

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 19 December 2017 at 10.00 am.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Caroline Goodrick (as substitute for Zoe Metcalfe), Robert Heseltine, David Hugill, Mike Jordan, Richard Musgrave, Chris Pearson, and Clive Pearson.

There were 8 members of the public in attendance.

Apologies for absence were submitted by County Councillors Zoe Metcalfe and John McCartney.

Copies of all documents considered are in the Minute Book

36. Minutes

Resolved -

That the Minutes of the meeting held on 24 October 2017, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

The Head of Planning Services provided a brief update on reported breaches of the Transport Plan and conditions in relation to the Kirby Misperton fracking site, noting that operational control was resulting in the Police having to divert vehicles along alternative routes to avoid routes blocked by protestors, and that the Police had to be adhered to in these circumstances, in the interests of safety.

37. Declarations of Interest

There were no declarations of interest.

38. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, apart from the people who had registered to speak in respect of the applications below, and who would be invited to do so during consideration of those Items, there were no questions or statements from members of the public.

39. Approval of Safety of Sports' Grounds Policy

Considered -

The report of the Corporate Director - Business and Environmental Services seeking approval for a Safety of Sports' Grounds Policy to facilitate the discharge of statutory duties under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.

The report set out the regulation of sports grounds, the County Council's draft policy in relation to the safety of sports grounds and the delegation of authority to the Planning and Regulatory Functions Committee. Details of how the policy would be implemented, who would be affected by the policy and the specific requirements of the policy were outlined.

It was noted that a "regulated stand", set out in the policy, which related to covered accommodation for 500 or more spectators, included covered areas for standing or seating.

Resolved -

- (i) That the draft policy, for use with immediate effect, be approved; and
- (ii) That the policy be reviewed on an annual basis.

47. Application for a Safety Certificate pursuant to Section 26 of the Fire Safety and Safety of Places of Sport Act 1987

Considered -

The report of the Corporate Director - Business and Environmental Services, asking Members to determine an application for the issue of a General Safety Certificate under Section 26 of the Fire Safety and Safety of Places of Sport Act 1987 in respect of the Wetherby Road Stand, "The Regulated Stand", at Harrogate Town Football Club.

A representative of the Corporate Director - Business and Environmental Services, provided details of the application in relation to the Wetherby Road Stand at Harrogate Town Football Club noting that the covered stand that this related to had a calculated capacity of 878. The preliminary determination was notified to Harrogate Town Football Club by letter in April 2017, which became a final determination on 13 June 2017.

The Managing Director of Harrogate Town Football Club, Gary Plant, was considered to be a suitably qualified person, in accordance with the requirements set out in the appropriate Act, for the Certificate to be issued to.

It was noted that Environmental Health were awaiting the issuing of gas safety and electrical safety certificates, at the time of the writing of the report, but it was expected that these would be in place by the date of this meeting.

A copy of the draft Certificate was appended to the report.

Members undertook a discussion of the application and the following issues and points were raised:-

- ◆ A Member noted that training exercises in relation to emergency procedures, as set out in the plan of action, related to the Certificate, should be undertaken annually and he asked whether these would be monitored. In response it was stated that it was expected that these would be table top exercises and suitable officers from the Safety Advisory Group, and other appropriate organisations, would be in attendance when these were undertaken.
- ◆ Clarification was provided that it was expected that the gas and electric safety certificates would now be in place.

- ◆ A Member noted that the report referred to North Yorkshire Police requiring some additional information to be added to the Operations Manual and he asked what this related to. In response it was stated that the issues were in relation to the segregation of fans within the stand and noted that the Police were working closely with the Football Club to address this matter and ensure that it was included in the operating plan.

Resolved -

That a General Safety Certificate under Section 26 of the Fire Safety and Safety of Places of Sport Act 1987, is issued to Gary Plant, in respect of the Wetherby Road Stand, "The Regulated Stand", at the Harrogate Town Football Club, subject to the following condition:-

- (i) Officers should review the terms of the General Safety Certificate at least annually and make any amendments to capacity as required under the Officers' Delegation Scheme. Any amendments to be reported to the Planning and Regulatory Functions Committee following the Annual Meeting of the Multi-Agency Safety Advisory Group.

County Councillor Caroline Goodrick declared a non-pecuniary interest in respect of Items 41 and 42 below in relation to her being a Member of Ryedale District Council's Planning Committee.

- 41. C3/16/01918/CPO – (NY/2016/0194/ENV) - Erection of a Green Energy Facility (6,342 sq. metres) (energy from waste via gasification), office reception building (91 sq. metres), substation and 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 at Land to the South of Knapton Quarry Landfill Site, Knapton**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application in relation to the above.

The application was subject to 18 objections having been raised by local members of the public (summarised in paragraphs 5.4 and 5.7 of the report), an objection raised by Wintringham Parish Council, and concerns raised by Scampston Parish Council (section 4 of the report) and was, therefore, reported to the Committee for determination.

It was noted that Members undertook formal site visits to the application site on both 28 February 2017 and 14 July 2017.

Mr Bruce Watson, local resident, addressed the committee, outlining the following:-

- ◆ Many locals were against the scheme.
- ◆ The area was of landscape value.
- ◆ Many of the visual plans issued with the application were misleading and were not up to date.

- ◆ There appeared to be contradiction as to waste being brought into the site and what that would be used for.
- ◆ It had been claimed that gas had been flared off from the site but this had not taken place since before the application was submitted.
- ◆ There were concerns regarding pollution from the site, particularly taking account of the size of the stack for the proposal.
- ◆ Locals had been misled in relation to the type of waste and where it would be brought from, that would be used on the site.
- ◆ It was noted that only two months previously the application had been recommended for refusal and there did not appear to have been significant changes to warrant the recommendation for approval in place now.
- ◆ It was not considered that the proposal could be carried out safely.
- ◆ It was requested that, should Members be minded to approve the application, that they do this on a temporary basis, for 3-5 years, to evaluate whether the process being undertaken was safe and provide evidence for this.

Mr Philip Tate, local resident, addressed the Committee, outlining the following:-

- ◆ He referred to previous comments by Members in relation to applications relating to energy provision and noted them outlining the need for a mix of energy, and the use of different energy sources, obtained from a local source, and he hoped that Members would be consistent in their approach when considering this application.
- ◆ He noted that the proposal would provide energy to the National Grid and to local homes.
- ◆ He did not consider that the area in question had particularly high landscape value, but acknowledged that agricultural practices were undertaken in the area.
- ◆ He did not consider that the structure would be excessive in size and noted that, in the main, it would be obscured from view by vegetation already in place and planting to be undertaken.
- ◆ He noted that there were no immediate neighbours to the proposed facility.
- ◆ It would replace the current landfill site and would be a much better process for the disposal of waste.
- ◆ No precedent would be set in providing this facility.
- ◆ It would enable Ryedale to be at the cutting edge of providing technological solutions for the disposal of waste and providing energy.

Mr Philip Atkinson, the applicant, addressed the Committee, highlighting the following:-

- ◆ He outlined the benefits to the area in terms of the environment, the local economy and the diversion away from landfill to recycling and energy creation.

- ◆ He noted the significant increase in energy from waste that would be created through the proposal, for relatively little cost.
- ◆ The proposal would bring 55 high quality jobs and apprenticeships, together with around £1m into the local economy.
- ◆ The building had been designed in such a way so that it would be unobtrusive to the local area, with further planting in place to obscure its view, therefore, it was not expected to have an unreasonable impact on the local landscape.
- ◆ Acknowledging the concerns of nearby residents amendments had been made to the original application and work would continue with those local residents to ensure that concerns were met as much as possible.
- ◆ It was expected that power would be provided to local homes through the development.

A representative of the Head of Planning Services presented the Committee report, highlighting the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations and provided a conclusion and recommendation.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted, specifically, to address the concerns that had been expressed during public questions.

Members undertook a discussion of the application and the following issues and points were raised:-

- ◆ A Member noted that the conditions relating to the application stated that the site would open at 7.30 am during operating times, but noted that HGVs bringing the waste could park nearby, causing a disturbance to the local area, waiting for the site to open. He asked how that would be addressed. In response it was noted that the capacity of the site would restrict the number of HGVs coming to the area, however, if they were to park up near to the site, prior to its opening, this would be outside the remit of planning control and would be an issue that would have to be addressed through Area Highways.
- ◆ Clarification was provided in relation to the monitoring of the development of the screening for the site, ensuring that this was appropriate, maintained and in place from an early stage, with continued monitoring to ensure that it was being developed appropriately.
- ◆ It was noted that a questioner had referred to granting a temporary permission and it was asked whether that could be considered. In response it was stated that the nature of the development would not justify the granting of a temporary permission.
- ◆ A Member asked what had been the major changes to the application that had resulted in the recommendation being changed to approval. In response it was noted that the main issues, previously, that had seen the application recommended for rejection, related to landscape and visual impact. The applicant had worked closely with the planning authority to reduce that impact, and the application submitted to this meeting had been deemed acceptable by the District Council's, and the County Council's, Landscape Officers in view of the amendments made.

- ◆ Clarification was provided in relation to the use of the material that would be excavated as a result of the structure being developed below the land's surface. It was noted that the majority of the material would be utilised for landscaping the bund and the site, rather than it being taken away, lowering the number of vehicle movements.
- ◆ A Member welcomed the application, emphasising the need for additional green energy to be produced in local areas.
- ◆ Members acknowledged the concerns regarding the natural landscape of the area, but did not consider that the construction of the facility would have a major impact on that. They welcomed the revised application submitted, which addressed a number of the concerns of local residents. A Member stated that the landscape setting was valuable and should be protected as much as possible, but emphasised that he considered that the application before Members would not have a significant impact on that.
- ◆ Members welcomed the development of sustainable energy sources in the Ryedale area.

Resolved -

That, subject to the prior completion of a Section 106 agreement, the application be approved for the reasons stated within the report and subject to the conditions detailed.

42. C3/17/00604/CPO - (NY/2017/0129/FUL) - Retention and change of use of existing waste transfer buildings and associated yard, weighbridge and ancillary structures to allow for waste recycling Knapton Quarry Landfill Site, Knapton,

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine an application for the retention and change of use of existing waste transfer buildings, as detailed above.

The application was subject to objections and concerns raised by two local residents (as summarised in paragraph 5.4 of the report) and was, therefore, reported to the Committee for determination.

It was noted that Members had undertaken site visits in relation to this application on 28 February 2017, which was not mentioned in the report, and on 14 July 2017.

Mr Derek Watson, local resident, addressed the Committee, outlining the following:-

- ◆ He noted that measures to protect the local area from issues related to waste, previously, had not been adequately monitored or addressed, resulting in waste being blown around the area.
- ◆ He suggested that there would be little use for the waste stations if already treated waste was brought in to the facility.
- ◆ He suggested that the condition of the buildings was not good and would need substantial renovation.
- ◆ Use of the waste transfer stations would generate more traffic having a negative

impact on the area.

- ◆ He thought that local waste was to be used by the facility which would negate the use for the transfer station.
- ◆ He had concerns regarding additional traffic, noise and dirt that this application would create for the local area.

Mr Philip Atkinson, the applicant, addressed the Committee, outlining the following:-

- ◆ He was pleased to see that the application had been recommended for approval.
- ◆ He noted that the application that had been approved, in relation to the energy from waste facility, was reliant upon this application being approved.
- ◆ The application would safeguard the jobs of those currently employed in the waste transfer stations and would maintain and enhance the economy of the local area.
- ◆ The application would enhance the economy for Ryedale.

A representative of the Head of Planning Services presented the Committee report, highlighting the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations and provided a conclusion and recommendation.

Detailed plans, photographs and visual information were presented to complement the report.

Members undertook a discussion of the application and the following issues and points were raised:-

- ◆ A Member noted that the report indicated that the County Council's Landscape Officer had not been in support of the application. In response it was stated that the issues raised were in conjunction with the original report, in terms of the energy from waste facility, and the cumulative landscape impact that those two applications would have. It was noted that the subsequent revised application for the energy from waste station had mitigated those matters, and although not reflected in this report, had been acknowledged by the Landscape Officer. Members accepted the explanation.
- ◆ A Member expressed concern that there were no fences or nets conditioned to be in place to prevent windblown material from spreading beyond the boundary of the site. This was acknowledged and it was noted that, should Members be minded, then an additional condition could be provided.
- ◆ A Member referred to the access road to the site and noted that, during the site visit, access to the site had been difficult and expected that HGVs would have problems negotiating the road and accessing the site. In response it was noted that the access road to the site would be maintained and there were adequate passing places provided along what was a straight route, to enable HGVs to pass safely. The access at the transfer station would be enhanced to accommodate the waste from energy facility, approved earlier in the meeting, which would enable the HGVs to have appropriate access to the site.
- ◆ Members suggested that windblown material be monitored to ensure that this was

not causing a nuisance to the local area, however, it was stated that, without condition, it would be difficult to monitor this issue.

Resolved -

That the application be approved for the reasons stated within the report and, subject to the addition of an additional condition to protect the area from windblown litter from the site, with appropriate wording for that condition to be developed by the Head of Planning Services, subject to the conditions detailed.

- 43. C8/41/107A/PA – (NY/2016/0073/ENV) - Variation of condition No's 1, 2, 3, 5, 6, 14, 18 and 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 at Womersley Quarry, off Stubbs Lane, Womersley**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application for the variation of conditions to planning permission ref. C8/2012/0035/CP dated 4 September 2012, as detailed above.

The application was subject to three objections having been raised by local members of the public and local businesses, summarised in paragraphs 5.3 and 5.5 of the report, and was, therefore, reported to the Committee for determination.

A number of representations were submitted and read out by the Clerk as follows:-

Womersley Parish Council

Their letter highlighted the following:-

- ◆ Good progress had been made by Harworth Estates in restoring the tip, with good communication between them and the Parish Council.
- ◆ They would like to see the security company retained to ensure the security of the site.
- ◆ They suggested that any public access to the site had to be managed.
- ◆ Access to any path must prevent unauthorised access, whilst allowing on foot/disabled access.
- ◆ Protection from public access to the water body at the back of the Northfield Quarry was required.
- ◆ Only one access point had been noted by Highways, within the report, whereas there appeared to be three, which were sources for unauthorised access, and those needed to be managed.
- ◆ A formal agreement with the Yorkshire Wildlife Trust adopting areas of the site was required.
- ◆ Ongoing monitoring and management of the site, going forward, was required to ensure that the installed drainage system remained patent and functioning

effectively.

- ◆ Mitigation of existing and prevention of further pollution of groundwater and the Blue Lagoon must remain of upmost importance with close liaison with the Environment Agency essential.
- ◆ Replacement of the deteriorated perimeter fencing.
- ◆ Details of the unrestored areas of the tip site adjacent to Northfield Quarry were required.
- ◆ Would further planning applications be required for future use of the site.
- ◆ It was suggested that conditions be applied to the issues outlined to ensure that they could be monitored by Planning Enforcement.
- ◆ There was concern as to who would monitor the site and undertake future management when it was completely restored and the planning permission duration had expired.
- ◆ It was suggested that a Liaison Committee to monitor the restoration and management of the site would assist with the formalisation of the process.
- ◆ The Parish Council would welcome the restoration of the site as an area of nature conservation.

J F Scott and Son (Womersley Limited) - Northfield Quarry

- ◆ On many occasions in recent years parts of Northfield Quarry have been flooded by run-off water from the tip particularly along the northern and southern boundaries.
- ◆ The tip operators were aware of the flooding but had done nothing to prevent the problems.
- ◆ The planning authority had been made aware of these issues at times of extension and modification of existing planning consents.
- ◆ The flooding of the quarry by run-off water was illegal and resulted from the tip not having been built correctly.
- ◆ It was suggested that the Health and Safety Executive, the Environment Agency and North Yorkshire County Council Planning Department have not acted appropriately in relation to these concerns.
- ◆ Planning Committee Members had also failed the company by continuing to approve planning applications for the tip despite objections being raised in relation to the flooding.
- ◆ It was suggested that information was not in place in respect of the current planning application which related to:
 - a detailed map of the boundary between the tip and Northfield Quarry
 - a detailed plan showing the tip realigned according to best practice with an appropriate access road and drainage between the tip and the boundary

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- details of how the realignment would be achieved.

Pinsent Masons - Agent for the Applicants (Harworth Estate Mines Property Limited)

- ◆ There was satisfaction within the draft planning conditions submitted with the exception of condition 22.
- ◆ It was stated that the final sentence “if pollution occurs, the effects of that pollution shall be rectified and further pollution shall be prevented” was not within the remit of the planning authority to seek compliance, as this was a matter for the Environment Agency to control through legislation, including the Environmental Protection Act 1990.
- ◆ It was requested that the condition be redrafted to remove the final sentence as, not doing so, would result in an appeal against the decision being lodged by Harworth Estate Mines Property Limited.

In respect of the issue regarding condition 22, the Committee’s legal adviser acknowledged the position outlined by the applicant’s agent and suggested that it would be appropriate to remove the final sentence as suggested.

Members agreed that condition 22 be amended as highlighted, with the final sentence removed.

A representative of the Head of Planning Services presented the Committee report, highlighting the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations and provided a conclusion and recommendation.

Detailed plans, photographs and visual information were presented to complement the report.

In relation to the number of issues raised in the letters read out to the Committee he noted that many of those concerns were addressed within the conditions set out in the report.

In terms of the flooding issues he noted that the applicant was taking reasonable steps to address that matter and any further issues in relation to that were a civil matter between the applicant and the complainant.

It was noted that action was being taken to ensure that only one main access to the tip was in place, with only emergency access allowed from other points.

Members undertook a discussion of the application and the following issues and points were raised:-

- ◆ A Member referred to the issue raised by the Parish Council in relation to the development of a Liaison Committee and asked whether this was part of the legal agreement going forward. In response it was noted that the Yorkshire Wildlife Trust had not stated whether they would be developing this committee, at this stage, but it was expected that as development continued this matter would be addressed.
- ◆ It was asked whether the diving business operating at the Blue Lagoon was still unable to function due to pollution and what their position in relation to the application was. In response it was noted that the business owners were still

opposed to the application and that their concerns were set out in the report. The Environment Agency were monitoring the situation, but it was noted the legacy tipping on the site had a major effect on their business and whilst every effort was being made to reduce the pollution suffered by the Blue Lagoon the whole colliery tip would have to be excavated for the situation to be rectified.

- ◆ A Member asked what would happen if wildlife settled in one of the temporary lagoons and wondered whether this would be protected. In response it was stated that the situation would be monitored and the services of the County Council's Ecologist would be acquired to determine the impact of such an occurrence.
- ◆ Members welcomed the progress that had been made on the site, noting that the situation had been continuing for a number of years now and suggested that it was important that the matter was brought to completion.

Resolved -

That, subject to the prior completion of a Section 106 agreement, the application be approved for the reasons stated within the report and, subject to an amendment to condition no. 22, removing the final sentence, with that sentence being provided as an informative rather than part of the condition, subject to the conditions outlined.

44. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services, outlining items dealt with under the Scheme of Delegation between the period 26 September 2017 to 20 November 2017, inclusive.

Resolved -

That the report be noted.

45. Publication by Local Authorities of Information about the Handling of Planning Applications

Considered -

The report of the Corporate Director - Business and Environmental Services, which outlined the County Council performance in the handling of "county matter" and County Council development planning applications for quarter 2, the period 1 July 2017 to 30 September 2017.

Information on enforcement cases was attached as an Appendix.

Resolved -

That the report be noted.

46. Planning and Regulatory Functions Sub-Committee - Appointment

Considered -

The report of the Assistant Chief Executive (Legal and Democratic Services) requesting

the Committee to consider the appointment of a Planning and Regulatory Functions Sub-Committee.

It was noted that the Committee was required to appoint a Planning and Regulatory Functions Sub-Committee to consider applications relating to the registration of common land and town and village greens.

To reflect proportionality the Sub-Committee would be divided as follows:-

- 4 Conservative Members
- 1 North Yorkshire Independent Member

Resolved -

That the Committee agrees to the appointment of the Planning and Regulatory Functions Sub-Committee in line with proportionality and details of the membership be provided in due course.

47. Alan Goforth

Members were advised that this would be Planning Officer, Alan Goforth's last meeting of the Committee before taking up another post. Members thanked Alan for his service to the Committee over a number of years and for the work that he had produced.

The meeting concluded at 12.45pm

SL/JR

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

6 February 2018

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

1.0 Purpose of the report

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

2.0 Background

Site Description

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

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

Planning History

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

3.0 The proposal

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

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

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

Landscaping

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

Site operation

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

Vehicle movements

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

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

Hours of operation

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

External Lighting

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

Employment

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

4.0 Consultations

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

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

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

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

Notifications

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

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of five Site Notices posted on 19 October 2017 (responses to which expired on 9 November 2017). The Site Notices were posted in the following locations: the entrance to Carr House Farm, the entrance to the proposed WTS site, the entrance to Hiblings Farm, the entrance to Beansheaf Industrial Park and in the village of Kirby Misperton. A Press Notice appeared in the Malton Gazette & Herald on 25 October 2017 (responses to which expired on 8 November 2017).

