoration and afteruse of the quarry or landfill site; and*
 - g. *The proposal will not have an unacceptable impact on local amenity or the environment'.*

- 6.89 In terms of Criterion a), it is considered that both the NPPF and NPPW are silent on the matters raised. However, Paragraph 7 of the NPPW does note that facilities should be designed so as to positively contribute to the character of the area. Therefore, it is considered that partial weight be applied to this Policy.
- 6.90 It is considered that the NPPF is silent in relation to the matters raised in Criterion b), c) and d). Furthermore, the NPPW is also silent in relation to the matters raised in Criterion b), c) and d). It is noted that Chapter 7 of the NPPW does make reference to the restoration of landfill sites, but only insofar as applications should ensure that landfill sites are restored appropriately at the earliest opportunity and makes no reference to prejudicing the restoration of quarry or landfill sites. Therefore, limited weight can be given to these elements of the Policy in the determination of this application.
- 6.91 In terms of Criterion e) it is considered that this policy is generally in compliance with the principles of the NPPF as outlined in Chapter 4 of the Framework. However, it is noted that differences do exist in that the NPPF advises that improvements to the transport network, in addition to the use of sustainable transport methods, should be considered as part of developments that are likely to result in significant amounts of vehicle movements. Additionally, with the NPPW, the locational criteria contained within Appendix B notes that the suitability of the road network and the reliance placed upon it, require consideration in testing the suitability of a site in determining a planning application. Therefore, this element of the policy is considered to be largely compliant with the NPPW and as such substantial weight can be afforded to this element of the policy in the determination of this application.
- 6.92 In terms of Criterion f) it is considered that the Policy is in compliance with the principles of the NPPF as outlined within Paragraphs 123 and 109 of the Framework. Furthermore, it is also considered to be in-compliance with Paragraph 7 of the NPPW in relation to the restoration of landfill sites. Therefore, considerable weight can be given to this element of the Policy in the determination of this planning application.

North Yorkshire Minerals Local Plan (1997)

- 6.93 In the absence of an adopted Minerals and Waste Local Plan and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the 'saved' policies can now be considered as comprising of the Development Plan. The 'saved' policies relevant to the determination of this application are:
- 'Saved' Policy 4/18 – 'Restoration to Agriculture'
 - 'Saved' Policy 4/20 – 'Aftercare'.

'Saved' Policy 4/18 Restoration to Agriculture

- 6.94 This is considered relevant to the determination of this application as the proposal seeks the importation of waste materials to restore the site back to agriculture. The policy states *'Where agriculture is the intended primary afteruse, the proposed restoration scheme should provide for the best practicable standard of restoration. Such restoration schemes should, where possible, include landscape, conservation or amenity proposals provided that these do not result in the irreversible loss of best and most versatile land'*.

6.95 It is considered that this policy is generally consistent with the principles of the NPPF, as outlined within paragraph 144 of the Framework, which notes that local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards. Furthermore, this policy is consistent with paragraph 109 of the Framework, which notes that the planning system should contribute to and enhance the natural and local environment by minimising the impacts upon biodiversity. Therefore, full weight should be given to this policy in the determination of this application.

'Saved' Policy 4/20 Aftercare

6.96 This is considered relevant to the determination of this application as the land will be subject to aftercare requirements due to the final restoration of the site being to an agricultural afteruse. The policy states 'Planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity (including nature conservation) will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified after-use. Normally this requirement will run for a period of five years following restoration. Additionally, where forestry and amenity (including nature conservation) afteruses are proposed, the Mineral Planning Authority may seek to secure longer term management agreements.'

6.97 It is considered that this policy is consistent with the principles of the NPPF, as outlined within paragraph 144 of the Framework, which advises that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards. Therefore, full weight should be given to this policy in the determination of this application.

Richmondshire Local Plan Core Strategy (2014)

6.98 The policies considered relevant to the determination of this application are:

- Spatial Principle SP3 – 'Rural Sustainability';
- Core Policy CP1 – 'Planning Positively';
- Core Policy CP2 - 'Responding to Climate Change';
- Core Policy CP3 – 'Achieving Sustainable Development';
- Core Policy CP4 – 'Supporting Sites for Development';
- Core Policy CP7 – 'Promoting a Sustainable Economy';
- Core Policy CP8 – 'Achieving Rural Sustainability';
- Core Policy CP12 – 'Conserving and Enhancing Environmental and Historic Assets';
- Core Policy CP13 – 'Promoting High Quality Design'.

Spatial Principle SP3 – 'Rural Sustainability';

6.99 Advises that *'Priority will be given to supporting the rural sustainability of the whole plan area, protecting and enhancing its environmental assets and character, and sustaining the social and economic fabric of its communities by promoting:*

- *a sustainable rural economy*
- *social and economic regeneration*
- *conservation or improvement of the rural environment*
- *appropriate rural housing schemes to achieve sustainable communities*
- *the appropriate reuse of redundant buildings*
- *renewable energy generation and associated technologies'.*

Core Policy CP1 – ‘Planning Positively’:

- 6.100 Advises that *‘When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the plan area. 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. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*
- i.) any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework, taken as a whole; or*
 - ii.) specific policies in that Framework indicate that development should be restricted’.*

Core Policy CP2 – ‘Responding to Climate Change’:

- 6.101 Core Policy CP2 advises that *‘The Local Planning Authority will support and encourage the generation of renewable and low carbon energy that:*
- a. responds positively to the opportunities identified in the ‘Richmondshire Local Renewable and Low Carbon Energy Capacity Study’ (2012) and that study’s Energy Opportunities Map;*
 - b. satisfactorily addresses landscape and visual impacts on visual receptors or landscape character (particularly including cumulative impacts or impacts in the National Parks and Areas of Outstanding Natural Beauty arising from intervisibility) in accordance with the framework set out in ‘Managing Landscape Change: Renewable & Low Carbon Energy Developments – A Sensitivity Framework of North Yorkshire and York’ (2012), and*
 - c. demonstrates benefits for local communities’.*

Core Policy CP3 – ‘Achieving Sustainable Development’:

- 6.102 In part advises that support will be given for sustainable development. It is noted that *‘Development proposals will be encouraged to re-use or adapt existing buildings. Where this is not practicable or is shown to be a less sustainable solution, proposals should seek to reuse existing materials, where possible. Development will be encouraged to utilise previously developed land first (brownfield land), where that land is in a sustainable location and is not of high environmental value, in preference to Greenfield sites. The use and development of land will be assessed against the community’s housing, economic and social requirements. The sustainability and enhancement of the natural and built environment, minimisation of energy consumption and the need to travel will also be key factors. Development that would significantly harm the natural or built environment, or that would generate a significant adverse traffic impact, without appropriate mitigation, will not be permitted. Development Proposals will be expected to provide an appropriate risk assessment and remediation strategy that addresses any issues of land contamination or land instability arising from past uses or activities. Where relevant non-mineral development is proposed within Mineral Safeguarding Areas defined by the mineral planning authority, the local planning authority will expect consideration to be afforded to the extraction of the mineral resource prior to development’.*

Core Policy CP4 – ‘Supporting Sites for Development’:

- 6.103 In part advises that *‘Development or activities of a scale and nature appropriate to secure the sustainability of each settlement in the hierarchy defined in Spatial Principle SP2 and elsewhere through Spatial Principle SP3 will be supported taking account of the following:*
3. *Development should be consistent with the requirements of Core Policies, and should not:*
 - a. *impact adversely on the character of the settlement or its setting, important open spaces and views; designated and undesignated heritage assets and the character of the landscape;*
 - b. *lead to the loss of, or adverse impact on, or cause deterioration of important nature conservation, water bodies or biodiversity or geodiversity sites;*
 - c. *result in the unacceptable loss of locally important open spaces or community facilities;*
 - d. *be located in areas of flood risk or contribute to flood risk elsewhere;*
 - e. *cause significant adverse impact on amenity or highway safety’.*

Core Policy CP7 – ‘Promoting a Sustainable Economy’:

- 6.104 In part this advises that *‘support will be given to:*
- a. *the development of employment activities that diversify the current offer in Richmondshire, and in particular those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the resident population;*
 - b. *development which promotes the sustainable growth of the key economic sectors within the area, particularly agriculture, food, military, retail, tourism, leisure and equine enterprises;*
 - c. *the development of digital, creative and cultural enterprises;*
 - d. *green, renewable and low carbon industries;*
 - e. *sustaining small and medium sized enterprises, including the development of support services to encourage existing and new business to grow’.*

Core Policy CP8 – ‘Achieving Rural Sustainability’:

- 6.105 In part advises that *‘support will be given to the social and economic needs of rural areas’.* To this effect it is noted that the support and encouragement will be given to:
- a. *‘small scale housing developments in or adjacent to smaller villages;*
 - b. *expansion of rural businesses;*
 - c. *re-use of suitable rural buildings for housing, tourism and employment generating uses supporting Strategic Principles SP3 and SP5;*
 - d. *provision of live-work units in smaller villages or by conversion of traditional rural buildings;*
 - e. *diversification of the agricultural economy;*
 - f. *tourism related initiatives;*
 - g. *recreation uses appropriate to a rural location;*
 - h. *small scale renewable energy projects and businesses to serve the industry;*
 - i. *arts and crafts based industries;*
 - j. *technological developments needed to facilitate employment development in rural areas;*
 - k. *improvement of public transport services.*
- In all cases development should respond to climate change and be designed to be sustainable, consistent with the requirements of Core Policies CP1 and CP2; should not conflict with landscape character, amenity, environmental protection or nature conservation policies of the plan but should seek to enhance the environment; and should provide any necessary mitigating or compensatory measures to address harmful implications’.*

- Core Policy CP12 – ‘Conserving and Enhancing Environmental and Historic Assets’:
- 6.106 In part advises that *‘Development or other initiatives will be supported where they conserve and enhance the significance of the plan area’s natural and man-made, designation or undesignated assets. Development will not be supported which:*
- a. has a detrimental impact upon the significance of a natural or man-made asset;*
 - b. is inconsistent with the principles of an asset’s proper management’.*
- Supremacists*

- Core Policy CP13 – ‘Promoting High Quality Design’.
- 6.107 In part advises that *‘High quality design of both buildings and landscaping is a priority in all development proposals. Support will be given for proposals that:*
- a. provide a visually attractive, functional, accessible and low maintenance development;*
 - b. respect and enhance the local context and its special qualities, including its design features, landscape, social activities, historic environment and nationally and locally recognised designations;*
 - c. optimise the potential of the site;*
 - d. minimise the use of scarce resources;*
 - e. adopt sustainable construction principles;*
 - f. facilitate access through sustainable forms of transport;*
 - g. secure improvements to public spaces and incorporate public art, where appropriate’.*

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 change of use, design, local amenity, impact on character of the area, impact on the historic environment, ecology, flood risk, contamination and drainage, fire prevention, highways safety and restoration.

