

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

11 September 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 1 (the period 1 April 2018 to 30 June 2018).

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 1 (the period 1 April to 30 June 2018).

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

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

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

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

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

| 2017/18 | Quarter 1 | Quarter 2 | Quarter 3 | Quarter 4 |
|---|---|------------------|------------------|------------------|
| "Special Measures" stat. No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT) over rolling two year period | 01/07/16 – 30/06/18) 88.9% (No. 24/27) | | | |

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

County Council's own development' Planning Applications

Table 2: County Council's own development planning applications determined during quarter 1 (the period 1 April to 30 June 2018)

| | | | | |
|--|---------------------------|--------------------------|--|---|
| Total number of applications determined | | 17 | | |
| Minor¹/Major²/EIA³ | | Minor: 17 | Major: 0 | EIA: 0 |
| Number of delegated/committee decisions | | Delegated: 15 | | Committee: 2 |
| 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 |
| 5 | 3 | 0 | 9 | 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.17/17) | | | |
| No. of County Council's own development minor applications determined within 8 weeks discounting Extension of Time agreements (EoT) | 52.9% (9/17) | | | |

Table 3: List of all ‘County Matter’ planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q1 i.e. 30 June 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 |
|---|---|--------------------------|-----------------------------|--|---|
| 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 ‘corridor of interest’ 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 and further information is awaited. | No |
| 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 |

| 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 |
|--|--|--------------------------|-----------------------------|--|--|
| 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 |
| 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 | No- 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 – further extension to be requested once S106 signed |
| Land to the South of Knapton Quarry Landfill Site, Knapton NY/2016/0194/ENV (C3/16/01918/CPO) | erection of a Green Energy Facility (6,342 sq. metres) (energy from waste via gasification), office reception building (91 sq. metres), substation & switchroom (39 sq. metres), air cooled condenser (195 sq. metres), installation of a weighbridge, earthworks, 20 car parking spaces, extension to internal access road, landscaping and | 14.11.16 | Committee | On 19 December 2017 Planning Committee resolved to grant planning permission subject to the prior completion of a Section 106 agreement | <i>[n.b. the formal Decision Notice was issued on 1st August 2018]</i> |

| 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 |
|--|--|--------------------------------|-----------------------------------|---|---|
| | 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 | | | | |
| 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. Legal Agreement signed and awaiting issue of decision notice. | No – further extension to be requested once S106 signed |
| 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 and assessment of information submitted and further discussions required. | EoT requested until 2.4.18 |
| 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 | On 11 September 2018 committee agenda | No – to be requested upon confirmation of being placed on committee agenda |

| 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 | Further information required from applicant. | No – (to be requested upon confirmation of being placed on committee agenda) |
| 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. | |
| 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 | Committee Report in preparation. County Planning Authority notified of change of Applicant company in August. | EoT requested until 29.1.19 |
| NY/2017/0231/FUL C6/17/04649/CMA) Crossgates Quarry, Brimham Moor Road, Fellbeck, | part retrospective planning application for proposed deposit of 66,000 tonnes of inert materials to achieve restoration of a former quarry by 30 November 2018 | 18/10/2017 | Delegated | Awaiting further ecological and landscape information from the Applicant following consultation response requests. | No – (to be requested upon confirmation of being placed on committee agenda) |
| NY/2017/0267/ENV - C4/17/02418/CC - land to the west of Raincliffe Grange Farm, Main Street, Seamer | extraction and processing of sand and gravel from new quarry (11.9 hectares) including the construction of a site access road, internal haul road, mobile processing plant, site office, soil storage bunds, lagoons, stockpile area and restoration to agriculture and lake | 25/10/2017 | Committee | Committee Report in preparation. | Yes but only until 27.4.18. Applicant commissioning additional archaeological studies delayed until September to address Historic England concerns. Further ETA to be |

| 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 |
|--|--|--------------------------------|-----------------------------------|--|--|
| | | | | | requested when extra information received. |
| NY/2017/0267/ENV - C8/2017/1232/CPO - Newthorpe Quarry, Newthorpe, Sherburn in Elmet | variation of condition No. 9 of Planning Permission Ref C8/59/11C/IDO to increase production levels up to 250,000 tonnes per annum | 31/10/2017 | Delegated | Awaiting sign off of Delegated report. | EoT requested until 17.4.18 |
| NY/2017/0268/ENV - C8/2017/1230/CPO - Newthorpe Quarry, Newthorpe, Sherburn in Elmet | 4 hectare northern extension to the existing limestone quarry, erection of site offices/amenity block (74.3 sq. metres), weighbridge, weighbridge | 02/11/2017 | Delegated | Awaiting further information to be provided. | EoT requested until 11.5.18 |
| NY/2017/0290/73A - C1/17/00850/CM - Melsonby Quarry, Barton, North Yorkshire | variation of condition No. 2 of Planning Permission Ref. C1/93/169B/CM to allow the continuation of the extraction of blockstone for a further period of 15 years until 3 December 2032 | 24/11/2017 | Delegated | Awaiting further information from the applicant regarding Landscape | No – To be requested once further information received. |
| NY/2017/0305/73A - C8/2017/1335/CPO - Mill Balk Quarry, Mill Balk, Great Heck, North Yorkshire | variation of condition No's 1, 3, 4, 5, 8, 15, 22, 23 & 25 of Planning Permission Ref. C8/43/37A/MR to allow for the continuation of mineral extraction operations and to revise the working, the phasing and the restoration schemes | 01/12/2017 | Committee | Committee report in preparation. | No – (to be requested upon confirmation of being placed on committee agenda) |
| NY/2017/0326/ENV - C1/18/00013/CM - Pallett Hill Quarry, Catterick Village, Nr Richmond | variation of condition No's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7th November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for completion of all mineral operations from 31st December 2017 to 31st December | 20/12/2017 | Committee | Further Environmental Statement - ecology information required | No – (to be requested upon confirmation of being placed on committee agenda) |

