

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

6 February 2018

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

Report of the Corporate Director – Business and Environmental Services

This report outlines the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 3 (the period 1 October 2017 to 31 December 2017).

Information on Enforcement Cases is attached as an Appendix.

Recommendation: That the reported be noted.

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Background Documents to this Report: Application Files

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

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

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

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

Table 1: 'County Matter' planning applications determined during quarter 3 (the period 1 October 2017 to 31 December 2017).

Total number of applications determined		3	
Number of delegated/committee decisions		Delegated: 1	Committee: 2
Speed of decisions			
Under 13 weeks	13- 16 weeks (if major, 13 and if EIA 16 weeks)	Over 13/16 weeks within agreed Extension of Time (EoT)*	Over 13/16 weeks without or outside of agreed EoT
1	0	2	0

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

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

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	100% (no.5/5)	100% (no. 3/3)	100% (no.3/3)	(no. /)
No. of 'County Matter' applications determined within 13/16 weeks discounting Extension of Time agreements (EoT)	40% (no. 2/5)	0% (no. 0/3)	33.3% (1/3)	

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

2017/18	Quarter 1	Quarter 2	Quarter 3	Quarter 4
"Special Measures" stat. No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT) over rolling two year period	(01/07/15 - 30/06/17) : 88.2% (30/34)	(01/10/15 - 30/09/17) 87.1% (27/31)	01/01/15 - 31/12/17) 86.2% (25/29)	1/04/16– 31/03/18 : % (/)

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

County Council's own development' Planning Applications

Table 2: County Council's own development planning applications determined during quarter 3 (the period 1 October 2017 to 31 December 2017)

Total number of applications determined		14		
Minor¹/Major²/EIA³		Minor: 14	Major: 0	EIA: 0
Number of delegated/committee decisions		Delegated: 13		Committee: 1
Speed of decisions				
Under 8 weeks	8- 13 weeks (if Major)	13- 16 weeks (if EIA)	Over 8/13/16 weeks within agreed Extension of Time (EoT)	Over 8/13/16 weeks without or outside of agreed EoT
7	1	0	6	0

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

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

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

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

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of County Council's own development minor applications determined within 8 weeks or within agreed Extension of Time (EoT)	100% (no. 15/15)	95.2% (no.20/21) Cumulative total 77.7% (no. 28/36)	100% (no.14/14) Cumulative total 84% (no. 42/50)	% (no./) Cumulative total % (no. /)
No. of County Council's own development minor applications determined within 8 weeks discounting Extension of Time agreements (EoT)	53.3% (no. 8/15)	57.1% (no.12/21) Cumulative total 55.5% (no.20/36)	57.1% (no.8/14) Cumulative total 56% (no. 28/50)	% (no./) Cumulative total % (no. /)

Table 3: List of all ‘County Matter’ planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q3 i.e. 31 December 2017

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Killerby Sand and Gravel Quarry, Killerby, North Yorkshire NY/2010/0356/ENV (C2/10/02487/CCC)	Extraction and processing of sand and gravel including the construction of a site access, conveyors, bridges, associated plant and machinery with restoration to agriculture, nature conservation and wetland	22.9.10	Committee	Reported to Members at the meeting of the Committee which took place on 4 th April 2017. Currently awaiting completion of Legal Agreements.	Yes - further EoT secured 'til 28 th February 2018.
Blubberhouses Quarry, Kex Gill NY/2011/0465/73	Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036	6.12.11	Committee	Additional information was received from applicant company in January of last year and, amongst others, the Highway Authority, responding to consultation, stated their comments were to be held in abeyance awaiting discussions with regard to the ‘ <i>corridor of interest</i> ’ along the A59. It is understood that further progress is being made with proposals for a major re-alignment of the A59 at Kex Gill.	No
Ripon Quarry, North Stainley NY/2011/0429/ENV (C6/500/95/D/CMA)	Extension to existing sand and gravel workings	07.12.11	Committee	Reported at the meeting on 29 th August 2017. Members resolved to grant permission subject to a legal agreement which was sealed on 21 st December 2017. Decision issued on 22 January 2018.	No EoT