- 5.2 A total of 15 Neighbour Notification letters were sent on 17 October 2017 and the period in which to make representations expired on 7 November 2017. The following properties received a neighbour notification letter:
 1. Carr House Farm Tofts Road Kirby Misperton
 2. Briardene Malton Road Pickering
 3. Hiblings Farm Malton Road Pickering
 4. Tofts Farm Malton Road Pickering
 5. Beansheaf Hotel Malton Road Kirby Misperton
 6. Lynwood Beansheaf Malton Road Kirby Misperton
 7. Beansheaf Cottage Malton Road Kirby Misperton
 8. Greenacres Malton Road Kirby Misperton
 9. Beansheaf Garage Malton Road Kirby Misperton
 10. Robsons Tractors, Unit 1 Beansheaf Industrial Park Tofts Road Malton
 11. Frank Curtis Ltd Beansheaf Industrial Park Tofts Road Malton
 12. Units 3 – 4 Beansheaf Industrial Park Tofts Road Malton
 13. Unit 8 Beansheaf Industrial Park Tofts Road Malton
 14. Unit 8A Beansheaf Industrial Park Tofts Road Malton
 15. Units 9 – 10 Beansheaf Industrial Park Tofts Road Malton

- 5.3 A total of 13 letters have been received from occupants, employees and users of land at Hiblings Farm and Camping and Caravan Park. The approximate locations of the objectors and supporters are shown on the plan attached to this report at Appendix A. Below is a summary of the concerns raised:-
 - The additional road works on the A169 have been removed or reduced
 - The junction of the A169 and Tofts Road is dangerous
 - Effect on the operation of businesses associated with Hiblings Farm and Campsite if access is restricted during the 3 month construction phase
 - If permission is granted the hours of construction work should be limited to Monday –Friday 8-6pm, Saturday 9-1pm, no working Sundays, Bank or Public holidays and all plant, machinery, equipment and vehicles should be fitted with noise attenuation equipment.
 - The hours of operation and HGV movements should be limited.
 - The operation of the WTS would have an adverse impact on quality of life and caravan and campsite business through traffic, visual, noise, vibration, odours, light intrusion, wildlife along with potential for pests and vermin.

6.0 Planning policy and guidance

National Planning Policy

6.1 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:

- National Planning Policy Framework (NPPF) (published March 2012)
- National Planning Policy for Waste (NPPW) (published October 2014)

National Planning Policy Framework (NPPF)

6.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

6.3 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development stating its approach as *"making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same"*. The Government defines sustainable development as that which fulfils the following three roles:

- **An economic role** – development should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- **A social role** – development supporting strong, vibrant and healthy communities; and,
- **An environmental role** – development that contributes to protecting and enhancing the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

6.4 The NPPF advises that when making decisions, development proposals should be approved that accord with the Development Plan and when the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this framework indicate development should be restricted.

6.5 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.

6.6 Paragraph 32 within Section 4 (Promoting sustainable transport) of the NPPF states that plans and decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 6.7 Paragraph 58 within Section 7 (Requiring good design) of the NPPF identifies 6 objectives that planning policies and decisions should aim to ensure that new developments:
- *“function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
 - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
 - *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
 - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
 - *are visually attractive as a result of good architecture and appropriate landscaping.”*
- 6.8 Within Section 10 of the of the NPPF (Meeting the challenge of climate change, flooding and coastal change) paragraph 100, advises that *‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere’*. It is further noted that further advice on schemes should be sought from the Environment Agency and internal drainage boards.
- 6.9 Paragraph 103 of the NPPF, advises that in determining planning applications, Local Planning Authorities should *‘ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:*
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems’.*
- 6.10 Within Section 11 of the NPPF it is clear that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.
- 6.11 Paragraph 109 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity, preventing development from contributing to or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

- 6.12 Paragraph 118 within Section 11 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. Paragraph 118 states: *“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles (inter alia): if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*.
- 6.13 Paragraph 120 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that to prevent unacceptable risks from pollution, decisions should ensure that the development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area should be taken into account.
- 6.14 Paragraph 122 states that *“In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”*.
- 6.15 Paragraph 123 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that *“Planning policies and decisions should aim to:*
- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
 - *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
 - *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
 - *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”*.
- 6.16 Paragraph 128 within Section 12 of the NPPF states that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”*.

National Planning Policy for Waste (published October 2014)

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

- 6.18 Paragraph 1 of the NPPW states that the Government's ambition is to *"work towards a more sustainable and efficient approach to resource use and management"*. The NPPW sets out the *"pivotal role"* that planning plays in delivering the country's waste ambitions with those of relevance to this application being as follows:
- *"delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy (see Appendix A of NPPW);*
 - *ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;*
 - *providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;*
 - *helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and*
 - *ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste"*.
- 6.19 It should be noted that a footnote is included in the National Planning Policy for Waste for the reference in bullet point three to the "proximity principle". The footnote refers to Schedule 1, Part 1, paragraph 4 of The Waste (England and Wales) Regulations 2011 (S.I 2011/988) for the principles behind the term proximity (as well as self-sufficiency). The reference states the following:
- (1) *To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including, where such collection also covers such waste from other producers, taking into account best available techniques.*
 - (2) *The network must be designed to enable the European Union as a whole to become self-sufficient in waste disposal and in the recovery of mixed municipal waste collected from private households, and to enable the United Kingdom to move towards that aim taking into account geographical circumstances or the need for specialised installations for certain types of waste.*
 - (3) *The network must enable waste to be disposed of and mixed municipal waste collected from private households to be recovered in one of the nearest appropriate installations, by means of the most appropriate technologies, in order to ensure a high level of protection for the environment and human health.*
 - (4) *This paragraph does not require that the full range of final recovery facilities be located in England or in Wales or in England and Wales together"*.
- 6.20 Paragraphs 2 to 6 of the NPPW relate to the preparation of Local Plans in respect of the evidence base, identification of need in Local Plan making, identifying suitable sites and Green Belt protection and are not directly relevant to the determination of planning applications for waste management facilities.
- 6.21 In relation to the determination of planning applications, Paragraph 7 of the NPPW states that Waste Planning Authorities should:
- *"only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*

- recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;
- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;
- ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary”.

6.22 The criteria set out in the first two bullet points are not material to the determination of this application, as the Local Plan (2006) pre-dates current national policy (2014).

6.23 Paragraphs 8 and 9 of the NPPW relate to planning applications for non-waste development and the monitoring and reporting of waste and are not directly relevant to the determination of this application.

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

6.25 Appendix B of the NPPW sets out the ‘Locational Criteria’ to be assessed by Local Planning Authorities in determining applications for waste management facilities, as follows:-

- a. *“protection of water quality and resources and flood risk management;*
- b. *land instability;*
- c. *landscape and visual impacts;*
- d. *nature conservation;*
- e. *conserving the historic environment;*
- f. *traffic and access;*
- g. *air emissions, including dust;*
- h. *odours;*
- i. *vermin and birds;*
- j. *noise, light and vibration;*
- k. *litter; and,*
- l. *potential land use conflict”.*

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

*“a. protection of water quality and resources and flood risk management
Considerations will include the proximity of vulnerable surface and groundwater or aquifers. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care.*

- c. *landscape and visual impacts*
Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.
- d. *nature conservation*
Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species.
- f. *traffic and access*
Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports.
- g. *air emissions, including dust*
Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.
- h. *odours*
Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.
- i. *vermin and birds*
Considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds. The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at locations close to aerodromes or low flying areas.
As part of the aerodrome safeguarding procedure (ODPM Circular 1/20035) local planning authorities are required to consult aerodrome operators on proposed developments likely to attract birds. Consultation arrangements apply within safeguarded areas (which should be shown on the policies map in the Local Plan).
The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes.
- j. *noise, light and vibration*
Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. Potential light pollution aspects will also need to be considered.
- k. *litter*
Litter can be a concern at some waste management facilities.
- l. *potential land use conflict*
Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility”.

National Planning Practice Guidance (NPPG) (2014)

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

- Air Quality
- Design
- Health and Wellbeing
- Natural Environment
- Noise
- Travel plans, transport assessments and statements in decision-taking
- Waste

Air Quality

6.28 In terms of possible mitigation for an impact on air quality, the NPPG states that mitigation options will be “*locationally specific*” and “*proportionate to the likely impact*”, and that these can be secured through appropriate planning conditions or obligations. Suggested examples of mitigation provided in the NPPG include amendments to layout and design to increase distances between sources of air pollution and receptors; the use of green infrastructure to increase the absorption of dust and pollutants; control of emissions and dust during both construction and operation; and the provision of funding towards measures which have been identified to offset any air quality impacts arising from new development.

Design

6.29 The guidance states “*Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term*”.

6.30 When determining applications, the NPPG advises that “*Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies, and other material considerations*”. Where buildings “*promote high levels of sustainability*”, the NPPG advises that planning permission should not be refused on the basis of concerns about whether the development is incompatible with an existing townscape, if good design can mitigate the concerns.

6.31 In general, the NPPG states that “*Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinct patterns of development...while not preventing or discouraging appropriate innovation*”.

6.32 In relation to landscape impacts, the NPPG advises that development can be integrated into the wider area through the use of natural features and high quality landscaping. In addition, the NPPG promotes the creation of green spaces and notes that high quality landscaping “*makes an important contribution to the quality of an area*”.

Health and Wellbeing

6.33 The NPPG advises that health and wellbeing should be taken into consideration by Local Planning Authorities in their decision making, including “*potential pollution and other environmental hazards, which might lead to an adverse impact on human health*”.

Natural Environment

- 6.34 This section explains key issues in implementing policy to protect biodiversity, including local requirements. It reiterates that *“the National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution”*.

Noise

- 6.35 This section advises on how planning can manage potential noise impacts in new development. In terms of decision taking on planning applications it states that Authorities should take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved. It also states that *“neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development”*.

Travel plans, transport assessments and statements in decision-taking

- 6.36 The NPPG notes that Travel Plans and Transport Assessments can *“positively contribute to:*
- *Encouraging sustainable travel;*
 - *Lessening traffic generation and its detrimental impacts;...and*
 - *Improving road safety”*.
- 6.37 The NPPG sets out the anticipated scope and content for such documents, and notes that Travel Plans should be monitored for a length of time and at a frequency which is appropriate to the scale of the development.

Waste

- 6.38 With regard to the Waste Hierarchy the guidance states that *“driving waste up the Waste Hierarchy is an integral part of the National Waste Management Plan for England and national planning policy for waste”* and *“all local planning authorities, to the extent appropriate to their responsibilities, should look to drive waste management up the hierarchy”*.
- 6.39 The guidance includes advice on the relationship between planning and other regulatory regimes. On this matter it states *“The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to National Planning Policy for Waste. There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes”*.
- 6.40 The guidance states that *“the role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health”*.

The Development Plan

- 6.41 Whilst the NPPF is a significant material consideration, under Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning authorities continue to be required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:
- The extant 'saved' policies of the North Yorkshire Waste Local Plan (adopted 2006); and
 - The extant policies of the Ryedale Plan- Local Plan Strategy (2013)
- 6.42 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect, it is worth noting that the following document contains emerging local policies that may be of relevance to this application:
- Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority): hereafter referred to as the MWJP.
- 6.43 The Tofts Road site is proposed as a safeguarded non-hazardous waste transfer site (Plan period up to 31 December 2030). The MWJP was submitted to the Secretary of State for Communities and Local Government on 28 November 2017 for independent examination and the hearings are due to start on 27 February 2018. At the current stage, it would not be appropriate to give any significant weight to this emerging document in respect of the development proposed in this planning application. However the relevant policies are set out in full below:-

Draft Policy W01 (Moving waste up the waste hierarchy)

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

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

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

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

Draft Policy W11 (Waste site identification principles)

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

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

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

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

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

Draft Policy D06 (Landscape).

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

- 6.44 The NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out of date because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations which local planning authorities should take into account from the day of its publication.
- 6.45 If, following the 12 month transitional period given to local planning authorities to ensure compliance of their Local Plans with the NPPF, a new or amended plan has not been adopted, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (paragraph 215 of the NPPF). The closer the policies in the plan are to the policies in the NPPF the greater the weight that may be given. In addition paragraph 216 of the NPPF states that *“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”*.
- 6.46 The relevant policies within the NPPF have been set out above and within the next section the relevant ‘saved’ policies from the North Yorkshire Waste Local Plan (adopted 2006) are outlined and the degree of consistency with the NPPF is considered.
- 6.47 This exercise assessing the degree of consistency with the NPPF is not applicable to the policies contained within the more recently adopted ‘Ryedale Plan: Local Plan Strategy’ (adopted September 2013) as the Local Plan Strategy is a post-NPPF adoption and has been deemed to be in compliance with the general aims of the NPPF.

North Yorkshire Waste Local Plan (NYWLP) (adopted 2006)

- 6.48 In the absence of an adopted Minerals and Waste Joint Plan and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the ‘saved’ policies can now be considered as comprising of the Development Plan.
- 6.49 The ‘saved’ policies relevant to the determination of this application are:
- 4/1 – Waste Management Proposals
 - 4/3 – Landscape Protection
 - 4/15 - Archaeological Evaluation
 - 4/18 – Traffic Impact
 - 4/19 – Quality of Life
 - 5/3 – Recycling, sorting and transfer of industrial, commercial and household waste

‘Saved’ Policy 4/1 – Waste Management Proposals

- 6.50 This Policy states:
- Proposals for waste management facilities will be permitted provided that:*
- a) *the siting and scale of the development is appropriate to the location of the proposal;*
 - b) *the proposed method and scheme of working would minimise the impact of the proposal;*
 - c) *there would not be an unacceptable environmental impact;*
 - d) *there would not be an unacceptable cumulative impact on the local area;*

- e) *the landscaping and screening has been designed to effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character;*
- f) *where appropriate, adequate provision is made for the restoration, aftercare and management of the site to an agreed afteruse;*
- g) *the proposed transport links are adequate to serve the development; and,*
- h) *other environmental and amenity safeguards would effectively mitigate the impact of the proposal;*
- i) *it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with the waste;*
- j) *the location is geographically well located to the source of the waste thereby according with the proximity principle.*

6.51 'Saved' Policy 4/1 g) is consistent with the provisions of the NPPF insofar as supporting the adequacy of transport links, however, there are differences in the objectives that criterion g) states that transport links should be adequate, whereas the NPPF states that improvements to the transport network should be considered. Therefore, the NPPF guidance should be given more weight in this instance because it goes a step further in supporting those developments comprising improvements to transport links.

'Saved' Policy 4/3 – Landscape protection

6.52 This 'saved' policy advises that waste management facilities will only be permitted *"where there would not be an unacceptable effect on the character and uniqueness of the landscape. Wherever possible, proposals should result in an enhancement of local landscape character"*.

6.53 In its reasoned justification, 'saved' Policy 4/3 advises that in considering development proposals, the Authority will expect developers to respect and enhance the special character and distinctiveness of features which make specific landscapes locally important. Where waste management proposals are determined to be compatible with the local landscape by virtue of siting, scale and design, possibilities for the enhancement of the character of the local landscape should also be explored.

6.54 This specific 'saved' policy is considered to be relevant and full weight can be given to 'saved' Policy 4/3 as the NPPF makes clear that the effects of development on the landscape, including the potential sensitivity of an area to adverse landscape impacts, should be taken into account.

'Saved' Policy 4/15 - Archaeological Evaluation

6.55 The policy states that *"Where proposals for waste management facilities affect sites of known or potential archaeological importance the applicant will be required to carry out an archaeological field evaluation prior to the determination of the planning application"*.

6.56 The Policy does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The NPPF acknowledges that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Therefore, the NPPF guidance should be given more weight in this instance.

'Saved' Policy 4/18 – Traffic impact

6.57 This 'saved' Policy addresses transport issues and advises that waste management facilities will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway and would not have an unacceptable impact on local communities.

6.58 'Saved' Policy 4/18 does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF states that improvements to the transport network should be considered, therefore, the NPPF guidance should be given more weight in this instance.

'Saved' Policy 4/19 – Quality of life

6.59 This 'saved' Policy seeks to ensure that waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity.

6.60 It is considered that full weight can be given to 'saved' Policy 4/19 as the NPPF makes clear that the effects of pollution on the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account.

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

6.61 'Saved' Policy 5/3 of the North Yorkshire Waste Local Plan advises that 'Proposals for facilities for recycling, sorting and transfer of industrial, commercial and household wastes will be permitted provided that:

- a) The proposed site is suitably located with an existing, former or proposed industrial area of a character appropriate to the development; or
- b) The proposed site is suitably located within a redundant site or building;
- c) The proposed site is appropriately located within or adjacent to active or worked out quarries or landfill sites; and
- d) The operations are carried out in suitable buildings; and
- e) The highway network and site access can satisfactorily accommodate the traffic generated; and
- f) That in appropriate cases it does not prejudice the restoration and afteruse of the quarry or landfill site; and
- g) The proposal will not have an unacceptable impact on local amenity or the environment'.

6.62 Criterion a), b), c), d) and f) are broadly consistent with national policy in the NPPF and NPPW in terms of new development on previously developed land or appropriate land without prejudicing restoration, and can therefore be afforded full weight in the determination process.

6.63 The locational criteria set out in Appendix B of NPPW, which are to be used when determining proposals for waste facilities include considerations relating to traffic and amenity, which criterion e) and g) comply with and can therefore be afforded full weight.

'Ryedale Plan: Local Plan Strategy' (Adopted September 2013)

6.64 At the local level, regard has to be had to the 'Ryedale Plan- Local Plan Strategy' (2013). The introduction to the 'Ryedale Plan- Local Plan Strategy' (2013) states that *"The purpose of the Ryedale Plan is to encourage new development and to manage future growth whilst ensuring that change across the District is based on a presumption in favour of sustainable development"*.

6.65 The Local Plan Strategy (2013) document states that *"the Plan acts as a local expression of national policy. It establishes local policies which comply with national policy (NPPF) but which also provide a specific local policy response which reflects the distinctiveness of this District and best integrates local social, economic and environmental issues"*. The Local Plan Strategy (2013) does not contain any policies specifically related to waste development (also referred to as a 'County Matter') but there are general development management policies which would usually be

applicable to development under the jurisdiction of the District Council which, in this instance, are relevant to the determination of this application are: -

- Policy SP6 - 'Delivery and Distribution of Employment/Industrial Land and Premises'
- Policy SP10 - 'Physical Infrastructure'
- Policy SP14 - 'Biodiversity'
- Policy SP16- 'Design'
- Policy SP17 - 'Managing Air Quality, Land and Water Resources';
- Policy SP19 – 'Presumption in Favour of Sustainable Development'; and
- Policy SP20 - 'Generic Development Management Issues'.

6.66 SP6 'Delivery and Distribution of Employment/Industrial Land and Premises' refers to employment uses and, inter alia, states that *"the intention is to support established sectors in the local economy and provide opportunities for diversification which over the Plan Period, will enable a step change in business growth, improved skills and a more sustainable local economy"*. With reference to 'Significant Industrial Processes in Open Countryside Locations' (Significant Industrial Processes not defined within the Local Plan) the policy states *"Major industrial processes involving the extraction, utilisation, working or harnessing of natural materials or land assets will be supported where:*

- *They are required in that location and no other suitable sites are available in the locality*
- *They can be satisfactorily accommodated on the highway network and will not lead to significant adverse highways impacts*
- *They do not adversely affect the amenity of neighbouring occupants of the site in line with Policy SP20*
- *They can be satisfactorily accommodated in the surrounding landscape in line with Policies SP13 and SP16*
- *The economic benefits to the District outweigh any adverse impacts"*.

6.67 SP10 'Physical Infrastructure' sets out necessary improvements to Community Facilities and Physical Infrastructure which are critical to support their Strategy. The list of types of infrastructure and related services includes *'Waste Transfer Station - location in Ryedale to be confirmed'*.

6.68 SP14 'Biodiversity' states *"In considering proposals for development – Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them. Proposals for development which would result in loss or significant harm to: Habitats or species included in the Ryedale Biodiversity Action Plan and priority species and habitat in the UK Biodiversity Action Plan; Local Sites of Nature Conservation Importance or Sites of Geodiversity Importance; Other types of Ancient Woodland and ancient/veteran trees, will only be permitted where it can be demonstrated that there is a need for the development in that location and that the benefit of the development outweighs the loss and harm. Where loss and harm cannot be prevented or adequately mitigated, compensation for the loss / harm will be sought. Applications for planning permission will be refused where significant harm cannot be prevented, adequately mitigated against or compensated for. Loss or harm to other nature conservation features should be avoided or mitigated. Compensation will be sought for the loss or damage to other nature conservation features, which would result from the development proposed. Protected sites, including internationally and nationally protected sites and Sites of Importance for Nature Conservation are identified on the adopted Proposals Map."*

- 6.69 Policy SP16 'Design' states, inter alia, that *"To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:*
- *Topography and landform that shape the form and structure of settlements in the landscape*
 - *The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale*
 - *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
 - *The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement*
 - *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
 - *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail."*
- 6.70 SP17 'Managing Air Quality, Land and Water Resources' includes policies relevant to the proposed development which state as follows:-
- *"Flood risk will be managed by (inter alia) requiring the use of sustainable drainage systems and techniques*
- 6.71 SP19 'Presumption in Favour of Sustainable Development' carries forward the presumption contained in the NPPF and states that the Council will take a positive approach when considering development proposals and *"always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area"*. The policy states that *"planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise"*.
- 6.72 SP20 'Generic Development Management Issues', with regard to amenity and safety SP20 states that *"New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence"*.

7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are principle of the development, design, landscape and visual impact, the impact upon the environment and local amenity (noise, odour, dust, light, litter and vermin), traffic impact, flood risk and site drainage, archaeology and ecology.