Principle of the Change of Use

- 7.2 The application site, in its present condition, exhibits characteristics comparable to brownfield (previously developed) land however does not meet the definition of this or the criteria of previously development land. The quarry was a temporary use of the land and there are outstanding restoration requirements on the application site. As of 4 December 2017 the landowner is not in compliance with planning permission C2/12/1354/CCC as the requirement to submit a restoration & landscaping scheme for the site has not been complied with to date. The proposed development site, whilst occupying an open countryside location, would utilise land which was ancillary to the mineral extraction as a plant processing area, delaying the restoration of the site. On 23 December 2015 permission C1/15/00835/CM a temporary planning permission was approved for a Solar Arrays farm to the west of the application site which requires the previous quarry access to be kept until the permission expires on 23 December 2040. It is considered that there are no cumulative issues anticipated with the Solar Array or other developments on or surrounding the site
- 7.3 At the local level ‘saved’ policy 5/3 (a) and (b) of the NYWLP (2006) states that proposals for recycling facilities for industrial, commercial and household waste will be permitted provided that the proposed site is suitably located within an existing, former or proposed industrial area or within a redundant site or building. With regards to point 5/3(a) the site is not within an industrial area as such, with Greenfield land surrounding the development and the restoration requirements the site would also not be classed an area of industrial character. Therefore the application does not fully

comply with these elements however as stated in paragraph 6.89-6.90 these elements should be given partial and limited weight respectively due to the lack of support from national policy.

- 7.4 The application meets the locational criteria of (c) of 'saved' policy 5/3 as the site is within a worked quarry site, which has been restored with the exception of the plant site area. In regards to criteria (d) the site would prejudice the restoration condition for the former quarry site; however, the full former quarry site would not be able to be restored until 2040 when the Solar Arrays permission expires. Although, a restoration scheme for the plant area could be submitted to restore the red line area of this application, as this differs to the Solar Array red line. With the final parts of the restoration completed after the expiry of the Solar Array restoration 23 December 2040. With regards to criteria (e) of 'saved' policy 5/3 it is considered the highways network could satisfactorily accommodate the traffic generated and would not have an unacceptable impact on local amenity or the environment; the highways impact will be dealt with in more detail later in this report. In regards to points (g) and (f) the issue of the amenity, environment and restoration will also be dealt with further on in the report. Overall the application does not fully comply with 'saved' policy 5/3 which is considered to be given limited weight in the consideration of this application, however it does meet the locational aims of points 5/3 (c) and is potentially considered to be acceptable subject to the other considerations in this report.
- 7.5 This site would utilise waste wood and process it externally and does not incorporate any intended construction of buildings and instead would rely upon mobile plant equipment, accordingly the proposal is considered reversible. The applicant has confirmed that the anticipated volume of waste wood to be processed on an annual basis would be 30,000 tonnes. Furthermore, it is noted within the NPPW, that there is general support for sustainable waste management facilities which move waste up the 'Waste Hierarchy', making it preferable to reduce, re-use and recycle waste therefore, reducing the need to landfill. The development would contribute towards the Government's commitment to divert waste from landfill and produce processed wood for renewable/low carbon energy, which would be consistent with PPG guidance for renewables and low carbon energy as well as Paragraphs 97 and 98 of the NPPF. This is also in compliance with 'Saved' Policy 5/1 of the NYWLP as it would improve waste minimisation.
- 7.6 It is noted that Appendix B of the NPPW confirms that consideration must be given to the suitability of a proposed site, against the criteria it specifies, in the determination of a planning application, to ensure the likely impact of the proposed development. In this instance the relevant criteria of Appendix B of the NPPW are c) landscape and visual impacts; d) nature conservation; e) conserving the historic environment f) traffic and access; g) air emissions, including dust; j) noise, light and vibration; and l) potential land use conflict. This is also supported by the Planning Practice Guidance for Waste which states that when waste sites are not allocated an Applicant should be able to also demonstrate that the facility would not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy. This report in its considerations will deal with all these factors.
- 7.7 In relation to the appropriateness of the site, support is given within the Richmondshire Local Plan Core Strategy Policy CP8 to achieving sustainable development within a rural setting on the basis that there are no over-riding matters or material considerations to the contrary. Although the application site is in a rural setting, the site and wider surrounding area has previously been subject to extensive mineral extraction which has altered, albeit temporarily, its previous setting. The application site is presently a piece of land within the former Kiplin Hall Quarry, which has not yet been restored.

- 7.8 The agent confirms the majority of waste wood is to be received from Brompton, Catterick, Thirsk and Northallerton, however has stated this is not all inclusive and so material is to be sourced from all over the County. The proposed use of the land therefore receives support within Core Policy CP3 of the Richmondshire Local Plan which notes a proposal is acceptable as long as it is in a sustainable location. As the neighbouring authority, Hambleton District Planning have been invited to comment of the application however have yet to do so yet. It is though considered this application is also not in conflict with Hambleton Local Plan Policy CP4 in regards to settlement hierarchy as it would not significantly impact the character of the countryside. It is considered this is also not in conflict with Paragraph 120 of the NPPF due to being appropriate for this location.
- 7.9 The development accords with Spatial Principle SP3, Policies CP1, CP2 and CP7 of the Richmondshire Local Plan Core Strategy on the basis that there would be no over-riding or adverse impacts upon matters such as local landscape character, local amenity or the environment, which is discussed in more detail further in the report. Furthermore, the proposed development is considered to be a sustainable development, support for which is also given at a local policy level, for such development. Therefore it is considered that the proposed development would be acceptable in principle subject to further consideration of the location and appropriateness of the proposal in relation to its impact upon local amenity, the character of the area, the Listed Building at Kiplin Hall, ecology and flood risk.

Location

- 7.10 As discussed in the preceding paragraphs of this report the suitability of the site for a waste management facility is considered broadly acceptable in planning terms. However objections have argued that the site is not an appropriate location for a waste management facility, which is a key consideration and have raised concerns that the proposed facility does not comply with Local Policy. The proposed development is considered to be a sustainable use contributing to the provision of a facility for re-using waste materials that might otherwise go to landfill. The proposal would improve the processing of wood waste handled by Yorwaste and the Agent has stated that the all Yorwaste wood processing would be moved to the Kiplin Hall site if approved. The granting of planning permission in this instance would not compromise the relevant requirements set down in 'saved' Policy 4/3 of the NYWLP (2006) concerning Waste Management Proposals which states "*facilities will be permitted providing the siting and scale of the development is appropriate*".
- 7.11 Overall, it is considered that the proposed facility would contribute to the delivery of an integrated and adequate network of waste management installations by providing a specific wood waste processing facility, which would take all wood waste instead of other existing Yorwaste sites in the area. It offers an opportunity for an additional facility in the District to move waste up the 'waste hierarchy' and divert it away from the less sustainable option of disposal to landfill, and given the conclusions on the principle of the development. It is considered that the capacity to be provided by the facility would help ensure its management in accordance with the 'proximity principle' of the NPPW (2014), 'saved' Policy 4/1 and 4/3 of the NYWLP (2006) and the National Waste Management Plan for England (2013).

Design

- 7.12 The wood processing facility would utilise the current arrangement of the site, occupying the existing buildings, making use of the existing weighbridge and bringing onto the site mobile plant equipment including a shredder and screener. This change of use application also does not provide any further hardstanding on the site. The land surrounding the application site, is predominantly low lying and flat with intensive arable farming, with Kiplin Hall a historic house and garden which is open to the

public to the east and south. Whilst occupying an open countryside location the landscape character of the area has been affected by the activities previously undertaken on the site. Previously the buildings were accepted to be in the countryside in the context of the quarry development and were not intended to be long-term structures beyond the life of the quarry. This proposal includes their retention for a waste use although this does not necessarily need to be in open countryside, unlike for working minerals. It is considered the existing screening bunds along the north and north western boundary would be retained, to mitigate the impacts of the use of the site. The external storage areas would be screened by a 4 metre high bund. Stockpiles would also be restricted by condition so to not exceed the height of 4 metres in the interests of visual amenity.

- 7.13 The retained buildings, structures and site layout would be visually compatible with the local landscape in terms of scale, height and massing and would not result in any unacceptable adverse visual impact or have a detrimental effect on the character and uniqueness of the landscape. However, in the interests of general amenity, it is considered prudent to include a planning condition that removes 'permitted development' rights for any future change of use, buildings, fixed plant or areas of hardstanding (beyond that provided for in the proposed development). In light of the above it is considered that the development is in compliance with 'saved' Policy 4/3 of the NYWLP (2006), Richmondshire Local Policy CP13 as it respects the local context of the area creating a functional, accessible and low maintenance use of the site. It is also not in conflict with national policies in respect of design contained within paragraph 58 and 61 of the NPPF, PPG guidance for design and paragraph 7 of the NPPW.

Local Amenity Impact

- 7.14 A significant consideration in the determination of any waste application is the potential impacts of the development upon the amenity of local residents, other sensitive receptors and the environment. The significance of this matter is addressed in both National Policy and Local Planning Policy, which seeks to limit the impact of developments upon local residents, and which must be taken into consideration in the determination of waste planning applications. Concerns have been raised by local residents in the main, due to the impact that the development will have upon local amenity. The potential adverse effects of noise, dust and external lighting on occupiers of the nearest residential properties are key considerations in the acceptability of this application in the proposed location. 'Saved' policies 4/1 and 4/19 of the NYWLP (2006), seek to ensure that waste management facilities do not have an unacceptable effect on local amenity. These potential impacts are considered in the paragraphs below. A further consideration is in regards this is the NPPW, Appendix B, criteria (c) in regards to local amenity.
- 7.15 It is noted that the nearest residential property is located approximately 100 metres to the north eastern boundary of the site on the B6271, with further properties less than 250 metres to the east of the site. No views exist of the application site from any residential properties due to the existing extensive screening and woodland planting that exists around both the former quarry site and at Kiplin Hall. The mobile plant equipment and stockpiles will be significantly below the height of the surrounding mature trees and vegetation. As such, it is considered that there would be no visual impact resulting from the proposed development due to the positioning, scale and design of the proposed use.
- 7.16 The wood processing plant is considered to be small in scale and to this effect, does not cover a significant area of land. There are no external views into the application site from any residential property, publically accessible location or from any public highway. The site is located within a predominantly rural location though there are a

number of residential properties located nearby. Although the application site is located within open countryside, the site does not have any special designation preventing or limiting development upon it. This is considered to be in compliance with the principles of the NPPF as outlined with paragraph 17, which seeks to ensure that developments maintain a good standard of amenity both now and in the future. This is also consistent with NPPW, Appendix B, criteria (c) as it is considered that the proposal would not have a significant impact on the amenity of the area because of the lack of views into the site from residential property, publically accessible location or from any public highway

- 7.17 Notwithstanding the above comments, it is noted that due to the proximity of the nearest residential properties, the operations associated with the proposed use do have the potential to have some impact upon local amenity. For this reason, it is considered appropriate to restrict the permitted hours of use to avoid any such works taking place at unsociable hours, which would be secured and controlled through condition. This approach is also considered to be consistent with the principles of the NPPF as outlined within paragraphs 102 and 123 of the Framework, which advocates the use of conditions for general amenity purposes. This is also in compliance with Hambleton Local Policy DP1, which is classed as a material consideration, as the proposed development is not considered to have a significant impact on residential amenity due to the reasons stated above. This is a material consideration due to the residential properties which have been neighbour notified and are within the neighbouring Hambleton District who have also been consulted on the application although have yet to respond to.

