

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 26 February 2019 at 10.00 am.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Robert Heseltine, John McCartney, Zoe Metcalfe, Richard Musgrave, Chris Pearson, and Clive Pearson.

County Councillor David Hugill submitted his apologies.

County Councillor Andrew Lee was in attendance.

There were 16 members of the public and one representative of the press in attendance.

Copies of all documents considered are in the Minute Book

78. Minutes

Resolved -

That the Minutes of the meeting held on 13 November 2018, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

79. Declarations of Interest

There were no declarations of interest.

80. 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 application below, and who would be invited to do so during consideration of that item, there were no questions or statements from members of the public.

81. C2/18/01876/CCC - (NY/2018/0104/FUL) - Erection of an anaerobic digester plant including reception building, offices, including mess and toilet facilities and a control room, all extending to 818 sq. metres, a 22k cu m lagoon for the storage of digestate, a 1.5k cu m lagoon for the storage of water, gas to grid compound, testing facilities, erection of 7 No. 2.4 m high 30 watt LED lighting posts, weighbridge, car parking facilities, a bio filter box (50 sq. metres) and the creation of 3,182 sq. metres of hard-standing and soft landscaping works at Sowerton Farm Yard, Sykes Lane, Tollerton

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application in line with the details set out above.

The application was subject to objections having been raised in respect of the proposal on the grounds of odour, visual amenity, traffic, inappropriate location close to village and was, therefore, reported to the Committee for determination.

Members noted that they had received a number of items of correspondence in relation to the application, prior to the meeting, and stated that they would keep an open mind on the matter when considering and determining the application.

Jenny Jackson, local resident representing the Tollerton Action Group, addressed the Committee, outlining the following:-

- ◆ She outlined how the application was contrary to the National Planning Policy Framework.
- ◆ In terms of the local economy, the application would provide five additional jobs, however, it would put in jeopardy numerous others due to large increases in traffic, noise, odour and air pollution.
- ◆ The caravan park, near to the application site, would suffer large scale detrimental effects from the proposal.
- ◆ Nearby local businesses, including a newly refurbished pub, and local shops would also be affected economically by this.
- ◆ The application would not support a strong vibrant local community due to the large increases in traffic, odour, noise and air pollution.
- ◆ The application did not enhance or protect the natural environment. The process was industrial and did not complement the rural nature of the locality.
- ◆ The water table was high in the area and the proposal brought additional water into the area, likely to cause flooding. The nearby ponds would be affected by this and were likely to become polluted.
- ◆ She considered that the proposed development was in the wrong location, was contrary to national and local planning policies, and should be refused by Members.

Mr Graeme Perry, the agent for the applicant, addressed the Committee, outlining the following:-

- ◆ He considered that there had been a great deal of misinformation generated in relation to the application around traffic, odour and the source of the material to be used.
- ◆ He noted that the Hambleton Environmental Health Officer had no objections to the application nor were there objections from highways, ecology, the local flood authority and any other statutory consultees.
- ◆ He noted that there had been some difficulties arising from practices undertaken on the farm adjacent to the application site, but emphasised that the proposal was not connected in any way to the farm or the business taking place there.
- ◆ He stated that other similar pilot developments had been operated satisfactorily, by the applicant, in other parts of the county.
- ◆ He noted that the proposal would take food waste out of the waste hierarchy and

would provide energy from waste, with good connections to the National Grid.

- ◆ An investment of around £200m would take place in relation to the proposal.
- ◆ He felt let down by North Yorkshire County Council and the planning process, with the application having taken 12 months to come to Committee and in that time having been dealt with by six different Planning Officers.

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 the public statements.

She highlighted alterations to the issues set out in the recommendation as follows:-

Recommendation 1 - sentence two - from "would not" had "be sustainable development nor wood"/after "North Yorkshire Waste Local Plan (2006)" add "Policy D01".

Recommendation 3 - first sentence after "would have" delete "the potential for" and replace with "a".

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

- ◆ Clarification was requested in relation to the adherence of the application with any national or local policies. In response it was explained that the balance between the application being sustainable and not sustainable had to be considered when writing up the report and determining the application. The conclusion and recommendation highlighted the position that the Planning Officer considered was appropriate in terms of that balance. She noted that there were some sustainable elements to the proposal and that five people would be employed, however, on balance the non-sustainable issues outweighed the sustainable factors. She considered that the proposal was out of place in the proposed location and would have a major impact on the social cohesiveness of the local community. She also noted the issues around environmental impacts and flood risk.
- ◆ County Councillor David Blades outlined that he was a Member of Hambleton District Council which also had some interest in relation to the application site, but on a separate issue not related to this application, and could, therefore, take a full part in the consideration of this item.
- ◆ It was noted that it had been stated that there was no links to the existing business and development on the site, but this proposal had a shared access with the other development and it was asked whether that had a bearing on this proposal. In response the Committee's Legal Officer indicated that this was a standalone application, despite the shared access, therefore the matters relating to the other business operating from the site should not be taken account of in relation to the this application.
- ◆ Clarification was provided as to why the matter was being dealt with through the County Council's Planning and Regulatory Functions Committee rather than at District Council level, with similar applications having been considered at District

Council level previously. It was noted that this related mainly to a waste application which was why the matter was being dealt with at County level.