Principle of the proposed development

- 7.2 The proposed development is in response to the reduction in the number of landfill sites and to meet increasing recycling targets and would enhance the network of Waste Transfer Stations (WTS) within the County. WTSs allow for the receipt, sorting and bulking up of waste for onward transportation to facilities for recycling, treatment and final disposal which is in line with the principles of the NPPW which seek to drive waste up the waste 'hierarchy'. It is relevant to note that planning permission (ref. C3/14/00005/CPO, dated 26 August 2014) has been granted and part implemented for the development of a waste transfer station at Tofts Road, Kirby Misperton which would deal with LACW generated in the Ryedale area. Therefore, once developed this could fulfil the need for a waste transfer station (WTS) as referred to in Policy SP10 (Physical Infrastructure) of the Ryedale Plan- Local Plan Strategy (2013). The development site is proposed for industrial use in line with 'saved' policy 5/3(a) of the NYWLP and is also a safeguarded non-hazardous waste transfer site in the draft MWJP (Plan period up to 31 December 2030) and aligns with the aims of Draft Policy W01 of the MWJP (Moving waste up the waste hierarchy). The proposed land use in this location, the purpose of the WTS and the need for the development and the associated sustainability and accessibility credentials have previously been deemed acceptable and therefore it would not be appropriate to revisit the principle of the development of a WTS at this site.

Design, landscape and visual impact

- 7.3 The development site is 8,100m² in area and this size would provide the necessary floor area required for the waste transfer services as well as the facilities required for on-site staff. The site would also provide sufficient area to accommodate a weighbridge and turning circles of the vehicles to provide safe movement/servicing across the site.
- 7.4 The layout and orientation of the proposed WTS building has been designed with the objective to avoiding potential noise conflict with adjacent land uses. The position of the WTS has been turned 90 degrees from that previously approved which would have had the building constructed across the central part of the site facing northward towards Tofts Road. It is now proposed that the front of the building, which incorporates the three HGV access points, would be west facing away from Tofts Road, the industrial site and nearest residential receptors. In the interests of safe movement of pedestrians and vehicles the layout also provides staff and visitor parking, welfare and office facilities in the northern part of the site separate from the operational waste management area in the southern part of the site which would involve HGV entry/exit, weighing, turning and washing activities.
- 7.5 The proposal alters the scale of the previously approved development in relation to the WTS building. The building would have a footprint of 1920m² (previously approved building was to be 1890m²) and would contain a variable number of moveable bays and would provide the necessary floor area required for the waste transfer operation. The proposed WTS would stand 13.3 metres high which is 3.1 metres higher than the building previously approved. The size of the WTS building is determined by the minimum height required of the HGV entrance doors (approx. 8 metres) and the "tipping height" once the vehicles are inside the building. The District Council note that the proposed building is larger than that previously proposed but state that *"its revised orientation on the plot is considered to relate better to the existing building that is immediately to the east of the proposed transfer station"*.
- 7.6 The WTS would consist of fairfaced concrete walling at the lower level and plastic coated metal composite panels with a green/brown colour finish for the upper walls and roof. The external appearance is robust and functional and appropriate in light of the proposed use and would be consistent with the surrounding industrial and agricultural buildings and as a result the WTS would not be unduly obtrusive. Similarly the site office, which would be positioned adjacent to the main entrance, would have steel clad external walls and roof and would be of a scale that would be in keeping

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

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

Local amenity (noise)

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

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

- 7.19 In light of the above the development is not considered to be inconsistent with national policy contained within paragraph 120 of the NPPF and Appendix B(j) of the NPPW and would not conflict to an unacceptable degree with the aims of 'saved' policies 4/1(b & h), 4/19 and 5/3(d & g) of the NYWLP (2006) or the relevant parts of policies SP17 and SP20 of the Ryedale Plan- Local Plan Strategy (2013).

Local amenity (dust and odour)

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

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

- 7.27 The District EHO has no objections subject to the inclusion of conditions requiring the prior approval of the odour control unit and dust control measures (Condition 13) and also a restriction to ensure no external storage or processing of waste (Condition 14). The Environment Agency has no objections but advises that an Environmental Permit will be required for the WTS.
- 7.28 The Environmental Permit for the proposed development, if granted, would be subject to regular inspection by the Environment Agency. This would include for example, in the event that odour is found beyond the site boundary, requirements for steps to be taken..
- 7.29 The Environmental Permit would only be granted if the Environment Agency, Health Protection Agency and other statutory consultees are satisfied that the development would not cause any unacceptable risks to human health and the environment. It is considered that the emissions from the site could be adequately monitored and controlled under the environmental permitting regime. If planning permission is granted a planning condition would not be appropriate to control the level of emissions from a proposed development where they are subject to pollution control. The existence of alternative statutory means of controlling pollution is a material consideration to be taken into account in the determination of applications for development which would also be subject to those other forms of statutory control. The planning system should not be operated so as to duplicate environmental controls.
- 7.30 It is considered that, if planning permission is granted, the facilities design and the mitigation measures to be secured by condition would sufficiently control dust and odour emissions arising from the facility and it would not give rise to any amenity issues and would be considered consistent with the national policy contained within paragraph 120 of the NPPF and Appendix B(g & h) of the NPPW and would not conflict with the aims of 'saved' policies 4/1(b & h), 4/19 and 5/3(d & g) of the NYWLP (2006) or policies SP17 and SP20 of the Ryedale Plan- Local Plan Strategy (2013).

Local amenity (external lighting)

- 7.31 The site would be lit by five 8 metre high column mounted floodlights spaced along the northern and western perimeter of the site and also adjacent to the car park. In addition there would be six wall mounted lights on the northern and western elevations of the WTS at a height of 8 metres above ground level.
- 7.32 The Applicant observes that the immediate area, though rural, is not devoid of lighting as there is already floodlighting in the area at the commercial units off Tofts Road near Malton Road, adjacent to the proposed site. In light of the character and receptors in the locality, the lighting that would emanate from the WTS would have minimal impact to the existing character of the area.
- 7.33 There have been no concerns raised by the District EHO and whilst there is some local concern the submitted lighting plan indicates that there would be no light spillage beyond the site boundary. In addition any negative impact would be mitigated with use of flat glass lanterns and 10° uplift angle. The lighting would only be in use where and when operationally necessary or to ensure the health and safety of staff (Condition 22). It is considered that the proposed lighting would have limited impact and would not cause significant harm to the surrounding landscape character or environment in terms of light pollution or loss of amenity and would be considered consistent with the national policy contained within paragraph 120 of the NPPF and Appendix B(j) of the NPPW and would not conflict with the aims of 'saved' policies 4/1(h) and 4/19 of the NYWLP (2006) and policy SP20 of the Ryedale Plan- Local Plan Strategy (2013).

Local amenity (Litter and Vermin)

- 7.34 The nature of the proposed development warrants consideration as to whether it could give rise to potential adverse issues relating to windblown litter, vermin and birds. Within Appendix B of the NPPW, in respect of 'Locational Criteria' for waste management facilities, paragraphs 'i' and 'k' set out considerations in respect of vermin, birds and litter. There is an acknowledgement within the NPPW that these matters are especially an issue for landfill sites although it can be a problem for other waste management facilities which handle household or commercial wastes.
- 7.35 The Applicant's proposed mitigation is to ensure that all waste delivered to the site would be received and stored within the main WTS building and the doors shall be closed during all times except for the entry and exit of vehicles. The building would be sealed, under negative pressure and accessed via fast acting roller shutters. In addition there are no proposals for the external handling, processing or storage of waste materials at the site. If planning permission is granted a planning condition would be attached to the permission to ensure these proposed mitigation measures are implemented (Condition 14).
- 7.36 The Applicant has confirmed that the site would be swept regularly to ensure roads are kept clean of litter, dust and debris. Delivery vehicles would be enclosed RCVs to control potential litter migration into the surrounding environment. Furthermore, the site would operate within the terms of an environmental permit which would impose additional responsibilities and obligation with regard to litter, vermin and pest control outside of the planning regime.
- 7.37 It is considered that in light of the aforementioned mitigation measures and that no waste is to be stored or handled in the open, the proposal would not give rise to any negative impacts in terms of litter or vermin and would be consistent with the requirements of Appendix B(i and k) of the NPPW and would not conflict with the aims of 'saved' policies 4/1(b & h), 4/19 and 5/3(d & g) of the NYWLP (2006) or the relevant part of policy SP20 of the Ryedale Plan- Local Plan Strategy (2013).

Highways impact- Traffic and transport

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

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

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

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

Flood risk and drainage

- 7.48 There is the potential of flood risk and a Flood Risk Assessment (FRA) has been prepared which considered the impact of flooding on the proposed development and also whether the proposed development would increase flood risk elsewhere.
- 7.49 A WTS is a 'less vulnerable' development based on the NPPF classification. In terms of development compatibility, this type of site is appropriate in fluvial Flood Zones 1, 2 and 3a. The site is partially within Zone 2 and partially within Zone 3a, and the development is therefore considered appropriate in principle. The FRA indicates that the site is at risk from flooding from fluvial sources (rivers) and potentially from the failure of land drainage infrastructure, however risk from surface water, groundwater and sewer flooding is low.
- 7.50 The FRA concludes that the impact of the development on flood risk elsewhere is likely to be low, due to the scale of the site; however these impacts will require mitigation and management. In light of the FRA the Applicant has proposed measures to reduce the risk of flooding to the site, including the raising of the WTS building 600mm above the maximum 1 in 100 year fluvial flood level. This would also offer protection from flooding from other sources, such as the land and highway drainage ditches close to the site.
- 7.51 The Applicant states that in order to reduce the impact of the development on local flood risk, compensatory storage is proposed as mitigation for the loss of the Zone 3a floodplain of Pickering Beck, in which part of the site is located. The attenuation for the site and compensatory storage would be located under the car park. At the end of the attenuation, there will be an interceptor which all water will flow through prior to discharge.
- 7.52 The Environment Agency have no objections subject to the development being constructed in accordance with the FRA and a condition that requires spoils to be removed from the floodplain which will be included should permission be granted (Condition 20).
- 7.53 The surface water is proposed to be kept on site and discarded at the agreed rate of 2l/s via a pumped rising main. The Internal Drainage Board (IDB) have no objection subject to the surface water discharge, which enters the Board-maintained watercourse, not being exceeded.
- 7.54 It is considered that in light of the above the development would be designed to incorporate sustainable drainage principles, would not increase flood risk on site or elsewhere or have an adverse impact upon the water environment and is therefore consistent with Appendix B(a) of the NPPW and complies with policy SP17 of the Ryedale Plan- Local Plan Strategy (2013).

Archaeology

- 7.55 With regard to non-designated heritage assets the application includes an assessment of potential archaeological remains and an archaeological geophysical survey and concludes that no physical impact from construction is predicted for archaeological remains. The County Archaeologist notes that the results of the geophysical survey were negative and suggested that the archaeological potential of the site is low and therefore has no objection to the proposal. In light of the above it is not considered that the proposed development would lead to a detrimental effect upon the archaeological value of the site and as such the proposal would not conflict to an unacceptable degree with paragraph 128 of the NPPF and would comply with 'saved' policy 4/15 of the NYWLP (2006).

Ecology

- 7.56 There are no statutory designated sites of nature conservation importance on or within 2 km of the site. With regard to non-statutory designated sites the field adjacent to the proposed development site (the southern half of the field) is a 'deleted' Site of Importance for Nature Conservation (SINC) which is species poor.
- 7.57 The application is accompanied by extended Phase 1 Habitat Surveys from 2012 and 2016 which identified habitats comprising poor improved grassland (pasture); species poor hedgerows; and small areas of marshy grassland. No protected or notable flora was recorded on the site but the site and associated areas were identified as being important for breeding birds.
- 7.58 In response the Applicant proposes that in order to avoid destruction of breeding bird's nests, that any vegetation that will be affected by development works is either removed outside of the bird breeding season, between October to February inclusive, or if these dates are not achievable the site should first be checked by a suitably qualified ecologist to ascertain the absence of active nests.
- 7.59 With regard to the potential for bats and badgers on the site the Applicant states that no work will be undertaken at night to reduce impact on any of this type of mammal using the site and in response the County Ecologist has requested a condition requiring a plan to mitigate the effects of lighting on biodiversity (Condition 23). In addition the Applicant has confirmed that a badger set survey will be completed. These actions are in line with the recommendations of the County Ecologist who requested the inclusion of informatives on any permission granted in relation to vegetation clearance and walkover surveys for badgers.
- 7.60 There are no ecological objections to the development and it is considered that the proposed development would not result in loss or significant harm to any sites of ecological value or be detrimental to nature conservation interests. In light of the new native tree and hedgerow planting and protected vegetation there are opportunities for new areas of habitat and biodiversity enhancements consistent with the relevant biodiversity policies included in paragraphs 109 and 118 of the NPPF and Appendix B(d) of the NPPW and the development would comply with policy SP14 of the Ryedale Plan- Local Plan Strategy (2013).

8.0 Conclusion

- 8.1 The principle of the waste management land use has previously been established and the proposed development is considered to be in line with the NPPW and also emerging local policy which seek to drive waste up the waste 'hierarchy'. There are no significant impacts anticipated in respect of ecology, archaeology or the historic environment and therefore the proposed development would be consistent with paragraphs 118 and 128 of the NPPF and the relevant locational criteria set out in Appendix B of the NPPW. The proposal involves the receipt, sorting and bulking up of waste materials within the WTS building and there would be no treatment or disposal would take place at the site and as a result no significant impacts relating to

noise, litter, odour or vermin are anticipated which is in accordance with the locational criteria (h, i, j & k) set out in Appendix B of the NPPW. There would be controls on hours of operation and HGV movements, dust, lighting and noise and the associated vehicle movements would be satisfactorily accommodated by the local highway. It is therefore considered that the development would not result in unacceptable impacts upon the environment, highway or amenity in respect of these matters and there is no conflict with 'saved' policies 4/1, 4/18, 4/19 and 5/3 of the NYWLP (2006).

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

9.0 Recommendation

9.1 It is recommended that for the following reasons:

- i) The development is in accordance with 'saved' policies 4/1, 4/3, 4/15, 4/18, 4/19 and 5/3 of the North Yorkshire Waste Local Plan (2006), policies SP6, SP10, SP14, SP16, SP17, SP19 and SP20 of the Ryedale Plan- Local Plan Strategy (2013) and overall is consistent with the NPPF (2012) and the NPPW (2014);
- ii) The proposal does not conflict with the abovementioned policies as it is considered that the existing highway network is capable of handling the volume of traffic generated by the development, the visual impact of the proposed development can be mitigated through condition, the environmental impacts of the proposed development can be controlled, neighbouring residential properties will not be adversely affected and there are no other material considerations indicating a refusal in the public interest; and
- iii) The imposition of planning conditions will further limit the impact of the development on the environment, residential amenity and the transport network

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

Conditions:

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

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

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

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

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

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

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

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

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

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

Reasons:

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

Informatives:

Highways

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

Environment Agency

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

Ecology

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

Noise during construction

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

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

- Switching off plant and equipment when not in use

Approved Documents

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

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

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

necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

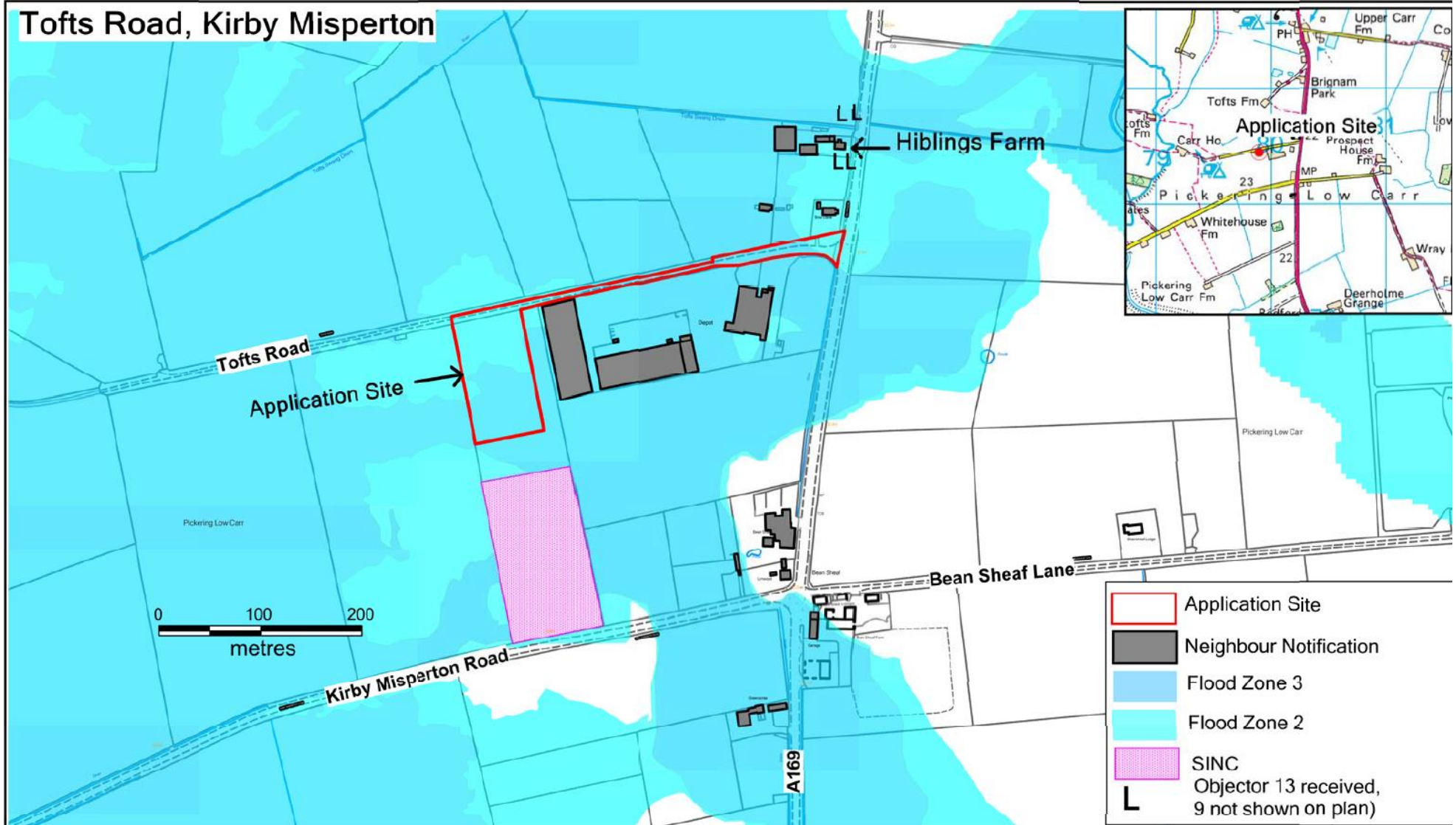
VICKY PERKIN
Head of Planning Services
Growth, Planning and Trading Standards

Author of report: Alan Goforth

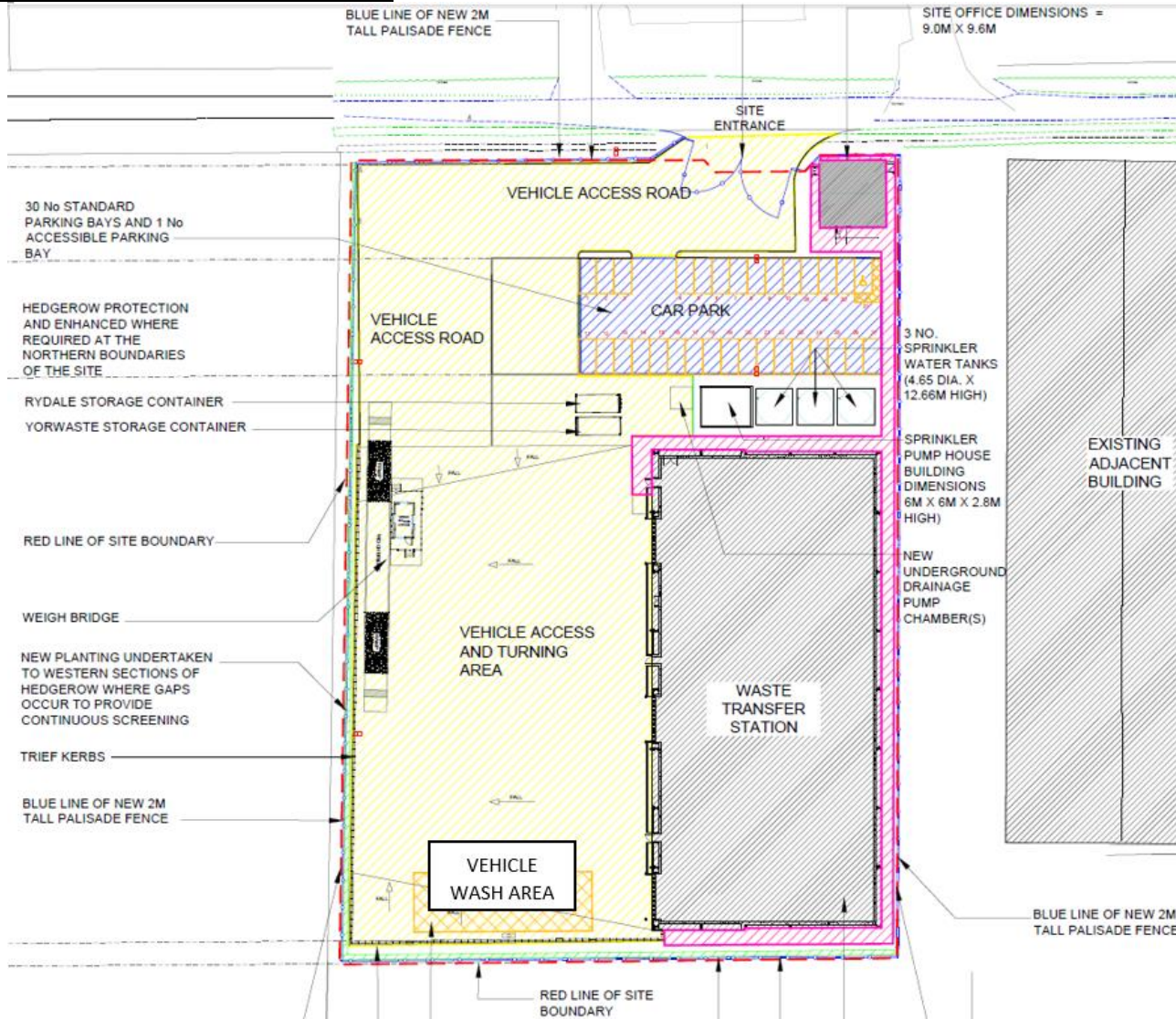
Background Documents to this Report:

