



## Agenda

**Meeting: Planning and Regulatory Functions Committee**

**Date: Tuesday, 31 March 2020 at 10.00 a.m.**

**In light of the restrictions to reduce the spread of the COVID-19 virus North Yorkshire County Council will not be holding public Planning and Regulatory Functions Committee meetings for the time being. Decisions on planning applications which would have previously been considered at the Committee will be taken by the Chief Executive Officer pursuant to the Council's Constitution. The County Council wants to continue to facilitate public engagement in the planning process despite the restrictions and if you would have wished to speak at a Planning Committee meeting you will be able submit any representation to us in writing or by email so that this can be considered as part of the decision making process. We would request that any written or email representations are submitted to Steve Loach of Democratic Services (*contact details below*) by midday on Monday 30 March 2020**

## **Business**

1. **Minutes of the Meeting held on 21 January 2020 – for information.** (Pages 4 to 27)

### **County Matters**

2. **C6/19/00988/CMA – (NY/2018/0280/73) - Variation of Condition No's 1, 2 & 20 of Planning Permission Ref. C6/500/63J/CMA for the continuation of waste disposal operations for a further 6 years from 31 December 2018 until 31 December 2024 with a further year for restoration, to amend the final restoration levels across the site and to amend the final restoration scheme for the southern part of the site at Allerton Park Landfill, Moor Lane (Off A168), Knaresborough** (Pages 28 to 68)

### **General**

3. **Items dealt with under scheme of delegation – for information** (Pages 69 to 70)
4. **Publication by Local Authorities of information about the handling of planning applications – for information** (Pages 71 to 86)

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)  
County Hall  
Northallerton

March 2020

# Planning and Regulatory Functions Committee

## 1. Membership

County Councillors (11)						
	<i>Councillors Names</i>				<i>Political Party</i>	
1	BLADES, David (Vice-Chairman)				Conservative	
2	BROADBENT, Eric				Labour	
3	GOODRICK, Caroline				Conservative	
4	HESELTINE, Robert				Independent	
5	HUGILL, David				Conservative	
6	JORDAN, Mike				NY Independent	
7	McCARTNEY, John				NY Independent	
8	METCALFE, Zoe				Conservative	
9	PEARSON, Chris				Conservative	
10	PEARSON, Clive				Conservative	
11	SOWRAY, Peter (Chairman)				Conservative	
<b>Total Membership – (11)</b>				<b>Quorum – (3)</b>		
<b>Con</b>	<b>Lib Dem</b>	<b>NY Ind</b>	<b>Labour</b>	<b>Ind</b>	<b>Total</b>	
<b>8</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>11</b>	

## 2. Substitute Members

<b>Conservative</b>		<b>Labour</b>	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	WELCH, Richard	1	RANDERSON, Tony
2	JEFFELS, David	2	
3	SWIERS, Roberta	3	
4	LUNN, Clifford		
5			
<b>NY Independent</b>			
	<i>Councillors Names</i>		
1			
2			
3			
4			
5			

## North Yorkshire County Council

### Planning and Regulatory Functions Committee

Minutes of the meeting held at Racecourse Lane, Northallerton on 21 January 2020 at 10.00 am.

**Present:-**

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

There were 14 members of the public and two representatives of the press in attendance.

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**Copies of all documents considered are in the Minute Book**

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**118. Minutes**

**Resolved -**

That the Minutes of the meeting held on 12 November 2019, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

**119. Declarations of Interest**

There were no declarations of interest.

**120. Public Questions or Statements**

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, apart from the person 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.

The Committee's legal representative, Catriona Gatrell, made a statement in relation to Minute Nos. 121-128, the Ryedale Gas Well Sites and Pickering Pipeline, that were to be considered by the Committee at today's meeting.

She noted that Friends of the Earth had made a request to the Secretary of State for screening directions, and it was noted that these were still required. In respect of that information Members were advised that they could not make a final decision on the applications before them today, until that advice had been provided. It was stated, therefore, that Members could either decide to defer the items for consideration at a future meeting or consider the applications and make a "minded to" decision on each application, delegating the final decision to the Head of Planning Services, taking account of the direction the Committee had given, to be implemented once the Secretary of State had provided the details requested.

Members agreed to consider the applications, make a “minded to” decision on each application and delegate the final decision to the Head of Planning Services in line with the details provided.

The Head of Planning Services stated that Minute Nos. 121-128 were applications that related to gas well-sites in Ryedale, together with a gas pipeline in that area. She would address each application individually, but, as the material issues were very similar for each, would outline the initial application in full and then provide specific issues under each application, rather than repeat the details for each application.

The Chairman noted that there were public speakers in relation to the applications. Frack Free Ryedale had registered to speak on each of the applications, which they would be invited to do “en bloc”, rather than for each individual item, giving them a total speaking time of 24 minutes. Local resident, Peter Allen, had also registered to speak on the issues and had three minutes to address the Committee. As a result, the applicant, Third Energy, would be provided with 27 minutes speaking time to ensure that this was seen to be fair.

Local resident, Peter Allen, spoke first in relation to the applications outlining the following:-

- ◆ He noted that he was speaking in objection to the applications and that he was standing in for a local resident who would have been speaking.
- ◆ The applications sought extensions to a number of KM well-sites for a further 17 years and there were a number of unsatisfactory elements to those applications.
- ◆ There was some concern regarding the proposition to drill to 9,000 feet, as originally 5,500 feet had been requested and it was unclear why drilling to this depth was required.
- ◆ The residents of Kirby Misperton were unwilling to continue to be blighted by this industry in their area for a further 17 years.
- ◆ There would be a significantly longer period for local residents to have to put up with the noise from equipment, the noise from the process and the disruption caused by traffic continually moving through the area.
- ◆ The blanket extension for the Ryedale area could not be understood as some of the wells had not been productive for around 20 years.
- ◆ There was some doubt as to the financial position of the company and, therefore, whether the continuation was financially viable and whether, should operations cease in view of that, the restoration plan would ever be met. It was considered appropriate that the financial position of the company should be determined before the applications were considered and it was requested that independent clarification be provided in relation to this.
- ◆ He noted the National Planning Policy Framework in relation to climate change and the need to adapt to take account of that. He did not believe that allowing the well-sites to continue for a further 17 years would address that matter. He noted the prevalence of methane in the process and the effect that this had on climate change.

- ◆ He noted that the effects of climate change were already affecting Yorkshire, noting the floods that had taken place in the Dales and South Yorkshire. He considered that the effect of attempting to extract the gas for what was a tiny fraction of the national supply was completely offset by the effects on the carbon footprint.
- ◆ He suggested that unless climate change issues were addressed now it may be too late to reverse the problems being created.
- ◆ He asked that the applications to extend the extractions from the wells be refused.

Jim Tucker, representing Frack Free Ryedale, addressed the Committee and outlined the following:-

- ◆ He noted that he was addressing the points in all the applications in a single address to the Committee.
- ◆ The operations had been taking place in the Vale of Pickering for a substantial number of years, however, there appeared to be only a small amount of gas resources available.
- ◆ He considered that the applications were speculative in terms of the scarce gas resources and the request for an additional 17 years for each well.
- ◆ There was some doubt as to whether the Knapton Generating Station would continue, as that was the subject of a separate planning application and, should it be unsuccessful, it would be closed, which would make the processing from the well-sites difficult, and it was felt that, with a final end of life date of December 2022 for the generator, the planning consent should be conditional on the installation of a mission compliant generating capacity.
- ◆ The applications took no account of the current climate change issues and the move towards renewable energy. Issues, around the sustainability of the gas extraction, the impact on climate change and on the environment in general were highlighted.
- ◆ There had been numerous operators that had taken charge of the wells from the 1970s to date, none of which had found them to be financially viable. There were major concerns regarding the financial viability of the applicant, Third Energy, and the other energy operators, York Energy and Alpha Energy, tied to the applications. There was also some doubt as to the experience of the newer operators, tied to Third Energy, in this field.
- ◆ The area had been the subject of low gas flow rates for a number of years and only 10% of the expected totals had been generated over the previous ten years.
- ◆ There was uncertainty as to the use of gas, going forward, in view of the move to renewable energy and it was wondered whether extended the life of the wells for a further 17 years was in line with this thinking.
- ◆ He circulated a written summary of the view of Frack Free Ryedale in relation to each of the well-sites outlining the following:-

- The applications were speculative in nature and were simply a device to retain the wells with no specified development or the means to carry it out.
  - Malton sites should be restored as no gas was being produced.
  - Marishes sites, given the extremely low gas flow rates, should only be permitted for ten years, if there was new development plan for the site, otherwise they should not be consented and should be restored.
  - Pickering sites - if there was clear evidence of improved gas recovery from the bypass process then a ten year extension should be considered.
  - Kirby Misperton should only be approved to the original depth within the same timescale as KM8 (2026) and with a comprehensive mitigation scheme to deal with noise, light, traffic, nuisance. If the applicant wished to drill to a much greater depth, and presumably for a different objective, then a new application should be submitted for consideration, not simply trying to amend an expired one.
  - Pipeline, the rationale for the inter-connecting pipelines was to feed Knapton Generating Station and deal with produced water. If Knapton had a finite life until 2022 then that should also be the maximum extension granted unless a new generator was installed.
- ◆ It was noted that Frack Free Ryedale and Ryedale District Council both had significant concerns regarding the applications, particularly the new drilling depth being sought as it was felt that this potentially related to fracking and it was suggested that a separate application should be submitted to clarify this position.
  - ◆ It was emphasised that any further drilling should be undertaken in accordance with the noise levels required and with the various plans and policies in place.
  - ◆ In terms of the climate change initiatives, and the move towards the UK having zero carbon energy by 2050, it was considered that approving the applications until 2035 did not fit in with those proposals. The process also provided a negligible amount of gas into the system.
  - ◆ Frack Free Ryedale considered that action was required now to reduce carbon emissions and changes should be taking place immediately, including, the refusal of the applications to extend the life of the gas production.

Shaun Zablocki - representing Third Energy, the applicant, address the meeting and outlined the following:-

- ◆ He noted that the details circulated by Mr Tucker from Frack Free Ryedale contained some incorrect information and highlighted those to the Committee.
- ◆ He stated that he was a Director with Third Energy having worked with them for a substantial period of time and noted that the company gave opportunities of employment for him, his family and colleagues and were valuable to the economy of the area. He noted that there was a clear progression plan for staff which enabled him to become a director of the company in 2019.

- ◆ The company had been operating in the area for 25 years and had employed a large number of local people providing skilled and multi-skilled employment opportunities.
- ◆ He noted that the gas generator from the wells was used to generate electricity.
- ◆ The plans had been submitted to continue with existing operations, utilising the network that was already in place through the generating station at Knapton.
- ◆ He noted that there was difficulty in obtaining planning permission for operators due to the numerous regulations involved and the length of the planning process and he noted that the local planning team had been involved with the company throughout the application process.
- ◆ Third Energy was a small local business that, due to the issues outlined, did not have endless resources to maintain its business.
- ◆ The current applications had been submitted in May 2018, with a 20 month determination period being required to continue with existing infrastructure, which he considered to be disproportionate.
- ◆ The application accorded with national and local planning policies and there had been no objections from the statutory consultees.
- ◆ The applicant recognised that climate change issues were impacting upon the concept of the use of fossil fuels, going forward. He noted that Third Energy were willing to be included in the changes required to meet the move towards zero carbon use. He emphasised that hydrogen production did not conflict with the move towards carbon reduction and assisted with the increased consumption of electricity. He noted that, going forward, the increased need for gas in the UK would see imports rising to around 46% and considered it more beneficial to the environment and human rights as, rather than importing gas from areas that had no controls on these issues, it was safer and more ecological to extract from a local sources for use in that area. He also emphasised the employment benefits of the continuation of the extraction of the gas brought.

**121. (NY/2018/0108/73A) - Variation of condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/C for an extension to the operating period of the existing well-site to continue consented activities for a further 17 years to 31 December 2035 at Kirby Misperton 1/3 Wellsite, Alma Farm, Kirby Misperton, North Yorkshire**

Considered -

The report of the Corporate Director - Business and Environmental Services requested the Committee to determine an application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of the application by means of both press and site notices.

The application had given rise to ten representations, all of which were objections, including ones from local and national campaigning groups, Frack Free Ryedale and Friends of the Earth (the latter being only in so far as the application concerning an



extension to the KM-A well-site in 2012 under application reference no. NY/2019/0079/FUL) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which those representations had been made were provided in summary within section 5 of the report and related, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptably high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of reliance upon fossil fuels; excessive extended period; absence of any gas left demonstrated by absence of production; and, outdated infrastructure.

In accordance with the County Council's adopted Officers' Delegation Scheme, delegated powers to determine applications does not exist where there are unresolved objections on material planning grounds. In light of the objections raised the planning application was brought before Members for determination.

Before introducing the report the Head of Planning Services stated that reports (Minute Nos. 121-128 inclusive) were of a similar nature (with the exception of Minute No. 123 - Retention of the existing Vale of Pickering Pipeline Network between existing well-sites and Knapton Generating Station) and would, therefore, be introduced extensively through the first report, with a brief summary provided for the remaining reports, so as not to repeat the same issues for consideration. It was noted that Members would also raise the general issues on these reports at the conclusion of the presentation of the initial report, with any specific issues relating to each individual report raised at that time.

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 and planning considerations. The report also provided the conclusion and recommendations. 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 noted that there were a number of alterations to the conditions attached to the report and highlighted them as follows:-

Condition No. 1 - replace "10<sup>th</sup>" with "9<sup>th</sup>".

Condition No. 3 - insert additional bullet point "A detailed dust management plan (including litigation measures)" and insert "works on an existing well required less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation/de-mobilisation averaged over a three day period" at the end of definition\*\*.

Condition No. 19 - replace "of the" with "major work-over" before "operations".

Condition No. 25 - insert "previously approved landscape management plan (doc. Ref. TEUG/LMP/2014 dated 02/2014 the" before "environmental".

Condition No. 32 - insert "and five year aftercare".

Members undertook a detailed discussion of the application, noting that the general discussion for applications nos. 121-128 inclusive, would be undertaken at this stage. The following issues and points were raised:-

- ◆ A Member noting that the applications would provide an opportunity to drill a further

4,000 feet asked whether that could be used for hydraulic fracturing. In response the Head of Planning Services stressed that the applications were for gas exploration only and should the company wish to undertake hydraulic fracturing they would be required to submit a separate application in relation to that.

- ◆ Clarification was provided as to the remit of the planning authority in relation to the sites and how conditions to the planning consents were applied. It was noted that separate licences from the oil and gas authorities were required in relation to the gas extraction from the wells.
- ◆ A Member noted that the NPPF highlighted the need for sufficient quantity and quality of material to be available through the process, for an application to be considered to be acceptable and wondered whether this met that criteria. In response it was noted that assessments had been carried out by the applicant which indicated that the material was available on the sites and was of national importance. It was noted that the applications were subject to scrutiny from various organisations and authorities in respect of the process involved. The applications were in line with planning policy and national planning policy. There were other permits and permissions required to be obtained by the applicant and various regulations to comply with in terms of the process of gas extraction, which were subject to authorisation from other bodies. Consideration would be given to issues such as the quantity of material available before permits and permissions were issued. It was emphasised that all these requirements had to be in place before the work could be undertaken.
- ◆ A Member noted an issue raised by the public questioner regarding the need for gas and questioned whether, going forward this resource would be required. Members recognised that there would be the need for gas, for a while, going forward, despite the move towards renewable energy. It was also noted that although gas usage was set to diminish, there was still the need for electricity, and the gas being generated via Knapton was being utilised to produce this.
- ◆ A Member noted that many of the issues raised in objection to the applications were not planning considerations and, whilst acknowledging that these were issues of concern he emphasised that the consideration of planning applications had to follow appropriate planning guidance.
- ◆ A Member suggested that the most effective use of the gas was not in generating electricity. He noted that there were a number of gas power stations within the area, and feared that the downturn in the need for gas would create capacity issues. He considered that the most effective use of the gas would be for the people of Ryedale to utilise as a locally sourced fuel, rather than using this to produce electricity.
- ◆ A Member acknowledged the concerns regarding climate change and the national approach to that. He also noted that energy was still required and would be into the future. He recognised that the applicant had met the appropriate criteria in relation to current planning policies and procedures and that there were no technical objections to the applications. He concluded, therefore, that there was no appropriate reason for the application to be refused.

**Resolved -**

That the application be “minded to be granted”, in view of the requirement for the Secretary of State to determine screening directions in respect of the application, subject to the reasons set out in the report, and in line with the conditions highlighted in the report, subject to the amendments to the conditions outlined, and, following receipt of directions from the Secretary of State, the final decision be delegated to the Head of Planning Services to implement accordingly.

**122. (NY/2018/0112/73A) - Variation of condition No. 3 of Planning Permission Ref. C3/10/00924/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 at Kirby Misperton 2 Wellsite, Alma Farm, Habton Road, Kirby Misperton,**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine the planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of this application by means of both press and site notices.

The application had given rise to ten representations; all of which were in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which the representations had been made were provided in summary within section 5 of the report and relate, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptable high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of reliance upon fossil fuels; 17 years was excessive; absence of any gas left demonstrated by absence of production; and, outdated infrastructure.

In accordance with the County Council's adopted Officers' Delegation Scheme, delegated powers to determine applications did not exist where there were unresolved objections on material planning grounds; in light of the objections raised the planning application was brought before Members of the Committee for determination.

The Head of Planning Services presented the report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

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.

The Head of Planning Services outlined the following amendments to the conditions contained within the report:-

Condition No. 3 - insert additional bullet point “A detailed dust management plan (including mitigation measures)” and insert “works on an existing well requiring less than 28 days and

less than 10 HCV movements per day and less than 30 HCV movements during mobilisation/de-mobilisation averaged over a three-day period” at the end of definition\*\*.

Condition No. 19 - replace “of the” with “major work-over” before “operations”.

Condition No. 25 - replace “#####” with “TEUG/LMP/2014 dated 02/2014” and delete “and the ‘additional planting and landscape maintenance’ plan DRWG No. 01/06/001 (dated 7 October 2015)”.

Condition No. 32 - insert “and five year aftercare”.

Members referred to the issues they had raised in relation to Minute No. 121, during the general discussion of that application as being pertinent to this application.

**Resolved -**

That the application be “minded to be granted” in view of the requirement for the Secretary of State to determine screening directions in respect of the application, subject to the reasons set out in the report, and in line with the conditions highlighted in the report, subject to the amendments to the conditions outlined above, and, following receipt of directions from the Secretary of State, final decision be delegated to the Head of Planning Services to implement accordingly.

- 123. (NY/2018/0113/73A) - Variation of condition No's 1 and 2 of Planning Permission Ref. C3/06/00625/CPO/F for the retention of the existing Vale of Pickering pipeline network between existing well-sites and Knapton Generating Station (including the pipeline from the Pickering well-site to Kirby Misperton–A well-site) for a further 17 years from 2018 to 2035 at Pipeline to Knapton Generating Station, East Knapton, Malton, North Yorkshire**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of this application by means of both press and site notices.

The application had given rise to ten representations, all of which were in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which these representations had been made were provided, in summary, within section 5 of the report and relate, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptably high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of reliance upon fossil fuel; 17 years is excessive; absence of any gas left demonstrated by absence of production; and, out-dated infrastructure.

In accordance with the County Council’s adopted Officers’ Delegation Scheme, delegated powers to determine applications did not exist where there were unresolved objections on material grounds. In light of the objections raised the planning application was brought before Members of the Committee for determination.

The Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultation that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

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.

The Head of Planning Services highlighted the following amendments to the conditions outlined in the report:-

Condition No. 4 - insert "existing" before "points of access" followed by "off the public highway".

Condition No. 9 - replace "In accordance with a scheme approved in writing by the County Planning Authority. Such an approved scheme shall include details of location, height, type, orientation and intensity of the lighting" with "Temporary lighting required for safety reasons during maintenance".

Members referred to the issues they had raised in relation to Minute No. 121, during general discussion of that application, as being pertinent to this application.

**Resolved -**

That the application be "minded to be granted" in view of the requirement for the Secretary of State to determine screening directions in respect of the application, subject to the reasons set out in the report, and, in line with the conditions highlighted in the report, subject to the amendments to the conditions outlined above, and, following receipt of the directions from the Secretary of State, final decision be delegated to the Head of Planning Services to implement accordingly.

**124. (NY/2018/0114/73A) - Variation of Condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/A for an extension to the operating period of the existing well-site to continue consented activities for a further 17 years from 2018 to 2035 at Malton A Well-site, Habton Lane, Great Habton, Malton**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of this application by means of both press and site notices.

The application had given rise to ten representations all of which were in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which these representations had been made were provided, in summary, within section 5 of the report and related, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptable high levels of noise; high levels of traffic impact; impacts on local economy

and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of reliance on fossil fuels; 17 years is excessive; absence of any gas left demonstrated by absence of production; and, out-dated infrastructure.

In accordance with the County Council's adopted Officers' Delegation Scheme, delegated powers to determine applications do not exist where there are unresolved objections on material planning grounds. In light of the objections raised this planning application was brought before Members of the Committee for determination.

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 and planning considerations. The report also provided a conclusion and recommendations.

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.

The Head of Planning Services noted that there were a number of changes in relation to the conditions attached to the proposal, which were outlined as follows:-

Condition No. 1 - replace "10<sup>th</sup>" with "11<sup>th</sup>".

Condition No. 3 - insert bullet point "A detailed dust management plan (including mitigation measures)" and insert "works on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation/de-mobilisation averaged over a 3-day period" at the end of definition\*\*.

Condition No. 13 - replace "42" with "45".

Condition No. 19 - replace "of the" with "major work-over" before "operations".

Condition No. 32 - insert "and five year aftercare".

Members referred to the issues they had raised in relation to Minute No. 121, during the general discussion of that application, as being pertinent to this application.

#### **Resolved -**

That the application be "minded to be granted" in view of the requirement for the Secretary of State to determine screening directions in respect of the application, for the reasons set out in the report, and in line with the conditions highlighted in the report, subject to the amendments to the conditions outlined above, and, following receipt of directions from the Secretary of State, the final decision be delegated to the Head of Planning Services to implement accordingly.

- 125. (NY/2018/0116/73A) - Variation of Condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/B for an extension to the operating period of the existing well-site to continue consented activities for a further 17 years from 2018 to 2035 at Malton B Well-site, Kirby Misperton Lane, Great Habton, Malton**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting

Members to determine a planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of this application by means of both press and site notices.

The application had given rise to ten representations; all of which were in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which the representations had been made were provide, in summary, within section 5 of the report and related, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptably high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of reliance on fossil fuels; 17 years is excessive; absence of any gas left demonstrated by absence of production; and out-dated infrastructure.

In accordance with the County Council's adopted Officers' Delegation Scheme delegated powers to determine applications do not exist where there are unresolved objections on material planning grounds. In light of the objections raised this planning application was brought before Members for determination.

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 and planning considerations. The report also provided a conclusion and recommendations.

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.

The Head of Planning Services noted that there were amendments to the conditions outlined in the report, which she detailed as follows:-

Condition No. 3 - insert additional bullet point "A detailed dust management plan (including mitigation measures)" and insert "works on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation/de-mobilisation averaged over a 3-day period" at the end of definition\*\*.