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Darrington Quarry, Darrington Leys, Knottingley NY/2012/0020/73 (C8/40/8AH/PA)	Application to vary condition no's 1, 2, 29, 30, 31 and 32 of Planning Permission C8/40/8AF/PA for a new restoration scheme, retain the existing plant and to extend the time period in which to implement the restoration scheme	20.01.12	Committee	Awaiting revised details.	No
Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT NY/2015/0306/ENV (C6/500/277/CMA)	Planning Application accompanied by an Environmental Statement for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme	11.11.15	Committee	Committee Report in preparation.	No
Forcett Quarry, East Layton, Richmond, North Yorkshire NY/2016/0042/ENV (C1/16/00174/CM)	variation of condition no's 1 & 15 of planning permission ref. C1/29/15P/CM dated 7 September 2011 to allow the continuation of limestone extraction for a further 10 year period until 31 August 2026	03.03.16	Committee	The application was reported to Committee on 25 th October 2016. Members resolved to grant planning permission subject to prior completion of Legal Agreement. Awaiting completion of Legal Agreement before planning permission is issued. Engrossments circulated for signature.	No- Extension of time until 2 June 2017 agreed further extension to be requested once S106 signed

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Womersley Quarry, off Stubbs Lane, Womersley, DN6 9BB NY/2016/0073/ENV (C8/41/107A/PA)	variation of condition No's 1, 2, 3, 5, 6, 14, 18 & 20 of Planning Permission ref. C8/2012/0035/CP dated 4 September 2012 for the continuation of tipping of colliery waste from Kellingley Colliery and soil materials from other locations for a further two years until 13th May 2018, revised tipping materials and revisions to the vehicle route, revised restoration scheme and landscaping	12.05.16	Committee	On 19 December 2017 Planning Committee resolved to grant planning permission subject to the prior completion of a Section 106 agreement	Yes- until 12 January 2018. Further extension to be requested once S106 signed
Brotherton Quarry, Byram Park, York Road, Knottingley, Brotherton NY/2016/0087/73A (C8/50/0220/PA)	variation of condition No. 6 of Planning Permission Ref. C8/2013/1064/CPO to refer to an updated Dust Monitoring Scheme which removes the requirement to actively monitor for fugitive dust	29.06.16	Delegated	Awaiting completion of a legal agreement.	No – (to be requested, once draft legal agreement is in circulation)
Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby NY/2016/0185/ENV (C8/2016/1471/CPO)	8 hectare extension to the existing limestone quarry into Area 5 & 6 from the current working Area 4 and east in Area 7 to 20 metres AOD to provide 4.4 million tonnes of limestone and restore the site with engineering fill from the existing waste treatment facility to create 1 in 2.5 slopes against the exposed face	28.11.16	Committee	The application was reported to Committee on 29 August 2017 Members resolved to grant planning permission subject to prior completion of Legal Agreement. Awaiting completion of a legal agreement.	No – further extension to be requested once S106 signed
Land to the South of Knapton Quarry	erection of a Green Energy Facility (6,342 sq. metres) (energy from waste via gasification), office	14.11.16	Committee	On 19 December 2017 Planning Committee resolved to grant planning	Extension of time agreed

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Landfill Site, Knapton NY/2016/0194/ENV (C3/16/01918/CPO)	reception building (91 sq. metres), substation & switchroom (39 sq. metres), air cooled condenser (195 sq. metres), installation of a weighbridge, earthworks, 20 car parking spaces, extension to internal access road, landscaping and associated infrastructure, including a local connection via underground cable (340 metres) to the 11kV grid via a proposed substation at land south of Knapton Quarry/Landfill as well as an underground connection (Option 1: 5.26 km and Option 2: 8.25km) to the 66kV grid via the primary substation at Yedingham			permission subject to the prior completion of a Section 106 agreement	until 2 February 2018
Middleton Lodge, Kneeton Lane, Middleton Tyas NY/2016/0220/73	variation of condition No's. 1, 6, 7, 10, 12, 14, 20, 24, 26, 27, 29, 30 & 33 of Planning Permission Ref. No. C1/14/00747/CM which relates to phasing and restoration	18.11.16	Committee	Awaiting further information from the applicant prior to re-consultation.	No – (to be requested upon receipt of the further information)
Former Stillingfleet Mine Site, Escrick Road, Stillingfleet NY/2016/0251/FUL - C8/999/16U/PA -	change of use of part of the former coal mine site to create a waste transfer for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces	1.2.17	Committee	Awaiting further information from applicant on how to move forward with the application.	No – (to be requested upon receipt of the further information)