1. Planning Application Ref Number: C3/17/01366/CPO (NY/2017/0251/FUL) registered as valid on 17 October 2017. Application documents can be found on the County Council's Online Planning Register by using the following web link:
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Appendix A- Application site, constraints and representations



Appendix B- extract from Proposed Site & Block Plan



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

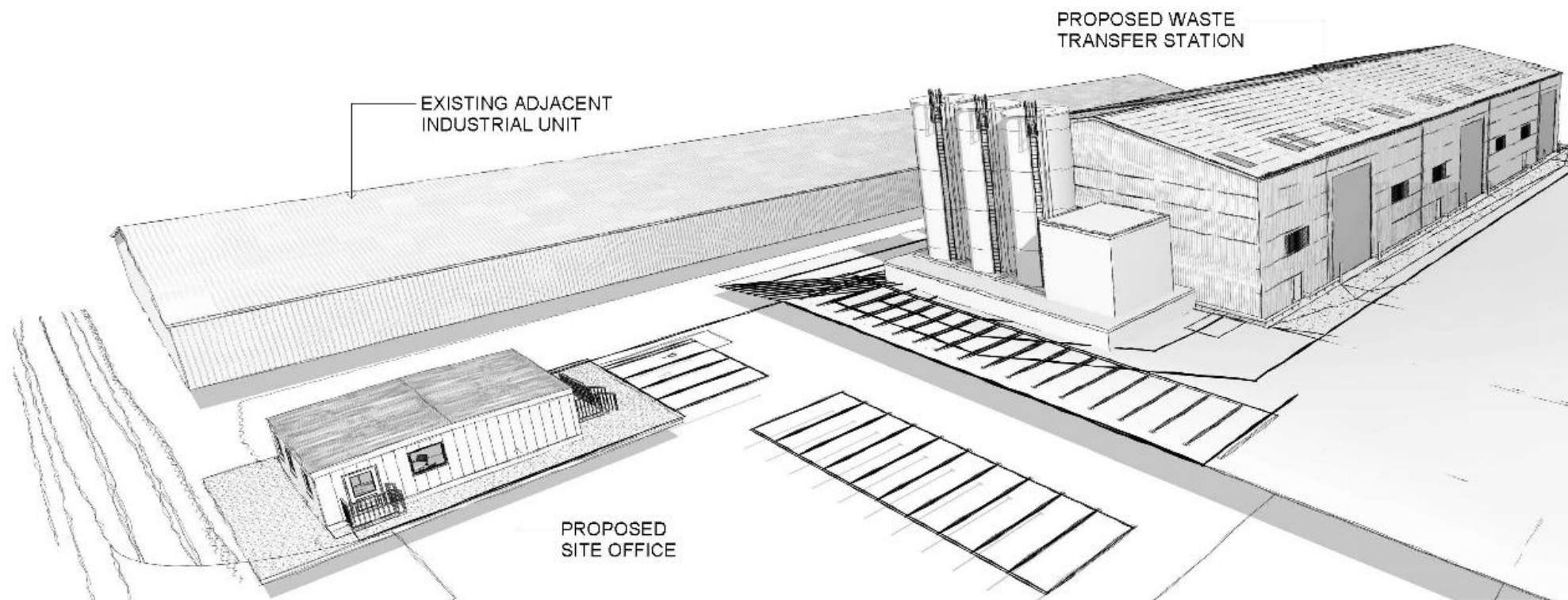


Figure 7.2 - Sketch showing proposed view from the North West of the Site

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 SINC 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.

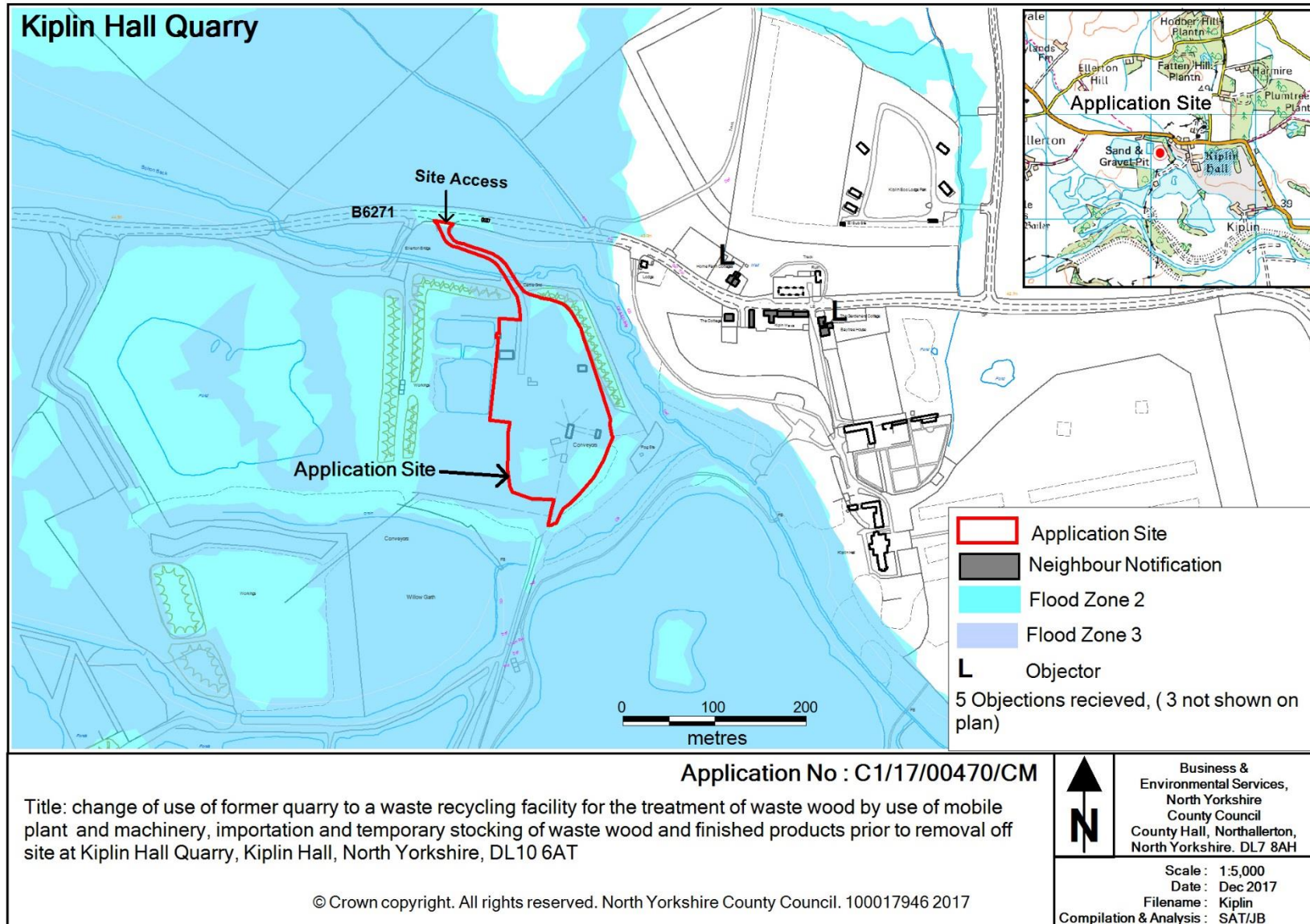
DAVID BOWE
Corporate Director, Business and Environmental Services
Growth, Planning and Trading Standards

Author of report: Sam Till

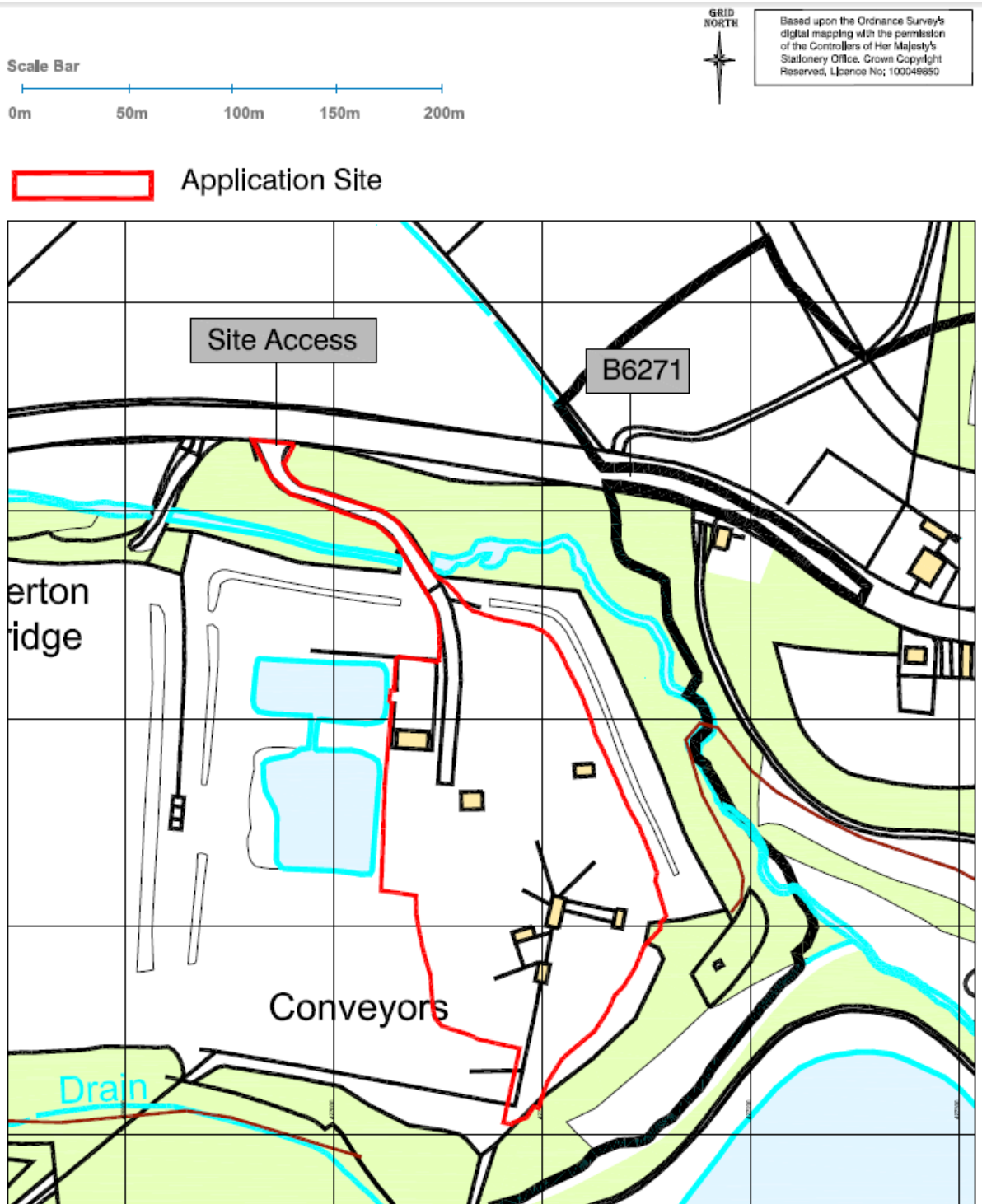
Background Documents to this Report:

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.