Condition No. 19 - replace "of the" with "major work-over" before "operation".

Condition No. 32 - insert "and five year aftercare".

Members referred to the issues they had raised in relation to Minute No. 121, during the general discussion of that application, as being pertinent to this application.

#### **Resolved -**

That the application be "minded to be granted" in view of the requirement for the Secretary of State to determine screening directions in respect of the application, subject to the reasons set out in the report, and in line with the conditions highlighted in the report, subject to the amendments to the conditions outlined above, and, following receipt of directions from the Secretary of State, the final decision be delegated to the Head of Planning Services to implement accordingly.

**126. (NY/2018/0117/73A) - Variation of Condition No. 9 of Planning Permission Ref. C3/09/00344/CPO for an extension to the operating period of the existing well-site to continue consented activities for a further 17 years from 2018 to 2035 at Pickering Well-site, Pickering Showground, Malton Road, Pickering**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of this application by means of both press and site notices.

The application had given rise to ten representations all of which were in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which the representations had been made were provided, in summary, within section 5 of the report and relate, inter alia, to conflict within planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptably high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of reliance upon fossil fuels; 17 years is excessive; absence of any gas left demonstrated by absence of production; and, out-dated infrastructure.

In accordance with the County Council's adopted Officers' Delegation Scheme delegated powers to determine applications do not exist where there are unresolved objections on material planning grounds. In light of the objections raised the planning application was brought before Members of the Committee for determination.

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 and planning considerations. The report also provided a conclusion and recommendations.

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.

The Head of Planning Services noted that there were amendments to the conditions detailed in the report which were highlighted as follows:-

Condition No. 1 - replace "10<sup>th</sup>" with "11<sup>th</sup>".

Condition No. 3 - insert additional bullet point "A detailed dust management plan (including mitigation measures)" and insert "works on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation/de-mobilisation averaged over a 3-day period" at the end of definition\*\*.

Condition No. 19 - replace "of the" with "major work-over" before "operation".

Condition No. 32 - insert "and five year aftercare".



Members referred to the issues they had raised in relation to Minute No. 121, during the general discussion of that application, as being pertinent to this application.

**Resolved -**

That the application be “minded to be granted” in view of the requirement for the Secretary of State to determine screening directions in respect of the application, for the reasons set out in the report, and in line with the conditions highlighted in the report, subject to the amendments to the conditions as outlined above, and, following receipt of directions from the Secretary of State, the final decision be delegated to the Head of Planning Services to implement accordingly.

**127. (NY/2018/0118/73A) - Variation of Condition No. 2 of Planning Permission C3/06/00625/CPO/E for an extension to the operating period of the existing well-site to continue consented activities for a further 17 years from 2018 to 2035 at Marishes Well-site, Wath Hall, Low Marishes, Malton**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine the planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of the application by means of both press and site notices.

The application had given rise to ten representations all in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth) as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which these representations had been made were provided, in summary, within section 5 of the report and related, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threat to water quality; unacceptably high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change, need more renewables and abandonment of a reliance upon fossil fuel; 17 years is excessive; absence of any gas left demonstrated by absence of production; and, out-dated infrastructure.

In accordance with the County Council's adopted Officers' Delegation Scheme delegated powers to determine applications did not exist where there were unresolved objections on material planning grounds. In light of the objections raised, this planning application was brought before Members of the Committee for determination.

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 and planning considerations. The report also provided a conclusion and recommendations.

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.

The Head of Planning Services noted that there were amendments to the conditions published in the report which she highlighted as follows:-

Condition No. 3 - insert additional bullet point “A detailed dust management plan (including mitigation measures)” and insert “works on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation/de-mobilisation averaged over a 3-day period” at the end of definition\*\*.

Condition No. 19 - replace “of the” with “major work-over” before “operation”.

Condition No. 32 - insert “and five year aftercare”.

Members referred to the issues they had raised in relation to Minute No. 121, during the general discussion of that application, as being pertinent to this application.

**Resolved -**

That the application be “minded to be granted” in view of the requirement for the Secretary of State to determine screening directions in respect of the application, for the reasons stated in the report, and in line with the conditions highlighted in the report, subject to the amendments to the conditions outlined above, and, following receipt of directions from the Secretary of State, the final decisions be delegated to the Head of Planning Services to implement accordingly.

- 128. (NY/2019/0079/FUL) - Continue use of the extension to the Kirby Misperton A well-site (previously consented under C3/12/00989/CPO) for operations associated with gas production; including production of gas from the existing production borehole, the drilling and testing of one additional production borehole followed by subsequent production of gas and the maintenance of the well-site and boreholes (work-overs) at Kirby Misperton A well-site (2012 Extension), Alma Farm, Kirby Misperton, North Yorkshire**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application submitted on behalf of Third Energy UK Gas Limited. The application had been subject to consultation with both statutory and non-statutory bodies, organisations and agencies as well as public consultation through the advertisement of the information submitted by the applicant during the processing of this application by means of both press and site notices.

The application had given rise to ten representations all of which were in objection, including ones from local and national campaign groups (Frack Free Ryedale and Friends of the Earth), as well as private individual members of the public and the Yorkshire Wildlife Trust. The grounds of objection upon which the representations had been made were provided, in summary, within section 5 of the report and related, inter alia, to conflict with planning policy; air quality impact; harm to biodiversity; threats to water quality; unacceptably high levels of noise; high levels of traffic; impacts on local economy and tourism; industrialisation of the countryside; climate change; need for more renewables and abandonment of reliance upon fossil fuel; 17 years being excessive; absence of any gas left demonstrated by absence of production; and, out-dated infrastructure.

In accordance with the County Council’s adopted Officers’ Delegation Scheme delegated powers to determine applications did not exist where there were unresolved objections on material planning grounds. In light of the objections raised, the planning application was brought before Members of the Committee for determination.

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 and planning considerations. The report also provided a conclusion and recommendations.

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.

The Head of Planning Services noted that there were amendments to the conditions outlined in the report, which she detailed as follows:-

Condition No. 3 - insert additional bullet point "A detailed dust management plan (including mitigation measures)" and insert "works on an existing well requiring less than 28 days and less than 10 HCV movements per day and less than 30 HCV movements during mobilisation/de-mobilisation averaged over a 3-day period" at the end of definition\*\*.

Condition No. 19 - replace "of the" with "major work-over" before "operation".

Condition No. 32 - insert "and five year aftercare".

#### **Resolved -**

That the application be "minded to be granted" in view of the requirement for the Secretary of State to determine screening directions in respect of the application, for the reasons set out in the report and in line with the conditions highlighted in the report, subject to the amendments to the conditions outlined above, and, following receipt of directions from the Secretary of State, the final decision be delegated to the Head of Planning Services to implement accordingly.

- 129. C2/19/02210/CCC – (NY/2019/0026/FUL) - Change of use of land to a road-stone recycling plant, to include the erection of a concrete holding bay 2.4 metres high, erection of a green palisade perimeter fence with a sliding access gate 2.4 metres high, siting of a mobile crushing plant, (14.79) sq. metre portable cabin for office/wc/welfare facilities and the provision of 2 car parking spaces at Land to the rear of Unit 1, Skipton Old Airfield, Sandhutton, Thirsk, North Yorkshire**

#### **Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application for the change of use of land to a road-stone recycling plant, as detailed above.

The application was subject to an objection having been raised by a local resident in respect of the proposal on the grounds of the adequacy of the noise report and transport assessment and the resultant amenity impact and was therefore, reported to the Committee for determination.

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 and planning considerations. The report also provided a conclusion and recommendations.

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

The representative of the Head of Planning Services noted that, as an update to report, in relation to paragraph 7.13, there had been reference to the use of non-audible or low tone reversing alarms on site, however, these would not be required. He also noted that since the publication of the report Sandhutton Parish Council had indicated that they raised no objections to the application.

A revised set of conditions, amended from those set out in the report, was circulated, outlining the following details:-

**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.

*Reason: 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.*

**PLANS AND DOCUMENTS**

2. The development hereby permitted must be carried out in accordance with the application details dated 7<sup>th</sup> June 2019 and the following approved documents and drawings:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
02018/1 Rev B	10/10/2019	Plans Sections Elevations
Block Plan 003 Rev A	11/10/2019	Proposed Block Plan
Sound Impact Assessment (S. & D. Garritt Ltd)	11 <sup>th</sup> July 2018	Sound Impact Assessment of Asphalt Recycling Facility at Proposed Robinsons Road Planning Site, Nitrovit Row, Sandhutton, Thirsk
Revised Design Statement	14/10/2019	Revised Design Statement
Revised Planning Statement	14/10/2019	Revised Planning Statement
Manufacturer Details of Recycling Plant		Technical Specification Mobile cold recycling mixed plant KMA200; Palisade Fencing First Fence; Danfords Low Level Silo's
Project Number: 19278	June 2019	Flood Risk Assessment
10722/BL/001/02 (Sanderson Associates)	October 2018	Transport Statement
Poggi Manufacturer Details -Silo		Poggi Manufacturer Details - Silo
Britcab Guardian Units		Britcab Guardian Units
Office Welfare Cabin Elevations 002	31/07/2019	Office Welfare Cabin Elevations
Equipment Height	16/10/2019	Equipment Height
Line of Sight Map	16/10/2019	Line of Sight Map

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
Location Plan Rev C	08/01/2020	Location Plan Rev C
Drg No. 2018/2 Rev A	08/01/2020	Site Plan Showing Areas to be Conditioned

*Reason: To ensure that the development is carried out in accordance with the application details.*

### **LIGHTING**

3. Details of any lighting proposed in connection with the use must be submitted to and approved by the County Planning Authority in writing prior to the commencement of the development. All lighting on site shall be switched off by 6 pm Monday to Friday and must not be turned on until 8 am on any working day.

*Reason: To protect amenity.*

### **LANDSCAPING**

4. Prior to the commencement of development, details of the proposed infill hedgerow planting adjacent to the eastern boundary of the site, including sizes, types and numbers, must be submitted to and approved in writing by the County Planning Authority.
  - a) The approved planting scheme must be implemented in the first available planting season following commencement of the use;
  - b) Trees/hedges and shrubs planted in accordance with this scheme must be protected for a period of 5 years against damage or failures and any such occurrences must be replaced with trees or bushes of such size and species as may be specified by the County Planning Authority, in the planting season immediately following any such occurrences for a period of 5 years to ensure their establishment. Planted areas must be managed in accordance with good forestry practice for a period of 5 years from the date of decision.
  - c) Trees/hedges planted in accordance with this scheme must be trimmed and kept at a minimum of 5 metres in height.

The landscape scheme must be developed and maintained in accordance with the approved programme.

*Reason: To ensure maintenance of a healthy landscaping scheme and in order to ensure adequate screening and protect the amenity of the site.*

### **PROTECTION OF EXISTING TREES**

5. Existing trees adjacent to the eastern boundary of the site as shown on plan Drg No. 2018/2 Rev A dated 8/01/2020 must be retained. If existing mature trees within the site die or become, in the opinion of the County Planning Authority, seriously damaged or defective, these must be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

*Reason: To protect the amenity of the area and to ensure the provision and establishment of acceptable landscaping.*

## **FENCING**

6. The proposed green palisade boundary fence must be installed prior to the commencement of the development and the fence must continue to be maintained in a good state of repair for the duration of the intended use.

*Reason: In the interests of amenity.*

## **HOURS OF USE**

7. The use must not take place outside the hours of 8 am and 6 pm Monday to Friday, 8 am and 1 pm Saturday and at no time on Sundays and Bank Holidays.

*Reason: In the interests of neighbour amenity.*

## **HIGHWAYS (OPERATIONAL HGV NUMBERS LIMIT)**

8. HGV movements to and from the site along the shared access road to the A167 must not exceed 30 per day, 15 in and 15 out on any working day.

*Reason: In the interests of highway safety and amenity.*

## **STOCKPILING OF MATERIAL**

9. Stockpiles of material on site must not exceed 4.5 metres in height.

*Reason: To protect amenity.*

## **LOCATION OF MOBILE CRUSHING PLANT**

10. The mobile crushing plant must be located within the 5 metre buffer to the north of the concrete acoustic wall, as shown on plan Drg No. 2018/2 Rev A dated 8/01/2020.

*Reason: In the interests of amenity and to ensure the effectiveness of the noise mitigation.*

## **FLOOD RISK ASSESSMENT**

11. The development must be carried out in strict accordance with the submitted Flood Risk Assessment (Project Number: 19278, dated June 2019 by Topping Engineers).

*Reason: To protect the amenity of the area and in order to prevent flooding in line with policy.*

## **Informatives**

1. This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency, unless a waste exemption applies. The applicant is advised to contact the Environment Agency directly.

2. The applicant is advised to contact National Grid to discuss a crossing agreement.

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

- ◆ A Member stated that he had previously visited the site and had concerns regarding the narrow highway that led from the main highway to the service road within the application site. He realised that this was a private industrial estate and, therefore, it was difficult to condition in relation to that, however, he felt it necessary to outline his concerns in relation to the safety of that stretch of the service road. In response it was stated that there would be very few vehicle movements along that road, with only around 5 to 15 movements expected each week. It was noted, however, that these could be undertaken over one to two days rather than utilising the full week, however, it was suggested that the few vehicle movements would not cause concern in terms of road safety on the site.

**Resolved -**

That the application be approved for the reasons stated within the report and subject to the revised conditions, as detailed above.

130. **C8/2019/0194/CPO - (NY/2019/0005/73) - Planning application accompanied by an Environmental Statement for the purposes of the variation of condition no's 2, 3, 4, 5, 6, 9, 11, 13, 14, 15, 26, 37, 38, 39, 42, 43, 54, 55, 56, 57, 58 and 62 of planning permission ref. no. C8/2013/0677/CPO - 'The relocation of colliery activities and construction of an energy centre to recover energy from waste with ancillary development, including offices and utility uses (e.g. workshops and electrical rooms); parking; a new access point and improvements to the existing access; internal roads; railway sidings; a weighbridge and gatehouse; a substation and transformer compound; a national grid connection; private wire connection to the colliery; sustainable urban drainage systems; lighting; CCTV; landscaping and fencing on land at Kellingley Colliery, Turver's Lane, Knottingley, West Yorkshire.'** The proposed variations relate to:- Increasing the consented annual throughput of waste at the Southmoor Energy Centre, increasing the two way HGV movements, increasing the two way HGV movements during construction of the energy centre, changes to aspects of the consented development to accommodate plant selection including changes to the Turbine Hall, Boiler Hall, FGT plant and ACC unit, and changes to the consented construction phasing to include the use of the former Kellingley Colliery access at land at the Former Kellingley Colliery, Turvers Lane, Kellingley, Selby

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application, accompanied by an Environmental Statement, as outlined above.

The application was subject to eight objections from members of the public, objections from Beal and Eggborough Parish Councils, and an objection from United Kingdom Without Incineration (UKWIN) and was, therefore, reported to the Committee for determination.

Local representative, District Councillor Mary McCartney, addressed the Committee outlining the following:-

- ◆ The proliferation of energy from waste facilities in the area would see the Southmoor Energy Centre having to go further afield to obtain its waste to ensure that the facility was viable.
- ◆ The proposal, therefore, conflicts with the proximity principle and also did not accord with recycling targets which would also further reduce the amount of available waste for incineration to produce energy from waste.
- ◆ She noted the issues outlined by UKWIN within the report and considered that these should have been given more consideration in terms of the proposed development.
- ◆ She noted that Government policy was for waste to be dealt with locally, whereas this proposal would require waste to be brought from much further afield. She highlighted the environmental concerns that had been raised by Government Ministers and the need to ensure that waste was dealt with locally and in an environmentally satisfactory fashion, which was not being followed through this application.
- ◆ She also raised concerns regarding the impact on the local communities of bringing more waste to the area, with the increased numbers of HGV movements in respect of that.

Sam Thistlethwaite of Barton Willmore, the agent of behalf of the applicant, addressed the Committee, outlining the following:-

- ◆ He welcomed the positive recommendation within the report and noted that the principle for the development had previously been established through prior planning approvals.
- ◆ He acknowledged that the project was complex and it was expected that it would be refined further through continued extensive design work and it was expected that the project would be subject to additional improvements.
- ◆ He noted that the project brought a number of benefits to the area, with around £200m investment, 375 full-time jobs during the construction phase and 38 full-time jobs when the centre was operational.
- ◆ It was hoped that the new plan, if approved, would allow work to commence in early 2020 and would enable the company to obtain the appropriate environmental permits for operations on the site.

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 and planning considerations. The report also provided a conclusion and recommendations.

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.

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



- ◆ A Member raised concerns regarding section 7 within the report, specifically the “need” for the application. He considered the proliferation of energy from waste sites in the area significantly diminished that need and noted that the arguments put forward by UKWIN in the consultations provided details as to why the proposal was not needed. In response it was noted that a recent energy from waste appeal decision had indicated that the Secretary of State was in agreement with the Planning Inspector that the generation of energy from an energy from waste plant would result in overall carbon savings compared to the existing situation. It was acknowledged that there was a balance to be developed between carbon savings and the proximity principle but it was felt that this was adhered to in relation to this application, particularly as, to operate a viable business, the applicant had no desire to transport material from further afield due to the additional costs that this would create. The Member suggested that a substantial amount of funding was being put in by the company, therefore, there would be a need for them to get a return from their investment which was why the potential for transporting in material from further afield was likely. He also considered that the large amount of incineration now taking place within the area would have an impact on recycling rates. In response it was considered that this would not be the case and Members had to consider that this was a relatively small change to the application that had previously been approved by the Committee. The Member stated that he did not consider a 25% increase in waste being processed to be relatively small. He also raised concerns regarding the increase in HGV movements through local communities in the area through the large increases in the tonnage of waste being brought to the plant. He asked whether the planning application could be agreed without those elements being approved. In response it was stated that this was not the case as those elements were essential parts of the revised application.
- ◆ A Member asked that if the new tonnage rates had been in place for the original application whether additional infrastructure would have been put in place to accommodate that and whether rail line use and additional access roads would have been provided to prevent the HGVs having to travel through local communities. In response it was noted that discussions around alternative transport methods were continuing and the transport plan being developed through the Section 106 Agreement was being utilised to continue to explore other options. It was emphasised that alternative viable options to transporting the waste to the site would be developed as soon as possible. In relation to this it was asked what would be the trigger for rail to be utilised as an alternative to road transport. In response it was said that a figure could not be provided as the original application related to vehicle movements, however, it was expected that it would have been above the levels for the current application. It was also emphasised that Highways had been consulted in relation to this application and they had not expressed a concern regarding the capacity on local highways in respect of this. It was reiterated that alternative methods of transport would continue to be explored. A Member suggested that although alternative methods of transport would be considered it was unlikely that anything other than HGVs would be utilised, going forward.
- ◆ A Member asked about the size of the facility in relation to Allerton Park, however, figures were not available at the time of the meeting and would be provided to Members outside of the meeting. It was noted that the facility was large enough to provide energy to around 40,000 homes. In terms of comparison to Allerton Park it was noted that the application facility did not have the number of separation facilities for recyclables, however, material brought to the site would have already

been through a separation phase to ensure recyclables had been removed and it was noted that this was monitored through the environmental permit issued by the Environment Agency.

- ◆ A Member noted that a business park was planned nearby to the facility and asked whether the energy produced would be capable of supplying heat and energy to that. In response it was noted that planning permission had been provided for a business park to be created next to the energy plant. It was noted that Government guidance sought to utilise energy from such facilities to nearby and adjacent properties and should the business park become established then the facility could provide energy to that. It was emphasised, however, because that was not currently in place it could not be taken account of in terms of this application. Members were reminded by the Chairman that the application had to be considered on its own merits and not in relation to other nearby facilities or provisions.
- ◆ A Member suggested that should this application have been submitted at the time of the original application that it would have been refused. He suggested that the applicant had misled the Committee regarding the extent of the application previously, particularly in relation to the proximity principle. He emphasised that he was not against incineration but did not consider bringing in waste from outside areas for this to take place was anything other than a business venture rather than waste disposal. He emphasised his concerns in terms of environmental impacts on the area from the importing of waste from other areas. He did not consider that a 25% increase in the waste coming into the site to be minor and considered the impact on the local area to be substantial. He therefore considered that the application should be refused due to the large increase in the amount of waste being brought into the area and the related increase in HGV movements. He asked that Members take account of the impact on lives in local communities and the environmental concerns created by the proposals in the application.
- ◆ Members acknowledged the issues raised by the Member in relation to the application, but emphasised that the changes outlined were relatively minor in comparison to the original application that was agreed. It was considered, therefore, there were not enough planning considerations within the new application to consider refusal of the application.

#### **Resolved -**

That the application be approved for the reasons stated within the report and subject to the conditions detailed.

- 131. C8/2019/0732/CPO – (NY/2019/0091/ENV) - The extraction and export of pulverised fuel ash ('PFA') from Lagoons C and D and Stages II and III of the Gale Common Ash Disposal Site and associated development, including the provision of processing plant, extended site loading pad, upgraded site access arrangement and facilities, additional weighbridges and wheel wash facility, extended site office and other ancillary development; highway improvement works on Cobcroft Lane/Whitefield Lane between the site and the A19 and at the Whitefield Lane junction with the A19; and a new access from Cobcroft Lane, car parking and ancillary development in connection with proposals for public access to Stage I at Gale Common Ash Disposal Site, Cobcroft Lane, Cridling Stubbs, Selby**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to undertake a site visit to the Gale Common Ash Disposal Site near Whitley prior to receiving a report regarding the determination of the above planning application, in light of the request from Whitley Parish Council for Members to visit the site prior to determination.

**Resolved -**

That Members agreed to a site visit being undertaken by Members of the Committee, and invited Parish Council representatives, to the site at Gale Common, to be undertaken on 4 February 2020.

**132. 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 14 October 2019 to 10 December 2019, inclusive.

**Resolved -**

That the report be noted.

The meeting concluded at 12.45 pm.