Local Amenity Impact – Dust

- 7.18 The processing is confirmed to be 'open air' and accordingly there is the potential for impact by dust. The application is accompanied by a Dust Impact Assessment which proposes mitigation for the operation of the waste wood processing. There are a number of measures that are proposed for the site that would reduce dust emissions during operation. These include the controlled use of fixed short haul routes that are regularly maintained by grading to minimise dust generation, water dampening to be used as required, speed controls to be implemented on all haul routes and processing plant (15mph), drop heights to be minimised throughout the site, mobile plant exhausts and cooling fans to point away from ground with all plant to be regularly maintained, sheeting of all HGV visiting and leaving the site, use of road sweeper on access road when required and approaches of the access road with public roads are regularly maintained.
- 7.19 This is consistent with Planning Practice Guidance for air quality which states mitigation should be proportionate to the size of the proposal, in this instance the effects of dust would be minimal and mitigated by a condition for the proposal to comply with the recommended mitigation. There are no objections from the two District EHOs with no issues raised in regards to dust in their consultation responses. The proposed development, if granted planning permission, would be subject to the controls of the Environmental Permit and regular inspection by the Environment Agency. It is considered that the dust emissions from the site could be adequately monitored and controlled under the environmental permitting regime. The controls exercised under the regulatory pollution regime exist to prevent or mitigate harm from development and any grant of planning permission for the development would not inhibit the relevant regulators from refusing a permit application should they consider it would cause demonstrable harm.
- 7.20 The existence of alternative statutory means of controlling pollution through the Environment Agency is a material consideration to be taken into account in determination of applications for development which would also be subject to those

other forms of statutory control. The planning system should not be operated so as to duplicate environmental controls; although in this instance, land use planning controls and mitigation such as the stockpile heights and the sheeting of vehicles are appropriate. This is because they would mitigate the amenity issues, visual impacts and highways concerns which are all land use issues. Therefore, if planning permission is granted, the facilities design and the mitigation measures proposed would sufficiently control the dust emissions arising from the site. The development would not give rise to any amenity issues associated with air pollution rendering no conflict with the national policy contained within the NPPF and NPPW and would be compatible with the aims of 'saved' policies 4/19 and 5/3 (g and f) of the NYWLP (2006) and Local Policy CP3 and CP4 of the Richmondshire Local Plan and Policy DP1 of the Hambleton Local Plan, which is considered a material consideration.

Local Amenity Impact - Noise

- 7.21 It is acknowledged that the nature of the local roads and HGV traffic could give rise to disturbance in the area, however there are no limitations on the use of the public highway by HGVs in the area and not all disturbance would necessarily be attributable to the HGVs arising from the proposed development. There are no proposals for night time HGV movements and should permission be granted the hours of HGV's accessing the site would be controlled by condition in the interest of local amenity. The overall number of HGV movements would also be controlled. It is considered that in light of the above concerns relating noise disturbance from HGV traffic would not be sufficient reason to warrant the refusal of the application. The agent has also confirmed that the current noise report only considers one Shredder in operation in its conclusions therefore it is considered appropriate to limit the use to one via condition to control the impacts of the proposal.
- 7.22 The nature of the proposal is such that it would be considered unlikely to result in any adverse noise impacts upon residential amenity. The Hambleton Environmental Health Officer has confirmed that the proposed development is unlikely to cause nuisance, which would result in a negative impact upon local amenity, which further supports this view and is also consistent with PPG guidance for Noise. For the reasons detailed above, it is considered that the proposed development would not have a significant impact upon the amenity of any local receptor in regards to noise. Therefore there would be no conflict with the national policy contained within the NPPF and NPPW and planning policy guidance for Noise. It is also in compliance with the aims of 'saved' policies 4/1, 4/18, 4/19 and 5/3 of the NYWLP (2006).
- 7.23 Kiplin Parish Council noted contradictions between some of the plans and documents and what they were being told by the agent, this was stated in their consultation responses (as stated in paragraph 4.15-4.15.5) and these questions were forwarded onto the agent for a response in particular in regards to the hours of operations and noise from campaign events, which are described by the agent as with being a processing event of approximately six to eight weeks. The Agent responded on 29 November 2017 accepting the hours of operation requested by the EHO only up to 18:00 Monday to Friday. The agent further stated that the assessments on noise have been completed assuming the operation of only one shredder, therefore one only shredder and screener being in use on the site would be controlled through condition and that campaign events would last ideally between six and eight weeks. A further response was received on 13 December reiterating their objection.
- 7.24 Therefore whilst the proposed development would have an impact upon residents in regards to noise, due to the environmental mitigation and controls implemented the impacts upon the amenity of the nearest residential property of Richmond Drive Lodge would not be adverse or unacceptable. As such it is considered that the

impact of the proposed development upon the amenity of any sensitive receptors will be negligible.

Local Amenity Impact - Lighting

- 7.25 Scorton and Kiplin Parish Councils, Historic England and the Landscape Architect have concerns regarding the impact of lighting on the area, especially in winter. The District EHO though has not raised any concerns in relation to the lighting impact and it is considered that due to the separation distance from residential receptors the on-site lighting would not give rise to unacceptable levels of light pollution or disturbance in the local area. It is also stated by the Agent that there would not be any night time operations. To ensure that this is the case, it is proposed that such mitigation would be controlled by condition for hours of working and any existing lighting to be used and any proposed new lighting to be approved in writing by the County Planning Authority.
- 7.26 This is consistent with Planning Practice Guidance in regards to Light Pollution, as the impacts of the proposal would be mitigated sufficiently. In light of the above it is considered that the site would not give rise to any amenity issues associated with light pollution rendering no conflict with the national policy contained within the NPPF and NPPW. It would also be compatible with the aims of 'saved' policies 4/19 and 5/3(g) of the NYWLP (2006), which seek to ensure that proposed developments are appropriate to their location and would not result in impacts considered significantly detrimental to the local environment. For the reasons detailed above, it is considered that the proposed development will have no impact upon local amenity, visual or otherwise. Therefore, the proposed development is consistent with the principles of the NPPF.

Impact upon the Character of the Area

- 7.27 The site is screened entirely from external views by the extensive trees, existing screen mounding and woodland surrounding the former quarry site and the Kiplin Hall estate, as shown on Appendix H. However, notwithstanding the extensive mineral extraction that has taken place at Kiplin Hall Quarry, the local landscape is considered to be a sensitive landscape area due to being in the open countryside and the proximity of Kiplin Hall, which is approximately 400 metres to the east. As such, whilst the land did indeed once form part of the parkland of the Kiplin Hall estate, the nature of this landscape has been significantly altered by the mineral extraction, with the subsequently surrounding restored landforms having altered the nature of the surrounding land (including additional lake areas and woodland planting). In their consultation response the Archaeologist states that no further monitoring is necessary due to the low archaeological potential given the previous quarrying at the site.
- 7.28 There are no new buildings associated with the proposal and it is considered unlikely that the use of the existing buildings would appear incongruous in the landscape. The scale, massing and appearance of the existing buildings are considered to be appropriate and would not be detrimental to the surrounding area when viewed over long distances. To this extent it is considered that the proposed development complies with 'saved' policy 4/3 in regards to Landscape Protection of the NYWLP which advises that waste developments should only be permitted if there would not be an unacceptable impact on the character and uniqueness of the area. This is also in compliance with Richmondshire Local Plan Policy CP13 and the material consideration of Hambleton Local Plan Policy DP30 due to the proposed development optimising the use of the site and respecting the local character of the area.
- 7.29 The land surrounding the application site is predominantly low lying and flat with intensive arable farming and industry. The proposal is located within a site awaiting

the completion of restoration under the terms of planning permission C2/12/01354/CCC, dated 1 August 2012, the effects on the current character of the site would be limited as there are no additional buildings or hardstanding proposed, however this application should be judged against the land having been restored back to agricultural land. The Setting Assessment submitted with the application states that the reinstatement of the land when restored would only give low levels of benefit to Kiplin Hall and the surrounding area and would not re-establish views to the hall. Therefore the impact of this development in terms of the effect on the landscape is not considered significant in regards to the delayed restoration.

- 7.30 The Landscape Architect in their original consultation response also had concerns about the proposed development in regards to the impact on Kiplin Hall's setting and the crossover between the heritage and landscape issues stating the proposal conflicts with policy as the restoration would not be completed, meaning the proposal would have an unacceptable impact on the character of the landscape, and judging the proposal to be significantly more harmful than restoring the site. Furthermore, the Landscape Architect stated the proposal would not make a positive contribution to the character of the area and would not protect the heritage asset of Kiplin Hall. It is though considered that the proposed development would have no impact on Kiplin Hall itself from a landscape character perspective as it would be screened from view by the woodland and bunds around the site, which the Landscape Architect acknowledges in their response stating the screening would be 'fairly effective'.
- 7.31 A further response was received on 9 November 2017 stating the issues in regards to tranquillity had been addressed through the Setting Assessment and stated that in regards to this the Landscape Architect was satisfied the proposal to be controlled through conditions. Further stating in terms of mitigation it makes use of an existing off site bund and existing planting, with the bund being a temporary feature, which should not ideally be relied upon for visual and acoustic screening without management. It is considered that the bund would not be removed before the permission expired as the materials from it would require be used for the restoration of the application site. However this would not be able to be controlled through this application therefore Section 106 is required. The original Landscape Officer response requested the management of the bund and vegetation so it could be retained for the duration of the development, it is considered that due to this being completed though the Section 106 agreement, there would be no need for further planting through a management plan of this area due to its nature as acoustic and visual mitigation.
- 7.32 Kiplin Parish Council noted contradictions between some of the plans and documents and what they were being told by the agent, this was stated in their consultation responses (as stated in paragraph 4.15-4.15.3) and these questions were forwarded onto the agent for a response in particular in regards to the locations of stockpiles which they were verbally told was different to the plans. However it has been confirmed that Appendix F, the Proposed Site Plan which includes the stockpile locations is accurate and the location of these stockpiles would be controlled through condition.
- 7.33 Furthermore the addition of stockpiles located upon the hardstanding would not significantly affect the visual appearance of the unrestored site, as the mineral processing plant operation also included stockpiles. The height of the proposed stockpiles would be conditioned to a limit of four metres to mitigate their impact on the area. The proposal would therefore be visually compatible with the local landscape in terms of scale, height and massing and would not result in any adverse or detrimental effect on the character. However, in the interests of general amenity, it is considered prudent to include a planning condition that removes 'permitted development' rights

for any future change of use, buildings, fixed plant or areas of hardstanding (beyond that provided for in the proposed development). Therefore the proposal would not have a negative impact on the area and would not be in conflict with Local Policy as it would not have a significant impact on the maintenance, protection or enhancement of the historical asset, the reasons for which are stated further in the report within the impact upon the historic environment section.