- ◆ A Member considered that the reasons for refusing the application, as set out in the report, could be mitigated through the implementation of conditions and asked how robust those reasons were. In response the Planning Officer again emphasised that consideration of the application should be balanced in relation to the factors in favour and those against. It was apparent that a number of policies were contravened through the development of the proposal and it would be difficult to mitigate against a number of the issues that arose in relation to that. The major impacts on the local community were outlined within the report and these gave rise to the recommendation for refusal, which were considered to be substantial and robust. It was noted that, in terms of odour, there were few conditions that could be imposed to control that.
- ◆ It was clarified that there had been a number of odour complaints emanating from the existing business at the location, which had been reported to the Environment Agency, over the last two years.
- ◆ Clarification was provided as to where the gas pipeline was expected to be located to connect to the grid.
- ◆ A Member asked for clarification as to whether the Environment Agency, Highways and Environmental Health had not objected to the application. In response it was stated that although strictly there had not been objections from those agencies they had raised a number of issues regarding the proposed operations at the site.
- ◆ A Member asked whether there had been a change of policy regarding movement of vehicles from application sites, as he could recall previous applications being recommended for approval with similar or larger vehicle movements. In response it was emphasised each application was taken on its merits and that the impact on the local community and local road network in this case were considered to be unsustainable. All the factors brought together were considered to bring a cumulative impact that would not be sustained by the local community.
- ◆ A Member referred to the impact that the proposed development would have on open and flat countryside in the area and the negative environmental impacts would have a detrimental effect on the local community.
- ◆ A Member praised the clear and concise report and suggested that the proposal would be better located in an industrial area because of the negative impact this would have on local businesses.
- ◆ A Member noted the site visit that had taken place and the topography of the land surrounding the application site, which he considered not to be conducive to the proposal.
- ◆ A Member considered that the application was finely balanced, however, he noted that weight had been given to the Hambleton District Council Local Plan and hoped that future applications would be given the same weighting in terms of their own District's Local Plans.
- ◆ A Member suggested that many of the reasons for refusal could be mitigated against through condition and considered that the proposal could be undertaken in the location details, he suggested that should the recommendation for refusal be agreed then he would use the details as evidence for future applications.

- ◆ The Planning officer noted that reference had been made to points D02 and D01 of the Local Plan, however, she suggested that point D03 could also be included as being contravened in terms of the Local Plan within the proposal and suggested they are also be included in the list of reasons for refusal.

Resolved -

That the application be refused for the reasons stated below:

1. The proposed site for the Anaerobic Digestion plant is located in open countryside away from any existing, former or proposed industrial estates, previously developed land or existing waste management facilities. As such it would not be sustainable development nor protect or enhance the natural environment and is therefore contrary to Policy DP30 of the adopted Hambleton District Council Development Framework, Policy 5/3 of the adopted North Yorkshire Waste Local Plan (2006) and Policies D01 and D02 of the emerging Minerals and Waste Joint Plan as well as conflicting with The National Planning Policy for Waste (2014) and the National Planning Policy Framework (2018).
2. The proposed development would have the potential to generate adverse impact on the local environment and local communities due to odour and from traffic movements associated with the development in particular due to possible cumulative effects arising from the use of adjacent sites sharing the same access. As such the proposed development would be contrary to Policy DP30 of the adopted Hambleton District Council Development Framework, Policy 5/3 of the adopted North Yorkshire Waste Local Plan (2006) and Policies D02 and D03 of the emerging Minerals and Waste Joint Plan as well as conflicting with the National Planning Policy for Waste (2014) and the National Planning Policy Framework (2018).
3. The proposed development would have a significant adverse effect on the local landscape in the area due to its industrial scale and appearance which is likely to be visible when viewed across the flat landscape. As such the proposal is contrary to Policy DP30 of the adopted Hambleton District Council Development Framework, Policy 4/3 of the adopted North Yorkshire Waste Local Plan (2006) and Policy D06 of the emerging Minerals and Waste Joint Plan as well as conflicting with the National Planning Policy for Waste (2014) and the National Planning Policy Framework (2018).
4. The application has not demonstrated through the submission of a drainage strategy that flood risk will not increase elsewhere as a result of the development. The proposal is therefore contrary to Policy D09 of the emerging Minerals and Waste Joint Plan, the National Planning Policy for Waste (2014) and the National Planning Policy Framework (2018).

82. 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 for the period 15 October 2018 to 27 January 2019, inclusive.

Resolved -

That the report be noted.

83. Publication by Local Authorities of information about the handling of Planning Applications

Considered -

The report of the Corporate Director - Business and Environmental Services outlining the County Council's performance in the handling of a county matter and County Council development planning applications for Quarter 1 (the period 1 October 2018 to 31 December 2018).

Information on enforcement cases was also attached as an Appendix to the report.

Resolved -

That the report be noted.

The meeting concluded at 10.50 am

SL/JR