SL/JR

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

31 MARCH 2020

**C6/19/00988/CMA - PLANNING APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 FOR THE VARIATION OF CONDITION NO'S 1, 2 & 20 OF PLANNING PERMISSION REF. C6/500/63J/CMA FOR THE CONTINUATION OF WASTE DISPOSAL OPERATIONS FOR A FURTHER 6 YEARS FROM 31 DECEMBER 2018 UNTIL 31 DECEMBER 2024 WITH A FURTHER YEAR FOR RESTORATION, TO AMEND THE FINAL RESTORATION LEVELS ACROSS THE SITE AND TO AMEND THE FINAL RESTORATION SCHEME FOR THE SOUTHERN PART OF THE SITE ON LAND AT ALLERTON PARK LANDFILL, MOOR LANE (OFF A168), KNARESBOROUGH, HG5 0SD (BOROUGHBRIDGE, AINSTY ELECTORAL DIVISION – HARROGATE DISTRICT)**

**Report of the Corporate Director – Business and Environmental Services**

**1.0 Purpose of the report**

- 1.1 To determine a planning application without compliance with conditions previously attached (namely condition no.s 1, 2 & 20 of planning permission ref. no. C6/500/63J/CMA, dated 23<sup>rd</sup> May 2002) in order to continue waste disposal operations for a further 6 years from 31<sup>st</sup> December 2018 until 31<sup>st</sup> December 2024 with a further year for restoration, to amend the final restoration levels across the site and to amend the final restoration scheme for the southern part of the site on land at Allerton Park Landfill, Moor Lane (Off A168), Knaresborough, HG5 0SD on behalf of FCC Environment.
- 1.2 This application is subject to an objection from the *Gardens Trust*, the statutory consultee for registered parks and gardens, on the grounds of impacts on heritage assets and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 The Allerton Park Landfill site is an existing and partially completed landfill, located within a former quarry and operating under planning permission C6/500/63J/CMA, dated 23<sup>rd</sup> May 2002. The historic parkland at *Allerton Park* is located within and immediately south of the site. The historic parkland is designated a Grade II *Registered Park and Garden*; however, it is not open to the public. It includes a selection of other listed buildings in its grounds including the *Temple of Victory* (Grade II\*); *Allerton Park Mansion* (also known as *Allerton Castle*) (Grade I); a folly to the north of *Middle Fish Pond* (Grade II); the bridge between *Middle Fish Pond* and *Lower Fish Pond* (Grade II); and the *Church of St Mary* (Grade II\*).
- 2.2 Within a distance of approximately 3.5 kilometres, there are four villages close to the proposal site within which are areas designated as *Conservation Areas*. These include Marton-cum-Grafton, Little Ouseburn, Whixley and Coneythorpe.
- 2.3 The site is located 5 kilometres to the east of Knaresborough and 8 kilometres to the south of Boroughbridge, to the east of the A1(M) and adjacent to the *Allerton Waste Recovery Park*. The areas west of the roads, and north and east of the site are arable

farmland and areas of small woodland. Areas of dense woodland border the site to the north east and east. Belts of tree planting run along the southern boundary with Allerton Park, and along the western boundary with the A168.

- 2.4 The site is 48 hectares in size and is located within a lowland area within the Natural England's *Landscape Character Area*, the '*Southern Magnesian Limestone*' (Character Area 30). As noted in the submitted documents, this area is extensive and therefore not all attributes will be relevant to all specific locations within the *Character Area*. Amongst its key characteristics are intensively farmed arable land with large fields, estates with designed gardens and parklands, woodlands, plantations and game coverts. The *North Yorkshire and York Landscape Characterisation Project* identifies the proposal site as being within the *Landscape Character Type (LCT) 6: Magnesian Limestone Ridge*. The site is more locally at the boundaries between Harrogate District *Landscape Character Assessment Landscape Character Areas (LCAs) LCA69 East Knaresborough Arable Farmland* and *LCA91 Marton Rolling Arable Farmland*. *LCA 95 Whixley Arable Farmland* is located to the south east.
- 2.5 The *Allerton Park Registered Park and Garden* lies outside of any of the above-mentioned LCAs; although the need to protect the setting of the *Registered Park and Garden* at *Allerton Park* is acknowledged within *LCA91*. The landform of the general area around the application site undulates between 40-65 metres above ordnance datum (AOD) with some higher points such as *Sand Hill* (at 76m AOD) which lies within the application site to the south of *Claro House*.
- 2.6 The landforms immediately surrounding the application site have been affected by various forms of development over recent years such as the works connected with the highway improvement schemes of the A1(M) and the A168. Such works have included the creation of significant engineered embankments planted up with substantial landscaping. Direct views into the application site by users of these two public highways are generally impeded by these embankments. The embankments, together with the landscaping atop, serve not only as visual screens, but also as environmental improvements with associated aesthetic and biodiversity benefits.
- 2.7 As a former quarry, the areas where waste has not been tipped are significantly below ground level (by up to 15-20 metres along the southern boundary). The northern and central parts of the site have been completed and restored to the approved levels. The southern part of the site has significant landfill void remaining however, and has not been completed. It also contains an area which has not been subject to any waste tipping which contains a surface water lagoon.
- 2.8 The nearest residential properties comprise:
- Keepers Cottage (95 metres east of the application boundary);
  - Walls Close Farm Cottage (110 metres east of the application boundary);
  - Wall Close House (130 metres east of the application boundary);
  - The Fold House (150 metres east of the application boundary);
  - South Farm (110 metres north of the application boundary); and
  - Thornbar Farm (320 metres north of the application site).
- 2.9 The site is adjacent to *Allerton Waste Recovery Park (AWRP)*, granted planning permission 14<sup>th</sup> February 2013 and now fully operational. This occupies part of the former Allerton Park Quarry, to the north western part of the site. Whilst included in the submitted drawings accompanying this application, the land which makes up the AWRP site does not form any element of the proposals currently under consideration.
- 2.10 Access to the application site is afforded via Moor Lane which is shared with the existing AWRP. Moor Lane forms a priority controlled T-junction connection to the A168. The Moor Lane/A168 junction has recently been improved as part of the

supporting works for the AWRP scheme. This is also a point from which residents living along Moor Lane and Walls Close Farm gain access to the A-road (the A168).

- 2.11 Access to the operational areas is gained via a haul road which runs along the west of the site from the site access to the operational landfill areas. Whilst access to the A168 is shared, the internal route to the landfill is separate from the AWRP vehicle route.

#### Constraints affecting the application site

- 2.12 There exist two bridleways (ref. no. 15.48/2/3 and ref. no. 15.25/7/1) to the north and east of the application site; both of which are designated public rights of way on the statutory *Definitive Map*. The two bridleways start just off the A168 near the junction of the *Allerton Park Quarry* access road with the former alignment of the old A1, with one following Moor Lane in a north easterly direction and the other following the access road to *Walls Close House* in an easterly direction. Both routes link to other bridleways further to the east of the site, and it is possible to use the A168 north and southwards to form a link westward via road bridges over the A1(M) motorway.
- 2.13 An element of the application's red line boundary (to the north-east) transects a section of *Shepherd's Wood* (a designated *Ancient Woodland*). The *Allerton Park Site of Importance for Nature Conservation* (SINC) also lies within the red line boundary. Part is known as *Allerton Lakes* and part as *Allerton Park SINC*. The latter extends northwards to incorporate the south eastern part of the landfill site and an area known as *Far Park Wood*, which was planted in the 1990s to off-set part of the impact of the original quarry development. *Bog Plantation* (approximately 360 metres to the east of the landfill site) is also a deleted SINC.
- 2.14 The site and its immediate surroundings do not lie within any specified landscape designations. However, the boundary of the site overlaps the boundary of the *Allerton Park Registered Park & Garden* (a mid-19th century terraced garden which provides the setting for a country house, and its surrounding parkland which was enlarged in the 1720s and reworked in the 1770s) and this and surrounding land contains a number of heritage assets of interest, including the *Temple of Victory* (Grade II\* listed); *Allerton Park Mansion* (also known as *Allerton Castle*) (Grade I listed); and *Church of St Mary* (Grade II listed).
- 2.15 The nearest *Sites of Special Scientific Interest* (SSSIs) are located at *Upper Dunsforth Carrs*, approximately 4.7km to the north-east of the site on the south-western edge of Upper Dunsforth and at *Hay-a-Park* approximately 4.7km to the south-west on the edge of Knaresborough.
- 2.16 There are three aquifers underlying the application site. These are situated within the *Upper Magnesian Limestone*, the *Sherwood Sandstone* and the superficial deposits. The site lies within the outermost catchment area for the *Dunsforth-Bog Bridge* and *Dunsforth-Howe Bridge Groundwater Source Protection Zones*. There are no significant surface watercourses on site other than a surface water drain which discharges to *Ouse Gill Beck*. The site lies within *Flood Zone 1* on the Environment Agency's Flood Maps and is therefore at the lowest risk of flooding.
- 2.17 The site lies within the aerodrome height and birdstrike statutory *safeguarding zones* surrounding *RAF Linton-on-Ouse*, lying approximately 8.70km to the west.
- 2.18 A plan showing the application site is attached to this report.

#### Planning History

- 2.19 The *Allerton Park Quarry* site has a long and complex planning history with over 20 consents previously granted variously for mineral, waste and ancillary development:

- **C6/500/63/PA** - planning application, reference C6/500/63/PA, was originally submitted to North Yorkshire County Council on 4<sup>th</sup> June 1987 for the '*extraction of sand and gravel and restoration by controlled landfill*' on land to the south of the access to *Walls Close House*. The application also contained provision for the processing of land-won minerals and the erection of a concrete batching plant. Permission, granted on 18<sup>th</sup> July 1988 for mineral extraction was time limited by condition 2 to 17<sup>th</sup> July 2008, with disposal of waste limited until 17<sup>th</sup> July 2013 and restoration by 17<sup>th</sup> July 2014;
- **C6/500/63/D/CMA** - planning permission C6/500/63/D/CMA was granted on 16<sup>th</sup> May 1997 for a revision to the restoration and landscaping scheme by raising site levels at the site; again this was time-limited, but on this occasion, til 31<sup>st</sup> December 2018;
- **C6/500/63J/CMA** - on the 23<sup>rd</sup> May 2002 planning permission C6/500/63J/CMA was granted to '*carry out development without complying with Conditions 3 and 26 of planning permission C6/500/63/D/CMA*' by revising the final contours. This also allowed for the disposal of waste until 31<sup>st</sup> December 2018;
- **C6/500/63O/CMA** - on the 15<sup>th</sup> December 2010 planning permission was granted for the: development of a proposed leachate facility and application under Section 73 to amend condition no.s 2 and 20 of planning permission C6/500/63J/CMA to enable a revised restoration scheme involving the use of short rotation coppice.' Condition 1 required the leachate facility to be implemented within three years of the date of the decision notice. The permission was not implemented and has lapsed.

2.20 The conditions with which the applicant seeks not to comply comprise that which relates to the time in which to undertake the development (i.e. former condition no.1 authorising the disposal of waste only until 31<sup>st</sup> December 2018), that which relates to the details of the development (i.e. former condition no.2) and the condition relating to landscaping and phased restoration (i.e. former condition no. 20).

### 3.0 The proposal

3.1 Planning permission is sought under *Section 73* of the *Town and Country Planning Act 1990* to continue operations without compliance with the conditions previously attached (namely condition no.s 1, 2 & 20 of planning permission ref. no. C6/500/63J/CMA, dated 23<sup>rd</sup> May 2002) to enable the continuation of waste disposal operations for a further 6 years from 31<sup>st</sup> December 2018 until 31<sup>st</sup> December 2024 with a further year for restoration, to amend the final restoration levels across the site and to amend the final restoration scheme for the southern part of the site on land at the existing *Allerton Park* landfill site.

3.2 Thus, a revised condition no.1 being sought would provide for continued tipping until 31<sup>st</sup> December 2024 and adherence to amended details under a revised condition no.2 and amended landscaping and restoration details, while, at the same time, retaining the five-year period of '*after-care*' under a revised condition no.20.

3.3 In addition to the submitted Planning Statement, the application is accompanied by a formal *Environmental Statement* (including a *Non-Technical Summary*) which includes detailed chapters on impacts relating to:

- Landscape & Visual;
- Traffic & Transportation;
- Ecology & Nature Conservation;
- Cultural Heritage;
- Geology & Hydrogeology;
- Hydrology & Flood Risk;
- Noise; and,
- Air Quality.

Detailed technical appendices have also been submitted in respect of:

- LVIA Methodology;
- Transport Assessment;
- Landscape Strategy;
- Phase 1 Habitat Report;
- Reports on Bats, Birds, Great Crested Newts and Reptiles;
- Heritage Statement;
- PPC Permit;
- Conceptual Model of Environmental Setting and Installation;
- original Hydrogeological Risk Assessment from 2004;
- Hydrogeological Risk Assessment Review from 2015;
- Flood Risk Assessment and Drainage Strategy;
- Basic Acoustic Terminology;
- Noise Survey Details;
- Baseline Sound Survey Results;
- Site Operational Noise Levels;
- Air Quality Assessment Methodology;
- Annual Windroses; and,
- Odour Assessment.

3.4 In summary, the proposed operations would involve the:

- creation of new landfill cells to the south of the existing landfill area;
- waste disposal within the engineered cells;
- over-tipping and re-profiling of the existing landfill cells;
- shaping of the southern areas of the Site with imported soil; and
- restoration of the Site through seeding and planting.

3.5 Further supplementary information (submitted under cover of letter dated 13<sup>th</sup> February 2019) compares consented vs existing vs proposed landforms, consented vs proposed vehicle movements and consented vs proposed void space; and provides further details in relation to the haul route and phasing; details of method of working; sources of fill material; and the extent of proposed tipping:

- Figure 3.1 Consented Landform and Extent of Waste Tipping;
- Figure 3.2 Consented and Proposed Landforms;
- Figure 3.3 Cross-Sections;
- Figure 3.8 Method of Working Plan;
- Drawing 2259-01-02 Extent of Proposed Waste Tipping;
- Drawing 2259-01-03 Proposed Landform; and,
- Drawing 2259-01-04 Cross Sections

3.6 The above-mentioned letter confirms,

*“the consented landform (C6/500/63J/CMA) has a maximum height of approximately 76.5m AOD. However, historic overtipping at the Site has resulted in a maximum existing landform of approximate height 81.5m AOD (i.e. approximately 5m greater than the consented maximum) ... The proposed landform would not increase the maximum height of the landfill over and above the existing maximum, albeit there would be a localised increase in levels of up to 9.5m when compared to the consented landform. The highest part of the existing landform is immediately north of the proposed new waste cells, and as such, the proposed restored landform would need to tie-in with this area. The maximum height of the proposed areas of waste tipping would therefore be approximately 81.5m AOD, but would typically be less than this.”*

3.7 Furthermore, it goes on to say,

*“the current scheme represents a further overall reduction in landfill of void of circa 1M m<sup>3</sup>. This is based on circa 2.2M m<sup>3</sup> of void remaining within the approved scheme and the current proposal involving the tipping of 606,000m<sup>3</sup> of non-hazardous waste and 640,000m<sup>3</sup> of soil (i.e. approximately 1.246M m<sup>3</sup>).*



- 3.8 When these volumes are converted into tonnages, these would result in approximately 848,400 tonnes of non-hazardous waste and 1,152,000 tonnes of soil fill material; equating to the importation of some 2M tonnes over 6 years, at 252 days/annum (an average of 1,323 tonnes per day) (a rate of approximately 132 two-way HGV movements per day (66 in & 66 out)).
- 3.9 As a result of requests for *further information*, the following information has been provided to supplement the information supporting the application:
- information under cover of e-mail dated 22<sup>nd</sup> May 2019 responding to matters raised by the *Yorkshire Gardens Trust* and the County Council's adviser on landscape matters;
  - information under cover of e-mail dated 7<sup>th</sup> June 2019 clarifying matters for the *Lead Local Flood Authority*;
  - revised plans under cover of e-mail dated 9<sup>th</sup> July 2019:
    - 2259-01-03\_Proposed\_landform\_revA;
    - 2259-01-04\_Cross\_Sections\_revA; and,
    - 2259-01-05\_Indicative\_Restoration\_Proposals\_revA
  - further information under cover of email dated 30<sup>th</sup> July 2019:
    - 2259-01-03\_Proposed Landform Rev A;
    - 2259-01-04\_Cross Sections Rev A;
    - 2259-01-05\_Indicative Restoration Proposals Rev A;
    - Figure 3.1 Development Areas Rev A;
    - Figure 3.2 Consented & Proposed Landforms Rev A;
    - Figure 3.3 Cross Sections Rev A;
    - Figure 3.4 Development Boundary Rev A;
    - Figure 3.6 Indicative Restoration Proposals Rev A;
    - Figure 3.8 Working and Phasing Plan Rev A;
    - Figure 11.2 Soils Placement Area Rev A;
    - NTS3 Indicative Restoration Proposals Rev A; and,
    - NTS4 Cross Sections Rev A.
- 3.10 The information provided on 30<sup>th</sup> July 2019 gave rise to an amended proposed scheme (the '*Amended Scheme*') that, in the view of the applicant, would result in a substantial reduction in the volume of imported inert fill and, as a consequence, the overall effects would be beneficial including less traffic, operations on a smaller area and overall less disturbance.
- 3.11 The original submission stated that the proposal would provide for the construction of an engineered landfill that would have the capacity for approximately 606,000 m<sup>3</sup> of non-hazardous waste material and would '*help meet essential short term waste disposal requirements and allow the appropriate closure of the Site by delivering an acceptable and sustainable final restoration landform.*' The applicant has explained that it has not been possible to restore the site to the consented landform due to changes in waste management practices and a shortage of material being landfilled. Originally, 640,000m<sup>3</sup> of inert soil would have been used for '*above-cap*' restoration and to shape the southern areas of the landfill.

The '*Amended Scheme*'

- 3.12 The information submitted on 30<sup>th</sup> July 2019 changed the scheme and the new '*Amended Scheme*' provides for revisions to the contours in the south of the site and the avoidance of the infilling of a waterbody; known as '*P1*'. The applicant has explained that while the steepest part of the proposed restored land would remain as previously proposed (approximately 1:3), resulting in steeper slopes to the north and east of the retained waterbody (approximately 1:4), gradients in these areas would be similar to that of the existing southern flank of the landfill. Areas of existing batter

towards the southern and south-western boundaries would continue to be the steepest parts of the site, with a gradient of approximately 1:1.5. While the proposed landform would be steeper in places than the originally submitted scheme in 2018, its footprint would be less, and the extent of new woodland planting (including wet woodland) would be greater. This would bring about a reduction in the volume of inert fill to 406,000 m<sup>3</sup> (equating to approximately 730,800 tonnes); a reduction of 234,000 m<sup>3</sup> compared to the original submission. The overall reduction in landfill void is approximately 1.2 million m<sup>3</sup> from that which was previously consented.

- 3.13 The 'Amended Scheme' would also have a consequential reduction in the numbers of vehicles that would be associated with the scheme i.e. approximately 126 two-way HGV movements per day (63 in & 63 out).
- 3.14 Furthermore, the applicant explains "*the changes to the proposed landform would result in a reduced footprint...allowing the retention of P1 in the south of the Site in its entirety, and allowing the retention of a greater proportion of the existing vegetation to the south-east of the waterbody*". The pre-settlement height of the proposed landform would be higher than the consented landform by up to 9.5 metres in the northern part of the proposed filling area, but would be lower than that consented towards the southern extent of the application site.
- 3.15 The 'Amended Scheme' provides for localised variations to landform to restrict drainage and create seasonally wet ground conditions and addresses the proposed impacts upon heritage assets including the *Allerton Park Registered Park and Garden* in the context of the mitigation landscaping scheme associated with the adjacent AWRP scheme and shared boundaries where land to be restored to a parkland landscape including scattered specimen trees.
- 3.16 In addition, the applicant states "*new areas of wet woodland planting would be provided as part of the restoration proposals. As such, the effects upon the physical landscape fabric of the Site would be incrementally more beneficial*" than the original submission and further that "*whilst the proposed landform would...be steeper in places...its footprint would be less, and the extent of new woodland planting (including wet woodland) would be greater*".
- 3.17 The statement that "*the proposed changes would be well screened by surrounding vegetation and landform. There would be occasional and localised visibility of the tipping of waste and inert materials, and the associated vehicle movements, which would retain the perception of an operational Site present in the landscape for the extended lifespan of the Proposed Development, but these would always be minor background features*", in the view of the applicant, applies equally to the 'Amended Scheme' as it would the scheme as originally submitted.
- 3.18 The proposals do not affect or alter the elements of the development already associated with the operation of the landfill site such as the office/staff welfare facilities, weighbridges, wheel-wash and the leachate and landfill gas management system; nor are there any changes or alterations in respect of access to the site or indeed any changes or alterations to the methods or the hours to which the current operations work (i.e. 0730 to 1730 hours on Mondays to Fridays and 0730 to 1230 hours on Saturdays).

#### **4.0 Consultations**

- 4.1 The consultees responses summarised within this section of the report relate to responses to the initial consultation on 6<sup>th</sup> March 2019 and the subsequent re-consultations (in July and November 2019) following the receipt of '*further information*' relating to the concerns raised in consultation in relation to heritage, landscape and

visual impact. The 'further information' comprising the *Landscape and Cultural Heritage Technical Note* received in November 2019 included amended plans; namely,

- 2259-01-05 Restoration Proposals Rev C;
- Figure 1 Sections through Landfill from within Allerton Park RPG
- Sections through Landfill from within Allerton Park RPG (revA) Sheet 2 of 2; and,
- Photographs from heritage assets and aerial photograph.

4.2 **Environment Agency** - responded on 26<sup>th</sup> March 2019 offering no objection from a groundwater perspective, but commenting,

*'The site lies above the Sherwood Sandstone, a principal aquifer with strategic significance to water supplies on a regional scale... We note the steeper proposed profile especially in the south and west of the waste tipping area (Figures 3.2 & 3.3) this may lead to increased surface water run-off into the retained quarry waterbody to the south west of the waste tipping area. This waterbody infill's the former quarry which has removed a volume of drift deposits which formerly provided additional protection to the underlying principal aquifer. This reduced protection may provide a pathway for pollution from the quarry waterbody into the underlying principal aquifer. As such the effectiveness of surface water interceptors in preventing potentially contaminated run-off from reaching the quarry waterbody should be carefully monitored.'*

On 2<sup>nd</sup> March 2020, confirmation was received from the applicant that a variation to the *Environmental Permit* is proposed to be submitted in the event of the approval of the planning application. Such a variation is likely to include a review of the various risk assessments associated with the permit, including an amended *surface water management plan*.

4.3 **Highway Authority** - responded on 13<sup>th</sup> March 2019 (reiterated on 21<sup>st</sup> November 2019) offering no objection and stating the network has been improved to accommodate traffic from the *Allerton Park Waste Recovery Park* site with a 'ghost island' or right turn lane and,

*'the L.H.A would agree with the conclusions of the transport assessment that if approved the extension of the operational life of the Landfill project would not result in a noticeable impact on the local highway network. It is also agreed that no further mitigation measures are required to enable a safe working conditions for all road users. L.H.A suggests that all previous highway conditions apply to this application.'*

4.4 **Knaresborough Town Council** - responded to consultation on 2<sup>nd</sup> April 2019 offering no objection, but later (on 3<sup>rd</sup> December 2019) adding that they, "neither support nor object to this application but request a condition to provide a S106 agreement to provide an environmental fund, similar to that for the *Allerton Waste Recovery Park*, but to include *Knaresborough*, which the *AWRP* does not".

4.5 **NYCC Adviser on landscape matters** – whilst having 'no general objection' stating in a response dated 12<sup>th</sup> June 2019 that 'further information is needed to explain:

- the long term maintenance and management objectives for the pond areas, the woodland and the species rich grassland (landscape value and purpose, how will this be managed, by who).
- timescales for establishment and maintenance
- strategy for surface water drainage and attenuation
- strategy for maintenance access and boundary fencing
- the purpose of the split woodland and central grassland glade (this does not seem to fit in context of the adjoining estate parkland).'

Following further changes to the scheme in submissions on 9<sup>th</sup> and 30<sup>th</sup> July 2019, this stated position then changed to one of objection on 15<sup>th</sup> August 2019 on the following ground:

*'potential for significant adverse effects to heritage assets and indirect cumulative effects in relation to Allerton Waste Recovery Park (AWRP) which should be assessed.'*

As a consequence, further information including a legal agreement to secure “a *long term maintenance and management plan and maintenance schedule*” was then sought by the landscape adviser.