- 7.34 For the reasons details above, it is considered that the proposed development would not result in an adverse impact upon the character the site and wider surrounding area. Therefore, the proposed development is considered to be consistent with the principles of the NPPF as outlined in Chapter 7 of the Framework, guidance contained with the PPG in relation to natural environment. It is also in compliance with the landscape and character protection elements of Policies CP2, CP4 and CP13 of the Richmondshire Local Plan Core Strategy and also DP30 of the Hambleton Core Strategy which is a material consideration in the determination of this application. All of which seek to ensure that developments are both appropriate to and sympathetic towards the surrounding landscape so as not to result in any adverse impacts upon its character.

Impact upon the Historic Environment

- 7.35 The specific tests for consideration are whether the proposed development would give rise to a circumstance where substantial harm to the interests of either a listed building or structure or their settings or total loss of their significance would arise as a result of the effects of the development. Special regard must also be had the desirability of preserving any identified designated heritage asset.
- 7.36 The National Planning Policy Framework (2012) advises that when determining planning applications (including applications for Listed Building Consent), *'planning authorities should take account of the desirability of sustaining heritage assets and putting them to viable uses consistent with their conservation'* and ensure new development makes a positive contribution to the local character and distinctiveness. Additionally, the NPPF and Planning Practice Guidance confirms that where the development proposal will lead to less than substantial harm to the significance of a designated heritage asset and its setting, this harm should be weighed against the public benefits of the proposal. It is noted that the Planning Practice Guidance states that it is the degree of the works, rather than the scale, which determines the extent of the harm.
- 7.37 It is noted that Kiplin Hall, a Grade I Listed Building, is located approximately 400 metres to the east of the application site. The hall represents a locally important heritage asset. The nearest elements of the Kiplin Hall site to the proposed development are the north-west gateway and lodge. These are approximately 60 metres from the proposed red line boundary of the site.
- 7.38 The application was subject to consultation with the Richmondshire Conservation Officer however no response has been received to date. Historic England were also consulted on this proposal and an objection was received on 20 July 2017, a summary of this objection is written in paragraph 4.12 and 4.12.1 of this report. The main concerns were in regards to the landscape restoration not taking place and the proposal failing to sustain or enhance the significance of Kiplin Hall and could be harmful to its setting. If substantiated this would mean the application would not meet the needs of the NPPF.
- 7.39 The Setting Assessment submitted in support of the application states the proposed development would overall have a limited impact on the heritage significance of Kiplin Hall and its setting. The assessment states this is due to the noise survey

demonstrating the increased levels of noise would not be adverse, the impact on lighting in winter months at the Hall would be negligible with it not being open to the public except for special events November 1st. The Setting Assessment states that the reinstatement of the land when restored would only give low levels of benefit to Kiplin Hall and would not re-establish views to the hall therefore is not considered significant. Furthermore the report states *'given the deteriorated state of the Site, which lies wholly within the District of Richmondshire District, and adjacent land, it is unlikely that it would be included within the extents of a non-designated heritage asset, even if restored'*.

- 7.40 After the submission of this assessment Historic England were re-consulted and responded stating they now do not object on heritage grounds and *are 'broadly content on heritage grounds with the proposal'*. However, it was requested that conditions be applied to mitigate the impacts of the proposal to make it meet the requirements of paragraphs 131, 132 and 134 of the NPPF. This would be done through conditions in regards to noise, lighting, traffic movements and hours of operation. Despite the application's proximity to the Hall, it is therefore considered that a sufficient stand-off and separation distance of approximately 400 metres exists between the application site and Kiplin Hall itself so as not to have an adverse impact upon its setting.
- 7.41 The above mentioned objection and concerns are noted. However, it is considered the proposed development is in line with the guidance contained within Paragraph 132 of the NPPF, due to the stand-off that exists and the lack of views due to the screening that is offered by the extensive trees and woodland surrounding the former quarry site and the Kiplin Hall estate. The nature of the wood processing plant means that the proposed development would not give rise to significant harm or affect the significance of the Listed Building or its setting. It would not lead to any impact in the context of Kiplin Hall's setting, this is considered in compliance with 'Saved' Policy 4/14 in regards to the historic environment and consistent with NPPW Appendix B criteria (e) in regards to conserving the historic environment and Paragraph 131 of the NPPF. The Landscape Officer states the proposal conflicts with policy 4/14 of the Waste Local Plan. However due to the reasons stated above with the limited impact the proposal would have on the setting of Kiplin Hall, along with Historic England's re-consultation response which states they do not object to the application on Heritage grounds and are broadly content, it is considered that the proposal is not in conflict with this policy.
- 7.42 The site was formerly a fully operational mineral extraction operation and under the policy of the time the proposal of a larger scale, which was closer to the listed building was still deemed acceptable. This suggests that if appropriate management and mitigation measures can be agreed, the site can be utilised for a waste processing facility in harmony with the surrounding area. Although it is acknowledged that new policy is now in place and will be considered throughout this report. It is therefore considered that the negligible levels of harm are outweighed by the potential benefits of bringing the site back into use, this is consistent with Paragraphs 129, 133, 134 of the NPPF.
- 7.43 Overall the proposal is considered consistent with the principles of the NPPF, as outlined within Chapter 12 of the Framework and PPG guidance, which seeks to ensure that developments do not result in harm to their character or setting of heritage assets. Furthermore the proposed development is not in conflict with the historic asset protection elements of Richmondshire Local Plan Core Strategy Policies CP4 and CP13 and the material consideration of Hambleton Local Plan Policy DP28 which seek to ensure the protection of the districts' heritage assets and their settings in long term which the proposal would help to achieve through active

use of this site. The Landscape Officer states the application is in conflict with Richmondshire Local Plan Policy CP12 and Hambleton Local Plan Policy CP16 in regards to conserving and enhancing the historic environment, it is though considered that the application would have little to no impact on the setting of the heritage asset and is not considered it would have an impact which would be significantly detrimental to the running, maintenance, management or setting of Kiplin Hall or contrary to any controls on nationally or locally designated areas. This is supported through Historic England's re-consultation response which states that no objection to the application on heritage grounds. As such, it is considered that the proposed wood processing plant would not result in any significant harm of this heritage asset or its setting, subject to other material considerations.

Ecology

- 7.44 It is noted that the site is currently of limited ecological value, by virtue of being an un-restored area of the former Kiplin Hall Quarry. The application site is not within close proximity to any local or nationally designated nature conservation sites as it is more than 400m from the River Swale SINCS site. The County Ecologist has confirmed that the scope and extent of the ecological survey and assessment are satisfactory. Further stating there is also unlikely to be an impact on any protected species or notable habitats and there are no ecological objections to the development.
- 7.45 The Ecologist states enhancement measures identified within the Ecology Report should be included in the development proposals to maximise opportunities for biodiversity. It is considered the proposed development would have a minimal impact upon the ecology of the application site and local area; however, to maintain biodiversity a condition would be added to any permission requiring the mitigation in chapter 5.3 of the Ecological report to be implemented on site. Therefore, the proposed development is consistent with the principles of the NPPF in relation to the protection of the natural environment as outlined within Chapter 11 of the Framework. It is also in compliance with the natural environment protection elements of Policies CP3 and CP4 of the Richmondshire Local Plan Core Strategy, which seeks to ensure that planning protects and enhances such environments to ensure that developments do not result in adverse impacts upon them.

Flood Risk

- 7.46 It is noted that the application site is located within Flood Zone 3 and on the edge of Flood Zone 2, designated as such by the Environment Agency due to the high probability of flooding. The site is located near to the River Swale to the south and there is potential for the proposal to have an impact upon these controlled waters. The land immediately around Kiplin Hall itself is not located within a Flood Zone.
- 7.47 As such, a Flood Risk Assessment was undertaken and submitted in support of the application. The assessment considers the impact of the development upon the Flood Zone concluding that that there is low-medium risk of flooding occurring at this location. The assessment confirms that *"the risk is acknowledged by the Applicant, and such an event can be contained within the site, with no increased risk on adjoining land or properties"*. The proposal would also create no changes to the landform or any additional and therefore surface water run off rates would not be changed from the existing.
- 7.48 As the proposed development would not result in any increase in surface water run-off. This is considered to be consistent with the principle of the NPPF, as outlined within paragraphs 93, 100 and 103 of the framework which seeks to ensure that proposed developments do not increase flooding on site or elsewhere, and that sufficient mitigation exists to further reduce the risk. Furthermore, due to the limited impact that the proposed development would have upon local flooding and flood risk,

the proposal is considered to be an appropriate use of land located within Flood Zone 3 and appropriate to the sites flooding vulnerability. This position is supported by the Flood Risk Assessment submitted with the application. The Environment Agency has raised no objections to the development and it is considered that in light of the mitigation the development would not increase flood risk or have an adverse impact upon the water environment and the development is consistent with the guidance contained within the NPPF and NPPW. For the reasons details above, it is considered that the proposed development will not have an adverse impact upon flooding.

Contamination and Drainage

- 7.49 The proposed development would involve only using the existing areas of hardstanding. The existing surface hardstanding would not be disturbed and all activities would take on extensive drained surfaces, therefore no contamination assessment has been required. It is considered that in light this the development would not have an adverse impact upon the drainage of the site and the development is in compliance with the guidance contained within the NPPF and NPPW. To make sure the site is kept to a good level of quality, a condition for the maintenance of the hardstanding would be attached to any permission to be granted.

Fire Prevention

- 7.50 The suitability of proposed fire safety measures will be considered at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority. The fire prevention and management plan practices (approved as part of the Environmental Permit) involve stockpile height limits (max 4 metres) and separation distances between stockpiles and plant and machinery, fire rated concrete dividing walls, regular rotation, temperature monitoring, visual inspections and an evacuation plan. Nevertheless, in light of the nature of the land use it is considered prudent to include a condition requiring the submission and approval of a fire prevention scheme to the County Planning Authority.