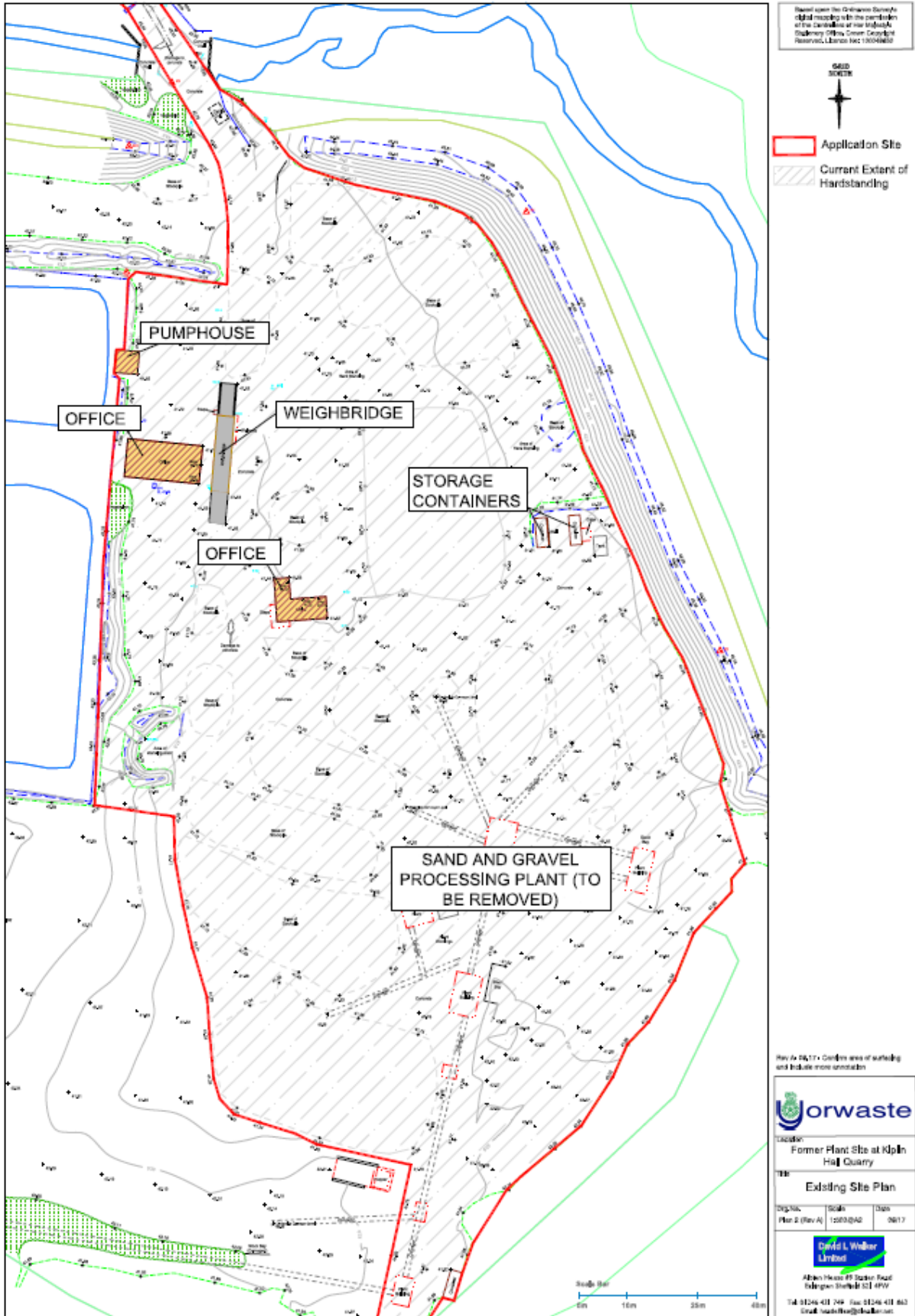
Appendix A – Committee Plan



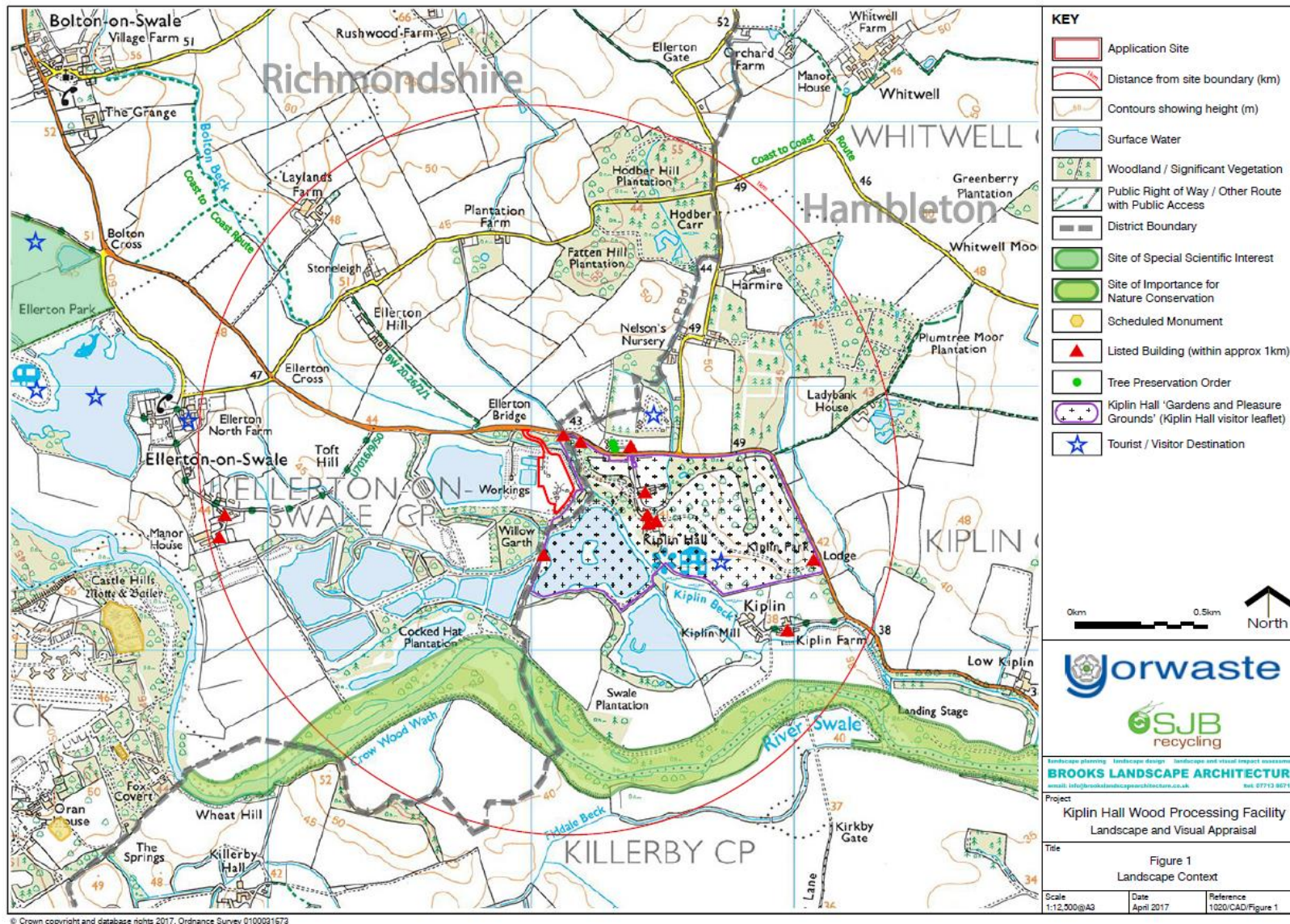
Appendix B – Site Location Plan



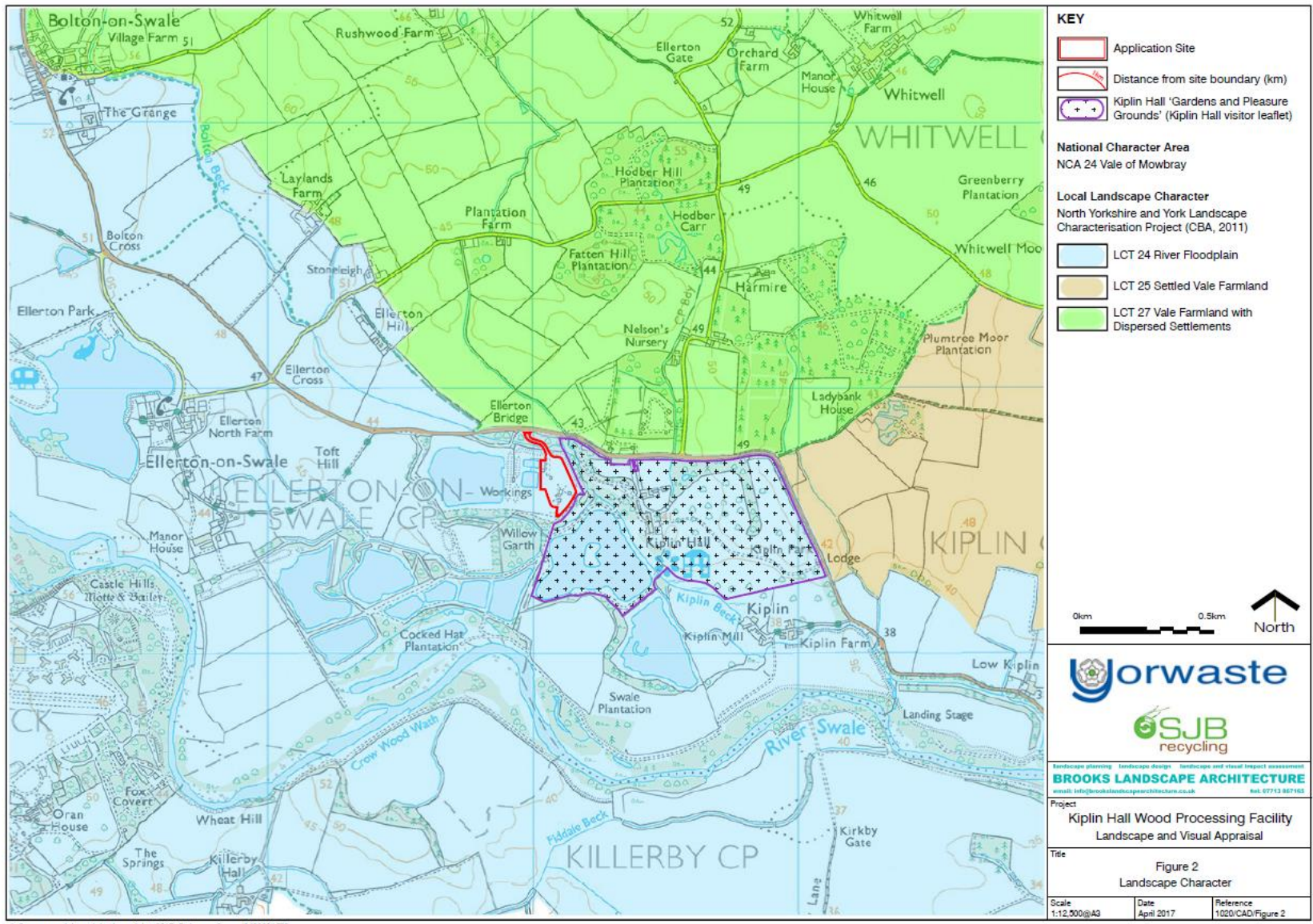
Appendix C – Existing Site Plan



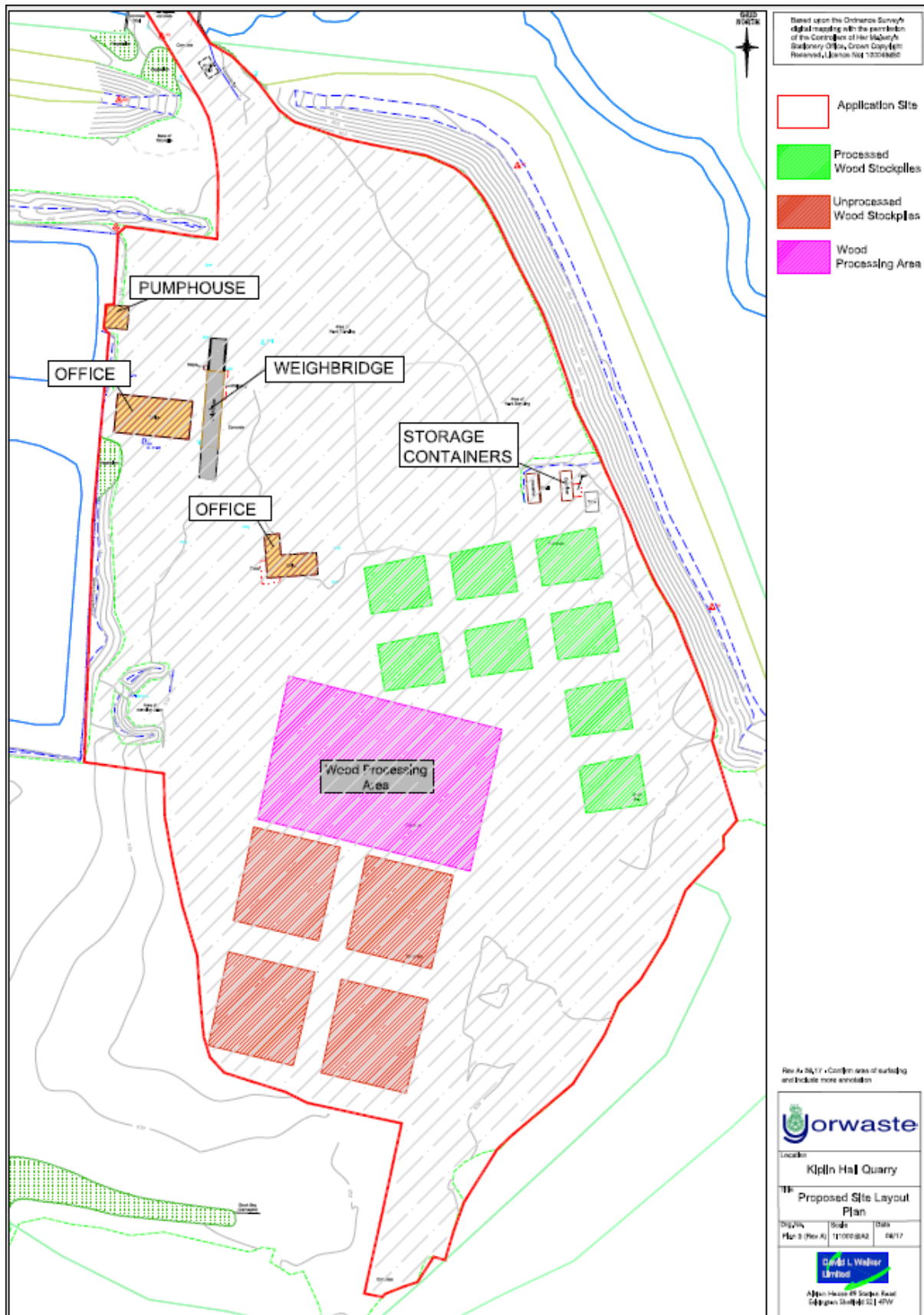
Appendix D – Landscape Context



Appendix E – Flood Plain Map



Appendix F – Proposed Site Plan



Appendix G – Kiplin Hall Estate Plan

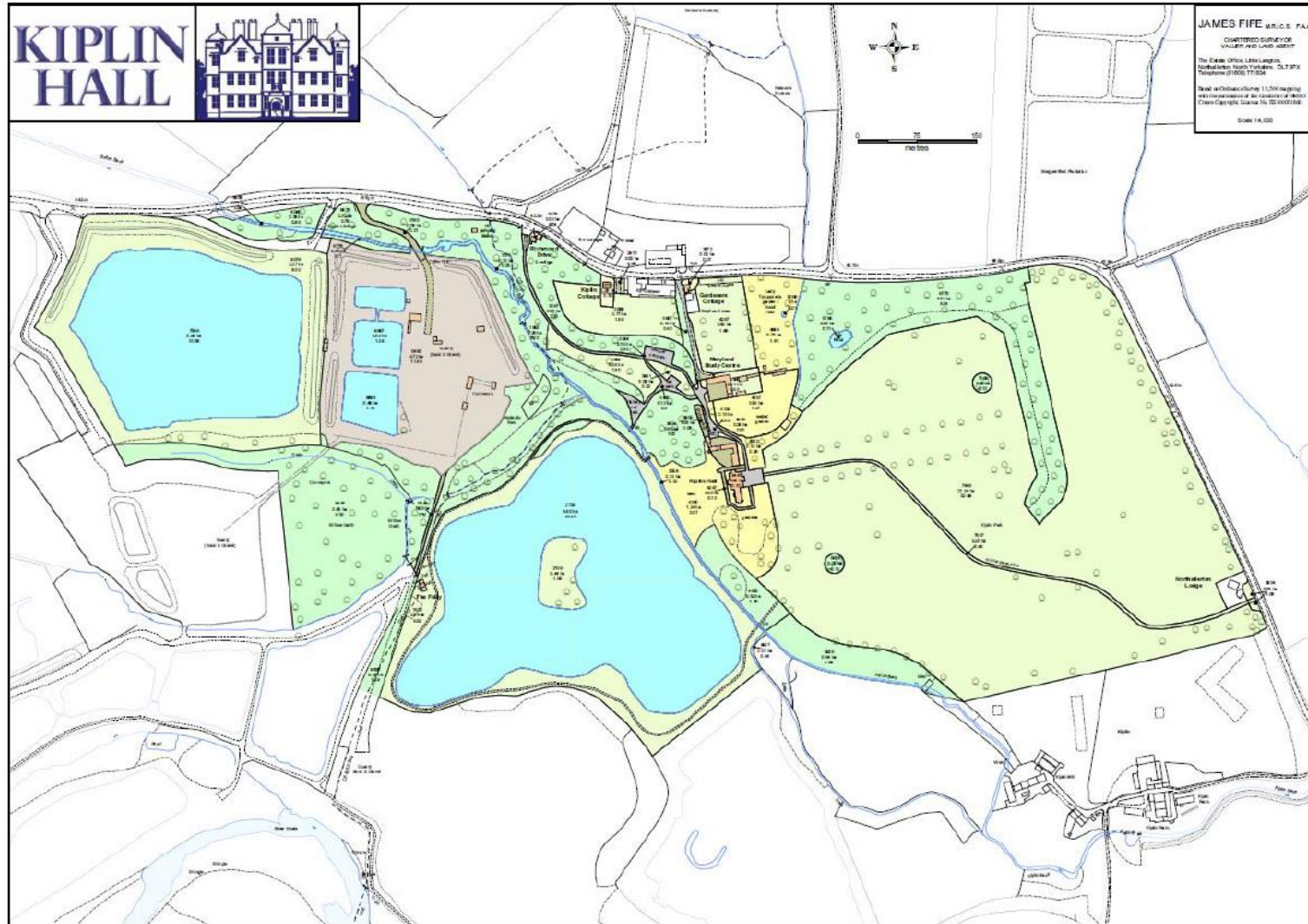


Figure 6 Extents of Kiplin Hall Estate under the management of the Kiplin Hall Charitable Incorporated Organisation

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



North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

6 February 2018

**C6/17/03835/CMA - PLANNING APPLICATION FOR THE PURPOSES OF THE DEMOLITION OF SIXTH FORM BUILDING (1186 SQ. METRES), REMOVAL OF 2 NO. TEMPORARY CLASSROOM UNITS (263 SQ. METRES), ERECTION OF TWO STOREY SIXTH FORM BUILDING (965 SQ. METRES), EXTERNAL WALL MOUNTED LIGHTING, 9 NO. 6 METRE HIGH LIGHTING COLUMNS, RE ARRANGEMENT OF CAR PARK FACILITY, CYCLE SHELTER, BIN STORE, 3 NO. PEDESTRIAN CROSSINGS, CREATION OF FOOTPATHS, 1.8 METRE HIGH ACCESS GATE, PAVING, HARD AND SOFT LANDSCAPING WORKS, REMOVAL OF 1 NO. EXISTING TREE ON LAND AT KING JAMES SCHOOL, KING JAMES ROAD, KNARESBOROUGH, HG5 8EB ON BEHALF OF THE CORPORATE DIRECTOR, CHILDREN AND YOUNG PEOPLE'S SERVICES
(HARROGATE DISTRICT) (KNARESBOROUGH 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 demolition of sixth form building (1186 sq. metres), removal of 2 No. Temporary Classroom Units (263 sq. metres), erection of two storey Sixth Form Building (965 sq. metres), external wall mounted lighting, 9 No. 6 metre high lighting columns, re arrangement of car park facility, cycle shelter, bin store, 3 No. pedestrian crossings, creation of footpaths, 1.8 metre high access gate, paving, hard and soft landscaping works, removal of 1 No. existing tree on land at King James School, King James Road, Knaresborough, HG5 8EB on behalf of the Corporate Director, Children and Young People's Services.
- 1.2 This application is subject to an objection from Harrogate District Council having been raised in respect of this proposal on the grounds of the demolition of a non-designated heritage asset and the heritage impact of this and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 King James' School is located 20 metres to the south of the A59, which is the main road that runs through the centre of Knaresborough. The school is located towards the north of the site and is set within approximately 9 hectares of land, as shown on Appendix A the Committee Plan attached to this report. King James' School is located within a residential area of Knaresborough. It is a non-denominational school and educates children between the ages of 11 to 18 years of age. It was founded in 1616 as King James Grammar School and became a comprehensive school in 1971. The school currently has a capacity of 1,692 children on the school roll. With 360 of these at the sixth form college, as shown on Appendix B the existing plan of the sixth form building.

- 2.2 The main school building comprises single and two storey sections and much of the school is constructed of red brick. The school has had multiple extensions modernising it including a new art block, due to the topography of the school site and the changing levels throughout this has meant expansion has occurred in terraces. There are a number of temporary classroom units located at the school and the school benefits from a large playing field which are located in the south of the site. Tennis courts south of the main school building and are located on a lower level to the main school building and are floodlit (planning permission C6/14/01556/CMA). The site also includes a The 'Multi-Use Games Area' or 'MUGA' incorporating a synthetic pitch and was granted planning permission in 2006 under the terms of planning permission C6/100/324/AW/CMA. The MUGA was further granted permission for 8 No. 15 metre high floodlight columns on 6 August 2013 in the south east of the site.
- 2.3 The north-eastern area of the School is predominantly constructed from red brick including the sixth form building to be demolished in this application, which is shown through site photos on Appendix C attached to this report. There is though also a modern building to which the first floor is an extension that was granted planning permission in 2007. This is constructed from an exposed steel column painted grey, with metallic silver panels. The flat metal roof is covered in a light grey cladding. This extension also includes an external walkway to gain access to the first floor. The prefabricated units this application relates to are located in the same north-west part of the schools site.
- 2.4 To the north-west of the school site is the main vehicular entrance and exit onto King James Road, and approximately 45 metres further north-west is Knaresborough Swimming Pool. Approximately 15 metres to the north east of the boundary of the school site are a number of semi-detached residential properties on York Road. These two storey dwellings are constructed from red brick, and the pitched roofs are covered with red clay roof tiles. The north eastern boundary treatment includes mature trees, a raised embankment and a two metre high wire mesh fence.
- 2.5 The only constraint relevant to the determination of this application is that it is within the Impact Risk Zones for SSSI's. The Knaresborough Conservation Area is 85 metres to the north however this application is not considered to impact upon this, this is shown on Appendix D the Heritage Assets Plan attached to this report. The site has been classed as a non-designated heritage asset in the 2017 Draft Knaresborough Neighbourhood Plan, however there is no specific mention of the building to be demolished. To the south east of the application site there is a public right of way outside the red line boundary, which would not be affected by the application.

Planning History

- 2.6 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C6/100/324/BR/CMA, 22 March 2016, erection of black tubular steel rail fencing and vehicular and pedestrian access gates (6 in total) ranging from 2 metres to 2.2 metres in height. Granted and implemented.
 - C6/100/324/BD/CMA, 5 March 2010, Retention of Elliot Unit 3305. Application finally disposed of and unit not renewed however not taken off site. This application was for one of the units to be removed in this application.
 - C6/100/324/AY/CMA, 16 January 2007, Erection of first floor accommodation. Granted and implemented.

3.0 The proposal

- 3.1 Planning permission is sought for the demolition of sixth form building (1186 sq. metres), removal of 2 No. Temporary Classroom Units (263 sq. metres), erection of two storey Sixth Form Building (965 sq. metres), external wall mounted lighting, 9 No. 6 metre high lighting columns, re arrangement of car park facility, cycle shelter, bin store, 3 No. pedestrian crossings, creation of footpaths, 1.8 metre high access gate, paving, hard and soft landscaping works, removal of 1 No. existing tree on land at King James School, King James Road, Knaresborough, HG5 8EB on behalf of the Corporate Director, Children and Young People's Services.
- 3.2 The proposed development includes the construction of a new two storey sixth form block 965 metres squared in size in the south east corner of the application site, as shown on Appendix E the Proposed Site Plan attached to this report. The building would comprise of on the ground floor a common room, study space, staff hub, staff offices, a kitchen, WC's and meeting rooms. On the first floor there would be three classrooms, three seminar rooms, a careers room and meeting room. The buildings new electrical room and plant room would only be accessible externally to the rear of the building in a basement which is made possible with the topography of the land. The building would serve exclusively for the sixth form with its own entrance and level access to the north elevation of the building.
- 3.3 The building would be a steel framed metal panel cladded structure coloured Goose Grey (RAL 080 70 05 or BS 10 A 05), with aluminium grey PPC windows. The agent states all spaces have been designed where possible to maximise full accessibility, natural ventilation and direct sunlight. The scale of the proposed building the agent states takes precedent from the existing school buildings to the rear, utilising the same vernacular of this building to make the proposal fit more harmoniously within the school setting, the windows and The proposed building would be 25.6 metres in width and 17.6 metres in length. The building would have a height of 8.8 metres to the top of the ridge of the pitched roof. The agent states the building is slightly higher than this existing building however the ridge of the pitched roof of the proposed building matches the height of the school buildings to the west of it. The agent states that the proposed building does not overlook any adjacent properties and the pitched roof with Grey metal profiled roofing covering, with 6 Velux roof lights helps to provide natural light to the building.
- 3.4 To accommodate this proposal the current sixth form building which is 1186 metres squared would be demolished, as shown in Appendix F in the demolition plan attached to this report. The agent states this building is not fit for purpose and this proposal would be a more cost effective solution. Further stating *'to re-roof the existing Sixth Form Building would be prohibitively costly and poor value for money. The overall age and condition as-well as layout is not suitable accommodation for its intended purpose as the current Sixth Form Accommodation.'*
- 3.5 The agent states other previous proposals on site have been constructed under a piecemeal approach with many temporary classroom units across the site. The agent further asserting this proposal would also *'look to rationalise the existing school layout and simplify access, parking and thoroughfare of the site to the schools sixth form students'*. Furthermore it is noted there is currently no extant planning permission for the temporary classroom units to be removed from site as part of this application.

- 3.6 The location of the current sixth form building would be reconfigured to provide the school car parking. This would be a like for like replacement with a capacity of 58 spaces with no net loss or gain while also creating better access for buses into the school also creating three bus pull in bays and disabled parking provision. The agent states this would alleviate parking pressures and congestion along the main frontage of the school onto King James Road at peak times and improve the frontage of the school. The application also includes new car park lighting with nine six metre high lighting columns.
- 3.7 There would be other external works completed in regards to the development. Firstly the removal of the two existing TCU's (15.2 metres in length, 8.2 metres in width with a height of approximately 3 metres), the associated hand rails and steps, with further external works of a cycle store and bin store. Landscaping works for the application would also include the creation of footpaths, paving and crossing points, an access gate, a cantilever walkway with external seating and railings and landscaping to the perimeter of the Sixth form Centre. Tree works include some pruning of the trees along York Road and King James Road frontage, the removal of one Prunus to facilitate the demolition of the sixth form building, there would also be some soft landscaping.

4.0 Consultations

- 4.1 The consultees responses summarised within this section of the report relate to responses to the initial consultation on 24 August 2017 and the subsequent re-consultation (on 19 October 2017) following the receipt of further/amended information relating to Bats and again on 13 December 2017 also in regards to bats.
- 4.2 **Harrogate Borough Council (Planning)** – A response was received on 2 November 2017 stating objections with observations to the application. The Harrogate Planning Officer report for the application states an internal consultation had been completed with the districts Conservation and Design officers who strongly object to the proposal as it involves the demolition of one of two of the historic school buildings which dates back to 1901 of which the other has been extended is part of a range of other buildings. The Conservation Officer states this can be classed as a non-designated heritage asset when addressed against the districts criteria, due to having architectural interest and how it contributes to the street scene. The District Officer states policies SG4, EQ2 and HD20 as relevant to make sure development is appropriate to its context. The Officer also states the proposal would be in conflict with Policy HD3 as the development would have a significant adverse impact on the Conservation Area. Further stating the impact would be the most severe due to the demolition of a non-designated heritage asset therefore the application should be determined in regards to NPPF paragraph 135. The District Officer further states the districts Heritage Management SPD states that (chapter 7. Para 8.43); 'The re-use of buildings is encouraged because it is generally more sustainable to re-use than demolish and redevelop the site'. Additionally stating it enables the conservation of heritage assets.
- 4.2.1 The District Planning Officer states that for the reasons set out above, this building is considered to be one which is worthy of conservation, with no information having been provided to justify the demolition of the building due to major structural defects. The consultee states the building is currently in use and it is regarded that issues with it could be remedied through viable repairs. The District Planning Officer states that Knaresborough Town Council have drawn up a draft Neighbourhood Plan and the building is in there list of non-designated heritage assets.

- 4.2.2 The District Planning Department state the new buildings are located close to a house on York Road with windows proposed in the east facing elevation of the site which may give oblique views of the property and garden area, which is a concern. The Officer however states the mature trees along this boundary would significantly screen the new building, mitigate the overlooking and reduce the visual impact of the building. Stating some overshadowing may occur during certain times of the day due to the size of the building. It is stated the lighting columns from the proposed development are all but one located away from any adjacent roads or residential properties and it is considered the one along York road is obscured by the mature trees adjacent from the nearest residential property so should not cause glare or negatively affect amenity. The District state this application may slightly increase noise from the site however is unlikely to have a detrimental impact on the current levels of nearby properties.
- 4.2.3 The District Planning Department state in regards to tree works that the Districts Arboricultural Officer was consulted and it is considered the trees around the site are mature specimens which contribute to the amenity of the area. The district Arboricultural Officer states no objection to the proposed development as the proposed structure would be further from the tree canopies however conditions in regards to tree works should be added to any permission.
- 4.3 **Knaresborough Town Council** – A response was received on 26 September 2017 stating no objection to the application but would ask that the lighting used should be downwards facing not to spill onto nearby residents.
- 4.4 **Yorkshire Water Services Ltd** – A response was received on 8 December 2017 giving a conditional response to the application stating Yorkshire Water understand that surface water from the development would not drain via the public sewer and no water mains cross the site but a nearby mains could be adversely affected if heavy machinery is continually driven over this. Yorkshire Water request two conditions one in regards to no development commencing until details of protecting the water main laid within the site is submitted and another in regards to no piped discharge of surface water from the application should take place until works to complete a satisfactory outfall other than existing has been submitted and approved by the planning authority.
- 4.5 **Environmental Health Officer (Harrogate)** - A response was received on 20 September 2017 stating due to the proximity to residential properties the hours of construction should be limited to 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday and no working on Sundays and Statutory Holidays, also requesting a dust mitigation plan for the construction phase. The EHO has no other concerns in regards to noise if the plant room equipment is all located inside as stated on the plans. The EHO states the Phase 2 land contamination report does not contain any information in regards to the previous use however their records show there is no historic contamination on this site and it is not in a waste consultation area. The author of this report has requested a watching brief be undertaken in case any material of concern is revealed in the development phase, therefore recommend a reporting of unexpected contamination condition be attached to any permission. Finally they request that in accordance with the times listed in the application that the floodlights should not be used after 22:00hrs.
- 4.6 **Highway Authority** - A response was received on 21 December giving a conditional response in regards to parking spaces to remain available at all times, precautions to prevent mud on the highway, a highways condition survey, onsite parking, storage and construction traffic during development and a travel plan.