On 17<sup>th</sup> December 2019, the County Planning Authority was further advised of the adviser’s satisfaction that the ‘*Amended Scheme*’ is capable of providing reasonable protection for the character and setting of *Allerton Park* and as a suitable revised landfill restoration, so long as a detailed landscaping scheme together with details for a five-year period of maintenance ‘*after-care*’ are secured by condition (including a requirement for implementation in the first available planting season).

- 4.6 **NYCC Public Rights of Way Team** - responded on the 8<sup>th</sup> March 2019 recommending an informative,  
*‘No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.’*
- 4.7 **NYCC adviser on matters of ecology** - responded on 1<sup>st</sup> April 2019 disputing the conclusions of the *Great Crested Newt* (GCN) report, the effects upon the pond, known as P1, the assessment of other water bodies and the ecological quality of the former quarry, as well as effects on and impacts to breeding birds, namely *little ringed plover* and considering the proposal to be contrary to ‘*saved*’ North Yorkshire Waste Local Plan Policy 4/10. In order to accord with criterion (d) of Paragraph 170 of the NPPF (which seeks impacts upon biodiversity are minimised and net gains are achieved), a detailed restoration plan is recommended to be conditioned to show how new woodland habitat is to be provided for birds of conservation value such as the “*re-creation of standing water, wet woodland and mosaic habitats of at least similar extent and quality to those which would be lost*”. The submission of *further information* in relation to the ‘*Amended Scheme*’ in July 2019 and the ‘*Landscape and Cultural Heritage Technical Note*’ in November 2019, was confirmed by the adviser on 27<sup>th</sup> November 2019 as having overcome a number of previously stated concerns on biodiversity; in particular the avoidance of infilling pond P1 (off-setting the loss of pond P2) and lessening GCN habitat loss, but further commented on the applicant’s submitted *Indicative Restorative Plan* and continued to maintain that a “*combination of good quality habitat creation on the restored landfill and agreement of a Management Plan to ensure long-term sympathetic management of the retained area*” should be secured to offset the loss of around 1.5 hectares.
- 4.8 **Historic England** - responded on 25<sup>th</sup> March 2019 which, in summary, states that they have previously advised upon the landscape and the park in the context of the AWRP facility and now further advise:  
*“the heritage matter for consideration in this case is not whether the proposed re-profiled areas will cause harm to the significance of heritage assets directly, it is the degree to which the revised proposal for the landform will serve to mitigate the harmful impact of the incinerator building on the setting and significance of the heritage assets at Allerton Park. We consider that the proposed landform and contour amendments will result in negligible change to the mitigating effect of the consented scheme.’*  
Notwithstanding, Historic England offers “*no objection to the application on heritage grounds*” and offered no further comment in November 2019 during re-consultation.
- 4.9 **NYCC Waste Management** - responded 16<sup>th</sup> July 2019 to raise concerns on the vehicle movements because the entrance is shared with the AWRP facility. Clarification was, therefore, sought on traffic management proposals, delivery schedules, vehicle types and interface management for the application. The applicant has responded to this point and has advised that the information being referred to by the consultee can be found within the submitted documentation:
- supplemental information dated 30<sup>th</sup> July 2019;
  - email of 5<sup>th</sup> December 2019 which shows different routes taken by landfill and AWRP traffic;
  - email of 12<sup>th</sup> December 2019 which provided clarification on the shared access with AWRP.

4.10 **The Gardens Trust & the Yorkshire Gardens Trust** - responded on 8<sup>th</sup> April 2019 questioning the applicant's methodology and its findings as well as objecting on the grounds that:

- *the 1980's gravel extraction/land fill has never been completed and now the applicant wants another six-year extension and time to complete final works;*
- *the incinerator has at least a twenty-five-year life so there may well be several more revised schemes;*
- *the Registered Park and Garden and listed buildings and the surrounding community has already been disturbed for over thirty years;*
- *the applicant admits that the current tipping cannot support trees. The necessary steps to facilitate the planting of hedges and trees should have been a condition; and,*
- *the landowner has already had £1m from the community fund and twenty-five years of rental to restore various buildings at risk and lengths of the parkland wall. We are pleased to see this carried out but it is after years of neglect.*

A *Masterplan* for the proposed scheme's integration with the AWRP is sought by the consultee to take into account the historic designed landscape and the lifespan of the incinerator. The applicant has responded to the points raised by the *Gardens Trust* in a submission dated 22<sup>nd</sup> May 2019 in which they advised of the sections of the submitted application documentation that addresses their concerns in addition to commenting that the key question is concerned with "*whether or not the revisions to the consented scheme would retain the same level of mitigation to impacts from the EfW (the AWRP) and the A1 (encompassing visual, movement and noise impacts)*".

4.11 **The Lead Local Flood Authority (SuDS)** – responded on 13<sup>th</sup> March 2019 recommending further information is provided by the applicant as the submitted documents are limited. Further to clarification from the agent, dated 7<sup>th</sup> June 2019, a reply on 13<sup>th</sup> June 2019 stated '*The LLFA have no objection to the proposed variation based on the applicant surface water management and flood risk appraisal outlined within the documents...*'; reiterated again after receipt of further information in relation to the '*Amended Scheme*' and the *Landscape and Cultural Heritage Technical Note*.

4.12 **Ministry of Defence Safeguarding Organisation** - responded on 16<sup>th</sup> December 2019 to say that within the *birdstrike safeguarding zone*, the main concern of the MOD is the creation of new habitats that may attract and support populations of large and/or flocking birds close to the aerodrome. They have requested a condition on the application to prevent the tipping of putrescible or biodegradable wastes; the infilling or management of the pond to remove the islands/vegetation and to fence or otherwise proof the banks to prevent easy access by hazardous feral geese; and the conditioning of a *Bird Hazard Management Plan* to prevent breeding geese and reduce hazard.

A further response was received on the 20<sup>th</sup> December 2019 to retract the previously recommended condition regarding waste types and goes on to request a condition to establish a *Bird Hazard Management Plan* for the site to include the design of the ponds.

4.13 **Forestry Commission** - responded on 5<sup>th</sup> April 2019 providing general advice with regards *Ancient Woodlands* offering neither support or objection.

4.14 **Natural England** - responded 18<sup>th</sup> March 2019 reiterating their comments made at the *EIA screening stage* on 9<sup>th</sup> July 2018 and echoed again at re-consultation in November 2019. Their comments included:

- insofar as Natural England's strategic environmental interests, "*there are no potential significant impacts*";
- though "*there are a number of Sites of Special Scientific Interest (SSSIs) in proximity to the proposal including Hay-a-Park SSSI, Birkham Wood SSSI, Upper Dunsforth Carrs SSSI and*

*Bishop Monkton Ings SSSI...., based on the information provided it is our view that the proposed development is not likely to significantly affect the interest features for which they are notified.*

- 4.15 Those who responded to consultation returning no objection include:
- Highways England (response: 8<sup>th</sup> March 2019);
  - NYCC Archaeology (responses: 6<sup>th</sup> March 2019 & 27<sup>th</sup> November 2019); and,
  - Great Ouseburn Parish Council (9<sup>th</sup> January 2020).
- 4.16 Those who responded to consultation, but who offer no comments include:
- Harrogate Borough Council (Environmental Health Officer) (response: 27<sup>th</sup> March 2019);
  - Harrogate Borough Council (Planning) (responses: 29<sup>th</sup> May 2019 & 20<sup>th</sup> December 2019); and,
  - Yorkshire Water (responses: 6<sup>th</sup> March 2019 & 19<sup>th</sup> November 2019).
- 4.17 Those from whom a response has not been forthcoming include:
- Allerton Mauleverer with Hopperton Parish Council;
  - Arkendale, Coneythorpe & Clareton Parish Council;
  - Goldsborough & Flaxby Parish Council;
  - Leeds Bradford International Airport;
  - British Horse Society;
  - The Victorian Society;
  - Royal Society for the Protection of Birds (North of England);
  - CPRE – Harrogate;
  - Ramblers Association;
  - The Open Spaces Society; and
  - Yorkshire Wildlife Trust.

#### Notifications

- 4.18 County Cllrs James Robert Windass & Andy Paraskos have been informed of the receipt of the application and 'further information' (6<sup>th</sup> March 2019 and 19<sup>th</sup> November 2019 respectively).
- 4.19 In addition, the Secretary of State (SoS, MHCLG) has been provided with a copy of the *Environmental Statement* accompanying the planning application in accord with the provisions of the *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017*.

## **5.0 Advertisement and representations**

- 5.1 The proposal has been advertised by means of Site Notices posted on 1<sup>st</sup> March 2019 (responses to which expired on 31<sup>st</sup> March 2019). The Site Notices were posted in the following locations: at the site entrance; on public bridleway up from site entrance. A Press Notice appeared in the Harrogate Advertiser on 14<sup>th</sup> March 2019 (responses to which expired on 13<sup>th</sup> April 2019). The most recent site and press notices were placed 21<sup>st</sup> November 2019 following the submission of further environmental information and expired 21<sup>st</sup> December 2019.
- 5.2 Neighbour Notification letters were sent on 5<sup>th</sup> March 2019 to the following properties:
- Walls Close House Farm, Allerton Park, Knaresborough;
  - Walls Close House Farm Cottage, Allerton Park, Knaresborough;
  - Cherrytree Barn, Allerton Park, Knaresborough;
  - Keepers Cottage, Allerton Park, Knaresborough; and,
  - South Farm, Great North Road, Arkendale.

- 5.3 No representations have been received in response to the afore-mentioned advertisement of the application.
- 5.4 The neighbours previously notified were also notified of the submission of ‘*further information*’ in November 2019 and the period in which to make comment expired on 20<sup>th</sup> December 2019.

## 6.0 Planning policy and guidance

### The Development Plan

- 6.1 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 this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These include the:
- extant ‘*saved*’ policies of the *North Yorkshire Waste Local Plan* (‘*saved*’ by SoS Direction in 2009);
  - ‘*saved*’ policies of the *North Yorkshire Minerals Local Plan* (‘*saved*’ by SoS Direction in 2007); and,
  - emerging draft policies *Minerals and Waste Joint Local Plan* (currently in examination).

While the *Harrogate District Local Plan (2014-2035)* (adopted 4<sup>th</sup> March 2020) does not contain policies which are specific to waste management proposals, it nevertheless forms part of the *Development Plan* against which to assess the proposals.

### North Yorkshire Waste Local Plan (‘*saved*’ by SoS Direction in 2009)

- 6.2 As a waste-related development, the *North Yorkshire Waste Local Plan* (NYWLP) is the most relevant plan containing policies against which to determine the application. The ‘*saved*’ policies of most relevance include:
- Policy 4/1 Waste Management Proposals;
  - Policy 4/3 Landscape Protection;
  - Policy 4/10 Locally Important Sites;
  - Policy 4/14 Historic Environment;
  - Policy 4/18 Traffic Impact;
  - Policy 4/19 Quality of Life;
  - Policy 4/22 Site Restoration; and,
  - Policy 6/1 Landfilling Proposals
- 6.3 ‘*Saved*’ NYWLP Policy 4/1 (‘*Waste management proposals*’) is a criteria-based policy seeking to ensure the consideration of many elements relevant to the proposal:
- 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’*

- 6.4 The above ‘saved’ policy is assessed as broadly consistent with the *National Planning Policy for Waste* (NPPW, October 2014), the *National Planning Policy Framework* (NPPF, February 2019) and with the waste section of the online national *Planning Practice Guidance* (PPG) which for the most part dates to October 2014 (with the exception of the revision of one paragraph in April 2015).
- 6.5 In terms of the consistency of this ‘saved’ policy with the NPPW and, in particular, criteria *b), c), e), g)* and *h)*, reference is made to NPPW’s Paragraph 7 which points to the locational criteria in NPPW’s Appendix B (i.e. protection of water quality and resources and flood risk management; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions, including dust; odours; vermin and birds; noise, light and vibration; litter and potential land use conflict). Criterion *f)* aligns with the last bullet point of Paragraph 7 of NPPW which seeks to “*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*”.
- 6.6 With respect to criteria *j)*, the NPPW and PPG are clear that the ‘*proximity principle*’ is an important aim in planning for waste developments.
- 6.7 In terms of consistency with the NPPF, criterion *e)* requires that landscaping and screening should mitigate against any impacts and be sympathetic to local landscape character which aligns with NPPF Paragraph 127 (part *c)* and is consequently afforded weight in relation to this planning application.
- 6.8 Criterion *g)*, is considered consistent with the provisions of the NPPF, NPPW and PPG. The third bullet point of NPPW Paragraph 5 requires regard to be had to the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport and largely compliant with the NPPW. With regards the NPPF, this also reflects the requirement for adequate transport links and, as such, given this national policy position, substantial weight is able to be afforded.
- 6.9 Similarly, criteria *c), d), e), f) & h)*, in seeking environmental safeguards, align with the elements of the NPPF discussed the paragraphs that follow in relation to landscape nature conservation and protection, safeguarding of the historic environment and the public rights of way network, minimisation of traffic impacts and impacts upon the quality of life and ensuring appropriate site restoration and ‘*after-care*’ as well as the protection of water resources (aligning with NPPF Paragraph 165, which requires the incorporation of sustainable drainage systems into proposals coming forward).
- 6.10 ‘*Saved*’ NYWLP Policy 4/3 (*‘Landscape Protection*’) guards against unacceptable effects upon the character and uniqueness of the landscape and, wherever possible, enhancement of the local landscape character; consistent with NPPF Paragraph 127 (part *c)* ensuring proposals are sympathetic to local character and history and, accordingly, affording weight to this particular ‘*saved*’ policy’.
- 6.11 ‘*Saved*’ NYWLP Policy 4/9 (*‘National Sites*’) seeks to protect *Sites of Special Scientific Interest* (SSSIs) from inappropriate development and is consistent with the principles of NPPF Paragraph 170 which explains how planning decisions should protect, contribute to and enhance the natural environment (criterion *a)*) as well as recognising its intrinsic character and beauty (criterion *c)*), providing net gains for biodiversity (part *d)*) and preventing unacceptable adverse impacts (criterion *e)*); and the principles within Paragraph 175 which, along with other measures, seeks to ensure a continuum ranging, in the first instance, avoidance of harm, mitigation of harm and compensation for unavoidable harm to biodiversity and where that cannot be achieved, a refusal of



permission as well as opportunities for improvements; thereby affording this particular 'saved' policy full weight.

- 6.12 'Saved' NYWLP Policy 4/10 ('*Locally important sites*') seeks to avoid unacceptable impacts upon the '*intrinsic interest*' of local designations (which in this particular case includes *Allerton Park Site of Importance for Nature Conservation* (SINC)) and aligns with NPPF Paragraph 170 seeking contributions and enhancements to natural and local environments ensuring its capability of being afforded weight in decision-taking.
- 6.13 'Saved' NYWLP Policy 4/14 ('*Historic environment*') seeks to avoid unacceptable effects on, *inter alia*, listed buildings and *Registered Parks & Gardens* including their settings which is broadly consistent with NPPF; however, NPPF Paragraph 193 states *great weight should be given to [an] asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance* and Paragraph 194 goes on to say, *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional'*.

Consequently, the weight to be afford to this 'saved' policy is more limited.

- 6.14 'Saved' NYWLP Policy 4/18 ('*Traffic Impact*') guides development in situations where the level of vehicle movements likely to be generated can be satisfactorily accommodated and capable of avoiding unacceptable impacts upon local communities; a policy position consistent with NPPF Paragraph 108 (part c)) (i.e. *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree*'). However, the NPPF goes further within Paragraph 109 to stipulate that proposals '*should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. In addition, NPPF Paragraph 111 requires *Transport Assessments* to be carried out where significant amounts of traffic could be generated. Such an assessment has been undertaken in connection with this particular application and is provided within the submitted Environmental Statement at Appendix 5.1.
- 6.15 'Saved' NYWLP Policy 4/19 ('*Quality of life*') seeks to avoid unacceptable impacts upon the local environment and residential amenity; a policy position consistent with NPPF Paragraph 170 (summarised in paragraph 6.11 above) and Paragraph 180 which seeks to ensure that any likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts are taken into account; the relevant element of which applicable to this application includes mitigating against adverse noise impacts.
- 6.16 There similarly exists consistency with NPPW Paragraph 7 and Appendix B containing criteria on factors such as visual impacts, air emissions including dust, odours, noise, light and vibration; ensuring due weight is capable of being afforded to this 'saved' policy and, in with particular regard to noise, consistent with the *Noise Policy Statement for England* (published 15<sup>th</sup> March 2010).
- 6.17 'Saved' NYWLP Policy 4/20 ('*Open space, Recreation and Public Rights of Way*') seeks to protect *Public Rights of Way* and advises that waste management facilities should not have an unacceptable impact on the recreational value or enjoyment of the

*Public Rights of Way* network; a policy position consistent with NPPF Paragraph 98 (also seeking their protection and enhancement as well as providing opportunities for better facilities) and therefore afforded due weight.

- 6.18 'Saved' NYWLP Policy 4/22 ('*Site Restoration*') supports restoration schemes where they are capable of enhancing the local environment; a policy position aligning with NPPF Paragraph 205 (part e)) (albeit with its focus upon former mineral sites) i.e. that restoration and aftercare should be provided for at the earliest opportunity and be carried out to high environmental standards. and NPPW Paragraph 7 seeking restoration to '*high environmental standards*' and thus due weight may be afforded to this 'saved' policy.
- 6.19 'Saved' NYWLP Policy 4/23 ('*After-care*') requires a period of '*after-care*' to bring the restored land up to an approved standard for the specified after-use which is again a policy position aligning with NPPF Paragraph 205 (albeit with its focus upon former mineral sites).
- 6.20 'Saved' NYWLP Policy 6/1 ('*Landfill proposals*') provides support for proposals where a need has been identified (criterion a)) involving the restoration of a former mineral void (criterion b)), providing associated vehicle movements are capable of being accommodated (criterion d)) and unacceptable impacts upon local amenity or the environment are avoided (criterion e)) and is generally consistent with NPPF paragraphs 108, 170 and 205.

*North Yorkshire Minerals Local Plan (adopted 1997)*

- 6.21 As the proposal concerns amendments to restoration and '*after-care*' requirements in respect of the site, the *North Yorkshire Minerals Local Plan* (NYMLP) has relevance.
- 6.22 'Saved' NYMLP Policy 4/18 ('*Restoration to agriculture*') requires restoration schemes to provide for the '*best practicable standard of restoration*' and, where possible, '*include landscape, conservation or amenity proposals*'.
- 6.23 'Saved' NYMLP Policy 4/20 ('*Aftercare*') requires the imposition of a period of five years of '*after-care*' and is consistent with NPPF Paragraph 205 and duly afforded weight.

*Emerging Minerals & Waste Joint Plan (currently in examination)*

- 6.24 The draft MWJP was published in November 2016 for representations; after which consultation commenced on an *Addendum* schedule of proposed changes for an 8-week period over summer 2017. While the *Hearings* into the Local Plan have been held (these took place in 2018 and 2019), the Plan remains currently '*in examination*' and the next stage will see public consultation on *Main Modifications*. Therefore, policies will continue to be given more weight as the Plan progresses through to adoption.
- 6.25 As the *Joint Plan* has been, and continues to be, produced post-publication of the NPPF, there is no requirement to include herein NPPF-consistency statements in respect of the emerging draft MWJP policies that follow below.
- 6.26 Emerging draft MWJP Policy W01 ('*Moving waste up the waste hierarchy*') supports proposals for extensions of time at existing permitted landfill sites with remaining void space where, *inter alia*, capacity needs to be maintained, a high/satisfactory standard of restoration is capable of being achieved, inert waste disposal can be facilitated.
- 6.27 Emerging draft MWJP Policy W03 ('*Meeting waste management capacity requirements - Local Authority Collected Waste*') states,

*'Net self-sufficiency in capacity for management of Local Authority Collected Waste will be supported through:*

*1) Identification of the Allerton Park (WJP08) ... as strategic allocations over the Plan period for the management of LACW. Proposals to extend the time period for continued waste management operations ... and the development of other appropriate waste management infrastructure will be permitted. Proposals for development at the allocated sites referred to in 1) and 2) above will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.'*

- 6.28 Within this policy's reasoned justification, paragraph 6.52, goes on to explain the role which the site will continue to play in providing strategic landfill capacity over the plan period, stating,

*'As well as providing a strategically important location for recycling and recovery, the wider Allerton Park site (adjacent to the AWRP facility) contains a significant proportion of the remaining permitted capacity for biodegradable landfill in the Plan area, capable of receiving residual LACW and other waste which cannot be diverted from landfill. Although the progress being made in diverting waste from landfill may mean that the landfill capacity within the site is not required to meet needs arising in the Plan area, there is a small potential gap in capacity for landfill at the end of the plan period and it is considered important to support the retention of the facility to cover this eventuality and provide flexibility in the Joint Plan. The Allerton Park complex is therefore likely to remain a strategically important location for the management of LACW and other similar waste during the Plan period and it is appropriate to identify and protect it as such in the Joint Plan. The landfill operation is the subject of a planning permission which is due to expire in 2018 and support in principle for an extension of time for this permission is provided in Policy W03.'*

- 6.29 Emerging draft MWJP Policy W04 (*'Meeting waste management capacity requirements – Commercial and Industrial waste (including hazardous C&I waste'*), the role of which is to assist the county in meeting its requirements to provide for commercial and industrial waste disposal capacity, has within its reasoned justification at paragraph 6.66 an explanation that a large proportion of remaining capacity for landfill of non-inert waste is concentrated in both this site and one other in the county.

- 6.30 Emerging draft MWJP Policy W05 (*'Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste'*), particularly part *iv*), in striving to achieve net self-sufficiency in capacity for the management of construction, demolition and excavation (CD&E), supports proposals *"for extending the time allowed to use remaining void space at existing CD&E landfill sites that are the subject of time-limited permissions"*.

- 6.31 Emerging draft MWJP Policy W10 has its focus upon *'Overall locational principles for provision of waste capacity'* stating,  
*"The allocation of sites and determination of planning applications should be consistent with the following principles: [inter alia] ...*

*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"*.

- 6.32 Emerging draft MWJP Policy D01 (*'Presumption in favour of sustainable minerals and waste development'*) endeavours, wherever possible, to lend support to proposals where they are able to secure economic, social and environmental improvements as well as where they generally accord with the policies of the Plan and the NPPF

- 6.33 Emerging draft MWJP Policy D02 (*'Local amenity and cumulative impacts'*) requires due regard to be had to a number of material considerations (including noise, dust, vibration, odour, emissions to air, land or water, visual intrusion, site lighting, vermin,

birds and litter, subsidence and land instability, public health and safety, disruption to the public rights of way network, the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park, cumulative effects arising from one or more of the above at a single site and/or as a result of a number of sites operating in the locality); the effects of which must first sought to be avoided or where this is not possible robustly mitigated.