Highways Matters

- 7.51 The Highways Authority, in making their formal recommendation on the application, requested if shrubbery and branches could be trimmed back to improve the visibility leaving the site facing east, the applicant agreed to this and therefore in response the Highways Authority stated no objections to the proposed development. It is considered that the development proposals, when considered in relation to the consented development, would not result in any adverse impact to the surrounding highway network nor would it have a detrimental effect on highway safety and capacity. There is no evidence to suggest that this proposal would increase the risk of accidents if it were to subsequently become operational. The site is a former mineral extraction site and the vehicle movements proposed associated with this development are proposed to be up to 13 vehicle movements in and out of the site. This would be less than the previous development generated. Accordingly, there is no evidence to support a suggestion that accident risk would be increased if implemented.
- 7.52 The NPPF, at paragraph 32, advises that development should only be prevented on transport grounds where the impacts are 'severe' and it is considered that there are no reasons to refuse the application on such grounds. The vehicle movements would not have an unacceptable impact in terms of highway safety or capacity and the traffic generated can be satisfactorily accommodated in compliance with 'saved' policies 4/18 & 5/3(e) of the NYWLP (2006), policies CP3 and CP4 of the Richmondshire Local Plan. This is also consistent with the NPPF and PPG guidance in regards to travel plans, transport assessments and statements in decision taking.

- 7.53 It has been evidenced above, that the surrounding highway network has been assessed as being capable of accommodating the predicted traffic levels to the site and that the proposed development would not have an adverse impact upon the local highway network. Therefore, it is considered that the proposed development is compliant with the principles of the NPPF as outlined in Chapter 4 of the Framework. The vehicle movements would not have an unacceptable impact in terms of highway safety or capacity and the traffic generated can be satisfactorily accommodated in compliance with 'saved' policies with the transport link element of Policies 4/1 and 4/18 and the highway network element of 'saved' Policy 5/7(e) of the NYWLP Plan (2006).
- 7.54 Kiplin Parish Council noted contradictions between some of the plans and documents and what they were being told by the agent, this was stated in their consultation responses (as stated in paragraph 4.15-4.15.3) and these questions were forwarded onto the agent for a response in particular in regards to the hours of operations and traffic movements. The response from the agent stated the hours of operation would be controlled by condition and this would match the control of the vehicle movements which would only be allowed between 07:00 – 19:00 Mondays to Fridays and 07:00 – 13:00 Saturdays. In regards to traffic movements the agent confirmed '*as a worst case scenario the site will generate 35 loads per week (70 movements) or 6.5 loads per day (13 movements) based on 48 operational weeks*'. Therefore this would be controlled by a condition for 13 HGV movements per day.
- 7.55 Whilst it is noted that objections have been received in relation to the impact of the development on the highway network as stated in paragraph 5.4, it is not considered reasonable to conclude a recommendation of refusal based on highway concerns. Therefore, this proposal is considered to be consistent with the traffic and access principles of the NPPF and as outlined within Appendix B of the NPPW, which seek to ensure the existing highways networks are both suitable and able to cope with the pressures placed upon them by proposed developments, which adds further weight in support of the development. It is also in compliance with Policies CP3 and CP4 of the Richmondshire Local Plan.

Restoration

- 7.56 In order to further mitigate against the long-term impacts of the development upon the character of the area and sensitivity of the surrounding landscape, it is considered appropriate that Wood Processing Plant should not be granted a permanent planning consent. To this effect, although the applicant has not specified the length of time consent is being sought for, a time limit is to be included. It is considered appropriate that this permission matches the Solar Arrays time limited permission, which expires on 23 December 2040. Following the expiration of this time limit, the processing plant would be removed within a set timescale and the site restored in accordance with the restoration scheme due to be submitted and approved under this, or any superseding consent(s) that may be granted. This would ensure that the long-term impact upon the surrounding landscape is minimised and also ensure that the proposed development is in keeping with 'saved' Policies 4/18 and 4/20 of the North Yorkshire Minerals Local Plan (1997) and 'saved' policy 4/19, 4/22 and 4/23 of the North Yorkshire Waste Local Plan (2006).
- 7.57 Given the previous history of the site (mineral extraction) it is considered that the constraints applicable to the site can be appropriately protected. Accordingly, the magnitude of the potential impacts is not considered significant or overly complex, therefore can be mitigated and controlled through conditions. The area of Kiplin Hall Quarry in which the application site is located is subject to restoration requirements, under the provision of planning permission C2/12/01345/CCC, which expired on the 4 June 2017. The site could not though be fully restored until the Solar Arrays are

removed from site in 2040, due to the requirements for access to the site, the bunds used as screening for the site would also have to be used for the restoration of the site. The impact of the proposed development upon the character of the site and surrounding area would be more than the approved Solar Arrays. The site would though still be required to be fully restored after the date this permission expires, which at the latest would be by 23 December 2041. This is in conflict with para 144 of NPPF which seeks early restoration of minerals sites and is in part in conflict with NYWLP 'Saved' Policy 5/3 (f). However this delay in the restoration would not have a significant impact on the character of the area.

- 7.58 For the reasons detailed above, it is considered that the proposed development would not have an adverse impact upon the character of the area in which it is located, further supporting the appropriateness of the development. In light of the above it is considered that the development is in compliance in part with 'saved' Policy 5/3 of the NYWLP (2006) and consistent with national policies in respect of design contained within paragraph 58 of the NPPF and paragraph 7 of the NPPW. The proposal would also be in compliance with 'saved' Policies 4/18 and 4/20 of the North Yorkshire Minerals Local Plan (1997) and 'saved' policy 4/19, 4/22 and 4/23 of the North Yorkshire Waste Local Plan (2006).

Section 106 Legal Agreement

- 7.59 If planning permission is granted for the reasons stated in paragraph 7.32 it is considered necessary to secure the following through a Section 106 Legal Agreement:-
- A management plan to retain at its current level the screening value of bunds and vegetation outside the red line boundary as shown on the Draft S106 Plan.

8.0 Conclusion

- 8.1 The proposed development comprises the redevelopment of a site of industrial character. It is considered that the proposed development complies with the core planning principles set out in paragraph 17 of the NPPF in respect of land-use planning decisions that encourage the effective use of land and this is given considerable weight in the decision making process.
- 8.2 The proposed development seeks to manage waste up the 'waste hierarchy' from disposal to re-use. The development would contribute towards the Government's commitment to divert waste from landfill and produce processed wood for renewable/low carbon energy. It is considered that the development is consistent with the national planning policy on waste management and energy which is afforded significant weight in the planning considerations.
- 8.3 There would be no significant or unacceptable individual or cumulative environmental effects. The potential impacts upon the environment, local amenity and the highways network can be controlled through the imposition of planning conditions and there are no material planning considerations to warrant the refusal of this application and it is recommended that planning permission is granted.

9.0 Recommendation

9.1 For the following reason(s):

- i) The development is in accordance with the 'saved' policies of the North Yorkshire Waste Local Plan (2006), North Yorkshire Minerals Local Plan (1997), the policies of the Richmondshire Local Plan Core Strategy (2014), and overall is consistent with the NPPF (2012), PPG (2014), NPPW (2014) and the National Waste Management Plan for England (2013);
- 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, the effect on the historic environment would not be significant 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, subject to no issues being raised by Hambleton District Council Planning Department and after the meeting the prior completion of a planning obligation to secure the following matters that are considered to be necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development :

- A management plan to retain at its current level the screening value of bunds and vegetation outside the red line boundary.

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

Conditions

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.
2. The development hereby permitted shall be carried out in accordance with the application details dated 31 May 2017 as amended and the list of 'Approved Documents' at the end of the Decision Notice and the following conditions which at all times shall take precedence.
3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 or any other order revoking or re-enacting the order, no plant or buildings shall be erected within the application site without the prior grant of planning permission by the County Planning Authority.
4. The development hereby permitted shall cease and all buildings, plant, machinery and equipment associated with the development shall be removed from the site by 23 December 2040, and the area previously so occupied reinstated in accordance with a detailed scheme to be submitted to and agreed in writing by the County Planning Authority by 23 June 2040, or within three months of the cessation of use, whichever is the sooner.
5. In the six months prior to 23 December 2040, a detailed scheme for the restoration and landscaping including a 5 year aftercare scheme for the site shall be submitted to the County Planning Authority for written approval. Such scheme shall include, amongst other matters, details of the following:

- a) the sequence of restoration showing clearly the relationship to the working scheme and surrounding landscape;
- b) ground preparation, fencing, walling, tree and shrub planting, including types, sizes, numbers and species;
- c) timetable for implementation.

Thereafter restoration and landscaping of the site shall be carried out in accordance with the approved scheme or in accordance with such other schemes as may be subsequently approved in writing by the County Planning Authority.

6. In the event that the waste recycling facility ceases to operate for a continuous period of 12 months before the completion of the development, a scheme of restoration for the site, including the dismantling and removal of all above ground structures associated with the development, shall be submitted to the County Planning Authority for written approval. Thereafter, the approved scheme shall be implemented in accordance with a programme to be included in that scheme.
7. The development hereby approved, shall, at all times, proceed in accordance with the ecological mitigation measures detailed within Table 17 and Appendix E6 paragraphs 1.1.8 and 1.1.9 of the Extended Phase 1 Habitat Survey (Ref. CE-KP-1162-RP01, dated 9 March 2017).
8. Prior to the development coming into use the mitigation measures specified in the report at Appendix 3 of the Dust Impact Assessment shall be incorporated in a Dust Management Plan (DMP) which shall be fully implemented throughout the lifetime of the development.
9. Prior to the commencement of development the details of screening for the shredder/screener shall be submitted in writing to the County Planning Authority for approval, in consultation with the Environmental Health Officer. An approved scheme shall be implemented on the site for the duration of the development.
10. Except for the maintenance of plant and machinery no operations shall take place except between the following times 07:00 – 18:00 Mondays to Fridays, 07:00-13:00 Saturday and no use on Sundays or Bank and Public Holidays.
11. There shall be no use of a Shredder or Screener to take place on Saturdays, Sundays or Bank and Public Holidays.
12. No HGVs are permitted to enter or exit the application site or be loaded or unloaded within the application site except between the following hours:-
07:00 – 19:00 Mondays to Fridays
07:00 – 13:00 Saturdays

There shall be no HGV movements into or out of the site or loading or unloading of HGVs on Sundays or Bank/Public Holidays.
13. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment which shall be regularly maintained. When is operating in proximity to residential properties, non-audible reverse warning alarm systems shall be deployed.
14. Noise from the development authorised by this permission, shall not exceed the following at any noise sensitive property as identified in the Noise Assessment (ref R17.9405/2/AP) : *The noise limits should not exceed the background noise level*

(LA90, 1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq 1h (free field).