| 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 |
|--|--|--------------------------------|-----------------------------------|--|---|
| | 2022 and the restoration of the site from 31st December 2018 to 31st December 2023 | | | | |
| NY/2017/0324/73A - C2/18/00147/CCC - Alne Materials Recycling Facility, Forest Lane, Alne, | variation of condition No. 9 of Planning Permission Ref. C2/03/006/0187D for the permanent retention of the site access, existing weighbridge, existing building and hardstanding areas and for use of these as an in-vessel composting facility | 16/01/2017 | Delegated | Landscaping issues currently being discussed. | No – To be requested once issues have been resolved. |
| NY/2017/0322/73A - C2/18/00146/CCC - Alne Materials Recycling Facility, Forest Lane, Alne | variation of condition No. 2 of Planning Permission Ref. C2/11/02058/CCC for the permanent retention of the existing office building and parking area for use associated with the proposed in-vessel composting facility | 16/01/2017 | Delegated | Landscaping issues currently being discussed. | No – To be requested once issues have been resolved. |
| NY/2018/0009/FUL Old London Road Quarry, Stutton, Tadcaster | extraction of 30,000 tonnes of limestone and importation of 600,000 tonnes of construction waste to complete restoration and export of 300,000 tonnes of secondary aggregate | 09/02/2018 | Committee | | |
| NY/201/0230/FUL (C3/18/00182/CPO) - The Sand Quarry, West Heslerton Carr, West Heslerton | variation of condition No. 1 of Planning Permission Ref. C3/10/00303/CPO for an extension of time to enable the extraction of the remaining reserves of sand and gravel for a further 10 years until 19 February 2030 with restoration by 31 December 2030 | 13/02/2018 | Delegated | Further information from the applicant tout for re-consultation | No – To be requested once further information received. |
| NY/2017/0310/FUL - (C8/2018/0374/CPO)W ent Edge Quarry, Went Edge Road, Kirk Smeaton | new access off Went Edge Road (B6474) into Went Edge Quarry to plan traffic movements to quarry and industrial estate | 22/03/2018 | Delegated | Highways issues currently being resolved. Delegated report in preparation. | No – To be requested once report is complete. |

| 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/2017/0229/FUL - C3/18/00321/CPO -The Sand Quarry, West Heslerton Carr, West Heslerton, Malton, | 0.3 hectare extension of the current working area to the west under land occupied by disused bungalow to extract 39,000 tonnes of building sand and gravel and low level restoration | 23/03/2018 | Delegated | Further information from the applicant out for re-consultation | No – To be requested once further information received. |

* 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 1 (the period 1 April 2018 to 30 June 2018) 2018/2019

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 | | | | | | |
| Percyfields | Harrogate | 8 | Breach of conditions in regards to hours of operation and dust | 25/05/18 – 30/06/18 | Operator contacted and site visited on multiple occasions with no breaches of conditions found. Investigation ongoing. | No |
| Eggborough Sand Pit | Selby | 1 | Alleged out of hours operations and mud on the road | 1/06/18 | Reiterated to operator opening hours who has confirmed issue and has since rectified this. Awaiting highways response regarding mud on road query | Partially |
| | | | | | | |
| | | | | | | |
| County Council Development | | | | | | |
| Friarage School | Scarborough | 1 | Alleged unauthorised play equipment installed on site | 13/06/18 | Equipment found not to have planning permission, school advised to submit retrospective planning application. | Partially |

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 | No further action to be taken by NYCC, Craven DC handling complaint. | Yes |
| Bean Sheaf Garage | Ryedale | 1 | Breaching Condition 5 & 6 of decision notice C3/14/00663/CPO storing over 20 end of use vehicles and stacking 3 vehicles high | 8/1/18 | Operator made aware of breach and planning application forthcoming. | Partially |
| Green Lane | Hambleton | 1 | Tractor disposing of ice cream waste/by-product. She said there are tractors taking the waste down a rubble/gravel path into a field, | 11/3/18 | Investigation 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

| 2018/19 | 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 | 10 | Cumulative total no. | Cumulative total no. | Cumulative total no. |

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

| 2018/19 | 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 | 10% (no. 1/10) | % (no. /) | % (no. /) | % (no. /) |
| | | Cumulative total % (no. /) | Cumulative total % (no. /) | Cumulative total % (no. /) |

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

| 2018/19 | 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 | 10% (no. 1/10) | % (no. /) | % (no./) | % (no./) |

| | | | | |
|--|--|----------------------------------|---------------------------------|----------------------------------|
| | | Cumulative total % (no. /) | Cumulative total % (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 |
|-------|---------------|--------------|
| None. | Richmondshire | 19/02/18 |
| | | |