- 6.34 Emerging draft MWJP Policy D03 (*'Transport of minerals and waste and associated traffic impacts'*) seeks to safeguard against any unacceptable impacts arising from traffic associated with proposed development.
- 6.35 Emerging draft MWJP Policy D06 (*'Landscape'*) seeks to ensure no unacceptable impacts occur on the quality and/or character of the landscape and where impacts cannot be avoided, 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.
- 6.36 Emerging draft MWJP Policy D07 (*'Biodiversity and Geodiversity'*) seeks to avoid unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites and features, Sites of Importance for Nature Conservation, Sites of Local Interest and Local Nature Reserves, local priority habitats, habitat networks and species and where this is not possible securing appropriate measure in mitigation.
- 6.37 Emerging draft MWJP Policy D08 (*'Historic environment'*) seeks the enhancement of *elements which contribute to the significance of the area's heritage assets including their setting*. Proposals that would result in less than substantial harm to the significance of a designated heritage asset (or an undesignated archaeological site of national importance) will be permitted only where this is outweighed by the public benefits of the proposal.
- 6.38 Emerging draft MWJP Policy D09 (*'Water Environment'*) seeks to avoid unacceptable impacts arising in respect of *surface or groundwater quality and/or surface or groundwater supplies and flows*. Furthermore, development which would lead to an unacceptable risk of, or be at an unacceptable risk from, all sources of flooding (i.e. surface and groundwater flooding and groundwater flooding from rivers and coastal waters) will not be permitted and, where necessary or practicable taking into account the scale, nature and location of the development proposed, include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures including use of sustainable urban drainage systems.
- 6.39 Emerging draft MWJP Policy D10 (*'Reclamation and after-use'*) requires restoration and *'after-care'* to have regard to comments of relevant stakeholders, maximise potential overall benefits and minimise overall adverse impacts in addition to the impacts of climate change and demonstrate an understanding of the local context as well as being expected to be carried out to a high standard. In the case of this application, particular regard is to be had to the requirements of criterion *iv)* of Part 2) in relation to airfield safeguarding zones, namely *RAF Linton-on-Ouse*, criterion *v)* of Part 2) in relation to important heritage assets and also criterion *viii)* of Part 2) in relation to biodiversity.
- 6.40 Emerging draft MWJP Policy D11 (*'Sustainable design, construction and operation of development'*) requires proposals minimise greenhouse gas (GHG) emissions, waste generation, water consumption and flood risk, maximize biodiversity and landscape

opportunities and look to generate and utilise renewable or low carbon energy as well as having regards to climate change.

[Harrogate District Local Plan \(2014-2035\) \(adopted 4<sup>th</sup> March 2020\)](#)

- 6.41 This Plan has recently been adopted (negating the need to assess the degree of consistency with the NPPF). Those policies of relevance to the determination of the applications include those identified within the paragraphs that follow.
- 6.42 HDLP Policy CC1 (*'Flood Risk and Sustainable Drainage'*) guards against adverse effects on watercourses or increase the risk of flooding elsewhere.
- 6.43 HDLP Policy CC2 (*'Rivers'*) seeks to protect and improve the quality of water bodies and their ecological systems.
- 6.44 HDLP Policy CC4 (*'Sustainable design'*) requires, *inter alia*, "*all developments to be designed to reduce both the extent and the impacts of climate change*".
- 6.45 HDLP Policy HP2 (*'Heritage Assets'*) directs heritage asset protection and, where possible, their enhancement with particular relevance is part D) of this policy which seeks to safeguard against harm to elements of *Registered Parks & Gardens* "*which contribute to [their] layout, design, character, appearance or setting (including any key views from or towards the landscape), or prejudice its future restoration*".
- 6.46 HDLP Policy HP3 (*'Local Distinctiveness'*) which, amongst others, expects development to incorporate "*landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments*".
- 6.47 HDLP Policy HP4 (*'Protecting Amenity'*) ensuring against significant adverse impacts upon residential amenity.
- 6.48 HDLP Policy HP5 (*'Public Rights of Way'*) (PRoWs) seeks the protection of, or satisfactory diversions of, PRoWs (*Part A*) and opportunities for enhancement (*Part B*).
- 6.49 HDLP Policy NE1 (*'Air Quality'*) and, in particular, under *Part B*), requires air quality and/or dust impact assessments to be undertaken where development proposals may give rise to emissions to air.
- 6.50 HDLP Policy NE2 (*'Water Quality'*) requires applicants to undertake thorough risk assessments of surface and groundwater impacts.
- 6.51 HDLP Policy NE3 (*'Protecting the Natural Environment'*) is supportive of proposals that both protect and enhance features of ecological interest and those that provide net biodiversity gain.
- 6.52 HDLP Policy NE4 (*'Landscape Character'*) lends support to proposals that protect, enhance or restore landscape character.
- 6.53 HDLP Policy NE5 (*'Green and Blue Infrastructure'*) and, in particular, *Part A*) thereto, requires development to protect and enhance the social, environmental and economic benefits of existing green infrastructure features and/or incorporate new green infrastructure features within their design.
- 6.54 HDLP Policy NE7 (*'Trees and Woodland'*) seeks, *inter alia*, to protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value.

## 7.0 Planning considerations

- 7.1 This application is made under the provisions of *Section 73* of the *Town and Country Planning Act 1990* and this provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. Permission can be granted unconditionally or subject to different conditions, or can be refused if the original conditions are deemed to be justified in remaining unchanged or perhaps in a circumstance where the planning policy context may have changed since the grant of the original permission. While the question concerns the conditions themselves, it is possible to assess the wider considerations affecting the original grant of permission. However, the original permission remains intact and a new decision would be issued if the application to not comply with original conditions was judged to be acceptable in land use planning terms.
- 7.2 Notwithstanding, *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 and, in the case of applications seeking permission to not comply with conditions previously imposed, which is the case in this instance, the County Planning Authority is obliged to focus its attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes being sought. There have been a number of changes to both national and local planning policy since the previous planning permission was granted on the 23<sup>rd</sup> May 2002; namely, the *National Planning Policy Framework (NPPF)* (published 2019) and the *National Planning Policy for Waste (NPPW)* (2014) as well as the relevant policies previously outlined in Section 6.0 above.
- 7.3 As well as reiterating the requirements of *Section 38(6)*, NPPF Paragraph 11 advises decisions should be made without delay where proposals accord with the *Development Plan*, but if such a Plan were absent, silent or relevant policies out-of-date, then decisions should be made provided that there is no conflict with the policies of the NPPF that protect areas or assets of particular importance or where “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies*” of the NPPF when taken as a whole. In this instance, however, there exist relevant policies within the documents that comprise the *Development Plan* against which to assess the application; negating the need to rely solely on the assessment of the application against the NPPF.
- 7.4 In light of the policies outlined within Section 6.0 above, the main considerations in this instance are:
- *the principle of the proposed development;*
  - *landscape and visual impacts;*
  - *traffic and transportation impacts;*
  - *impacts upon ecology and nature conservation;*
  - *impacts upon cultural heritage;*
  - *geology and hydrogeology impacts;*
  - *impacts upon hydrology and flood risk;*
  - *noise and air quality impacts;*
  - *cumulative impacts.*

### *Principle of the proposed development*

- 7.5 The principle of the use of the land for the purposes to which this application proposes was first established at the time of the original permission in 1988 and subsequent permissions thereafter as outlined within Section 2.0 of this report. Members are advised to note that while the principle of the development cannot be revisited, attention can focus on the policies of the *Development Plan* and other important

material considerations which may have either been introduced or revised/updated since the original grant of permission such as those found within the NPPF and NPPW (as outlined earlier in this report within Section 6.0 above) as well as the changes being sought in the application itself.

- 7.6 The foremost extant *Development Plan* policies, therefore, against which to assess the proposals and to which regard must be had include 'saved' NYWLP Policy 4/1 which seeks, amongst other locational criteria, in criterion a) i.e. that the development's siting and scale must be appropriate to the location and in criterion j) to ensure that such sites are geographically well located to where waste is generated; thereby according with the NPPW's '*proximity principle*'; criteria a) and b) of 'saved' NYWLP Policy 6/1 is supportive of restoring former mineral workings and emerging draft MWJP Policy W01 which, in turn, is supported by emerging draft MWJP Policy W03 through the site's proposed allocation, emerging draft MWJP Policy W04 in respect of continuing to maintain commercial and industrial (C&I) waste capacity and emerging draft MWJP Policy W05 supporting extensions to the life of construction, demolition and excavation (CD&E) waste disposal sites to secure void space capacity within the county, as well as emerging draft MWJP Policy W10 supporting the extension of life to existing sites and emerging draft MWJP Policy D10 which seeks to ensure a high standard of aftercare and restoration.
- 7.7 The site is an established landfill site, having been worked as a minerals site for sand and gravel and, thereafter, being progressively restored by landfill since the late 1980s. The principle of development and its acceptability has therefore been established by the previous permissions (ref. no. C6/500/63J/CMA, dated 23<sup>rd</sup> May 2002 the conditions of which are the subject of this application, and the original permission ref. no. C6/500/63/PA) for sand and gravel extraction and restoration by landfill, granted 18<sup>th</sup> July 1988). This planning application seeks permission to not comply with the time-limit of the previous permission and to continue landfilling operations for a further 6 years (until 31<sup>st</sup> December 2024) with a further year for restoration, the amendment of the final restoration levels across the site and secure the final restoration scheme for the southern part of the site to allow satisfactory restoration. The site is currently unfinished and there is no current importation of material. It is understood that restoration stopped in 2017 and would re-commence if permission were to be granted.
- 7.8 Permission to continue operations without compliance with the original time limitation is sought as a result of fluctuations and uncertainty in waste flows due to more material being recycled and less availability of materials to restore the site to a satisfactory landform. The scheme proposed would involve a reduction in the quantities of material imported, both of inert fill and of waste when compared to the previously approved scheme. Inert fill constitutes a 234,000 m<sup>3</sup> reduction on the previous scheme. The overall reduction in landfill void is approximately 1.2 million m<sup>3</sup> from that which was consented previously.
- 7.9 The site plays a strategic role in the provision of landfill capacity, which is acknowledged within the MWJP. The continuation of waste disposal operations at the site would enable a more acceptable landform to be achieved; helping to restore a landfill site in line with policy and guidance at the national level. The development is capable of providing capacity for waste which cannot be recycled, re-used or otherwise treated, as well as further capacity for residual waste further afield. This will help ensure net self-sufficiency in the disposal of waste in the county in accord with NPPW, the emerging MWJP and the 'saved' NYWLP policies. The development is considered appropriate in both location and scale being adjacent to an existing waste management facility and providing a proximate means of disposal of residual waste produced from the adjacent facility and beyond and also providing a means of restoring a former mineral working to an acceptable landform as sought within criteria a) and j) of 'saved' NYWLP Policy 4/1. Furthermore, due to the demonstration of continued need for the

void space to accommodate the disposal of waste in the short term together with the demonstrable need to require the restoration of the site through the completion of the landform levels, the proposal also finds support within criteria a) and b) of 'saved' NYWLP Policy 6/1 ('*Landfill Proposals*') where a need has been identified (criterion a)) to meet the county's short-term waste disposal requirements and the fulfilment of an acceptable final restoration landform for the former mineral void (criterion b)); aligning too with 'saved' NYMLP policies 4/18 and 4/20. The proposal also accords with emerging draft MWJP Policy W01; and its allocation in draft MWJP Policy W03 gives support in principle as well as further support provided within draft MWJP policies W04, W05 and W10. Furthermore, the proposal accords with emerging draft MWJP Policy D10 in providing a restoration and after-care scheme which is been accepted as being satisfactory by those consulted.

- 7.10 The proposal would also result in slightly less traffic movements. It is considered that the proposal is capable of being acceptable in land use planning terms, provided appropriate mitigatory measures, discussed in the paragraphs that follow, are implemented and planning conditions which are capable of providing appropriate control of the development to safeguard against impacts upon local amenity and the environment are imposed. The changes outlined in Section 3.0 are not accompanied by any other changes to the operational aspects of the site as previously permitted.
- 7.11 It is acknowledged that the proposal constitutes a continued existence of landfilling in this locality over a further extended period with potential associated impacts on the area. Notwithstanding, the continued operations at this site beyond the time limitations imposed upon the previous grant of consent, it is considered that, with appropriate mitigation measures in place, the temporary nature of the proposed development, the reduction in quantity of fill material compared to the previously approved scheme, as well as the provision of a full and final restoration of the site render the proposals capable of being acceptable in land use planning terms.
- 7.12 While the '*in principle*' acceptability has already been established, any potential adverse impacts on the environment and amenity arising from the continuation of tipping and restoration operations do need to be considered and these are addressed in the paragraphs that follow relating to landscape and visual impact; traffic and transportation; ecology and nature conservation; cultural heritage; geology and hydrogeology; hydrology and flood risk; noise and air quality.

#### Landscape and visual impacts

- 7.13 It is important, for the sake of clarity and understanding, to distinguish that *landscape impacts* are distinct from *visual impacts* in that they relate to changes in the fabric character and quality of the landscape; whereas *visual impacts* relate to specific changes in views and the attendant impacts therefrom upon others such as those living in the vicinity of a site or those enjoying the outdoors along public footpaths for instance.
- 7.14 Within this context, a detailed *Landscape and Visual Impact Assessment* (LVIA) has been submitted as part of the application and the relevant chapter within the ES outlines the assessment against two baseline scenarios; the first being the consented landform for the site and the second being the realistic post-2018 landform.
- 7.15 An important consideration of the assessment has been the presence of *Allerton Park Grade II Registered Park and Garden* and associated heritage assets within the landscape. The baseline of the LVIA takes into account the presence of *Allerton Park Grade II Registered Park and Garden*, the boundary of which overlaps part of the site and, in the main, lies immediately south of the site and associated listed buildings, notably the '*The Mansion*' (*Grade I listed*), relatively distant from the landfill and the



'*Temple of Victory*' (Grade II\* listed). These are also considered in the assessment in relation to cultural heritage.

- 7.16 The assessment explains the landfilling operations within the northern and central parts of the site have been completed and restored and the north west of the site is now occupied by the AWRP. The area proposed to be affected by the changes comprises a body of water, areas of regenerated vegetation and the temporary capped '*batter*' (slope of wall in the earthworks) at the southern edge of the existing landfill area. The LVIA explains that planting is so extensive that screening is likely to be effective even during winter; with the exception that there are areas along the north-eastern boundary where only a narrow belt of trees separates the site from public rights of way, and hence views could be more clear in winter in these locations. Views from *public rights of way* tend to be well screened by vegetation (particularly to the east) and phasing of the development would assist in mitigating the effects of the proposal on the environment and the landscape. In the main, there are limited opportunities for views to be obtained from publicly accessible locations within the surrounding landscape and, the historic parkland is not open to the public. While the proposals would give effect to a smaller footprint and would involve a loss of vegetation, this is balanced against the creation of new woodland and restoring historic parkland character within the '*Amended Scheme*'.
- 7.17 The ES explains that the assessment of the '*susceptibility to change*' of the landscape type in which this application site is situated has been concluded as '*low*' and any adverse landscape and visual effects from the proposals assessed as '*not significant*', with no further mitigation measures proposed. The overall effects upon landscape character and visual effects have been assessed by the applicant as '*not significant*'.
- 7.18 Both national and local planning policy strive to encourage, in the first instance, the avoidance of significant effects and, where this is not feasible, the mitigation of effects to minimise the magnitude and significance of adverse impacts. Having had the application subject to both public consultation and consultation with statutory consultees and discretionary consultations, the County Planning Authority received comments in the form of a '*holding*' objection from the County Council's expert adviser on the matter of landscape and an objection from *The Gardens Trust*. The ground being the "*potential for significant adverse effects to heritage assets and indirect cumulative effects in relation to Allerton Waste Recovery Park*" on the part of the former and, on the part of the latter, the prolonged impact of the development on the *Registered Park & Garden*.
- 7.19 In seeking to address the concerns of those in objection, the applicant has revised the proposals and is of the view that the reduced footprint (as a result of no longer filling in the pond, known as P1) and the retention of a greater proportion of existing vegetation to the south east of the waterbody, the effects upon the physical landscape fabric of the site would be incrementally more beneficial than the originally submitted scheme in 2018. The submission goes on to explain that revised restoration proposals would result in a more diverse range of landscape features within the restored site, including new native woodland, and new and retained waterbodies and grassland/scrub. The applicant acknowledges that while activity would continue for a longer period, the total loss of vegetation would be less than that of the scheme as previously consented and the effects would be neutral. In the longer term, the view is expressed by the applicant that there would be a beneficial effect arising from the introduction of additional new woodland, the partial retention of the existing waterbody and regenerated vegetation and the introduction of new waterbodies, none of which formed part of the previously consented restoration scheme. The applicant has explained that, from a visual perspective, the revisions to the landform profiles would be undertaken at a low elevation and, therefore, capable of being screened from views outside of the site

resulting in a reduced ability to discern such changes and, thereby, safeguarding against any adverse visual impacts or adverse impacts upon amenity.

- 7.20 The objections on landscape grounds, earlier summarised, have given rise to the applicant's submission of '*further information*' in July 2019 as well as the submission of the *Landscape & Cultural Heritage Technical Note* in November 2019 which explained more fully the relationship between and effects upon the *Registered Park & Garden* and heritage assets to the south. Both the '*further information*' and the *Note* confirm that the proposal would be no higher in elevation than the surrounding landform and the applicant also argues that the proposed operations are unlikely to be any more visible than previous waste tipping operations. Indeed, the adjacent AWRP development is argued to be more prominent and '*eye-catching*' than the landfill and generally visible over a much wider area. The proposed development would not alter, in any way, the visibility of the adjacent AWRP development.
- 7.21 Importantly, the submitted *Landscape & Cultural Heritage Technical Note* in seeking to address the objections that had been raised on landscape grounds, re-assessed the landscape and visual effects of the '*Amended Scheme*' and drew the conclusion that, with specific regard to the *Allerton Park Mansion*, the originally submitted LVIA had over-estimated the visibility of the landfill from the *Mansion*; instead concluding that only the very top of the landfill would, in the view of the applicant, be visible from this heritage asset and the *Amended Scheme* would not alter this. The effects, therefore, were re-assessed as '*minor adverse*' as opposed to '*moderate adverse*' as had been previously assessed.
- 7.22 Both the '*further information*' submitted by the applicant and the *Note* were also consulted upon by the County Planning Authority. As a result of the re-consultation exercise, the County Council's expert adviser on landscape matters has advised of satisfaction that the '*Amended Scheme*' is capable of providing reasonable protection for the character and setting of *Allerton Park* as well as a suitable revised landfill restoration so long as a detailed landscaping scheme is submitted together with details for a five-year period of maintenance and '*after-care*', secured by condition, (including a requirement for implementation in the first available planting season).
- 7.23 Having consulted upon, publicised and assessed the application and '*further information*' received, there is no reason to counter the conclusions of the evidence submitted by the applicant that the effects will not be significant. The revised '*further information*' has demonstrated that the effect upon the *Registered Park and Garden* and associated heritage assets and indirect cumulative effects in relation to *Allerton Waste Recovery Park* (AWRP) are acceptable and that the agreed landscape restoration, maintenance and '*after-care*' scheme will lead to the improvement of the landscape character which will also lead to the enhancement of the setting of the heritage assets. The '*further information*' has explained the relationship of the AWRP facility and how the intervening landform would be changed and the resulting cumulative effects with the AWRP. The submitted documents now include drawings to show how the landfill restoration would sit with both the consented landscape scheme for the AWRP facility and the consented restoration scheme that would be implemented once the AWRP facility is removed. As part of the proposed development, the revised restoration scheme (the '*Amended Scheme*') has been necessary to overcome the concerns raised in opposition. This takes into account both changes in the final restored landform at the site and also changes to the proposed landscaping at the site to reflect both the proposed landform itself and the presence of separate landscape proposals for the adjacent AWRP.
- 7.24 The foremost extant policies of the *Development Plan* against which to assess the landscape and visual effects of the proposals include criteria e) and f) of '*saved*' NYWLP Policy 4/1 and '*saved*' NYWLP policies 4/3 and 4/22, '*saved*' NYMLP policies

4/18 and 4/20 as well as HDLP policies HP3, NE4, NE5 and NE7 in addition to emerging draft MWJP Policy D06. In assessing the development, these policies have been satisfied in that the proposal has been designed in such a way as to both effectively mitigate the impacts and be sympathetic to the character of the local landscape sufficient to overcome the concerns raised in objection; thereby safeguarding against unacceptable effects upon both landscape and visual amenity, having received the expert advice of the County Council's landscape adviser that the revised proposals are capable of providing a "reasonable protection for the character and setting of Allerton Park and as a suitable revised landfill restoration".

#### Traffic & transportation impacts

- 7.25 The applicant's assessment has reviewed traffic levels against baseline conditions and included an analysis of the traffic-related environmental and operational impacts likely to be generated by the proposal. The submitted *Transport Assessment* has taken into account *Allerton Waste Recovery Park* (AWRP) traffic flows combined with data from previous years' operations of the landfill (including leachate collection vehicles) to assess traffic impact. It also considered the developments which could have a cumulative impact with the extension of life proposals. The assessment concluded that the extension to the life of the development is not anticipated to give rise to any perceptible increase in traffic on the local highway network. This is especially so when taking into account that the 'Amended Scheme' would result in fewer trips (i.e. 126 two-way vehicle movements (63 in/63 out)). There is, therefore, proposed to be no change to the applicant's original conclusion that there would be *negligible* impact.
- 7.26 The foremost extant *Development Plan* policies against which to assess the traffic and transportation impacts of the proposals include criterion g) of 'saved' NYWLP Policy 4/1, 'saved' NYWLP Policy 4/18 which favours development that can be satisfactorily accommodated on the local highway network and emerging draft MWJP Policy D03.
- 7.27 The submission has been scrutinised by the relevant experts within the Highway Authority agreeing, in the first instance, with the conclusions of the *Transport Assessment* that, if approved, the extension of the operational life of the landfill would not result in any perceptible adverse impact on the local highway network and, in the second, agreeing that no further mitigation measures are required to enable a safe working conditions for all road users. Thus, while conditions have been recommended to be imposed to safeguard the interest of highway safety, no objection to the proposed development has been returned on the basis of the highway and traffic impacts which are acknowledged to be limited in their extent.
- 7.28 In light of the absence of objection on this specific element of the proposed development and, taking into account that improvements have been made to the Moor Lane/A168 junction to provide a high standard ghost island T-junction with southbound left turn deceleration lane have ameliorated conditions and that the scheme is temporary in nature for a further six years, the impacts are considered to be acceptable subject to the imposition of the original conditions. It is therefore considered that the proposals accord with criterion g) of 'saved' NYWLP Policy 4/1, 'saved' NYWLP Policy 4/18 and emerging draft MWJP Policy D03 while, at the same time, avoiding any inconsistency with the policies of the NPPF and NPPW as outlined earlier within Section 6.0 of this report.

#### Impacts upon ecology and nature conservation

- 7.29 The *Environmental Statement* that the applicant prepared in support of the application considered biodiversity and the environment within its Chapter 6, its figures and accompanying appendices. The submission's supporting reports are outlined in Section 3.0 of this report. At the local level of designated sites, there are three *Sites of Importance for Nature Conservation* (SINCs) and one deleted SINC (Bog Plantation,

350m to the east). *Allerton Park SINC* is partly within the site and *Allerton Park Lakes SINC* is 20 metres south. *Broadfield Wood* is 800 metres east of the site and is an *ancient woodland*. There are no statutory sites either within, or close to, the application site and it is considered that the distance (some several kilometres) to *Kirk Deighton Special Area of Conservation (SAC)* is sufficient to rule out direct impacts upon the interests of the SAC. The assessment also acknowledges that there are three blocks of *ancient woodland* close to the site, *Shepherds Wood* adjacent to the north west boundary of the site. Direct impacts on existing important ecological features, associated with the proposals for continued landfilling, re-profiling and restoration have been considered; recognising that the site has a variety of habitats and that some of these will be affected by the proposals. However, overall, the assessment of the impacts of the proposed development upon interests of nature conservation value has found an absence of any significant adverse effect to any material degree during the operational phase of the development.