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
High Rails Farm, Ripley, Harrogate, HG3 3DL NY/2016/ 0255/73A - (C6/17/00322/CMA)	Application to vary condition No. 1 of Planning Permission Ref. No. C6/6/93/592/A/CMA for the extension of time for the purpose of crushing and screening for recycling purposes of builder's waste/road sweeper waste for a further 6 years until 17 April 2023	13.1.17	Committee	To be reported to Committee on 6 February 2018.	No – (to be requested upon confirmation of being placed on committee agenda)
Former Kellingley Colliery, Turvers Lane, Kellingley, Selby, WF11 8DT NY/2017/0018/ENV– (C8/2017/0455/CPO)	variation of condition No's. 2, 17, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 & 61 of Planning Permission Ref. No. C8/2013/0677/CPO which relates to the omission of the domestic coal area, rearrangement of the internal access routes and revised layout of the rail handling facility at Former Kellingley Colliery, Turvers Lane, Kellingley, Selby, WF11 8DT	24.1.17	Delegated	Delegated report signed on 21 st December 2017 and now awaits the release of the Decision Notice.	No
NY/2017/0028/FUL (C8/2017/0515/CPO) Former Kellingley Colliery, Turvers Lane, Kellingley, Selby, WF11 8DT	construction of a road to access the Southmoor Energy Centre (engineering operation)	27.3.17	Delegated	Delegated report in preparation.	[Linked application to the above]
NY/2017/0129/FUL (C3/17/00604/CPO) Knapton Quarry Landfill site, Knapton	retention and change of use of existing waste transfer buildings and associated yard, weighbridge and ancillary structures to allow for waste recycling and pre-treatment operations	15.5.17	Committee	On 19 December 2017 Planning Committee resolved to grant planning permission. Planning permission issued on 18 January 2018.	Yes- agreed until 19 Jan 2018

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
NY/2017/0155/COU (C1/17/00470/CM) Kiplin Hall Quarry, Kiplin Hall, North Yorkshire, DL10 6AT	change of use of former quarry to a waste recycling facility for the treatment of waste wood by use of mobile plant and machinery, importation and temporary stocking of waste wood and finished products prior to removal off site	22.6.17	Committee	To be reported to Committee on 6 February 2018.	No – (to be requested upon confirmation of being placed on committee agenda)
NY/2017/0219/FUL - Land off Weeland Road, Kellingley, WF11 8DN	drilling a borehole, testing of borehole including flaring, erect containerised units, associated plant and equipment, extract mine gas, generate electricity and ancillary operations	18/08/2017	Committee	Public consultation in process.	No

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

Monitoring & Compliance Statistics Report – Quarter 3 (the period 1 October 2017 to 31 December 2017) 2017/2018

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

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved ?
County Matters						
Killerby Sand and Gravel Quarry	Hambleton	1	Heavy commercial vehicles on Low Street which was not agreed in the planning application and mud on the road from the entry to the extraction site. Unsafe use of the road.	22/11/17	Operator made aware of complaint and advised that any future operations of this nature will not utilise the road for the unloading of machinery.	Yes
County Council Development						
None.						

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

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Whitewall Quarry	Ryedale	7 (2 complainants)	Noise, speed of vehicles and dust on highway	Dates between 06/07/17 & 25/08/17	Speed of vehicles on public highway not a planning matter, referred to Police. Operator reminded to keep public highway leading from site access in a clean condition. Investigations ongoing with regard to noise complaints.	Partially
Former Greens Of Skipton Ltd, Ings Lane, Skipton	Craven	1	Alleged unauthorised processing of waste wood	02/08/17	Joint investigation between NYCC and Craven DC ongoing.	No

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Council Development						
None.						

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

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of complaints/alleged breaches of planning control received	12	11 Cumulative total no. 23	1 Cumulative total no. 24	Cumulative total no.

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

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of complaints of the total number of 'live' complaints resolved	83% (no. 10/12)	27% (no.3 /11) Cumulative total 57% (no. 13/23)	100% (no. 1/1) Cumulative total 58% (no. 14/24/)	% (no. /) Cumulative total % (no. /)

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

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of resolved complaints resolved within 20 days of receipt	80% (no. 8/10)	100% (no. 3/3) Cumulative total 85% (no. 11/13)	100% (no. 1/1) Cumulative total 86% (no.12/14)	% (no. /) Cumulative total % (no. /)

Existing Enforcement Issues

Formal Enforcement notices served by the County Council

No notices were served during this period.

Table 6- Monitoring and Compliance Visits undertaken in Quarter 2 (Minerals and Waste Sites only)

Site	District	Date Visited
Nosterfield Quarry	Hambleton	20/10/17
Marfield Quarry	Harrogate	20/10/17
Settrington Quarry	Ryedale	30/10/17
Wykeham Quarry	Scarborough	31/10/17
Whitewall Quarry	Ryedale	07/12/17