- 4.7 **NYCC Arboricultural Officer** – A response was received on 20 September 2017 stating no objections to the proposed tree removal to facilitate the development and that tree protection measure detailed in the accompanying tree report are robust and the development should be conditioned to be implemented in accordance with these measures.
- 4.8 **NYCC Heritage - Principal Landscape Architect** – A response was received on 3 November 2017 stating the proposals on the proposed site plan were acceptable in principle however further information was required regarding a detailed planting plan and additional trees located on site as the B12 Sycamore may be compromised by the closeness of stem in relation to the car park. A further response was received on 9 November 2017 stating after conversations with the agent a condition should be added to any permission which includes planting in the car park for the application including the species, sizes and planting density.
- 4.9 **NYCC Heritage - Ecology** – A holding response was received on 29 August 2017 stating a further bat survey was required and the application could not be determined until this was completed. A further two bat survey reports were submitted on the 18 October 2017 and a response commenting on this was received on 8 November 2017. The Ecologist stated in regards to the Temporary Classroom Units these were identified as having low bat roost potential, with both surveys confirming that these are unlikely to support roosting bats. The ecologist confirmed the mitigation in regards to the demolition of these units to be satisfactory and the recommendations within the report should be adhered to.
- 4.9.1 The Ecologist though had issues with the reports in regards to the Sixth form block and outbuildings. The initial report on 25 January 2017 identified the buildings had high roost potential, therefore further survey work is required with three separate visits, with at least one dusk emergence and a separate dawn re-entry survey. Further stating these need to be completed between May and September, with at least two between May and August. However these buildings were recently surveyed on 15 and 27 September 2017. The Ecologist states there is insufficient evidence from the surveys to confirm the absence of bats from these buildings with a high number of potential roost features identified. Furthermore it is noted by the BL Ecology Report results of the dusk emergence survey undertaken on 6 September 2017 that common pipistrelles were recorded throughout the survey appearing from the direction of the sixth form block. With all this information the Ecologist states that the application could not at this point be determined in relation to bats.
- 4.9.2 The agent provided a further response on 13 December 2017 and the Ecologist responded to these on 18 December. The Ecologist states the outstanding concerns in regards to the Sixth Form building have been addressed in the report provided on 13 December 2017 with every potential roost feature having been accessed and documented in the report. The report also in summary demonstrates the buildings have minimal potential to support bat maternity or hibernation roosts, however does have some potential to support small, transient summer roosts. The building is not to be demolished until the end of the project and there is therefore an opportunity to further inspect those features to inform the demolition strategy and detail any mitigation.

4.9.3 The Ecologist further states that ideally it would have been useful to have the summer activity surveys however the information which has been provided is thorough and the Ecologist would agree with the assessment that the buildings have low potential to support maternity and/or hibernation roosts and some potential to support small transient roosts of common species, therefore does not conflict with Habitat Regulations. The Ecologist recommends the application can be determined subject to a condition requiring that a site specific mitigation plan is submitted in advance of the of the sixth form block and out building being demolished. The mitigation plan should include details of:

- timing of demolition
- pre demolition checks of PRFs – e.g. internal inspection, endoscope checks
- method of demolition
- compensation and enhancement measures
- sensitive lighting plans

4.10 **Natural England** – A response was received on 5 September 2017 stating no comments in regards to this application.

Notifications

4.11 **County Cllr. Zoe Metcalfe** – Was notified of the application on 24 August 2017.

5.0 Advertisement and representations

5.1 The proposal has been advertised by means of Site Notices posted on 5 September 2017 (responses to which expired on 26 September 2017). The Site Notices were posted in the following locations: one at the school reception north of the school on King James Road, another further east on the corner of King James Road and York Road and two on the public footpath running along the northern boundary of the application site.

5.2 Neighbour Notification letters were sent on 18 September 2017 and the period in which to make representations expired on 9 October 2017. The following properties received a neighbour notification letter:

- 1,3, 4, 5, 7, 9, 11 York Road, Knaresborough, North Yorkshire, HG5 0AF;
- Abbots Memorial Company, 2 York Road, Knaresborough, North Yorkshire, HG5 0AH;
- Knaresborough Swimming Pool, King James Road, Knaresborough, North Yorkshire, HG5 8EB;
- 33, 35, 37 York Place, Knaresborough, North Yorkshire, HG5 0AD.

5.3 No representations have been received in response to the abovementioned advertisement of the application.

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 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 Within the NPPF, paragraph 14 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay 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 the Framework taken as a whole: or*
 - *specific policies in the Framework indicate development should be restricted’.*
- 6.7 Paragraph 17 within the Core Planning Principles of the NPPF states factors which should underpin planning decisions. The relevant policies for this proposed development include:
- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
 - *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.*

- 6.8 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.
- 6.9 Paragraph 58 within Section 7 (Requiring Good Design) of the NPPF states that local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
 - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
 - *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
 - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;*
 - *and are visually attractive as a result of good architecture and appropriate landscaping.*
- 6.10 However, paragraph 60 states that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'* and paragraph 61 also states that *'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'*.
- 6.11 Indeed paragraph 64 states that *'permission should be refused for development of poor design'*. However, paragraph 60 states that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'* and paragraph 61 states that *'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'*.

- 6.12 Paragraph 70 within Section 8 (Promoting healthy communities) of the NPPF states that planning policies and decisions should *“plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments”*.
- 6.13 Paragraph 72 within Section 8 (Promoting healthy communities) of the NPPF states that *“the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.”* Going on to specify planning authorities must take a *“proactive, positive and collaborative approach”* to meeting this requirement. They should:
- *give great weight to the need to create, expand or alter schools; and*
 - *work with school’s promoters to identify and resolve key planning issues before applications are submitted’.*
- 6.14 Paragraph 120 of the NPPF, advises 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’*. The NPPF notes that planning decisions should *‘focus on whether the development itself is an acceptable use of the land and the impact of the use’*.
- 6.15 Within paragraph 123 of the Framework it is noted 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 development, including through the use of conditions.;*
 - *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
 - *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”*.
- 6.16 Within the NPPF, paragraph 125 notes that *‘By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*
- 6.17 Paragraph 131 within Section 12 (‘Conserving and enhancing the historic environment’) of the NPPF states that *“In determining planning applications, local planning authorities should take account of:*
- *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”*.
- 6.18 Paragraph 135 states *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

National Planning Practice Guidance (PPG) (2014)

- 6.19 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: -

Design:

- 6.20 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.

Conserving and Enhancing the Historic Environment:

- 6.21 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.

Light pollution:

- 6.22 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.
- 6.23 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:

- 6.24 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.
- 6.25 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”.
- 6.26 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.

The Development Plan

- 6.27 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.
- 6.28 The Development Plan for the determination of this particular application comprises the following:
The extant policies of the Harrogate District Core Strategy (2009);
The ‘saved’ policies of the Harrogate Borough Local Plan (2001);
- 6.29 The Harrogate Core Strategy (adopted 2009) has particular relevance in the determination of this application and the policies most relevant include:
- Policy SG4 – Design and Impact;
 - Policy EQ1 - Reducing Risks to the Environment
 - Policy EQ2 - The Natural and Built Environment and Green Belt;
 - Policy C1 – Inclusive Communities.
- 6.30 Within the Harrogate Core Strategy Policy SG4, “Design and Impact” with regards to residential amenity it states “*the scale, density, layout and design should make the most efficient use of land*”, and that the “*visual, residential and general amenity should be protected and where possible enhanced*”. This policy is consistent with the NPPF’s objectives of presumption in favour of sustainable development, as outlined in paragraph 17 of the Framework, which relates to the importance of achieving a

good quality of design to ensure a good quality and standard of amenity for all existing and future occupants. Therefore, full weight can be given to this policy in the determination of this application.

- 6.31 Policy EQ1 states “In partnership with the community, the development industry and other organisations, the level of energy and water consumption, waste production and car use within the District, and the consequential risks for climate change and environmental damage will be reduced through design, construction and subsequent operation of all new development seeking to minimise energy and water consumption, the use of natural non-renewable resources, travel by car, flood risk and waste. Stating until a higher national standard is required, all new development requiring planning permission for other types of development it should attain ‘very good’ standards as set out in the Building Research Establishment Environmental Assessment Method (BREEAM). Finally stating proposals for renewable energy projects will be encouraged, providing any harm caused to the local environment and amenity is minimised and clearly outweighed by the need for and benefits of the development”.
- 6.32 Within the Harrogate Core Strategy, Policy EQ2 provides the Borough Council’s response to development within both the natural and built environment of the district. Within the Strategy, paragraph 7.36 states “*Policy EQ2 recognises the importance of those sites/areas of international and national importance for the protection and enhancement of the Districts character, biodiversity, landscape and heritage*”. It is considered that the policy is consistent with Paragraph 132 of the NPPF which states that “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting*”. It is, therefore, considered that policy EQ2 is consistent with national guidance and is given weight in the determination of this application.
- 6.33 Another relevant policy stated in Harrogate’s Cores Strategy (2009) is Policy C1 titled “Inclusive communities” it advises “*the use and development of land will be assessed having regard to community needs within the District, with particular importance placed on the following specific needs identified through the Harrogate District Community Plan and other relevant strategies and plans:*
- a. *elderly people, especially in terms of open market housing, health, sport and recreation;*
 - b. *young people, especially in terms of affordable housing, higher education/training and sport, leisure, cultural and entertainment facilities;*
 - c. *the rural population especially in terms of affordable housing and access to services;*
 - d. *disabled people, especially in terms of access to services and mobility.*”
- 6.34 Section 8 of the NPPF, entitled ‘Promoting Healthy Communities’, reinforces the role that the planning system can have in facilitating healthy, inclusive communities. Specifically, paragraph 70 states that planning policies and decisions should ‘plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments’. In this instance only parts ‘b’ and ‘d’ of this policy is considered relevant to the determination of this application as it relates to the provision of facilities related to the provision of education and the improvement of services for disabled people. It is therefore considered that Policy C1 ‘b’ and ‘d’ of the Harrogate District Core Strategy (2009) are consistent with the National Planning

Policy Framework (2012) and therefore full weight can be applied in determining this application.

6.35 In addition to the Harrogate District Core Strategy (2009) the Harrogate District Local Plan (2001) also warrants consideration in relation to this proposal. The policies most relevant include:

- 'Saved' Policy HD3 entitled 'Control of Conservation Areas'.
- 'Saved' Policy HD20 - Design of New Development and Redevelopment;
- 'Saved' Policy C2 – Landscape Character.

6.36 'Saved' Policy HD3 entitled 'Control of Conservation Areas' states '*Development which has an adverse effect on the character or appearance of a Conservation Area will not be permitted and this includes the following forms of development*

- a) The demolition of non-listed buildings which make a positive contribution to the character or appearance of conservation areas*
- b) The erection of buildings out of scale with their surroundings.*
- c) Proposals involving the loss of open space, which contributes to the character of the conservation area*
- d) The combination of adjoining buildings to create large open plan offices or shops*
- e) Proposals which would have an adverse effect on the historic form and layout of passageway and plots*

Application for development in or visually affecting Conservation Areas will be expected to contain sufficient information to allow a proper assessment of their impact on the character and appearance of the conservation area to be made. Where the loss of a non-listed building is acceptable in principle, conditions will be attached to the grant of consent for demolition to ensure that no demolition shall take place until a contract for the carrying out of works re-development has been made and planning permission for those works has been granted.'

6.37 This Policy is considered consistent with the NPPF's objectives of conserving and enhancing the historic environment, as outlined in Chapter 12, in particular as detailed in paragraphs 131, 133, 134 and 138, which relate to making sure developments do not cause substantial harm to Conversation Areas.

6.38 'Saved' Policy HD20, entitled 'Design of New Development and Redevelopment', from the Harrogate Local Plan (2001) advises that proposals must take into account the following design principles:

- *New buildings must make a positive contribution to the spatial quality of the area and their siting and density should respect the area's character and layout.*
- *The use and application of building materials should respect materials of neighbouring and the local area;*
- *New development should respect the local distinctiveness of existing buildings, settlements and their landscape setting.*
- *New buildings should respect the scale, proportions and height of neighbouring properties.*
- *New building design should respect, but not necessarily mimic, the character of their surroundings and, in important location, should make a particularly strong contribution to the visual quality of the area.*
- *The use and application of building materials should respect materials of neighbouring buildings and the local area*
- *New development should be designed with suitable landscaping as an integral part of the scheme;*

- *Special consideration will be given to the needs of disabled and other inconvenienced persons, particularly in proposed developments to which there will be public access;*
 - *New development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings;*
 - *New development should maximise the opportunities for conservation of energy and resources through design, layout, orientation and construction.*
 - *New development should, through design, layout and lighting, pay particular attention to the provision of a safe environment’.*
- 6.39 This Policy is considered partially consistent with the NPPF’s objectives of achieving sustainable development through good design, as outlined in Chapter 7, in particular as detailed in paragraphs 56 and 58, which relate to development respecting the character of the area. It is noted, that the NPPF states that *‘planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation’*. Paragraph 61 states *‘Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’*.
- 6.40 Furthermore, paragraph 64 states that *‘Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions’*. In terms of the design aims of Policy HD20, it is therefore considered that the policy is broadly consistent with the aims of the National Planning Policy Framework (2012) and, therefore, partial weight should be afforded Policy HD20 in relation to the determination of this application.
- 6.41 ‘Saved’ Policy C2 - Landscape Character states that *“development should protect existing landscape character. In locations where restoration of the landscape is necessary or desirable, opportunities should be taken for the design and landscaping of development proposals to repair or reintroduce landscape features, to the extent that this is justified by the effects of the proposal”*.
- 6.42 This Policy is consistent with the principles of the NPPF in relation to design. Therefore, it is considered that full weight can be given to this Policy in the determination of this application.
- 6.43 Within the Harrogate District Local Plan, ‘Saved’ Policy CFX, titled ‘Community Facilities Protection’, states that *‘proposals involving the loss of land or premises in community use, including community halls, schools, colleges, nurseries, place of worship, health services, care homes, libraries and public houses will not be permitted, except where it can be shown that:*
- A. *Continued community use would cause unacceptable planning problems; or*
 - B. *A satisfactory replacement facility is provided, in a suitably convenient location for the catchment served prior to the commencement of development; or*
 - C. *There is no reasonable prospect of:*
 - i) *The existing use continuing on a viable basis with all options for continuance having been fully explored, as a priority and, thereafter,*
 - ii) *Securing a satisfactory viable alternative community use.’*
- 6.44 This Policy is consistent with the principles of the NPPF in relation to the provision of community facilities. Therefore, it is considered that full weight can be given to this Policy in the determination of this application.

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 proposed development, design, local amenity, landscape and visual impact, ecological issues, the historic environment, and highways matters.

Principle of the proposed development

7.2 It is considered that the proposed development is a necessary development for the school to continue to function at the required level in terms of school spaces and teaching facilities giving a function space that can cater for the current students on role with no proposed increase. It is stated in the Draft Knaresborough Neighbourhood Plan (Pre-Submission Consultation Draft 2017) there is only one secondary school in the town and with an increased population there is pressure building on existing school place provision. This proposal would improve the current supply providing a high quality, fit for purpose sixth form building. It is therefore considered to be consistent with paragraph 72 within Section 8 of the NPPF which states that decisions should give great weight to the need to create, expand or alter schools. In this instance, it is not considered that the proposal would give rise to such significantly detrimental impacts and on balance, the public benefit of the proposal is considered such that the application should be supported.

7.3 The District Planning Authority states the building is currently in use and regards that issues could be remedied through viable repairs. Further stating Knaresborough Town Council have drawn up a draft Neighbourhood Plan and the building is listed as a non-designated heritage asset. This view is acknowledged however the agent has stated the repair route was looked at however was not viable and would result in an environment not optimised for a sixth form building. The agent states it is considered a new building would give be safer more efficient use of the site. It is considered the proposed development is required for the school to continue to function at the mandatory level in terms of safety and security as the development would improve the safeguarding of pupils and staff within the school. The current building is stated as not being fit for purpose because of a need for repairs including the re-tiling of the roof which at present the tiles of are not secure and in bad weather conditions can be dangerous, disrupting the buildings use.

7.4 It is therefore considered that the proposed development is necessary, fit for purpose and is considered consistent with the NPPF and NPPG guidance and in compliance with Local Policy C1 of the Harrogate Core Strategy (2009) due to the importance of providing sufficient community and school facilities for young people in relation to the existing and future needs of the community. Therefore, the proposed development is considered acceptable in principle, subject to the consideration of other matters.

Design and Visual Impact

7.5 It is noted that the objection from Harrogate District Planning is in relation to detrimental impact the loss of the sixth form building would have on the appearance of the area and it's Heritage Value. It is acknowledged that the proposal is functional in appearance being a steel framed metal panel clad structure coloured Goose Grey (RAL 080 70 05 or BS 10 A 05) matching the existing building south of the proposed building. The development would not represent a significant departure from the style of building seen in a number of schools. The proposed design, scale and use of construction materials of the proposed building are considered both in-keeping and sympathetic to the appearance of the existing school buildings to ensure that

there would be no negative or adverse impact upon them. It is considered that the development is in accordance with the wider town setting and is not considered to be of demonstrably poor design. The proposal would also not have an overbearing effect on the area or the school itself. To this effect, it is considered that there would be no significant visual impact from the proposed development.

- 7.6 Furthermore the agent states *'other previous proposals on site have been constructed under a piecemeal approach and with many temporary classroom units across the site. This proposal would give a permanent solution of a higher quality improving the school layout and removing some elements which do not fit within the character of the school'*. The demolition of the temporary classroom units and also the link between the current sixth form building and the main school building would improve the character of the area as these elements are currently of low quality. The scale of the proposed building and its location in the south west corner of the site further from the sites prominent northern boundary means the proposed sixth form building would have less of a visual impact on the area. This is supported by the proposed building also utilising the same vernacular of the adjacent buildings on site, having a height of 8.8 metres to the top of the ridge of the pitched roof matching the height of the school buildings to the west of it. Therefore would fit well within the school setting, as shown in Appendix G - Proposed Elevations attached to this report.
- 7.7 For the reasons detailed above, it is considered that the topography of the site, the orientation of the existing buildings and the scale of the proposal mean it is unlikely that the proposal would have a detrimental effect on the character of the area. Therefore the proposal is consistent with the principles of good design as outlined in both the NPPF Paragraphs 58, 60, 61 and 64 and Planning Practice Guidance for design by planning positively and having no detrimental impact on the character of the local area. It is also in compliance with Policies EQ2 and SG4 of the Harrogate Core Strategy (2009) and with 'saved' Policy HD20 of the Harrogate District Local Plan (2001) due to the proposed development having a limited impact upon the character of the local area through its design and its visual impact as the development would respect local distinctiveness, privacy and amenity of the area.

Local Amenity

- 7.8 It is considered that whilst acknowledging the proximity of local residential properties on York Road approximately 15 metres from the schools boundary, the proposed development would not be overbearing and its design would be acceptable. Although the proposed building has windows on the elevation facing residential properties and onto the public footpath to the east of the site, due to the strong boundary treatment of mature trees over 15 metres in height, which obstruct views out of the site. Therefore meaning there is only partial overlooking onto mainly the public footpath. With the impact of the overlooking any residential properties would be minimal. The Environmental Health Officer has not stated any objection in regards to noise or light pollution in regards to this application. It is noted though the Environmental Health Officers comments consider that it is appropriate to condition the use of lighting to no later than 22.00 hours and also the reporting of any unexpected contamination. It is therefore considered that with the inclusion of the above mentioned conditions the proposed development would have a limited impact upon local amenity in terms of light impact and therefore is considered in accordance with Paragraph 123 of the NPPF and the PPG guidance in regards to lighting as it is considered that no significant adverse effect are likely to occur, due to the proposed development.
- 7.9 The proposed sixth form buildings location further south from the schools frontage and the north east boundary treatment of the site which includes mature trees, a

raised embankment and a two metre high wire mesh fence would limit the impact of the proposal on residential amenity. It is considered the public right of way between the school and the nearest residential properties on York Road also creates a buffer which mitigates the effects of the building on the residential properties. Consequently, the proposed development is considered to be in compliance with Policy SG4 of the Harrogate Core Strategy (2009) and 'saved' Policy HD20 of the Harrogate District Local Plan (2001) all seek to ensure developments are of appropriate design and should not undermine the amenity of local residents. It is also consistent with the NPPF Paragraphs 17 and 123 because the residential amenity of current or future occupants is unlikely to be detrimentally affected.