- 7.30 The foremost extant *Development Plan* policies against which to assess the effects of the proposals upon interests of ecological and nature conservation include criteria c) & h) of 'saved' NYWLP Policy 4/1, 'saved' NYWLP policies 4/9, 4/10 and 4/19, criterion e) of 'saved' NYWLP Policy 6/1, HDLP Policy NE3 as well as emerging draft MWJP Policy D07 and these are largely consistent with the thrust of policy expressed within the NPPF (particularly Paragraph 170) as well as the locational criteria set down within the NPPW at Paragraph 7 and Appendix B.
- 7.31 The application has been the subject of consultation with those who are experts in their particular fields and, in the instance of the assessment of ecological and nature conservation impacts, the County Council's in-house adviser on ecology, the Forestry Commission, Natural England and the Environment Agency have all been consulted. Comments received from consultees resulted in the submission of '*further information*' which too has also been subject to consultation. Having undertaken a reassessment of the relevant important ecological features, the applicant explains within this '*further information*' where the changes would result in changes to the outcome of the *Ecological Impact Assessment* at the time of the submission of this current application (presented in the 2018 ES). The '*further information*' states that, as well as the avoidance of the water body (known as P1), the other significant change was two large areas of wet woodland had been added to the proposed *Restoration Plan* as compensation.
- 7.32 While acknowledging the scheme would result in the loss of 0.9 hectares of wet woodland habitat, the applicant has proposed compensation in the form of the inclusion of 0.9 hectares of wet woodland habitat in the revised '*Amended Scheme*'. The *Indicative Restoration Proposals* (drwg ref. no. 2259-01-05 Rev D, dated 13<sup>th</sup> December 2019) which includes the 0.9 hectares of compensatory wet woodland is considered, by those the County Planning Authority has consulted, to be sufficient to compensate for the initial loss and residual effect. This would be created with localised variations to the landform to restrict drainage and create seasonally wet conditions. While the applicant has not proposed to retain water body (known as P2), the retention of water body, P1, has resulted in the County Council's adviser being able to confirm satisfaction with this element of the proposal, particularly, in light that the standing water habitat loss, while adverse, has not been assessed as significant and, with mitigation, its effects are able to be considered as localised.
- 7.33 Furthermore, should planning permission be forthcoming, the applicant proposes the submission of a *Restoration Environmental Management Plan (REMP)* that would ensure against adverse effects upon the *Great Crested Newt* population through pollution protection measures included therein. In providing three new ponds (within a distance of 50 metres of the existing water body known as P1), the intention is that

their ecological value would be maximised and sufficient to compensate for the loss of water body, P2.

- 7.34 It is noted that the Forestry Commission in commenting on the application recommended a condition to protect *ancient woodland*. However, this particular *ancient woodland* would lie to the north-eastern area of the site and at the site's furthest point from the area of landfill operations, the subject of this application, rendering the proposals having minimal impact upon this area of *ancient woodland*; thereby, safeguarding against any conflict with policies which seek to protect this *ancient woodland*. Notwithstanding, appropriate levels of control through the imposition of planning conditions to limit deposition of any dust emitted from the landfilling operations and other protection measures to ensure the protection of the *ancient woodland* are considered prudent in the circumstance.
- 7.35 The proposed development has been assessed against relevant policies that comprise the 'development plan' with particular regard for both ecology and nature conservation. Criteria c) & h) of 'saved' NYWLP Policy 4/1 require the avoidance of unacceptable impacts upon the environment and, where safeguards have been deemed to be required to protect the environment, they are effective in their ability to mitigate against any effects which have been demonstrated to have been satisfied in this particular instance. 'Saved' NYWLP policies 4/9 and 4/10 have also been satisfied in that the proposed development has been demonstrated as being capable of avoiding adverse impacts upon designated sites at both the national and local level. With particular regard to criterion e) of 'saved' NYWLP Policy 4/19 and criterion e) of 'saved' NYWLP Policy 6/1, impacts in general upon the environment have been shown to be capable of being avoided; a position echoed insofar as HDLP Policy NE3 and emerging draft MWJP Policy D07 are concerned.

#### Historic Environment

- 7.36 The development has the potential to affect a number of heritage assets and their settings (including designated and non-designated assets) as a result of the changes within the local topography of the landfill site. The assessment which accompanied the application identified heritage assets with the potential to be affected; namely *Allerton Park Registered Park & Garden*, the *Temple of Victory* (Grade II\* listed); *Allerton Park Mansion* (also known as *Allerton Castle*) (Grade I listed); and *Church of St Mary* (Grade II listed). The effect on the *Registered Park & Garden* and associated heritage assets and their settings is an important material consideration. The designation acknowledges that "*the northern Far Park is now (late C20) intensively farmed and all the trees within it have been felled; some quarrying has encroached into the northern end*". However, of particular note in this instance, is the date of designation of the *Registered Park & Garden* at *Allerton Park* which was made in 1989; the year following the grant of permission for mineral working and restoration by landfill.
- 7.37 The applicant has undertaken a *Heritage Assessment* and submitted a written *Heritage Statement*, explaining that in the applicant's view, while *Allerton Park* is considered to be of high heritage significance, the proposal would "*result in no harm to the contribution of setting to the heritage significance of the [...] assets*". It is noted that the *Heritage Statement* explains the effects on the setting of *Allerton Park Mansion* were 'scoped out' of the process of environmental impact assessment due to the absence of any potential impacts being identified. However, with regards to views away from and toward *The Mansion*, the assessment confirms the existence of "*extremely limited visibility*" and the proposals present a *negligible change*; therefore, the significance of *The Mansion* in terms of any inter-visibility is not harmed.
- 7.38 As earlier referred, the applicant submitted '*further information*' and a '*Landscape & Cultural Heritage Technical Note*'; the latter of which explained that the character of

*Far Park* has changed significantly over time, and that, since the 1970s, it has lost much of the distinctive parkland features which would identify it as historic parkland due to the development of large arable fields, planted copses and pheasant pens. It explains that if the consented restoration scheme were to be implemented, it would lead to further diminishing the experience of *Far Park* as former parkland as it would be restored to agriculture and would blend into the wider agricultural landscape setting of the area. This is compared to the realistic post-2018 landform which would retain a sharp interface between the landfill site and the remainder of *Far Park*, as it would not allow for any agricultural use of the site, contrasting with the current use of *Far Park*. This could be seen as beneficial to the significance of *Far Park*, by offering the opportunity to experience it as former parkland.

- 7.39 The area of the site which falls within the *Registered Park & Garden* is proposed to be restored to a parkland landscape of grassland and scattered tree cover and the *Park's* boundary reinforced by woodland planting to the north and north-west assisting in the demarcation the former park boundary which is considered to both enhance the experience and understanding of this part of the *Park* and present a beneficial impact.
- 7.40 The area of the site lying outwith the *Park* boundary would have originally, once restored, represented a significant change, primarily in relation to the retention of the waterbody, a much lower-lying landform and differences in proposed land use (semi-natural opposed to agricultural). However, the contribution made to the significance of the *Park* and other designated heritage assets by this parcel of land through forming part of its setting is such that it would remain unchanged. The proposals in the current application are considered, on balance, therefore, to present a beneficial impact.
- 7.41 The foremost extant *Development Plan* policies against which to assess the effects of the proposals upon the historic environment include 'saved' NYWLP Policy 4/14 and HDLP Policy HP2 and emerging draft MWJP Policy D08. Furthermore, the NPPW requires that waste development should not harm the countryside or places of special interest. NPPF Paragraph 194 is clear that impact can arise from development within an asset's setting too, obliging authorities to have regard to the desirability of preserving or enhancing the setting and, where there exists '*less than significant harm*' that should be weighed against the public benefit that the development brings (Paragraph 196 refers).
- 7.42 In addition to the statutory duty to have regard to the policies that comprise the '*development plan*' and, in particular respect to the consideration of applications affecting designated heritage assets such as listed buildings, there is also the statutory duty to which regard must be had under the provisions of the *Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990* which requires special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 7.43 In assessing effects, an asset's significance is an important consideration. NPPF Paragraph 189 requires applications to be accompanied by descriptions of the heritage assets likely to be affected (including any contribution made by their setting) and their significance. This is a heritage asset's value to both this generation and future generations by virtue of its heritage interest. It is derived not simply from its physical presence, but also from its setting. Significance can arise from different aspects related to an asset's value e.g. evidential; aesthetic designed; historic associative etc. (*Guidance GPA2 'Managing Significance in Decision-Taking in the Historic Environment'* (Historic England, 2015).
- 7.44 Setting, however, is defined more broadly than purely visual terms, and "*embraces all of the surroundings ... from which the heritage asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and*

cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset” (Historic England guidance GPA3 ‘The Setting of Heritage Assets’ 2017). Development, the guidance advises, will always have an impact. Harm is always harm, but an impact may not be harmful. The key is whether the harm is ‘less than substantial harm’. Another consideration, where there is substantial harm, is whether it is outweighed by public benefit (NPPF Paragraph 195 refers).

- 7.45 Substantial harm or loss of a Grade II Historic Park and Garden should be exceptional and to a *Grade II\** or *Grade I* should be wholly exceptional (NPPF Paragraph 194 refers); neither of which apply in this particular instance.
- 7.46 Any harm to significance that is ‘less than substantial’ is, nevertheless, still harm and requires convincing justification. NPPF Paragraph 200 requires proposals within the setting of heritage assets “to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably”.
- 7.47 Historic England, as the statutory advisor on heritage matters, have offered no objections in the instance of this application currently under consideration. They returned comment that have previously advised upon proposals for both the Allerton Park landfill and for the AWRP facility; further that they consider the proposed revisions would have a *negligible* change to the mitigating effect of the consented scheme. They advise that the key heritage issue in relation to the proposal “...is not whether the proposed re-profiled areas will cause harm to the significance of heritage assets directly, it is the degree to which the revised proposal for the landform will serve to mitigate the harmful impact of the incinerator building on the setting and significance of the heritage assets at Allerton Park”. They go on to explain that, in their expert view, the proposed landform and contour amendments would “result in negligible change to the mitigating effect of the consented scheme”.
- 7.48 In consulting upon this application, this has given rise to an objection from the *Gardens Trust* on the grounds, *inter alia*, that, in their view, the *Registered Park & Garden*, listed buildings and the surrounding community “has already been disturbed for over thirty years”. Notwithstanding, the comments of the *Gardens Trust* must be balanced against the acknowledgement that, in order to secure a satisfactory restoration scheme for the former mineral working, a further extension to the life of the development would be necessary. The remodelling and landscaping that forms a major part of the mitigation is understood to aim to remove any views of the landfill as far as possible.
- 7.49 The *Gardens Trust* also questioned the assessment of the impacts on heritage assets only using 1km (opining that instead it should cover a 3km radius) and questioned the findings of the assessment. The *Gardens Trust* have also provided recommendations of a masterplan to take into account the historic designed landscape and the lifespan of the AWRP facility and have provided details of the listed features. However, on balance, the further operations, as now proposed, are not considered to pose a significant adverse impact upon the focus of concerns as expressed within the objection submitted by the *Gardens Trust*. While acknowledging the AWRP facility has a longer ‘life’ than the proposed development and that there could potentially be the submission of revised schemes in the future, each proposal must be determined on its individual merits. The question of whether there would be further scheme alterations cannot be speculated upon and it is considered that, as a final restoration scheme, this proposal is acceptable in the circumstance.
- 7.50 In addition to the objection from the *Gardens Trust*, the County Council’s in-house adviser on landscape matters initially also objected. However, ‘further information’ and the submission of the *Landscape and Cultural Heritage Technical Note* in November

of last year sought to address the concerns that had been raised. The applicant explained within the 'further information' that both Historic England and the Conservation Officer at Harrogate Borough Council had not raised any concerns about the methodology proposed to be used. Furthermore, clarification, provided by the applicant, has shown that the visibility of the AWRP which is affected by the existing landform would not increase as a result of the 'Amended Scheme'. Whilst the proposed restoration is lower in level than the approved 'domed' scheme, the landform shows that the visibility even from the roof of *The Mansion* is such that intervening landform affects the view and the assets are not negatively affected by the changes to the restoration in between. The applicant has also clarified that there will be no fencing in the south east corner of the landfill site and no fencing (existing or proposed) along the section of the site which is included within the boundary of the *Registered Park & Garden*.

- 7.51 Continuing in the assessment of the effects of the development in terms of potential impacts the historic environment, but turning to the subject matter of archaeology, the County Council's adviser, in responding to consultation, acknowledged the site's planning history as a quarry and landfill and, on that basis, finding it "extremely unlikely" that any deposits of archaeological interest remain within the development boundary and, as such, concurs with the approach of screening out archaeological interest.
- 7.52 Taking the expert views of consultees into account, while acknowledging the existence of some localised effects, the heritage impacts are limited in their scale and duration and it is considered that, upon restoration, the proposals will lead to enhancement. On balance, taking into consideration the responses to consultation from experts within the national and local agencies, the information as submitted by the applicant is considered to be both adequate and sufficient upon which to determine the planning application whilst having regard to the statutory obligations placed upon the County Planning Authority.
- 7.53 In assessing the proposed development in terms of its land use acceptability, the temporary nature of the proposed development is a factor to be weighed in the 'planning balance', together with the effects of the proposed final restoration. In the view of the applicant, the 'Amended Scheme' represents one which is more aligned with the character of the historic parkland; a view which has not been disputed by those consulted on the proposals. The restoration scheme has the potential to enhance the 'setting' and better reveal the significance of the heritage assets; thereby, according with both national (including the requisite considerations of *Section 66(1)* of the *Planning (Listed Buildings and Conservation Areas) Act 1990*) and local relevant planning policy including 'saved' NYWLP Policy 4/14 and HDLP Policy HP2 as well as emerging draft MWJP Policy D08 and, furthermore, consistent with NPPF Paragraphs 194 & 196 as well as Paragraph 7 of the NPPW.

#### Geology & hydrogeology

- 7.54 The application has been accompanied by a *Hydrogeological Risk Assessment* (2004 & 2015 review) both of which characterised the geological and hydrogeological setting of the landfill site. The applicant, is of the view that the proposed scheme represents an improvement upon that which was previously consented. The proposed scheme presents lower risks compared with the consented scheme due to the reduction in the amount of void space proposed to be infilled. The area to the south of the site is consented for landfilling of domestic waste with a volume of circa 2.2M m<sup>3</sup>. The proposal would comprise circa 602,000 m<sup>3</sup> of domestic waste (i.e. approximately 1.6M m<sup>3</sup> less than the consented scheme) and some 640,000m<sup>3</sup> of inert fill which means a reduction of approximately 1M m<sup>3</sup> of the overall consented waste input.



- 7.55 Furthermore, assurances have been given by the applicant that the leachate management and engineering measures are ones that would fall within the jurisdiction of the Environment Agency in conjunction with submission of construction quality assurance procedures contained within the extant *Environmental Permit*.
- 7.56 The applicant also proposes the submission of a *Restoration Environmental Management Plan* (REMP) which would include measures to prevent pollution events on-site and to provide a robust contingency for preventing spread into ground water and water body P1 should a pollution event occur.
- 7.57 The foremost policies against which to assess the proposed development in respect of geological and hydrogeological impacts include criteria *c) & h)* of 'saved' NYWLP Policy 4/1, criterion *e)* of 'saved' NYWLP Policy 6/1, HDLP Policy NE2 and emerging draft MWJP policies D02 & D09 as well as the locational criteria set down within Appendix B of NPPW which, *inter alia*, obliges authorities to consider the proximity of vulnerable surface and groundwater or aquifers and, especially in respect of developments such as the one subject to this current application, the assessment of geological conditions and the behaviour of surface water and groundwater both under the site and the area within the vicinity of the site.
- 7.58 The assessments accompanying the application satisfactorily address the matters of geology and hydrogeology and the conclusions drawn therein those assessments has not given rise to the receipt of objections being returned from those with whom the County Planning Authority has consulted for their technical expertise. The analysis of the proposals against relevant policies that comprise the '*Development Plan*' concludes that their requirements have been satisfied in that the proposals are capable of avoiding unacceptable impacts upon both local amenity and the environment and have been assessed as not giving rise to unacceptable environmental impacts upon surface and groundwater quality and/or groundwater supplies and flows on the *proviso* that the environmental and amenity safeguards to effectively mitigate against potential impacts that have been incorporated into the proposals are implemented; thereby safeguarding against any conflict with the policies relevant to these particular material considerations; namely, criteria *c) & h)* of 'saved' NYWLP Policy 4/1, criterion *e)* of 'saved' NYWLP Policy 6/1 and HDLP Policy NE2 as well as emerging draft MWJP policies D02 & D09.

*Impacts upon hydrology and flood risk*

- 7.59 A *Flood Risk Assessment* and *Sustainable Drainage Strategy* have accompanied the application. The site currently drains via a combination of discharges into a tributary of *Ouse Gill Beck* and via infiltration at the site's '*low spot*' to the Sherwood Sandstones formation underground. The site is split into three catchments areas; two of which cover the restored part of the site and the third, the area to the south. The only change to the approved surface water scheme relates to this southern area.
- 7.60 The technical expertise in respect of hydrology and flood risk is that provided by the Environment Agency and the Lead Local Flood Authority. They have returned no objections to the proposed works provided that, in the case of the comments of the Agency, they are in accordance with the submitted *Flood Risk Assessment*. The proposals are not considered to give rise to any conflict with relevant policies that comprise the '*Development Plan*' including criteria *c) & h)* of 'saved' NYWLP Policy 4/1, criterion *e)* of 'saved' NYWLP Policy 6/1 and HDLP policies CC1, CC2, CC4 & NE2 as well as emerging draft MWJP policies D02 & D09 and align with the requirements of the NPPW drawing attention to the need to give prior consideration to consequent issues relating to the management of potential risk posed to water quality from waste contamination.

Noise and air quality (including dust and odour) impacts

- 7.61 With respect to noise, Chapter 10 of the Environmental Statement details the baseline noise monitoring positions that formed part of the assessment. Six *Noise Sensitive Receptors* (NSRs) have been identified and the assessment has been carried out having regard to the *Noise Policy Statement for England* (published 15<sup>th</sup> March 2010) and the different effect levels therein. The assessment has considered site operations, cumulative noise effects and the effects from the landfill gas plant onsite. It also has also assessed vibration, mitigation and site management. The conclusions of the assessment have been considered and the approach has been found to be acceptable.
- 7.62 The proposals do not seek to alter the approved hours of working; mitigation in relation to odour or dust; or to increase noise levels at the site.
- 7.63 In responding to consultation on this application, Harrogate Borough Council's Environmental Health Officer (EHO) has not returned any comments; instead deferring to the controls within the jurisdiction of the Environment Agency through the relevant site *Environmental Permit*. This aligns with NPPF Paragraph 183 which advises against the duplication of controls of other regulatory regimes and planning authorities should assume that other regulatory regimes would operate correctly.
- 7.64 The foremost *Development Plan* policies against which to assess the proposals in respect of noise impacts include criterion *h*) of 'saved' NYWLP Policy 4/1, 'saved' NYWLP Policy 4/19, criterion *e*) of 'saved' NYWLP Policy 6/1, HDLP policies HP4 and NE1 as well as emerging draft MWJP Policy D02.
- 7.65 In respect of air quality (including both dust and odour impacts), this is covered in Chapter 11 of the Environmental Statement and Appendix 11. It includes background air quality information on particulates and nitrogen oxides and acknowledges that the two *Air Quality Management Areas* (AQMAs) in the borough of Harrogate are not within the vicinity of the site. An *Odour Assessment* and *Dust Assessment* have accompanied the application.
- 7.66 In response to consultation, the EHO observed that the applicant's assessment has acknowledged the potential for increased odour emissions from the site and that this has been assessed as having *moderate adverse* effects at some of the closest sensitive receptors and, as a result, the *Odour Management Plan* would require refinement.
- 7.67 In relation to the issue of dust, there have been sixteen potentially sensitive receptors identified by the applicant and that the overall significance for dust amenity impact has been assessed as *not significant*. An additional assessment has been undertaken in relation to ecological impacts on the three SINC's and the *ancient woodland* and this included PM<sub>10</sub> particulate matter (particles of 10 micrometres or less in diameter). The assessment concluded a potential for *slight adverse* effects at the *Allerton Park SINC* and the *Shepherds Wood Ancient Woodland* due to dust deposition as a result of their proximity and downwind locations. Any potential adverse effects at *Bog Plantation SINC* and *Allerton Lakes SINC* have been assessed as *negligible*. It is noted that the overall significance on dust deposition on ecological receptors is *not significant*.
- 7.68 The foremost *Development Plan* policies against which to assess the proposals and their impacts in respect of air quality (including both dust and odour) include criteria *c*) & *h*) of 'saved' NYWLP Policy 4/1 and 'saved' NYWLP Policy 4/19 and criterion *e*) of 'saved' NYWLP Policy 6/1 and HDLP policies HP4 and NE1 as well as emerging draft MWJP Policy D02. In that the proposals have been assessed as having limited and/or minimal adverse effects in respect of noise and air quality impacts which are capable of being subject to measures to mitigate their effects and also capable of being controlled through the imposition of appropriate planning conditions, should planning

permission be forthcoming, the proposals are considered unlikely to result in an adverse impact upon the amenity of local residents living in proximity to the site or to any nearby villages and avoid giving rise to conflict with the relevant policies of the 'development plan' which, in this instance, include the aforementioned extant policies of the NYWLP and the HDLP as well as Policy D02 of the emerging MWJP; consistent with NPPF Paragraph 180.

#### Cumulative impacts

7.69 As part of the submission, the applicant has had regard to the *Town and County Planning (Environmental Impact Assessment) Regulations 2017* which require the assessment of cumulative impacts. The assessment process identified schemes which, together with the proposed development, could potentially pose cumulative effects. These include:

- Outline Planning Permission (17/05234/EIAMAJ) to provide a new settlement, comprising up to 2,750 residential units, 2,000 m<sup>2</sup> of retail floorspace, up to 1,700 m<sup>2</sup> of financial and professional services, restaurants, cafes etc, 5,200 m<sup>2</sup> of non-residential institutions and up to 8,500 m<sup>2</sup> of leisure facilities at Flaxby Golf Club;
- Outline application (16/05647/EIAMAJ) for development of business park at land at Flaxby South West of the Junction of the A59 and A1M; and,
- Permission (17/00919/FULMAJ) for the erection of 3 warehouse buildings (use Class B8) including formation of new vehicular access and hardstanding at Green-tech Rabbit Hill Park, Braimber Lane to Allerton Park Interchange, Allerton Park.

7.70 However, the findings of the assessment undertaken by the applicant consultants indicate against any conclusion of significant adverse cumulative impacts arising in respect of landscape and visual impacts (due to the 'enclosed' context in which the site exists), traffic (due to indiscernible impacts in the quantum of other traffic movements in the vicinity of the site), ecology (due to separation distance) and noise and air quality (due to the absence of predicted exceedances even in combination) such that the proposed development is capable of being regarded as compliant with criterion d) of 'saved' NYWLP Policy 4/1 and 'saved' NYWLP Policy 4/19 as well as emerging draft MWJP Policy D02.