15. In the event that the noise level specified in Condition 13 is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in compliance with the requirements of Conditions 12 and 13.
16. The total number of Heavy Goods Vehicle movements on the highway associated with this development (comprising the total number of movements entering the application site plus the total number of movements leaving the application site) shall not exceed 13 per day.
17. Any lighting will not be brought into use until details of a final lighting scheme design, consisting of existing lighting and any additional lighting has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved scheme shall be implemented throughout the lifetime of the development.
18. Prior to the commencement of development, a scheme for the prevention of fire for the application site should be submitted to and approved in writing by the County Planning Authority in consultation with North Yorkshire Fire and Rescue Service. Once approved the scheme shall be implemented before the development hereby approved is brought into use and thereafter maintained in accordance with the approved scheme throughout the lifetime of the development.
19. All wood brought onto and stored on the site shall only be deposited in the permitted unprocessed material zones indicated on the approved Proposed Site Plan (Plan 3 (Rev A), dated June 2017) and the wood shall not be stacked or deposited to a height exceeding 4 metres at any point within the application site.
20. The external processing of wood should at all times be limited to the operation of one Shredder and one Screener.
21. The external processing of wood is only permitted in the 'Wood Processing Area' as shown on the 'Proposed Site Plan' drawing ref. Plan 3, dated June 2017.
22. All HGVs associated with the importation of waste wood and export of processed wood shall be securely sheeted or otherwise enclosed in such a manner that no material will be spilled on the public highway.
23. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at B6271. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
24. The existing hardstanding shall be maintained in a good state of repair for the duration of the planning permission.
25. There shall be no sales of wood to the general public from the site.
26. There shall be no deposit of wood onto the site by visiting members of the public at any time.
27. No waste other than waste wood for processing shall be imported into the site.

28. A copy of the planning permission and any agreed variations, together with all the approved plans shall be kept available at the site office at all times.

Reasons:

1. To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the development is carried out in accordance with the application details.
3. To reserve the rights of control by the County Planning Authority in the interests of protecting local amenity.
4. To safeguard the rights of control of the County Planning Authority in respect of these matters
5. To safeguard the character of the site in the interest of visual amenity.
6. To safeguard the rights of control of the County Planning Authority in respect of these matters
7. In the interests of the general amenity of the area
8. To maximise biodiversity and in the general amenity of the area.
9. In the interests of the general amenity of the area
10. In the interests of the general amenity of the area
11. In the interests of the general amenity of the area
12. In the interests of highway safety and the general amenity of the area.
13. In the interests of the general amenity of the area
14. In the interests of the general amenity of the area
15. In the general amenity of the area.
16. In the interests of highway safety
17. In the interests of highway safety and the general amenity of the area.
18. In the interests of fire safety and general amenity of the area.
19. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
20. In the interests of the general amenity of the area
21. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

22. In the interests of the general amenity of the area
23. In the interests of the general amenity of the area
24. To safeguard the character of the site in the interest of visual amenity.
25. In the interests of highway safety and the general amenity of the area.
26. In the interests of highway safety and the general amenity of the area
27. In the interests of highway safety and the general amenity of the area
28. To ensure that site personnel are aware of the terms of the planning permission.

Informatives

- The waste activities associated with this development may require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Approved Documents

Ref.	Date	Title
Plan 1	May 2017	Location Plan
Plan 101	June 2017	Location Plan
Plan 2 (Rev A)	May 2017	Existing Site Plan
Plan 3 (Rev A)	May 2017	Proposed Site Plan
No Reference	May 2017	Supporting Planning Statement and Design and Access Statement
SJT/NES/19016-01	20 March 2017	Transport Statement
R17.9405/2/AP	12 May 2017	Noise Assessment
R17.9406/1/RS	17 May 2017	Dust Impact Assessment
1020 / LVA	May 2017	Landscape and Visual Appraisal
CE-KP-1162-RP01	9 March 2017	Extended Phase 1 Habitat Survey
022/2017	21 March 2017	Archaeological Desk Based Assessment
No Reference	May 2017	Flood Risk Assessment
DW/CEW - K19/1	20 October 2017	Further Information Email
No Reference	September 2017	Setting Assessment

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

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

DAVID BOWE

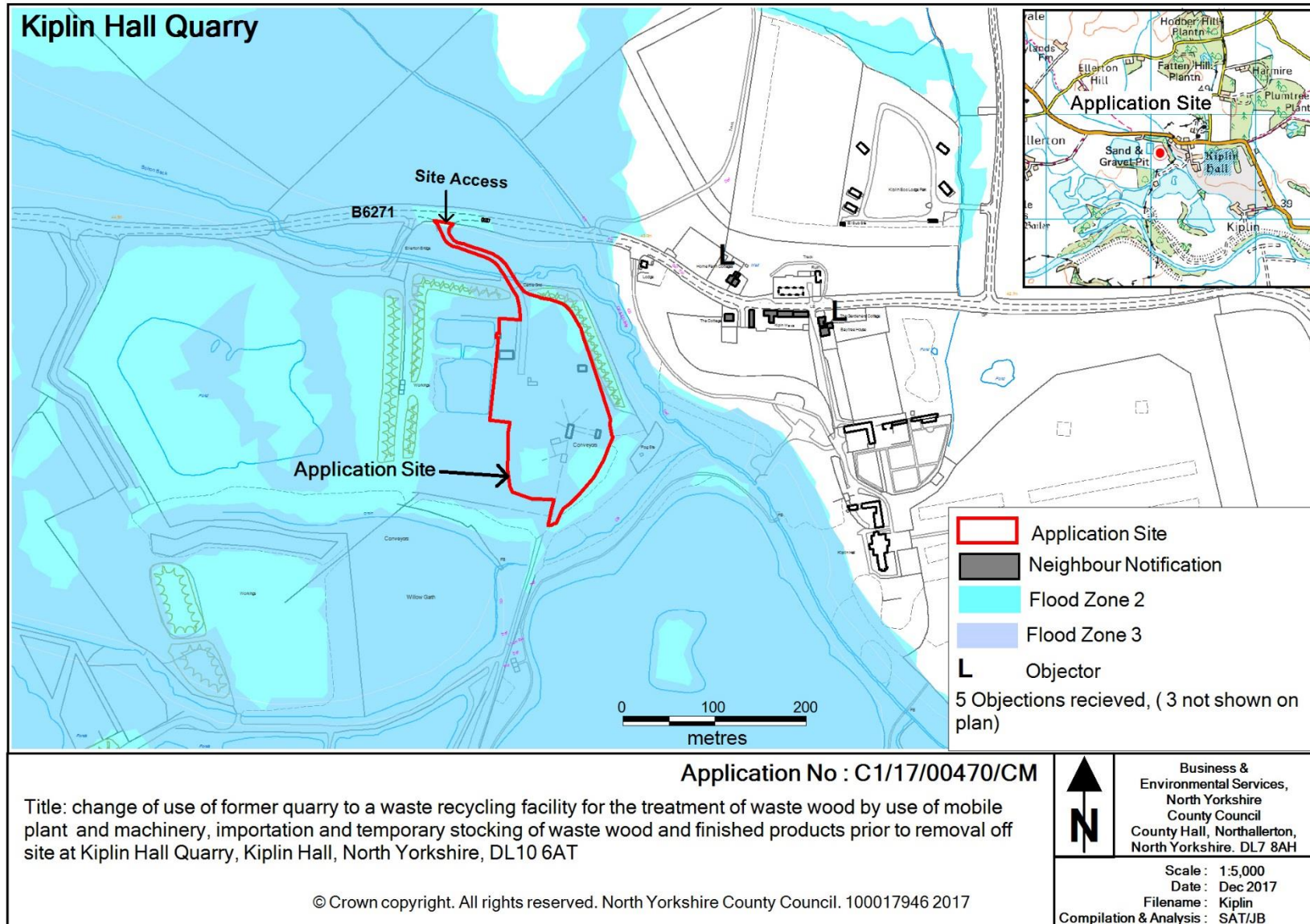
Corporate Director, Business and Environmental Services
Growth, Planning and Trading Standards

Author of report: Sam Till

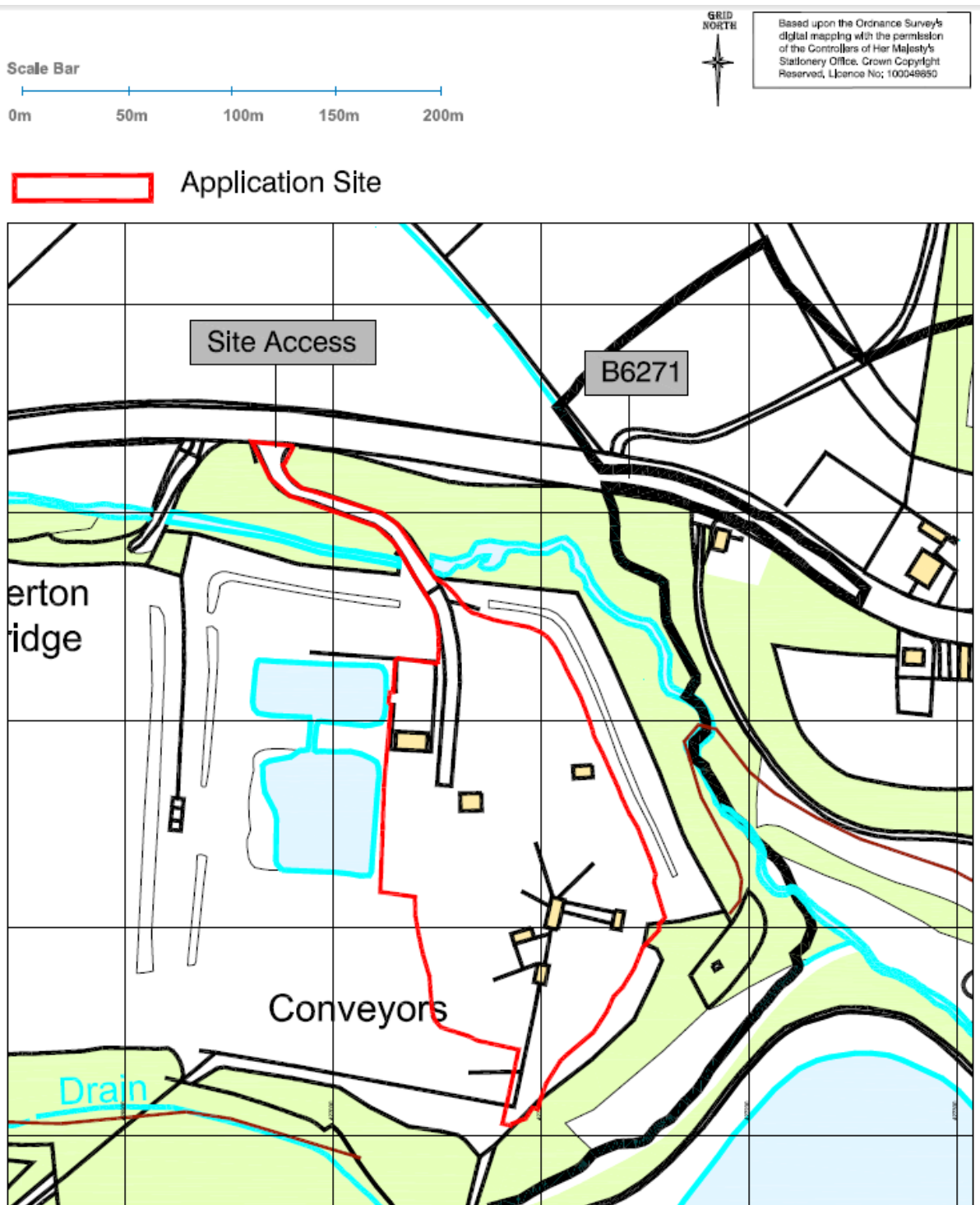
Background Documents to this Report:

1. Planning Application Ref Number: C1/17/00470/CM (NY/2017/0155/COU) registered as valid on 22 June 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.