- 7.10 The introduction of new landscaping to the frontage of the site on King James Road and the demolition of the modern link extension as well as the sixth form building, will open up views to the retained early 20th-century main building further west from both King James Road and the corner of York Road. Furthermore, the proposed new building would be set back to the south-easternmost end of the application site, which would make it less visible from King James Road and not at all visible from York Road. This is primarily due to obstruction by the topography of the site, mature tree boundary line and other existing structures on the site. In this instance the need for a more appropriate space for the sixth form outweighs loss of the original school building which is stated as a non-designated heritage asset in the draft Knaresborough Neighbourhood Plan 2017. It is though considered that the proposed development due to being 85 metres south of the Conservation Area and the reasoning above would not have an impact on the Knaresborough Conservation Area.
- 7.11 In terms of residential amenity this is in-keeping with the principles of the NPPF which advises that developments should '*not undermine quality of life*' and should '*enhance the sustainability of communities and residential environments*' as stated in paragraph 70 of the NPPF. It is also in compliance with the protection of amenity elements of Policy SG4 of the Harrogate Core Strategy and 'saved' Policy HD20 of the Harrogate District Local Plan which seeks to ensure that developments do not adversely impact upon residential amenity because of the distance, boundary treatment and orientation of the proposal. Furthermore there have been no objections to the application from any member of the public.
- 7.12 Overall it is considered that the proposed development would not have a significant adverse impact on the local/residential amenity. With the proposed development being consistent with the PPG Guidance and the NPPF and in compliance with Policy SG4 of the Harrogate District Core Strategy (2009) and 'saved' Policy HD20 of the Harrogate Borough Local Plan (2001).

Ecological Issues

- 7.13 The proposal site from an ecological perspective had potential to be a high quality roost for bats, therefore it was important for a bat survey to be included in the application, this can only be completed at certain times of the year and in this case meant a delay in the application process awaiting this further information. The original information for the application did include a Habitat Survey which outlined a recommendations for the proposal site (in Section 4 of the Preliminary Ecological Appraisal). After consultation with the NYCC Ecologist and a further bat survey was requested. It has now been shown the building has low potential to support bats. Further information was requested to satisfy this and when received after conversations between the ecologist and the agent's ecological consultant on 13 December 2017 further information was received (Supplementary Bat Risk Assessment, Ref. NYPS-17-02) and it was agreed that all the outstanding concerns in regards to bats and the sixth form building had been addressed.

- 7.14 The ecologist states the building is not to be demolished until the end of the project and there is therefore an opportunity to further inspect those features to inform the demolition strategy and detail any mitigation. Furthermore the Ecologist recommends the application can be determined subject to a condition requiring that a site specific mitigation plan is submitted in advance of the of the sixth form block and out building being demolished. The mitigation plan should include details of timing of demolition, pre demolition checks of PRFs – e.g. internal inspection, endoscope checks, method of demolition, compensation and enhancement measures and sensitive lighting plans. Therefore this proposal is acceptable in terms of ecology as there would be no significant effects on any ecological aspects of the site and no designated protected species would be at risk of being harmed from the proposal in accordance with policy EQ2 of the Harrogate Core Strategy.

The Historic Environment

- 7.15 The primary consideration in relation to this application is whether the proposal is suitable for its setting. The NPPF and PPG advice that when determining planning applications, County 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. In addition to this the NPPF also goes on to state that where the development proposal would 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.
- 7.16 Harrogate District Council Heritage Management SPD states that (chapter 7. Para 7.43); *'The re-use of buildings is encouraged because it is generally more sustainable to re-use than demolish and redevelop the site. Additionally, it enables the conservation of heritage assets'*. The Harrogate District Planning Authority in their consultation response objecting to the application state this includes non-designated assets of local interest and merit. Further stating (Chapter 5, para. 5.4) *'there are a large number of buildings, structures and historic features within the Harrogate district which, while not statutorily protected, are considered to be heritage assets of architectural, historic, archaeological or artistic interest. These heritage assets make a substantial contribution to the local character and appearance of the district. The council considers that a number of these non-designated heritage assets merit a degree of recognition and are worthy of conservation for the benefit of future generations.'* This is acknowledged however in accordance with the NPPF Paragraph 135, which requires an assessment of scale of loss and significance of the heritage asset, it has been judged that the loss of non-designated heritage asset in this application is on balance outweighed by the gain of the new sixth form building, the loss is not significant to the area as the main school building which has a more positive impact on the area is to be retained.
- 7.17 The applicant in this instance has justified the need to demolish the existing sixth form building due to the viability of the repair works and the benefits that a new building would bring which repair works could not. The Knaresborough Neighbourhood Plan (2017) is in draft form and therefore little weight can be given to this. Furthermore in the draft neighbourhood plan there is no specific mention of the sixth form building although the main school building is shown to be a non-designated heritage asset on the Heritage Assets Plan, Appendix D attached to this report, the sixth form building is not. In addition to this Knaresborough Town Council have not objected to the application. This is in compliance with local policy HD3 on the Control of Conservation Areas as the proposal would not have an adverse impact on the Conservation area 85 metres to the north for the reasons stated above.

- 7.18 The existing building to be demolished includes an unsympathetic 1960s extension and glass-link corridor which is clearly visible from the road. This therefore reduces the architectural interest of the façade, however it is noted that the building still provides some positive contribution to the school. The main school building to the west to be retained is a more significant non-designated heritage asset which adds to the character of the area. On balance therefore the demolition of the existing sixth form building even though could be a non-designated heritage asset is considered acceptable as would help secure the “*optimum viable use*” of the school for the area. Improving the overall quality of the area and the more prominent non-designated heritage asset of the original main school building to the west of the existing sixth form building. The location of the proposal would also not affect the views into the Conservation Area or any of the listed buildings within it.
- 7.19 The proposed works due to the location, scale and design would have limited impacts on the heritage asset of the Knaresborough Conservation Area, with this being located 85 metres to the north. This is consistent with paragraph 131 of the NPPF and in compliance EQ2 of the Harrogate Core Strategy which outline the importance of conserving heritage assets of this nature, however in this instance there would be no significant impact upon the Heritage Asset or of the Conservation Area or its setting.
- 7.20 As such, it is considered that the development would result in a negligible impact upon the character of the wider conservation area, so complies with the NPPF and PPG for ‘Conserving and enhancing the historic environment’. It is also consistent with NPPF paragraph 135 in regards to the demolition of the proposed non-designated heritage asset because the public need for the optimal use of the school. It is also in compliance with the Policies C1 and EQ2 of the Harrogate Core Strategy by protecting and enhancing Harrogate Districts “character, biodiversity, landscape and heritage” and satisfying the needs of the community while it would not have a significant adverse impact on the landscape or heritage.

Highways matters

- 7.21 Consideration has been given to the impact of the proposed development on the public highway, following consultation with the Highways Authority it was suggested that conditions regarding parking spaces to remain available at all times, precautions to prevent mud on the highway, a highways condition survey, onsite parking, storage and construction traffic during development and a travel plan. The impact of the proposal on the road network is likely to be insignificant, with no increase in traffic or parking space numbers from the development. The proposal would improve the access to the site, with three bus pull in bays which would alleviate pressure and congestion on King James Road. Therefore with the controls suggested by the highways authority and the reasons stated above it is considered that the proposed development would be consistent with the NPPF paragraph 32 and compliant with Harrogate District Policy HD20 because the proposal would not cause adverse traffic impact.

8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the demolition of sixth form building (1186 sq. metres), removal of 2 No. Temporary Classroom Units (263 sq. metres), erection of two storey Sixth Form Building (965 sq. metres), external wall mounted lighting, 9 No. 6 metre high lighting columns, re arrangement of car park facility, cycle shelter, bin store, 3 No. pedestrian crossings, creation of footpaths, 1.8 metre high access gate, paving, hard and soft landscaping works, removal of 1 No. existing tree.

- 8.2 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

9.0 Recommendation

9.1 For the following reason(s):

- i.) the proposed development would not result in an adverse impact upon the residential amenity, visual or otherwise, of existing or future occupants of the surrounding area;
- ii.) the proposed development would not have a significant impact on the historic character of the area;
- iii.) the proposed development would not result in an adverse impact upon the public highways;
- iv.) the proposed development generally accords with the principles of the NPPF (2012), PPG (2014) and does not conflict with Policy SG4, Policy EQ1, Policy EQ2, Policy C1 of the Harrogate District Core Strategy (2009) and 'saved' Policy HD20 and Policy C2 of the Harrogate Borough Local Plan (2001).

That, **PLANNING PERMISSION BE GRANTED** subject to the following 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 strict accordance with the application details dated 7th August 2017 and the following approved documents and drawings:
 - Ref. 16050/A/050.001 P1, Site Location Plan, dated July 2017;
 - Ref. 16050/A/050.002 P1 Existing Site Plan, dated July 2017;
 - Ref. 16050/A/050.004 P1, Contractors Proposed Site Compound and Access Plan, dated 11 July 2017;
 - Ref. 16050/A/050.005 P1, Proposed Site Plan, dated 20 July 2017;
 - Ref. 16050/A/100.001 P1, Proposed Floor Plan GA, dated 20 July 2017;
 - Ref. 16050/A/100.002 P1, Proposed Floor Plan FF, dated 20 July 2017;
 - Ref. 16050/A/100.013 P1, Proposed Tree Constraints Plan, dated February 2017;
 - Ref. 16050/A/110.001 P1, Demolition Plan, dated 10 July 2017;
 - Ref. 16050/A/120.001 P1, Proposed Building Sections, dated 20 July 2017;
 - Ref. 16050/A/140.001 A, Proposed Building Elevations, dated 20 July 2017;
 - Ref. 16050-A-100.004, Proposed Roof Plan, 15 August 2017;
 - Ref. 16050/A/140.002, A, Existing Elevations (retained) , dated 13 July 2017;
 - Ref. 16050/A/140.003, Existing Elevations (removed) , dated 13 July 2017;
 - Ref. 16050/A/140.004, Existing Elevations (removed) , dated 13 July 2017;
 - Ref. 1650/E/660.001, Proposed External Lighting, dated 15 August 2017
 - Ref. 005_17 (RE01) V1, Preliminary Ecological Appraisal, dated 16 February 2017;
 - Ref. 0154_13 (RE01) V1, Bat Survey (TCU's), dated 19 September 2017.
 - Ref. NYPS-17-02 R2, Supplementary Bat Risk Assessment, 12 December 2017;
 - Ref. S161223/SI, Phase 2 Site Investigation Report, dated February 2017;
 - Ref. BS5837:2012, Tree Report, dated January 2017;
 - Ref. BS5837:2012, Tree Constraints Plan, dated 11 July 2017;
 - Ref. 3669LR/1, Underground Utility Survey,

- Ref. 3669LR/1, Topographical Survey
 - Ref. CCTV Drainage Survey, CCTV Drainage Survey Report, dated 16 January 2017;
 - Ref. 501437, External Lighting, dated 19 July 2017
 - Ref. 38961_SK100, Indicative Drainage Layout, dated 17 March 2017;
 - Ref. 16050-A-100.004, Transport Statement, 1 August 2017;
 - Ref. DOC1718-24, Heritage Impact Assessment, July 2017;
 - Ref. 16050, Supporting Statement, dated August 2017.
3. No construction, demolition or any other works shall take place except between the following times:
08.00 – 18.00 Mondays to Fridays
08.30 – 13.00 Saturdays
and at no time on Sundays and Bank (or Public) Holidays.
4. Prior to the commencement of the construction phase of the development a scheme of dust control measures shall be submitted to the County Planning Authority for their written approval. Thereafter the approved control measures shall be implemented and maintained in accordance with the approved scheme.
5. The hereby approved lighting columns detailed on Proposed External Lighting Plan ref. 16050/E/660.001 Rev P1 dated 15 August 2017 shall not be used after 22:00hrs.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and approved in writing by the County Planning Authority. Where remediation is necessary a remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the County Planning Authority. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise approved in writing by the County Planning Authority. The County Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the County Planning Authority.
7. The development hereby approved, shall, at all times, proceed in accordance with the tree protection measures detailed within Tree Report (ref BS5837:2012, dated January 2017).
8. Prior to the demolition of the Sixth Form building and outbuilding a site specific mitigation plan shall be submitted to the County Planning Authority for their written approval. The mitigation plan should include details of:
- timing of demolition;
 - pre demolition checks of PRFs – e.g. internal inspection, endoscope checks;
 - method of demolition;
 - compensation and enhancement measures;
 - sensitive lighting plans.

Thereafter the approved control measures shall be implemented and maintained in accordance with the approved scheme.

9. Details of proposed landscape works including preparation, planting, seeding, species, sizes and planting density shall be submitted to the County Planning Authority for written approval prior to the development coming into use. Thereafter, the planting shall be undertaken in accordance with the approved details.
10. No development shall commence until details of protecting the water main that is laid within the site boundary have been submitted to and approved by the County Planning Authority. Furthermore, construction shall not commence in the affected area(s) until the approved protection measures have been implemented in strict accordance with the approved details.
11. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the County Planning Authority.
12. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing 16050-A-050.005 P1 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
13. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the County Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the County Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
14. There shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the County Planning Authority in consultation with the Highway Authority.
15. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the County Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
16. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
 - a. the appointment of a travel co-ordinator
 - b. a partnership approach to influence travel behaviour

- c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d. provision of up-to-date details of public transport services
- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. improved safety for vulnerable road users
- g. a reduction in all vehicle trips and mileage
- h. a programme for the implementation of such measures and any proposed physical works
- i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

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. In the interests of general amenity and highways safety.
4. In the interests of general amenity.
5. In the interests of general amenity.
6. In the interests of general amenity.
7. To safeguard the character of the application site in the interests of visual amenity.
8. This is to ensure that any bats that may be present within the features suitable for transient roosts not harmed in accordance with the Wildlife and Countryside Act 1981 (as amended).
9. In the interests of visual amenity and landscape character
10. To protect the public water supply.
11. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.
12. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
13. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
14. In the interests of highway safety and the general amenity of the area.
15. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

- | |
|--|
| 16. To establish measures to encourage more sustainable non-car modes of transport |
|--|

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 not 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.

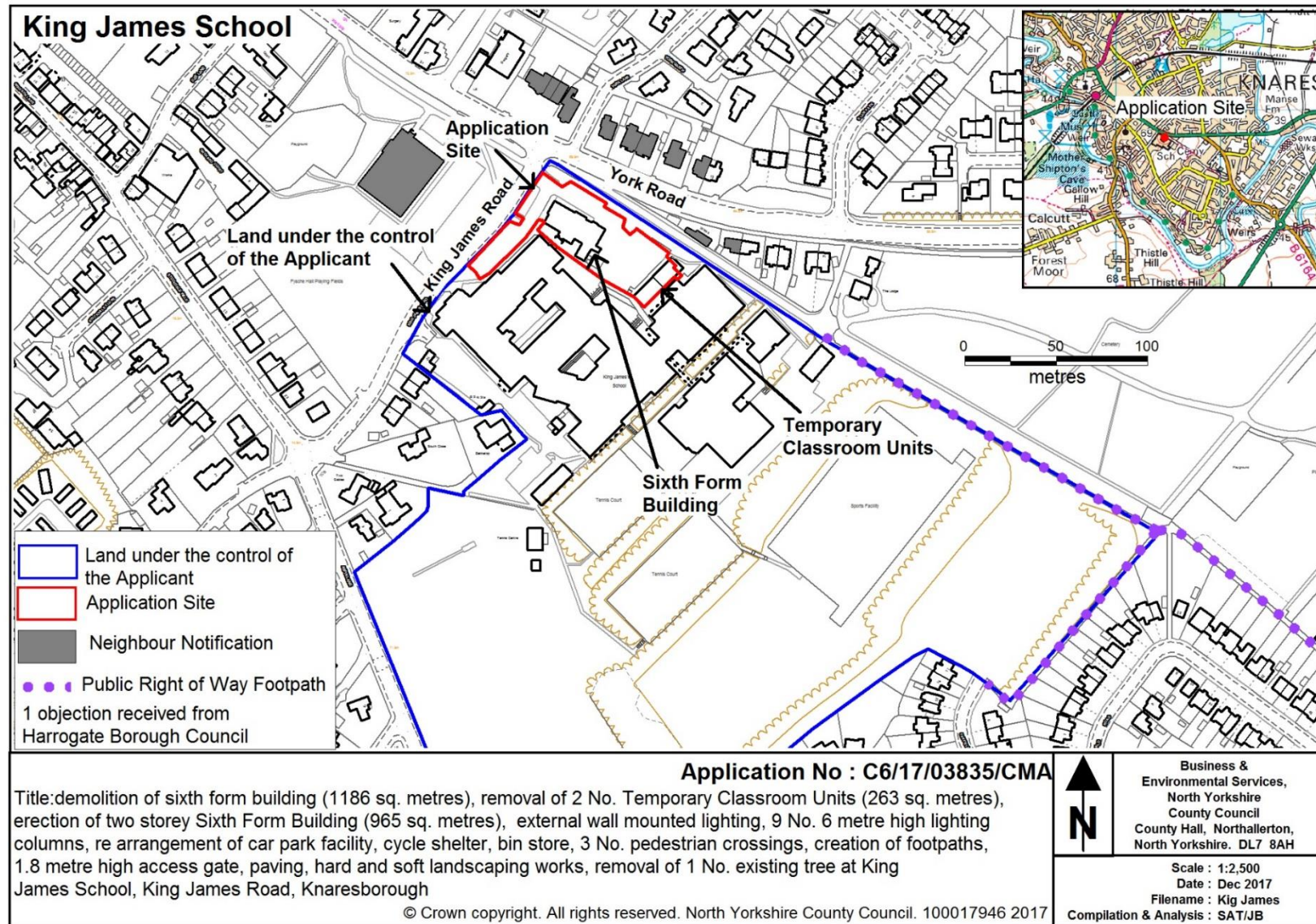
DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Sam Till

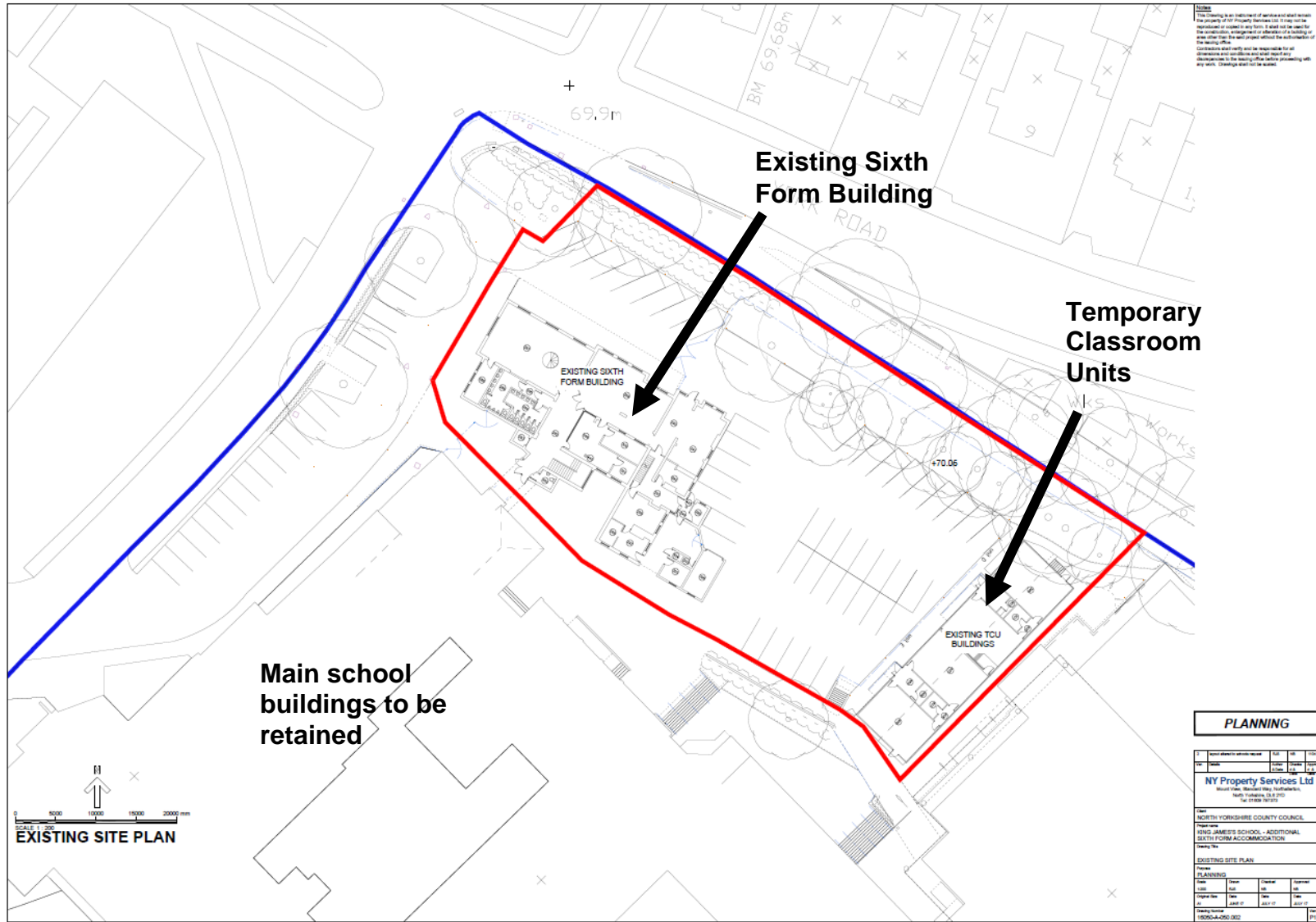
Background Documents to this Report:

1. Planning Application Ref Number: C6/17/03835/CMA (NY/2017/0208/FUL) registered as valid on 22 August 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