#### Other considerations

##### Public rights of way

7.71 Although there are *Public Rights of Way* in the vicinity of the site, it is considered that there would be no significant impact on users as a result of the development. The effects have been assessed in relation to visual impact on users in the submitted documents and it is not proposed to close any of the bridleways or public rights of way. The proposals have not given rise to any objection from the County Council's Public Rights of Way team; although they have advised of an informative to ensure that such routes are maintained free from obstruction. It is considered, therefore that the proposals generally accord with 'saved' NYWLP Policy 4/20 and HDLP Policy HP5; consistent with NPPF Paragraph 98.

##### Ministry of Defence – airfield safeguarding

7.72 With regard to the Ministry of Defence comments in relation to the issue of birdstrike, this is able to be addressed by the addition of more trees and the requirement for the submission of a *Bird Hazard Management Plan* by planning condition. It is also noted that the existing waterbodies are well-established and, therefore, it is not considered that the retention of the waterbody will increase the risk of birdstrike. This aligns with criterion iv) of Part 2) of emerging draft MWJP Policy D10 (paragraph 6.39 refers).

#### Section 106 legal agreement

- 7.73 Notwithstanding Knaresborough Town Council's call for a *S106 legal agreement* to provide for an environmental fund to cover Knaresborough, in the case of this particular application, this is not considered to satisfy the circumstances necessary to deem a S106 legal agreement to be warranted on this occasion. Such circumstances would require the demonstration that the planning obligation (in the form of a S106 legal agreement) was necessary to render the development acceptable in land use planning terms or, in other words, assist in mitigating the impact of unacceptable development to make it acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development; all of which are not considered to apply in this particular circumstance.
- 7.74 On the matter of legal agreements however, the original planning permission (from which the previous S73 applications take benefit) was granted subject to a *Section 52 Legal Agreement* which, *inter alia*,  
 (v) *...not to fell any trees in the area known as Shepherd's Wood...;*  
 (viii) *....maintain all...boreholes;*  
 (x) *...in circumstances where....there is a shortfall in the flow of water to any or all of the lakes at Decoy Plantation and High Middle and Lower Fish Pond...to make good such shortfall by pumping...;*  
 (xiii) *...submit...detailed schemes for the long-term continuation of maintenance of all leachate containment works and monitoring arrangements and for the long-term continuation of maintenance works and monitoring arrangements for the safe control of landfill gas*
- 7.75 Should a decision be made to grant planning permission in the instance of this particular application, it is noted that such a decision does not supersede the above-mentioned previously completed *Section 52 legal agreement*. The *Section 52 agreement* is registered as a local land charge and until such time as the agreement is released, it will continue to take effect.
- 7.76 Paragraphs 54-57 of the NPPF (*'Planning conditions and obligations'*) enable authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and such obligations can only be used where possibility of addressing unacceptable impacts cannot be achieved through a planning condition provided that the such obligations meet the defined tests i.e.:  
 a) *necessary to make the development acceptable in planning terms;*  
 b) *directly related to the development; and*  
 c) *fairly and reasonably related in scale and kind to the development'*
- 7.77 Notwithstanding the advice provided above in paragraph 7.76, it is not considered that either a variation to, or an additional legal agreement, is warranted in this particular instance in light of the fact that the relevant considerations, i.e. securing a period of *'after-care'* and management of restored land, are capable of being provided for under appropriate planning conditions.

## 8.0 Conclusion

- 8.1 The proposal seeks permission to secure a final restoration scheme for the existing, partly finished, landfill which is considered acceptable subject to the measures proposed in mitigation and the capability of appropriate controls through planning conditions that may be imposed. The principle of the development and its acceptability in land use planning terms are considered to have been satisfied and the proposed alterations to the finalised restoration represent an acceptable solution, on balance. Furthermore, the proposals present the restoration of a landfill to a beneficial after-use in a timely manner.
- 8.2 Whilst acknowledging that policies of the *'development plan'* and national policy place greater emphasis upon the circular economy and the drive to move waste *'up the waste*

*hierarchy*, there is also support for the continued use of the site for landfill within the emerging MWJP through its draft policies W01 and W03 as some landfill is required in order to achieve a satisfactory restoration. The continued use of the site for landfill is supported by emerging draft MWJP policies W04 and W05, and the PPG acknowledges that landfill will always be required as part of the provision for waste and also that changes in the management of waste may mean that extensions of time are required due to shortages of material. In this particular case, further time is required due to changes in the availability of material for restoration, the amounts being lower than originally anticipated. The applicant has addressed key sensitivities of the site in relation to the mitigation as required by the emerging MWJP.

8.3 It is also acknowledged that the scheme has been improved by the applicant, working positively with the County Council to ensure that the scheme is an effective sustainable development which achieves a satisfactory restoration of the site. It is considered that the amendments have addressed the concerns of those consulted on the application as well as those who have made representations, and that effects on the interests of acknowledged importance, as outlined in Section 7.0 above, have either been demonstrated to not arise or are capable of being effectively mitigated or controlled through the potential to control the development through the imposition of appropriate planning conditions.

8.4 For the reasons mentioned above, it is therefore considered that the proposed development either avoids giving rise to conflict with or demonstrates compliance with the policies which comprise the *Development Plan* currently in force for the area, consistent with the relevant aims, objectives and policies of national policy documents and guidance found within the NPPF, NPPW and NPPG and all other relevant material considerations.

## 9.0 Recommendation

9.1 For the following reasons:

- i. the principle of the proposed development has already been established through the previous grant of planning permissions;
- ii. the proposed development would not result in an adverse impact upon local amenity, visual or otherwise;
- iii. the proposed development is considered to result in only a negligible change in its impact upon the surrounding heritage assets when compared to the previously consented scheme;
- iv. the site is strategically important in the management of waste from the county and from other areas supported by policies in the emerging MWJP;
- v. the proposed development does not give rise to conflict with relevant '*development plan*' policies i.e. '*saved*' NYWLP policies 4/1, 4/3, 4/10, 4/14, 4/18, 4/19, 4/22 & 6/1, '*saved*' NYMLP policies 4/18 and 4/20 and HDLP policies CC1, CC2, CC4, HP2, HP3, HP4, HP5, NE1, NE2, NE3, NE4, NE5 & NE7; consistent with the principles of the NPPF and NPPW

it is recommended that **PLANNING PERMISSION BE GRANTED** for the purposes of the variation of condition no's 1, 2 & 20 of planning permission ref. no. C6/500/63J/CMA for the continuation of waste disposal operations for a further 6 years from 31<sup>st</sup> December 2018 until 31<sup>st</sup> December 2024 with a further year for restoration, to amend the final restoration levels across the site and to amend the final restoration scheme for the southern part of the site on land at Allerton Park Landfill, Moor Lane (Off A168), Knaresborough, HG5 0SD subject to the conditions below:

(Please see attached *draft Schedule of Conditions*)

**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.*

D BOWE

Corporate Director, Business and Environmental Services

Background Documents to this Report:

1. Planning Application ref number: NY/2018/0280/ENV registered as valid on 21<sup>st</sup> December 2018. The 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/PlanAppDisp.aspx?recno=10745>
2. Consultation responses received.
3. Representations received.

Author of report: Vicky Perkin

## **Draft Schedule of Conditions**

<b><i>Duration of permission</i></b>	
1	<p>The permission hereby granted authorises the disposal of waste and soils until 31<sup>st</sup> December 2024. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the application details dated December 2018, or as varied by the conditions below, by 31<sup>st</sup> December 2025.</p> <p><i>Reason:</i> 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.</p>
<b><i>Definition of permission</i></b>	
2	<p>The development hereby permitted shall be carried out in accordance with the application details dated December 2018 and the following approved drawings and conditions, which at all times shall take precedence:</p> <p>Drwg ref. no.s: 2259-01-01 Application Boundary (December 2018); 2259-01-02 Extent of Proposed Waste Tipping (December 2018); 2259-01-03 Rev A Proposed Landform (30.07.19); 2259-01-04 Rev A Cross Sections (30.07.19); 2259-01-05 Rev D Indicative Restoration Proposals (13.12.19); 2259-01-06 Landfill Cell Formation (December 2018); and, Figure PS3.1 Rev A Development Areas (30.07.19).</p> <p><i>Reason:</i> To ensure that the development is carried out in accordance with the application details</p>
<b><i>Limitations to the permission</i></b>	
3	<p>The materials disposed of at the site shall consist only of those materials indicated in the Application dated December 2018.</p> <p><i>Reason:</i> In the interests of amenity and to prevent pollution.</p>
4	<p>Except for soils to be used for restoration purposes, no waste shall be sorted, stockpiled or processed at the site.</p> <p><i>Reason:</i> To reserve the rights of control by the County Planning Authority in the interests of amenity</p>
5	<p>Access to the site shall be via the existing access and no other access shall be used.</p> <p><i>Reason:</i> In the interests of highway safety and amenity.</p>
6	<p>Precautions, including the provision of vehicle cleaning facilities, shall be taken and maintained to ensure that all vehicles leaving the site are in a clean condition such that no dirt and/or mud are deposited on the public highway by vehicles travelling from the site. Such facilities shall be kept available and in full working order and used until such time as the County Planning Authority agrees in writing to their withdrawal.</p> <p><i>Reason:</i> In the interests of highway safety and amenity.</p>
7	<p>The vehicular movement of waste or soils to, or within, the site shall take place only between the following times: 0730 - 1730 hours Monday to Friday 0730 – 1230 hours Saturday No operations shall take place on Sundays and Bank/Public Holidays.</p> <p><i>Reason:</i> To reserve the rights of control by the County Planning Authority in the interests of amenity.</p>
<b><i>Noise control</i></b>	
8	<p>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. Where earthmoving plant is operating in proximity to residential properties, non-audible reverse warning alarm systems shall be deployed.</p> <p><i>Reason:</i> To reserve the rights of control by the County Planning Authority in the interests of amenity.</p>
9	<p>At no residential property shall the noise levels resulting from the site operations, during the working hours specified in condition no.7, exceed <math>L_{Aeq,1h} = LA90 + 10dB</math> or <math>L_{Aeq,1h} = 45 dB</math>, whichever is the higher.</p> <p><i>Reason:</i> In the interest of amenity.</p>

10	In the event that the noise level specified in condition no. 9 is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps be taken to attenuate the noise level to be in compliance with the requirements of condition no.9. <i>Reason:</i> <i>In the interest of amenity.</i>
<b>Dust control</b>	
11	Dust control measures shall be employed to minimise the emission of dust from the site. Such measures shall include the spraying of roadways and discontinuance of soil movements during periods of high winds. <i>Reason:</i> <i>In the interest of amenity.</i>
12	In the event that an assessment of dust emissions and/or the results of formal monitoring indicate that additional control measures are required to minimise emissions, proposals for such measures shall be submitted in writing to the County Planning Authority. The measures subsequently approved in writing by the County Planning Authority shall be implemented within such period as may be required by the County Planning Authority. <i>Reason:</i> <i>In the interest of amenity.</i>
<b>Pollution prevention</b>	
13	Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the banded compounds shall be at least equivalent to the capacity of the largest tank or the combined capacity of the inter-connected tanks plus 10%. All filling points, vents and gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund. <i>Reason:</i> <i>To prevent pollution.</i>
14	Steps such as the use of litter fencing and drainage control shall be taken to prevent the pollution of any adjoining land or watercourse by the over-spilling or blowing of loose material or by the entry of leachate, polluted water or any other pollutant. <i>Reason:</i> <i>In the interest of amenity and to prevent pollution.</i>
15	If pollution occurs, as defined by condition no. 14 above, the effects of that pollution shall be rectified and further pollution shall be prevented. <i>Reason:</i> <i>In the interest of amenity and to prevent pollution.</i>
<b>Protection of soil resources</b>	
16	The stripping, movement, replacement or cultivation of topsoil and subsoil shall only be carried out when the soils are sufficiently dry and friable to avoid soil smearing and compaction. <i>Reason:</i> <i>To safeguard the topsoil and subsoil resources in the interest of achieving a high standard of restoration of the site</i>
17	Topsoil and subsoil shall be stored separately from each other in such locations as first shall be approved in writing by the County Planning Authority. <i>Reason:</i> <i>To safeguard the topsoil and subsoil resources in the interest of achieving a high standard of restoration of the site</i>
18	No topsoil or subsoil shall be removed from the site. <i>Reason:</i> <i>To safeguard the topsoil and subsoil resources in the interest of achieving a high standard of restoration of the site</i>
19	During soil movement and handling operations, machinery shall be routed to avoid the compaction of soils. <i>Reason:</i> <i>To safeguard the topsoil and subsoil resources in the interest of achieving a high standard of restoration of the site.</i>
<b>Landscaping &amp; 'after-care'</b>	
20	Within 6 months of the date of this decision, details of a <i>Landscaping and After-care Management Plan</i> for a minimum period of five years from final restoration of an individual Phase shall first be submitted and agreed in writing with the County Planning Authority. Where

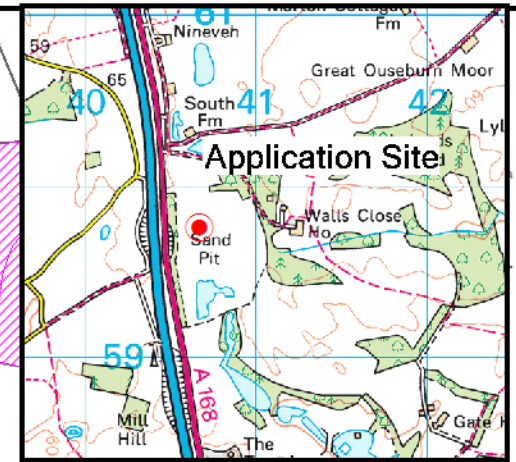
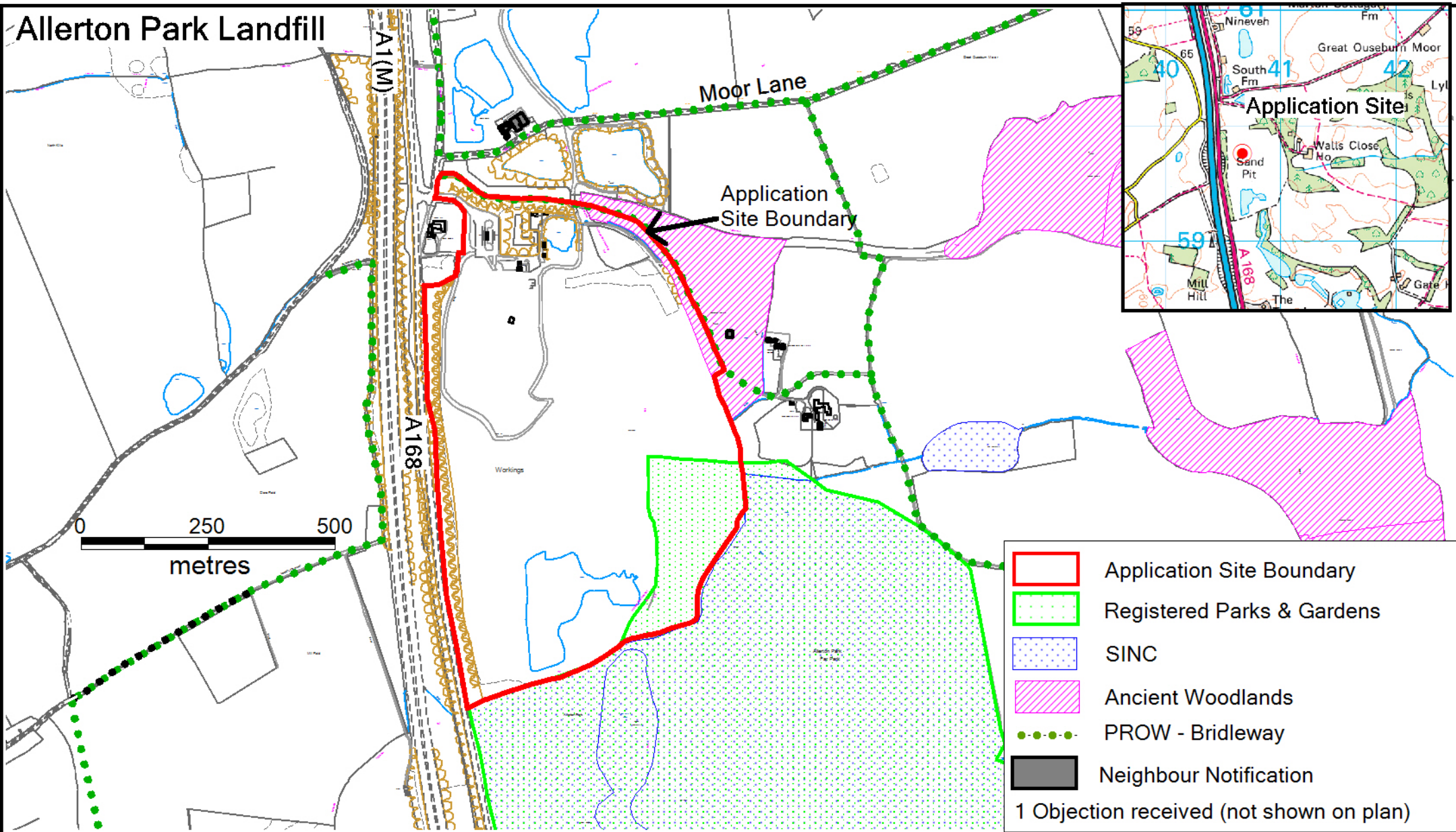


	<p>a Phase has already been restored, the period of 'after-care' shall be deemed to commence on the date of this decision and shall run for five years thereafter. The scheme of landscaping and aftercare shall include long term design and habitat objectives, method statements for site preparation and establishment of key habitats, management responsibilities and maintenance schedules and provide a combination of good quality habitat creation on the restored landfill and ensure long-term sympathetic management of the retained area. The scheme shall also include details and provision for:</p> <p>i) Soil preparation;</p> <p>ii) Application of fertiliser;</p> <p>iii) Sowing and establishment of green cover;</p> <p>iv) Tree hedgerow and scrub planting, inclusive of sources, species, sizes, planting density mix and number;</p> <p>v) Grassland planting, inclusive of sources, species, sizes, planting density mix and number;</p> <p>vi) Wetland margin and aquatic planting, inclusive of sources, species, sizes, planting density mix and number;</p> <p>vii) Maintenance/aftercare provisions which shall include a scheme which ensures that if within a period of five years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the County Planning Authority, seriously damaged or defective), another tree or shrub of the same species, size and maturity as that originally planted shall be planted at the same place, unless the County Planning Authority gives its written consent to any variation.</p> <p><i>Reason:</i> <i>To ensure effective restoration of the site</i></p>
	<p><b>Restoration</b></p>
21	<p>Within 6 months of the date of this decision, details of a <i>Restoration Environmental Management Plan</i> shall be submitted and approved in writing by the County Planning Authority. Such a Plan shall include details of measures in respect of the following:</p> <ul style="list-style-type: none"> <li>• control measures for Himalayan balsam, New Zealand pygmyweed and montbretia;</li> <li>• prevention of dust deposition on habitats;</li> <li>• protection of wet woodland; and</li> <li>• fencing and buffers to retained habitats.</li> </ul> <p><i>Reason:</i> <i>To ensure effective restoration of the site and to prevent pollution</i></p>
22	<p>The restoration of the land shall include the submission of an efficient scheme of drainage for the area of land covered by this permission and serving any adjoining land where drainage is affected by the tipping, details of which shall first be agreed in writing with the County Planning Authority within 24 months of the completing of tipping. Thereafter, the approved drainage system shall be installed at a time when the reinstated land has settled sufficiently for the work to be undertaken and, in any event, not later than five years from the time when tipping is completed. In any event, provision shall be made as necessary, to the satisfaction of the County Planning Authority, to maintain the existing drainage of the site and any adjoining land where drainage is affected by the tipping.</p> <p><i>Reason:</i> <i>To ensure effective restoration of the site to a condition suitable for agricultural use and in the interests of amenity.</i></p>
	<p><b>Submission of a Bird Hazard Management Plan</b></p>
23	<p>Within 6 months from the date of this permission, a <i>Bird Hazard Management Plan</i> shall be submitted to and approved in writing by the County Planning Authority. The approved <i>Bird Hazard Management Plan</i> shall include details regarding the ponds which should be designed to have steep/vertical bank sides and to be as deep as possible to both minimise the surface area of water bodies and the nutritive value of the water as well as measures to prevent breeding geese and control all problem bird species, namely gulls/corvids and wildfowl, shall be reviewed annually and shall be implemented in full throughout the life of the operations permitted by this permission to ensure that the attraction is minimal and does not increase as the surrounding habitat is restored and disturbance is reduced.</p> <p><i>Reason:</i> <i>In the interest of aerodrome safeguarding</i></p>
	<p><b>In the event of cessation of tipping</b></p>
24	<p>Upon the resumption of tipping in accordance with this permission and, thereafter, if authorised tipping has ceased or if the deposit of materials shall cease for a period of not less than 12 months, the site shall be restored in accordance with condition no. 20 or a new scheme</p>

	<p>submitted for the prior written approval of the County Planning Authority and all plant and machinery shall be removed from the site. All such works shall be completed to the satisfaction of the County Planning Authority within 12 months of the date of cessation of authorised tipping or the date of termination of the 12-month period referred to above.</p> <p><i>Reason:</i> <i>In the interest of amenity.</i></p>
25	<p>On completion of waste disposal operations all existing buildings and structures shall be removed from the site.</p> <p><i>Reason:</i> <i>In the interest of amenity</i></p>
<b>Other matters</b>	
26	<p>An annual meeting shall be held between the operator and the County Planning Authority to review schemes of working, restoration, landscaping and aftercare issues. This meeting shall include all interested parties and technical advisers as required.</p> <p><i>Reason:</i> <i>To secure an orderly pattern of working, restoration and after-use of the site.</i></p>
27	<p>A copy of the planning permission and any agreed variations, together with all the approved plans, shall be kept at the site office at all times. A copy of the planning permission and any agreed variations, together with all the approved plans, shall be kept at the site office at all times.</p> <p><i>Reason:</i> <i>To ensure that site personnel are aware of the terms of the planning permission</i></p>
<b>Informative:</b>	
	<p><i>The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via <a href="mailto:paths@northyorks.gov.uk">paths@northyorks.gov.uk</a> to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.</i></p>



# Allerton Park Landfill



**Application No : C6/19/00988/CMA**

Title: variation of Condition No's 1, 2 & 20 of Planning Permission Ref. C6/500/63J/CMA for the continuation of waste disposal operations for a further 6 years from 31 December 2018 until 31 December 2024 with a further year for restoration, to amend the final restoration levels across the site and to amend the final restoration scheme for the southern part of the site at Allerton Park Landfill, Moor Lane (Off A168), Knaresborough, HG5 0SD



Business & Environmental Services,  
North Yorkshire County Council  
County Hall, Northallerton,  
North Yorkshire. DL7 8AH

Scale: 1:10,000  
Date: March 2020  
Filename: Allerton Park  
Compilation & Analysis: VP/JB

## North Yorkshire County Council

## Planning and Regulatory Functions Committee

31 March 2020

## 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:  
27 January 2020 to 02 March 2020 Inclusive

**A. County Council Development****NY/2019/0206/FUL (C6/19/05179/CMA)****Dishforth Airfield Community Primary School, Short Road, Dishforth Airfield, YO7 3DL**

Decision Notice: 13 February 2020

Demolition of an existing staffroom extension (22m<sup>2</sup>), construction of a single storey extension (106 sq. metres), external access ramp, creation of 6 car parking bays, installation of new perimeter path around new extension (47.8m<sup>2</sup>), installation of 5no. fixed wall lights and soft landscaping works including the digging up and replanting of existing shrubs and bushes

PLANNING PERMISSION GRANTED subject conditions

**NY/2019/0198/NMT****Eskdale School, Stainsacre Lane, Whitby, YO22 4HS**

Decision Notice: 11 February 2020

Application for a non-material minor amendment to reduce the size of the permitted 11v11 Artificial Grass Pitch (AGP) from 106 x 70m (7420m<sup>2</sup>) to 97 x 65m (6305m<sup>2</sup>) which relates to Planning Permission C4/18/02756/OA

Details APPROVED

**NY/2019/0196/FUL (C6/20/00196/CMA)****Bishop Monkton CE Primary School, St John's Road, Bishop Monkton, North Yorkshire, HG3 3QW**

Decision Notice: 21 February 2020

Erection of a cycle shelter (2.43 sq. metres) and paved hardstanding (27 sq. metres)

PLANNING PERMISSION GRANTED subject conditions

**NY/2019/0190/LBC (C5/2019/21303/NYCC)****Broughton Bridge, Old Lane, Skipton, North Yorkshire, BD23 3AG**

Decision Notice: 03 February 2020

Dismantling and rebuilding of east and west retaining walls, buttresses, spandrel walls and parapets using existing stone, excavate clay infill (approx. 2000 sq. metres). Removal and re-attach 3 No. external clamping plates, shot blast and repaint, replace all tie rods. Infill bridge using reinforced earth infill, walls straightened and tied into reinforced earth infill

LISTED BUILDING CONSTENT GRANTED

**NY/2019/0189/FUL (C4/19/02859/CC)**

**Hunmanby Primary School, Priest  
Close, Hunmanby, Filey, YO14 0QH**

Decision Notice: 04 February 2020

Erection of a polycarbonate cycle shelter (42.12 sq metres)

PLANNING PERMISSION GRANTED subject conditions

**NY/2019/0167/FUL (C2/19/02166/CCC)**

**Land to the Rear Of Crakehall Church  
Of England Primary School, The Green,  
Crakehall, DL8 1HP**

Decision Notice: 05 February 2020

Change of use from Agricultural use to a Non-Residential Institution (Use Class D1) to form a school playing field, erection of 1.8 m high fence and gate

PLANNING PERMISSION GRANTED subject conditions

## **B. County Matter Development**

**NY/2019/0223/A27**

**Knapton Quarry, Malton, North  
Yorkshire, YO17 8JA**

Decision Notice: 4 February 2020

Application for the approval of details reserved by condition No's 11 & 13 of Planning Permission Ref. C3/19/00012/CPO which relates to a Landscape Scheme and a Landscape Management Plan

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: Alice Gill

Background Documents: None

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

**31 March 2020**

**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 to 31 December 2019).

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

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 to 31 December 2019).