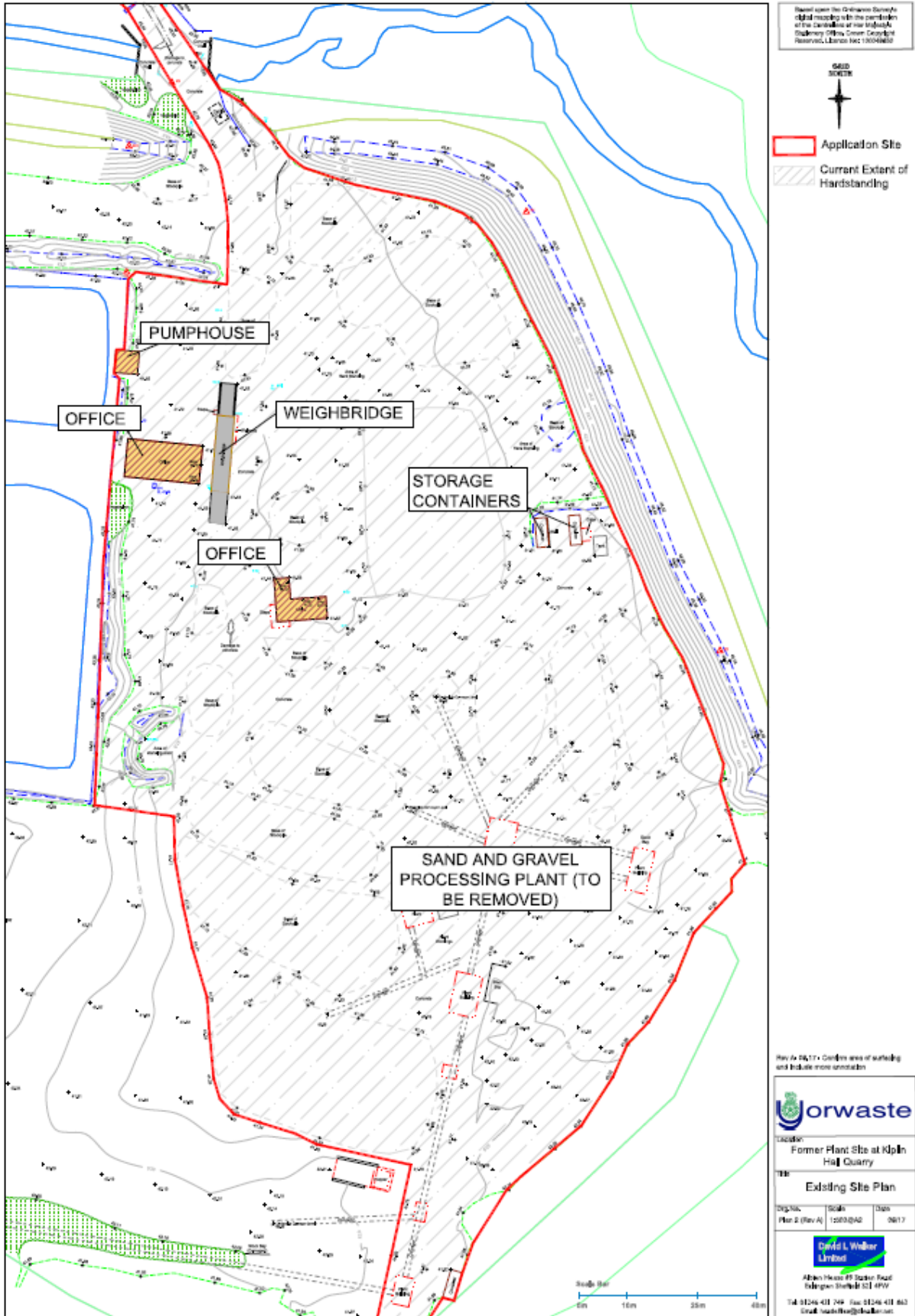
Appendix A – Committee Plan



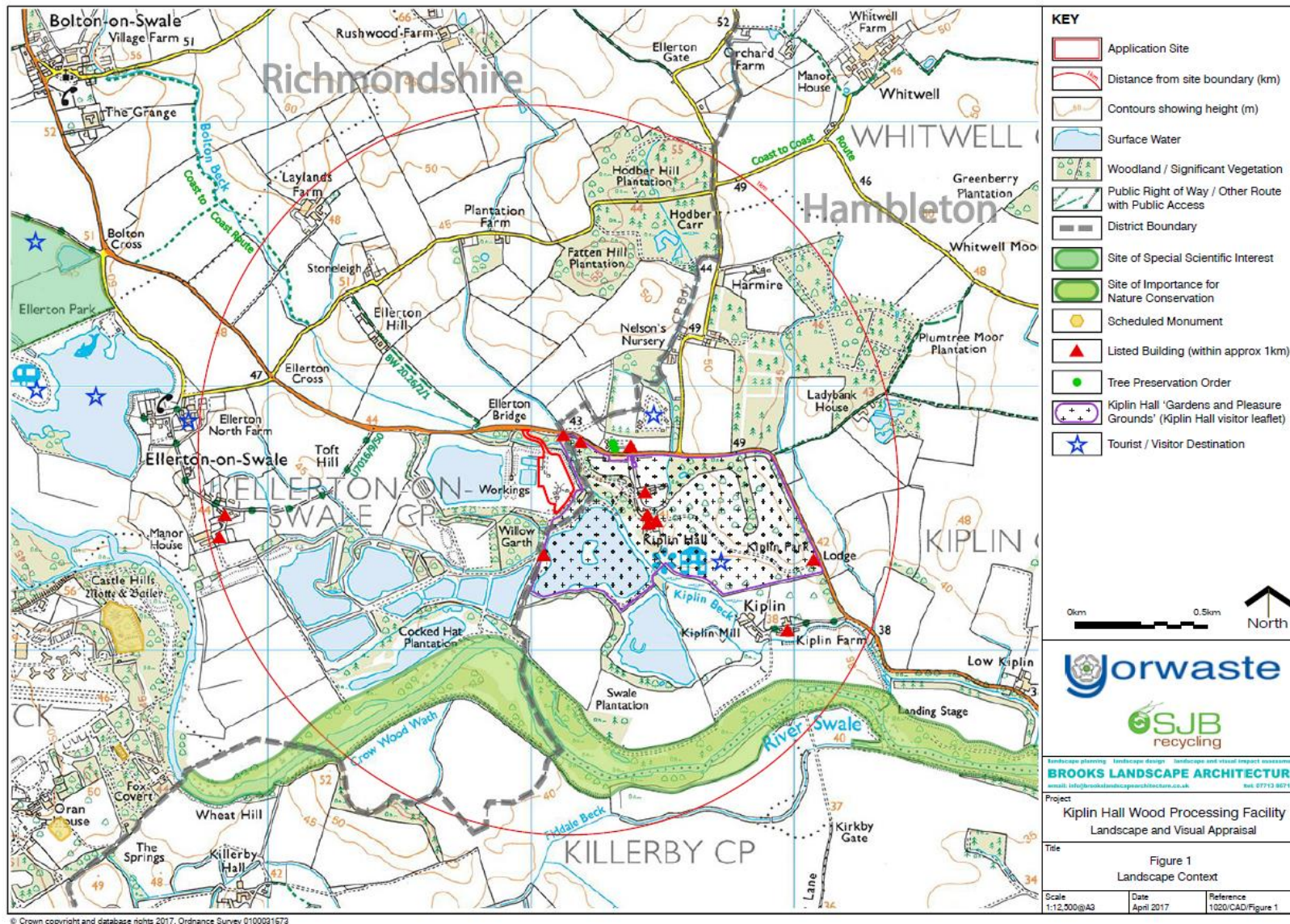
Appendix B – Site Location Plan



Appendix C – Existing Site Plan

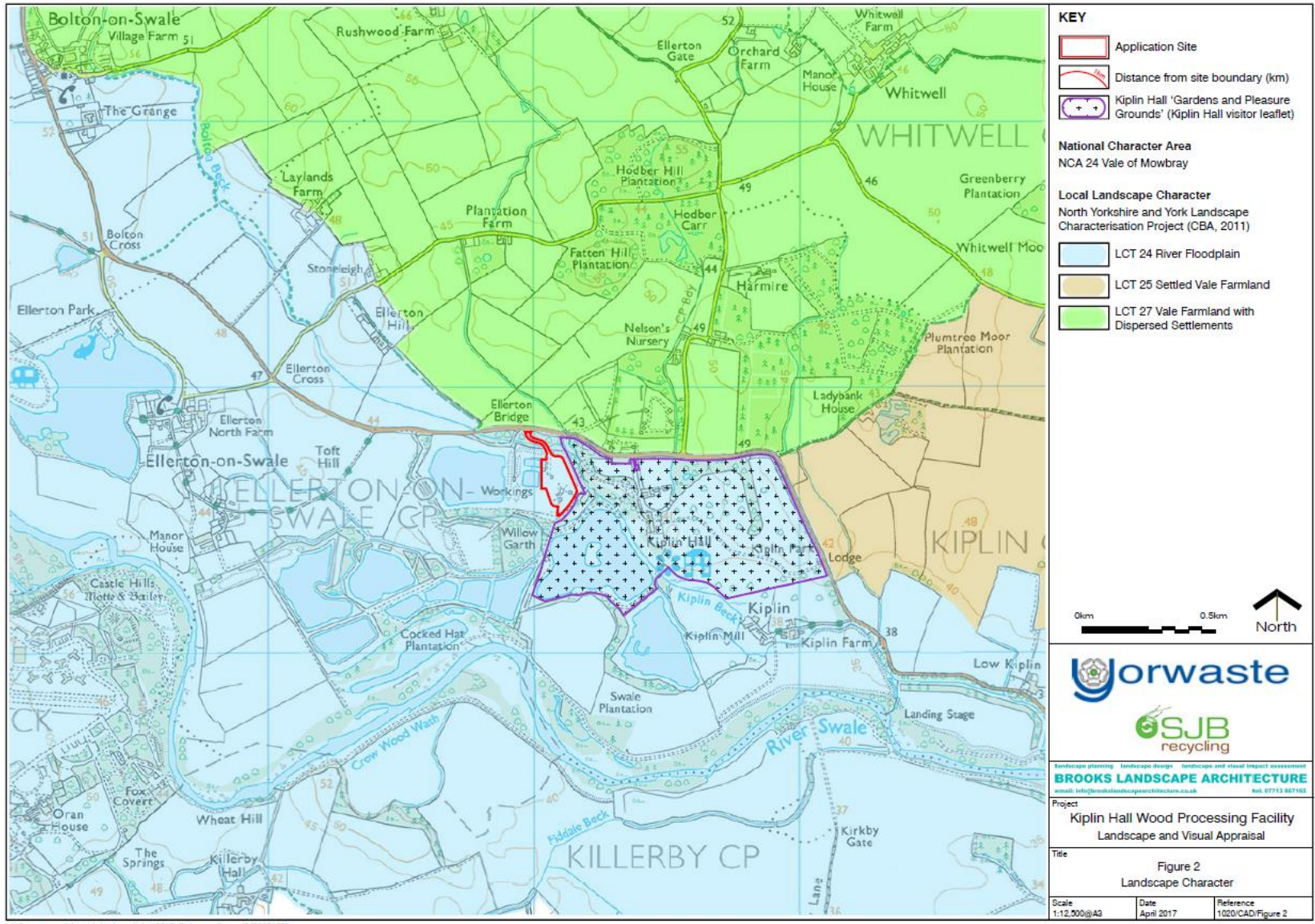


Appendix D – Landscape Context

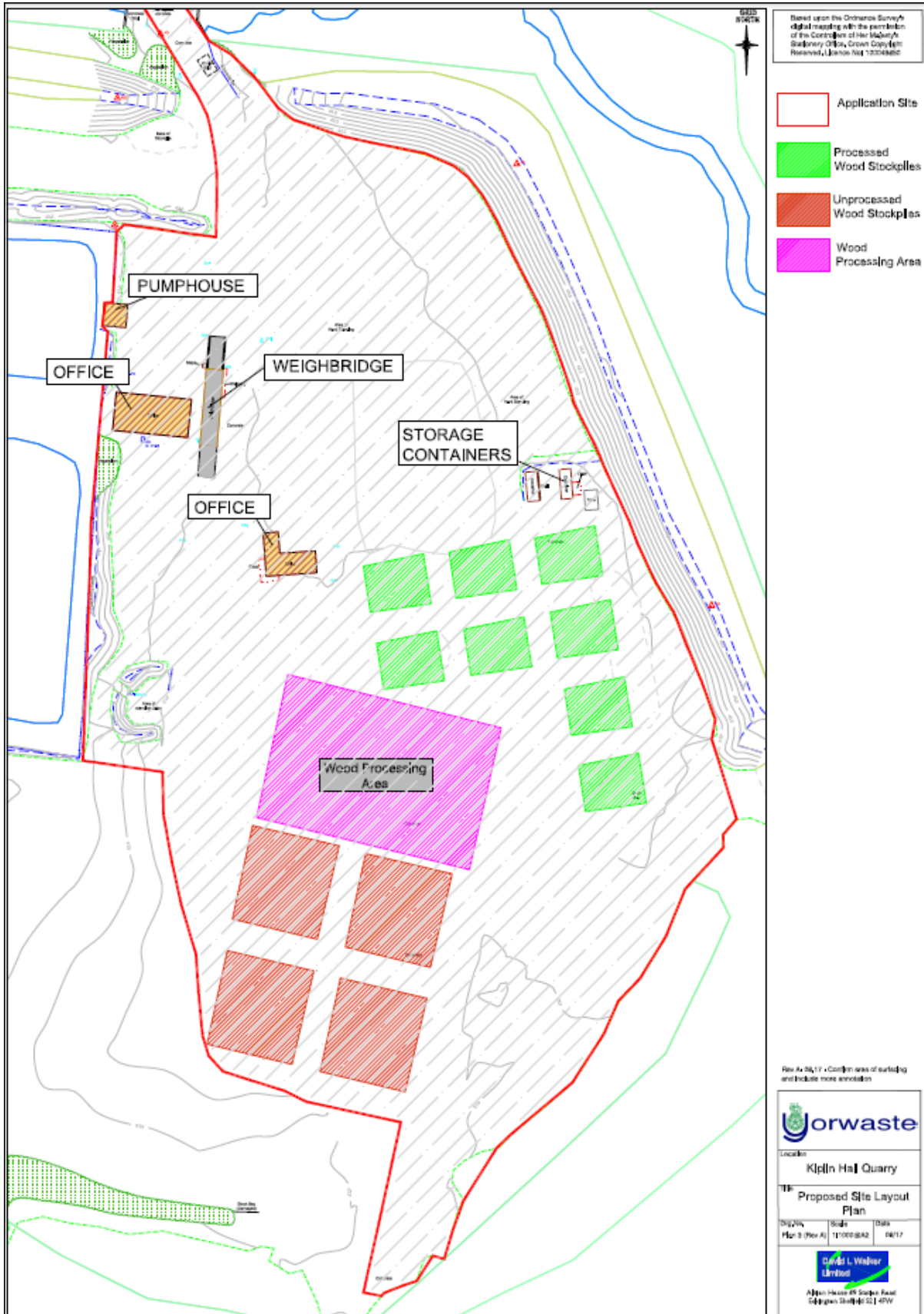


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Appendix E – Flood Plain Map



Appendix F – Proposed Site Plan



Appendix G – Kiplin Hall Estate Plan

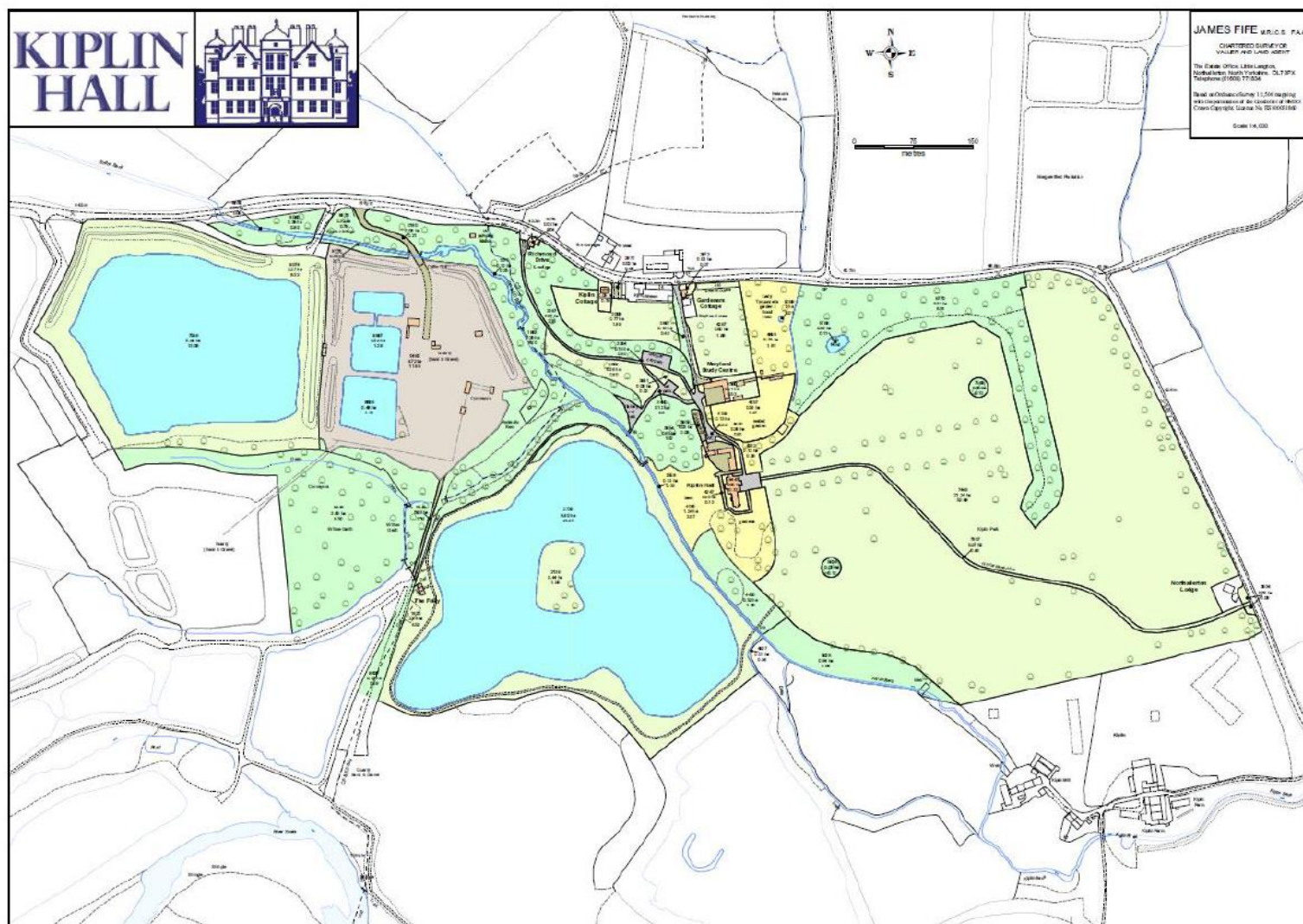


Figure 6 Extents of Kiplin Hall Estate under the management of the Kiplin Hall Charitable Incorporated Organisation

Appendix H – Site Sections Photographs



Viewpoint A: View south from the Application Site access point across Bolton Beck



Viewpoint B: Elevated view to the west from the bund along the eastern side of the existing plant site

Appendix I - Noise Receptor Locations Plan

Noise Assessment – Proposed Waste Wood Recycling Facility,
Former Kiplin Hall Quarry, North Yorkshire
12 May 2017

FIGURE 1

Location Plan