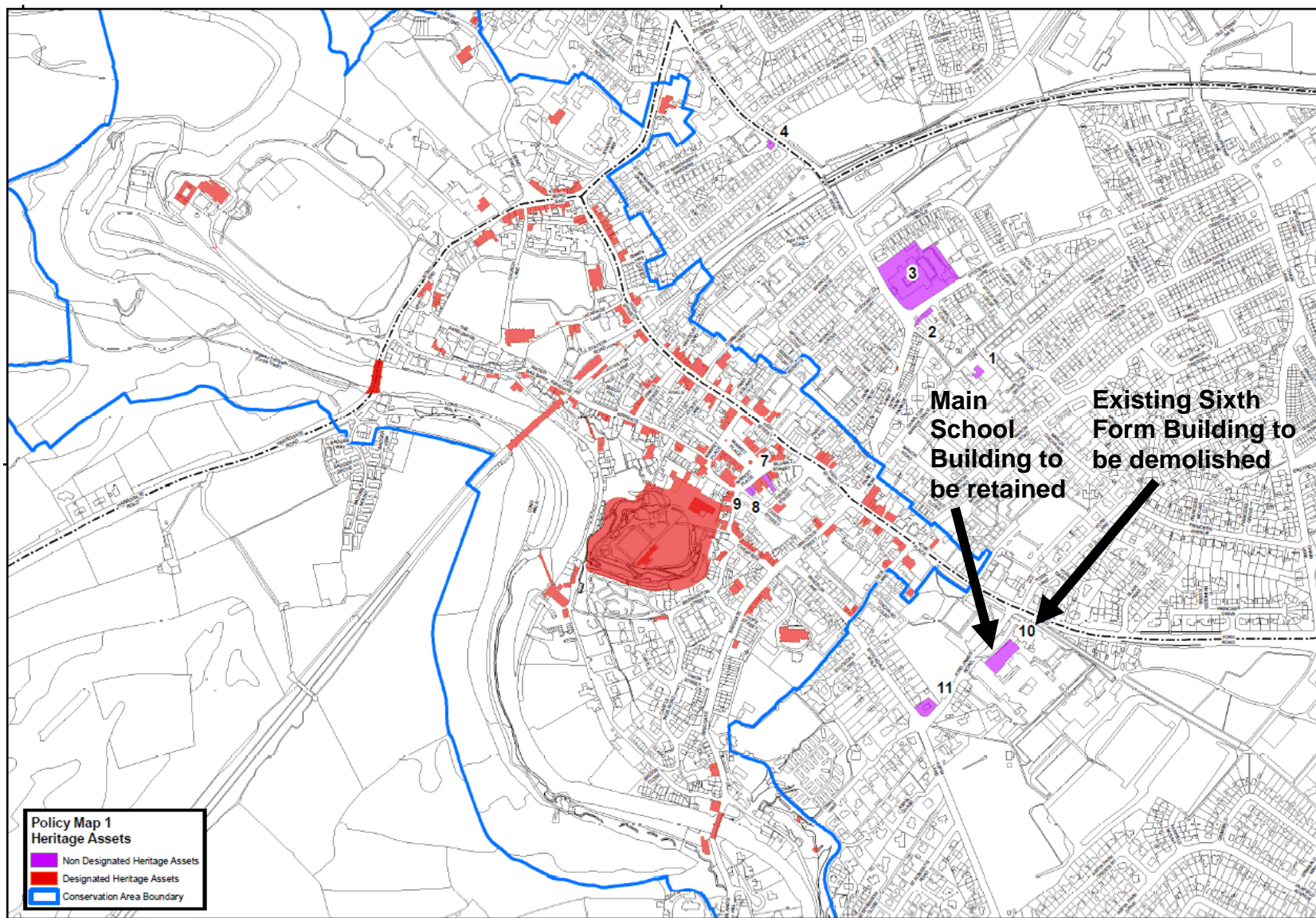
Appendix B – Existing Plan



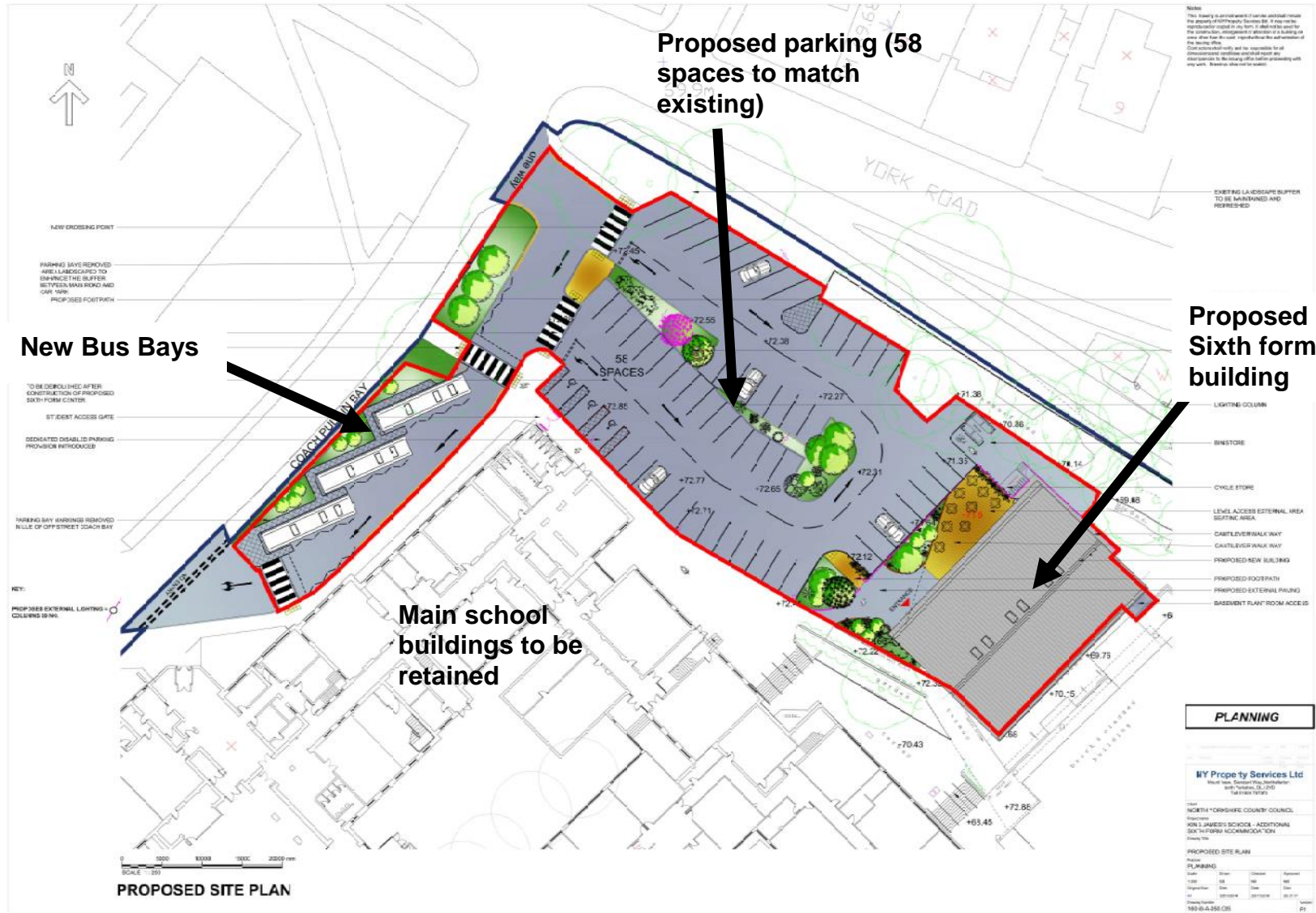
Appendix C –Existing Sixth Form Building Site Photos



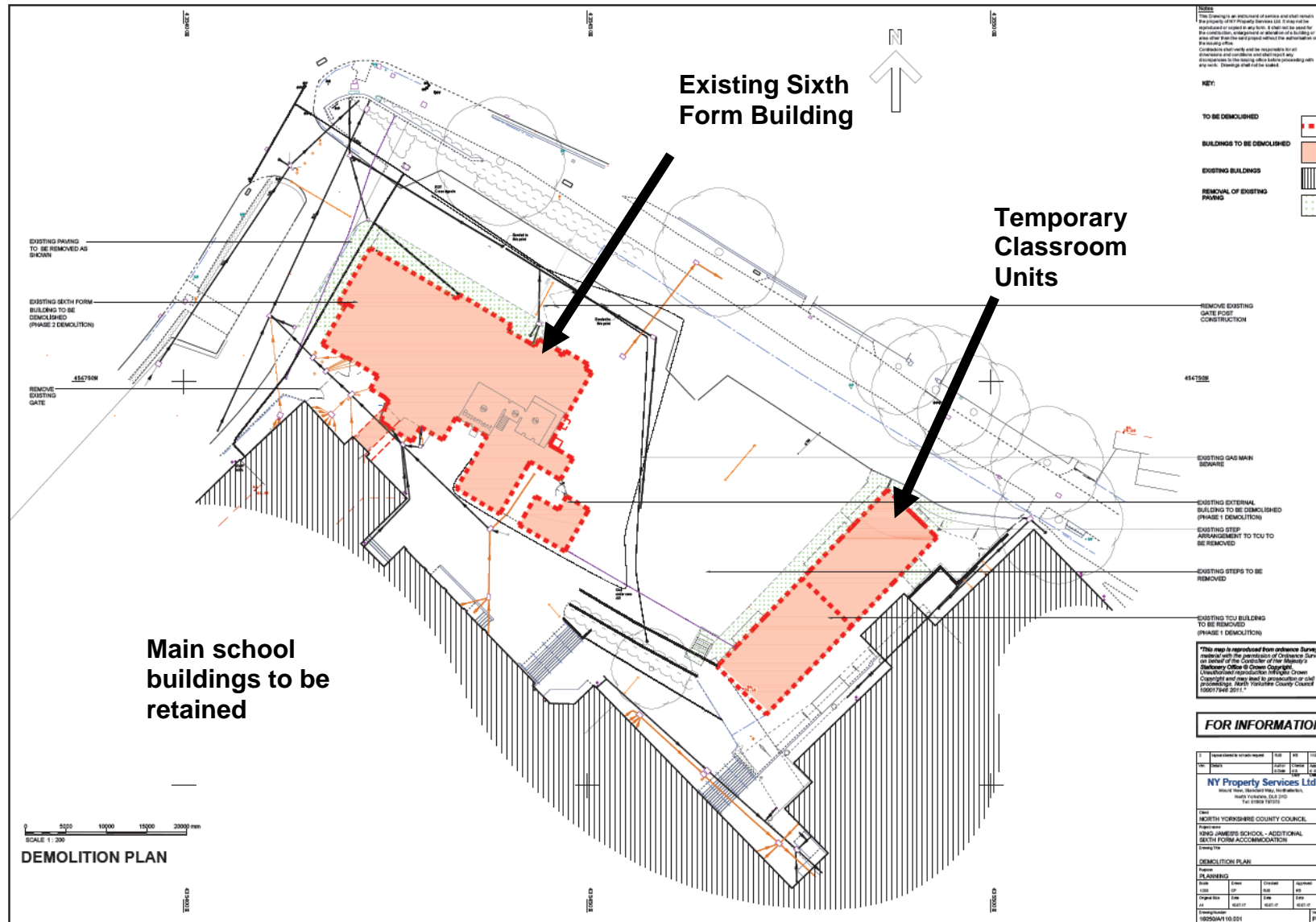
Appendix D – Heritage Assets Plan



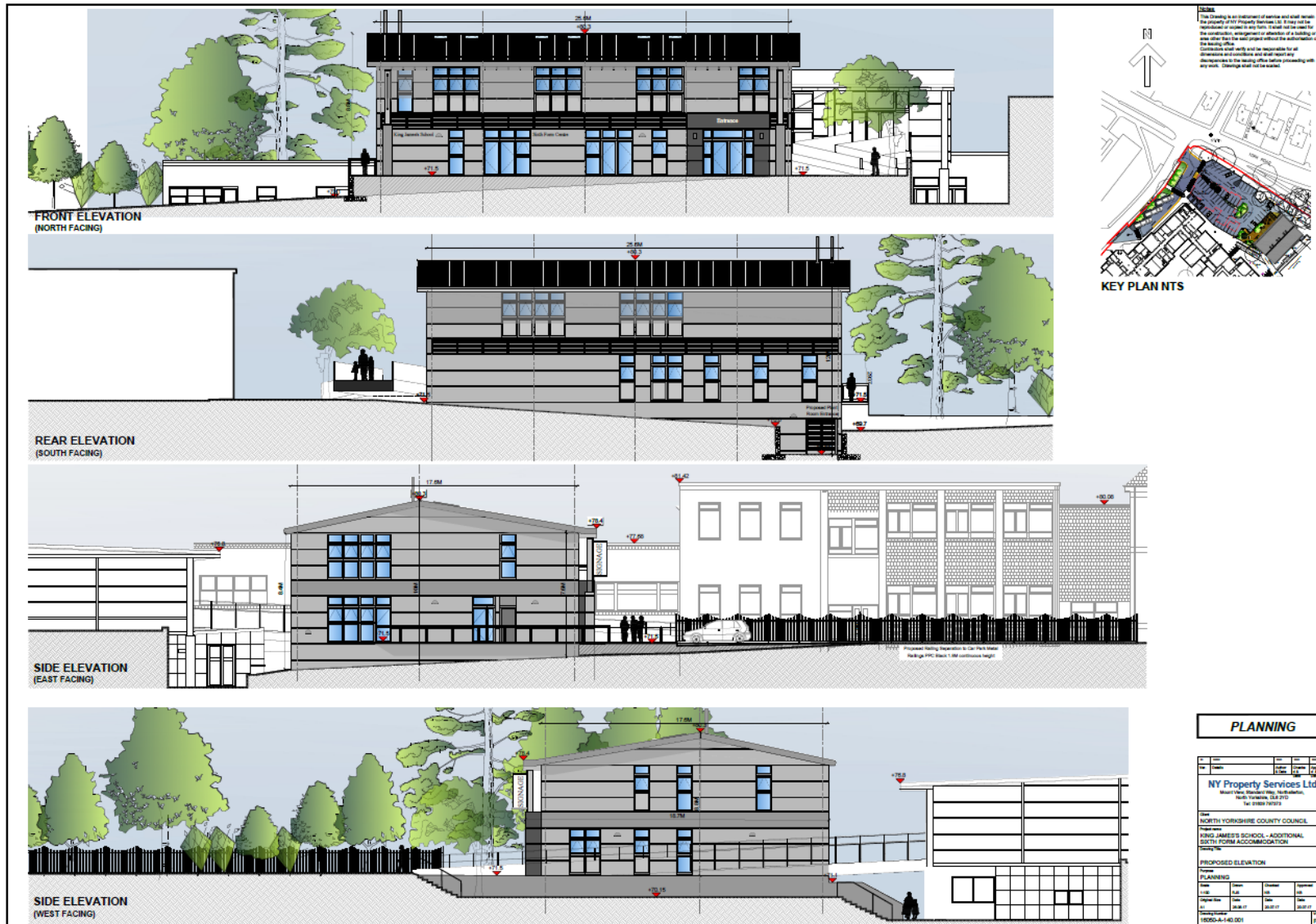
Appendix E – Proposed Plan



Appendix F – Demolition Plan



Appendix G – Proposed Elevations



North Yorkshire County Council

Planning and Regulatory Functions Committee

06 February 2018

Items Dealt with Under the Scheme of Delegation

Report of the Corporate Director – Business and Environmental Services

**The Items reported below have been determined between:
21 November 2017 to 08 January 2018 Inclusive**

A. County Council Development

**C3/17/01420/CPO (NY/2017/0297/73A) West Heslerton CE VC Primary School,
West Heslerton, Malton, North Yorkshire,
YO17 8RD**

Decision Letter: 05 January 2018

Retention of prefabricated classroom unit 1820 (76 sq. metres) for a further 6 years

PLANNING PERMISSION GRANTED subject conditions

**C4/17/02573/CC (NY/2017/0293/73A) Wheatcroft Community Primary School,
Holbeck Hill, Scarborough, North
Yorkshire, YO11 3BW**

Decision Letter: 05 January 2018

Retention of prefabricated classroom unit 1007 (77 sq. metres) for a further 6 years

PLANNING PERMISSION GRANTED subject conditions

**C4/17/02572/CC (NY/2017/0292/73A) Graham School Science College,
Woodlands Drive, off Scalby Road,
Scarborough**

Decision Letter 05 January 2018

Retention of prefabricated classroom units 3150 & 3957 (205 sq. metres) for a further 6 years

PLANNING PERMISSION GRANTED subject conditions

**C3/17/01304/CPO (NY/2017/0272/73A) Lady Lumley's School, Swainsea Lane,
Pickering, North Yorkshire, YO18 8NG**

Decision Letter 30 November 2017

Retention of prefabricated classroom unit 3110 (147 sq. metres) for a further 6 years

PLANNING PERMISSION GRANTED subject conditions

C1/17/00764/CM (NY/2017/0264/FUL)

Brompton on Swale Church of England Primary School, Brompton Park, Brompton on Swale, DL10 7JW

Decision Notice: 07 December 2017

installation of artificial surface (161 sq. metres) and erection of 4.1 metre high cricket nets

PLANNING PERMISSION GRANTED subject conditions

C8/2017/1136/CPO (NY/2017/0262/A27)

Athelstan CP School, Rose Avenue, Sherburn in Elmet, LS25 6AY

Decision Notice: 30 November 2017

(Part retrospective) Application for the approval of details reserved by condition No's 7, 8, 9, 11, 13, 15, 17, 18, 19 & 21 of Planning Permission Ref. C8/58/69AB/PA which relates to an aftercare and management plan, surface water, a programme for the completion of the proposed works, measures to prevent the deposit of mud on the public highway, a survey recording the condition of the existing highway, surface water drainage, external lighting, scheme of landscaping, glazing details for the eastern elevation of the two storey extension and a Written Scheme of Investigation

Details APPROVED

C2/17/02357/CCC (NY/2017/0260/LBC)

Sessay Church of England VC Primary School, Church Lane, Hutton Sessay, YO7 3NA

Decision Notice: 13 December 2017

Repairs and replacement of roof, rainwater goods, windows, doors, ceilings and replacement stonework to the school building and former Masters House

PLANNING PERMISSION GRANTED subject to conditions

C3/17/01217/CPO (NY/2017/0255/FUL)

Settrington C of E Primary School, Chapel Road, Settrington, Malton, YO17 8NB

Decision Notice: 04 December 2017

Demolition of existing HORSAs building (80m²) erection of single storey building (187m²) for purpose of classroom, kitchen and dining hall with 12no photovoltaic panels on south elevation, erection of canopy (26m²), erection of stone kiosk (5m²) creation of footpath, 4no external steps, relocation of 3no bins, installation of temporary classroom unit for the duration of the works (43m²) hard and soft landscaping (270m²)

PLANNING PERMISSION GRANTED subject conditions

C2/17/02259/CCC (NY/2017/0195/FUL)

Pickhill CE Primary School, The Green, Pickhill, Thirsk, YO7 4JL

Decision Notice: 29 November 2017

Erection of a freestanding timber open sided shelter with polycarbonate roof (15 sq. metres)

PLANNING PERMISSION GRANTED subject conditions

B. COUNTY MATTER DEVELOPMENT

NY/2017/0275/A27

Waste Water Treatment Works, Stainsacre Lane, Whitby, YO22 4NW

Decision Letter: 07 December 2018

Application for the approval of details reserved by condition No. 7 of Planning Permission C4/17/00129/CC which relates to landscaping

Details APPROVED

NY/2015/0110/A30

The Maltings, Turpin Lane, South Milford, Selby, LS25 5FP

Decision Letter: 30 November 2017

Application for the approval of details reserved by condition No's 10, 12, 13, 17, 18, 19 & 20 of Planning Permission C8/57/530/PA which relates to a Construction Management Plan, Ecological Enhancement Scheme, Written Scheme of Investigation, Protection of Railway Infrastructure, Landscape Scheme and On-Site Drainage

Details APPROVED

NY/2017/0104/A27

Whitewall Quarry, Welham Road, Norton, YO17 9EH

Decision Notice: 30 November 2017

Application for the approval of details reserved by condition No. 30 of Planning Permission Ref. C3/07/00937/CPO which relates to the aftercare scheme

Details APPROVED

NY/2017/0159/A27

The Maltings, Turpin Lane, South Milford, Selby, LS25 5FP

Decision Notice: 27 November 2017

Application for the approval of details reserved by condition No. 11 of Planning Permission Ref. C8/57/530/PA which relates to external lighting

Details APPROVED

NY/2017/0200/A27

The Maltings, Turpin Lane, South Milford, Selby, LS25 5FP

Decision Notice: 05 January 2018

Application for the approval of details reserved by condition No. 22 of Planning Permission Ref. C8/57/530/PA which relates to a Traffic Management Plan

Details APPROVED

C3/17/01242/CPO (NY/2017/0220/73)

Tofts Road, Kirby Misperton, North Yorkshire, YO17 6BG

Decision Notice: 21 December 2017

Variation of condition No's. 2 & 24 of Planning Permission Ref. C3/14/00005/CPO (Waste Transfer Station) which relates to alterations to the width of the Tofts Road carriageway

PLANNING PERMISSION GRANTED subject conditions

NY/2017/0233/A27

**Land to the South of Alne Brickworks,
Forest Lane, Alne, YO61 1TU**

Decision Notice: 29 November 2017

Application for the approval of details reserved by condition No. 21 of Planning Permission Ref. C2/14/01410/CC which relates to a restoration and aftercare scheme)

Details APPROVED

To access the planning application details, consultation responses and a copy of the report and decision notice containing any planning conditions relevant to the development please access 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).

DAVID BOWE

Corporate Director – Business and Environmental Services

Author of Report: Rebecca Sherwood-Smith

Background Documents: None

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.

DAVID BOWE
Corporate Director, Business and Environmental Services

Authors of Report: Jo Brownless & Amy Taylor

Background Documents to this Report: Application Files

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

<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