<b>Total number of applications determined</b>		4	
<b>Number of delegated/committee decisions</b>		Delegated: 4	Committee: 0
<b>Speed of decisions</b>			
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	4	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%)

<b>2019/20</b>	<b>Quarter 1 (Apr-Jun)</b>	<b>Quarter 2 (Jul-Sept)</b>	<b>Quarter 3 (Oct-Dec)</b>	<b>Quarter 4 (Jan-Mar)</b>
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	80% (No.4/5)	66.6% (No.2/3)	100% No. 4/4)	
No. of 'County Matter' applications determined within 13/16 weeks discounting Extension of Time agreements (EoT)	60% (No.3/5)	0% (No.0/3)	0% (No.0/4)	

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

<b>2019/20</b>	<b>Quarter 1</b>	<b>Quarter 2</b>	<b>Quarter 3</b>	<b>Quarter 4</b>
"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	01/07/17 – 30/06/19) 90% (No. 36/40)	01/10/17 – 30/09/19 87.5% (No. 35/40)	01/01/18 – 31/12/20 87.8% (No.36/41)	

\*\* Under section 62A of the TCPA 1990 LPAs making 60% 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 to 31 December 2019)

<b>Total number of applications determined</b>		9		
<b>Minor<sup>1</sup>/Major<sup>2</sup>/EIA<sup>3</sup></b>		Minor: 9	Major: 0	EIA: 0
<b>Number of delegated/committee decisions</b>		Delegated:		Committee:
<b>Speed of decisions</b>				
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
0	2	0	7	0

<sup>1</sup>A '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.

<sup>2</sup>A '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.

<sup>3</sup>An 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%)

<b>2019/20</b>	<b>Quarter 1 (Apr-Jun)</b>	<b>Quarter 2 (Jul-Sept)</b>	<b>Quarter 3 (Oct-Dec)</b>	<b>Quarter 4 (Jan-Mar)</b>
No. of County Council's own development minor applications determined within 8 weeks or within agreed Extension of Time (EoT)	88.8% (No. 8/9)	100% (No. 11/11)	100% (9/9)	
No. of County Council's own development minor applications determined within 8 weeks discounting Extension of Time agreements (EoT)	66.6% (No.6/9 )	36.3% (No.4/11)	22.2% (No. 2/9)	

**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. 31 December**

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 (C6/105/6C/CMA)	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	06.12.11	Committee	To be reported to committee on 31 <sup>st</sup> March 2020	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	The application was reported to Committee on 10 <sup>th</sup> September 2019 Members resolved to grant planning permission subject to prior completion of Legal Agreement. The application is now awaiting Legal agreement to be signed.	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 <sup>th</sup> October 2016 Members resolved to grant planning permission subject to prior completion of Legal Agreement. Awaiting completion of Legal Agreement. Engrossments circulated for signature.	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	Further information awaited from the Agent in respect of bat surveys and is also going to submit revised plans.	EoT agreed until 31.1.20 – Applicant going to withdraw this application and submit a revised one as some details have changed.

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
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	Objection received from Sam Smiths Old Brewery. Objection from Selby District Legal advice and Counsel Opinion received on status of land. Committee report completed but subject to Counsel review at the request of NYCC legal department.	Extension of time agreed until 19.10.19 To be reported to 25 <sup>th</sup> February committee
Land off Weeland Road, Kelling ley, WF11 8DN  NY/2017/0219/FUL	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	Amended plans received and out for re-consultation. Proceeding and still under consideration.	Yes - Extension of time agreed until determination. To be reported to 25 <sup>th</sup> February committee.
land to the west of Raincliffe Grange Farm, Main Street, Seamer  NY/2017/0267/ENV (C4/17/02418/CC)	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. Applicant has commissioned additional deep peat drilling to address Historic England concerns. Information being assessed by specialists at HE. Resolution of impacts likely August 2020 following consultation on revised environmental information.	Extension of Time Agreement to be requested when extra information received.
Pallett Hill Quarry, Catterick Village, Nr Richmond  NY/2017/0326/ENV (C1/18/00013/CM)	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 2022 and the restoration of the site from 31st December 2018 to 31st December 2023	20/12/2017	Committee	Application on hold. Awaiting further information from the agent.	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
Alne Materials Recycling Facility, Forest Lane, Alne,  NY/2017/0324/73A (C2/18/00147/CCC)	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	Issues with application type. Discussions ongoing.	No – to be requested.
Alne Materials Recycling Facility, Forest Lane, Alne  NY/2017/0322/73A (C2/18/00146/CCC)	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	Issues with application type. Discussions ongoing.	No – to be requested.
Old London Road Quarry, Stutton, Tadcaster  NY/2018/0009/FUL (C8/2018/0180/CPO)	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	Awaiting further information from the application. To be reported to 31 <sup>st</sup> March 2020 Committee	Extension of Time Requested
Marishes Wellsite, Wath Hall, Low Marishes, Malton, YO17 6RF  NY/2018/0118/73A	Variation of Condition No. 2 of Planning Permission C3/06/00625/CPO/E for an Extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Committee	Reported to 21 <sup>st</sup> January 2020 meeting of the Committee.	Agreed until 24 <sup>th</sup> January 2020, but necessitating a further extension to be sought due to awaiting SoS decision
Kirby Misperton 1/3 Wellsite, Alma Farm, Kirby Misperton,  NY/2018/0108/73A	Variation of condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/C for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years to 31 December 2035	17/05/2018	Committee	Reported to 21 <sup>st</sup> January 2020 meeting of the Committee.	Agreed until 24 <sup>th</sup> January 2020, but necessitating a further extension to be sought due to awaiting SoS decision
Kirby Misperton 2 Wellsite, Alma Farm, Habton Road, Kirby Misperton	Variation of condition No. 3 of Planning Permission Ref. C3/10/00924/CPO for an extension to the operating period of the existing wellsite to continue	17/05/2018	Committee	Reported to 21 <sup>st</sup> January 2020 meeting of the Committee.	Agreed until 24 <sup>th</sup> January 2020, but necessitating a further extension to

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/2018/0112/73A	consented activities for a further 17 years from 2018 to 2035				be sought due to awaiting SoS decision
Malton A Wellsite, Habton Lane, Great Habton, Malton NY/2018/0114/73A	Variation of Condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/A for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Committee	Reported to 21 <sup>st</sup> January 2020 meeting of the Committee.	Agreed until 24 <sup>th</sup> January 2020, but necessitating a further extension to be sought due to awaiting SoS decision
Malton B Wellsite, Kirby Misperton Lane, Great Habton, Malton, NY/2018/0116/73A	Variation of Condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/B for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Committee	Reported to 21 <sup>st</sup> January 2020 meeting of the Committee.	Agreed until 24 <sup>th</sup> January 2020, but necessitating a further extension to be sought due to awaiting SoS decision
Whitewall Quarry, Welham Road, Norton on Derwent, North Yorkshire, YO17 9EH NY/2018/0167/FUL (C3/18/00967/CPO)	Retrospective application for a 2.4 hectare extension to an inert and demolition recycling area.	1/11/18	Committee	Further information requested from Applicant.	Extension of Time agreed until 24 January 2020.
Black Quarry, Leyburn, North Yorkshire NY/2018/0156/FUL - (C1/18/00840/CM)	New access and haul road, erection of a single storey workshop and lubrication store (238 external sq. metres), double stacked site office (48 external sq. metres), 2 single storey welfare units (total 72 external sq. metres), weighbridge and weighbridge office (36 external sq. metres), 2 fuel tanks, bicycle rack, car parking area and hardstanding	17/09/18	Delegated	Awaiting further information from the agent following consultation responses. Discussions ongoing.	No – Further Extension of Time to be requested

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
Allerton Park Landfill, Moor Lane (Off A168), Knaresborough, HG5 0SD NY/2018/0280/73	Variation of Condition No's 1, 2 & 20 of Planning Permission Ref. C6/500/63J/CMA for the continuation of waste disposal operations for a further 6 years from 31 December 2018 until 31 December 2024 with a further year for restoration, to amend the final restoration levels across the site and to amend the final restoration scheme for the southern part of the site	21.12.18	Committee	Awaiting further information from agent, as meeting on 20 <sup>th</sup> September agreed they will produce further information to explain assessments and further Masterplan.	No – further E oT needs to be sought. To be reported to 25 <sup>th</sup> February committee.
The Old Brick And Tile Works, Riccall Road, Escrick, YO19 6ED - NY/2018/0229/73	Variation of Condition No. 2 of Planning Permission Ref. C8/10/3AC/CPO which relates to raising landfill levels	18.1.2019	Committee	Notification of appeal submission in October 2019. November committee recommended refusal. Awaiting start date of appeal from Planning Inspectorate.	No
Land at the Former Kellingley Colliery, Turvers Lane, Kellingley, Selby, WF11 8DT NY/2019/0005/73	Planning application accompanied by an Environmental Statement for the purposes of the variation of condition no's 2, 3, 4, 5, 6, 9, 11, 13, 14, 15, 26, 37, 38, 39, 42, 43, 54, 55, 56, 57, 58 & 62 of planning permission ref. no. C8/2013/0677/CPO 'The relocation of colliery activities and construction of an energy centre to recover energy from waste with ancillary development including offices and utility uses (e.g. workshops and electrical rooms); parking; a new access point and improvements to the existing access; internal roads; railway sidings; a weighbridge and gatehouse; a substation and transformer compound; a national grid connection; private wire connection to the colliery; sustainable urban drainage systems; lighting; CCTV; landscaping and fencing on land at Kellingley Colliery, Turver's Lane, Knottingley, West Yorkshire, WF11 8DT.' The proposed variations relate to:- Increasing the consented annual throughput of waste at the Energy Centre,	21.1.2019	Committee	Reported to January Committee 2020.	Yes.

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
	increasing the two way HGV movements, increasing the two way HGV movements during construction of the energy centre, changes to aspects of the consented development to accommodate plant selection including changes to the Turbine Hall, Boiler Hall, FGT plant and ACC unit, and changes to the consented construction phasing to include the use of the former Kellingley Colliery access				
Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby, WF8 3LU NY/2019/0002/ENV (C8/2019/0253/CPO)	9.7 hectare quarry extension (Area 8) eastward from the current working Area 7 to provide 4.9 million tonnes of magnesian limestone followed by restoration of the land with engineered fill from existing adjacent waste treatment facility	1.3.19	Committee	Still under consideration awaiting further information from the application. Committee report in preparation.	Yes - agreed until determination
Pickering Wellsite, Pickering Showground, Malton Road, Pickering, YO18 7JW NY/2018/0117/73A	Variation of Condition No. 9 of Planning Permission Ref. C3/09/00344/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	26.9.18	Committee	Reported to 21 <sup>st</sup> January 2020 meeting of the Committee.	Agreed until 24 <sup>th</sup> January 2020, but necessitating a further extension to be sought due to awaiting SoS decision
Pipeline to Knapton Generating Station, East Knapton, Malton, North Yorkshire, YO17 8JF NY/2018/0113/73A	Variation of condition No's 1 & 2 of Planning Permission Ref. C3/06/00625/CPO/F for the retention of the existing Vale of Pickering pipeline network between existing wellsites and Knapton Generating Station (including the pipeline from the Pickering wellsite to Kirby Misperton–A wellsite) for a further 17 years from 2018 to 2035	26.9.18	Committee	Reported to 21 <sup>st</sup> January 2020 meeting of the Committee.	Agreed until 24 <sup>th</sup> January 2020, but necessitating a further extension to be sought due to awaiting SoS decision
Barnsdale Bar Quarry, Long Lane, Kirk Smeaton, WF8 3JX – NY/2019/0072/ENV	Extension to existing quarry to extract 7 million tonnes of limestone by 2040 followed by two years of final restoration by 2042	20.5.19	Committee	Delegated report in preparation.	No. Will need to be re-sought prior to (delegated) decision being issued

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
Kirby Misperton A wellsite (2012 Extension), Alma Farm, Kirby Misperton, North Yorkshire, YO17 6XS NY/2019/0079/FUL	Continue use of the extension to the Kirby Misperton A wellsite (previously consented under C3/12/00989/CPO) for operations associated with gas production; including production of gas from the existing production borehole, the drilling and testing of one additional production borehole followed by subsequent production of gas and the maintenance of the wellsite and boreholes (workovers).	31.5.19	Committee	Reported to 21 <sup>st</sup> January 2020 meeting of the Committee.	Agreed until 24 <sup>th</sup> January 2020, but necessitating a further extension to be sought due to awaiting SoS decision
Gale Common Ash Disposal Site, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB – NY/2019/0091/ENV (C8/2019/0732/CPO)	The extraction and export of pulverised fuel ash ('PFA') from Lagoons C and D and Stages II and III of the Gale Common Ash Disposal Site and associated development, including the provision of processing plant, extended site loading pad, upgraded site access arrangement and facilities, additional weighbridges and wheel wash facility, extended site office and other ancillary development; highway improvement works on Cobcroft Lane/Whitefield Lane between the site and the A19 and at the Whitefield Lane junction with the A19; and a new access from Cobcroft Lane, car parking and ancillary development in connection with proposals for public access to Stage I.	24.6.19	Committee	To be reported to 31 <sup>st</sup> March committee	No
Gatherley Moor Quarry, Moor Road, Gilling West NY/2019/0109/FUL (C1/19/00469/CM)	2.7 ha extension to Gatherley Moor Quarry for the extraction of 50,000 tonnes of block sandstone over a period of 20 years	1.10.19	Delegated	Waiting for applicant to submit further details regarding restoration.	EoT agreed until 31 March 2020
Pallett Hill Quarry, Leeming Lane North, Catterick Village, DL10 7JX NY/2019/0130/FUL (C1/19/00587/CM)	proposed retention of quarry access until 31st December 2023	1.10.19	Delegated	Application on hold. Awaiting NY/2017/0326/FUL to be determined at committee	



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
Land to the rear of Unit 1, Skipton Old Airfield, Sandhutton, Thirsk, North Yorkshire, YO7 4EG NY/2019/0026/FUL (C2/19/02210/CCC)	change of use of land to a roadstone recycling plant, to include the erection of a concrete holding bay 2.4 metres high, erection of a green palisade perimeter fence with a sliding access gate 2.4 metres high, siting of a mobile crushing plant, (14.79) sq. metre portable cabin for office/wc/welfare facilities & the provision of 2 car parking spaces. The erection of an acoustic wall of 5m in height to the south and east boundaries of the development.	1.11.19	Committee	Reported to January Committee 2020, resolved to grant subject to a S106 agreement.	No, but will re-negotiate E o T to coincide with date for issuing decision when S106 is finalised.
Land adjacent to and to the west and north of the current Escrick Quarry to the south west of Escrick, North Yorkshire, YO19 6ED NY/2019/0136/ENV) (C8/2019/0917/CPO)	proposed new quarry to extract approximately 6 million tonnes of clay by 2053 and restoration of the site to agriculture and nature conservation with the importation of up to 2.67 million tonnes of inert materials together with the construction of new internal site access haul road, site compound, car park, site office, wheel washing facility, security fencing and gates and the construction of a temporary bridge crossing over the National Route 65 of the National Cycle Network	1.11.19	Committee	Committee report in preparation for March 31 <sup>st</sup> Committee	No
Land to the south of Knapton Quarry, East Knapton, Malton, North Yorkshire, YO17 8JA NY/2019/0078/73 (C3/19/01184/CPO)	variation of Conditions No. 2 and 30 of Planning Permission Ref. C3/16/01918/CPO to increase the tonnage of waste received at the Green Energy Facility to up to 130,000 tonnes per annum (around 120,000 tpa processed) up from the currently granted 80,000 tpa (65,000 tonnes processed), and increase maximum stored waste from 600 tonnes to 1080 tonnes (3 days fuel) at any time. Increase in vehicle movements from 40 48 per day	16.9.19	Committee	Still under consideration	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 September to 31 December 2019) 2019/2020**

**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?
<b>County Matters</b>						
Whitewall Quarry, Concrete Batching plant	Ryedale	3 (1 complaint)	Noise from Concrete Batching plant (early morning)	24.7.19 30.8.19 12.9.19	Noise complaints fall within permitted operating hours. Complainant giving consideration to option of using Environmental Health Officer for noise monitoring to establish if noise nuisance. Operator contacted each occurrence and reports no operations out of ordinary.	Partially, but decision to use Environmental Health noise monitoring being given consideration by complainant.
<b>County Council Development</b>						
Malton Community Sports Centre, Broughton Road, Malton	Ryedale	1	Flooding on B1257 Broughton Road, Malton arising from runoff from sports centre carpark /access road	26/11/2019	Case history being investigated with site monitoring visit to be planned.	On-going

**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?
<b>County Matters</b>						
Whitewall Quarry	Ryedale	7 (2 complainants)	Noise, speed of vehicles and dust on highway  Further engineering operations outside of planning permission boundary.	Dates between 06/07/2017 & April 2018	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. Investigation ongoing into engineering operation outside of planning permission boundary.	Partially
Murray Brown & Son waste transfer/recycling operation, Flixton	Scarborough	1	Noise and early morning disturbance and poor site management.	18/10/2018	Contact made with Scarborough BC to chase up whether confirmation from the complainant to passing on the details of the complaint, plus anything which may be relevant from the Environmental Health Officer. Chased up in November 2018 as no contact from complainant or SBC.	Contact made with SBC 31/1/2019 and confirmation that EA are involved.  No further contact from complainant or SBC. Case closed.
North Close Farm	Harrogate	1	Materials including soil and broken up concrete slabs have been brought on land	31/01/2019	Material removed from land.	04/02/2019
Foal Cote Farm, Markington, North Yorkshire, HG4 3AN	Harrogate	1	Unauthorised tipping, with 8 wheeler Lorries running along with significant numbers of tractors and trailers	11/02/2019	Awaiting response from environment agency on whether further action would be required.	Partially

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
			from Harrogate Building sites.			
Metcalfe Farms, Washfold Farm	Richmondshire	2	Alleged unauthorised blasting operations and sale of mineral	23/01/2019	Resolved as extraction of mineral formed part of the development of the 2 agricultural buildings permitted by Richmondshire District Council 18/00515FULL granted on 1 <sup>st</sup> October 2018.	Ongoing
Stobarts, Great Heck	Selby	1	Alleged unauthorised development: laying of concrete pad	26/06/2019	Site visited 01/07/2019	Work relating to concrete in compliance with Planning Permission C8/2016/0008/CPO – However, site in breach of condition 25 for stock pile heights. Letter sent and 2 <sup>nd</sup> site visit planned.
Cattal Station Yard, Station Road, Cattal, YO26 8EB	Harrogate	1	Non-compliance with conditions 3,4,6,7 and 14.	25/7/2019	Being investigated before a site visit is arranged.	On-going
Betteras Hill Quarry	Selby	1	Deposit of waste on top of closed landfill (Environment Agency complaint followed by complaint via EA from member of public)	21/8/19	Complainant (member of public) contacted by e-mail. No further contact by them. Trying to set up meeting with District and EA.	Partially – site owner has admitted offence and EA taking enforcement action. Still to be investigated by NYCC from planning perspective. Waiting for EA to confirm date of meeting with NYCC and District.

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
Scholla Grange, Bullamoor Road DL6 3RA	Hambleton	1	Deposit of waste	16/8/19	Site visited 29/08/19	Partially. Need to speak to District Enforcement Officer.
County Council Development						
Sherburn High School	Selby	1	Traffic at school drop off and pick up times	25/3/2019	School contacted for travel plan awaiting response.	

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

2019/20	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	4	Cumulative total no.	2 Cumulative total no.	Cumulative total no.

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

2019/20	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	25% (no. 1/4)	% (no. /)  Cumulative total % (no. /)	% (no. /)  Cumulative total % (no. /)	0% (no.0/)  Cumulative total % (no. /)

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

2019/20	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	25% (no. 1/4)	% (no. /)  Cumulative total % (no. /)	% (no./)  Cumulative total % (no. /)	0% (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 3 (Minerals and Waste Sites only)**

Site	District	Date Visited
Forcett Quarry	Richmondshire	04/10/19
Pateley Bridge Quarry	Harrogate	04/10/19
Marfield Quarry	Harrogate	29/11/19
Nosterfield Quarry	Hambleton	29/11/19