

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at remotely via Skype on 30 July 2020 at 10.00 am.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Caroline Goodrick, Robert Heseltine, David Hugill, Mike Jordan, John McCartney, Zoe Metcalfe, Chris Pearson and Clive Pearson.

Apologies were submitted by County Councillors Eric Broadbent.

The meeting was available to watch live via the County Council's website

Copies of all documents considered are in the Minute Book

143 Welcome and Introductions

The Chairman welcomed everyone to the meeting and those present introduced themselves.

144. Minutes of the meeting held on 16 July 2020

Resolved -

That the Minutes of the meeting held on 16 July 2020, having been printed and circulated, be taken as read and confirmed, to be signed by the Chairman as a correct record at the next available opportunity.

145. Declarations of Interest

County Councillor Mike Jordan declared a non-pecuniary interest in relation to the item at Minute 147 in respect of him being the Chair of the resident's Liaison Committee for the operations at the applicant's Hemingbrough site. There were no other declarations.

146. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, other than those that had indicated that they wished to speak in relation to the application below, there were no questions or statements from members of the public.

147. C8/2019/0917/CPO (NY/2019/0136/ENV) - Planning application for the purposes of a clay quarry for the extraction and exportation of clay including the use of an existing access from the A19, the construction of a crossing over the National Route 65 of the National Cycle Network and restoration using imported inert materials to agriculture and nature conservation interest including water bodies and wetland habitats on land at land adjacent to and to the west and north of the current Escrick Quarry to the south west of Escrick

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application for a clay quarry for the extraction and exportation of clay including the use of an existing access from the A19, the construction of a crossing over the National Route 65 of the National Cycle Network and restoration using imported inert materials to agriculture and nature conservation interest including water bodies and wetland habitats on land adjacent to and to the west and north of the current Escrick Quarry to the south west of Escrick, North Yorkshire.

The application was subject to 65 objections having been raised by local residents, and an objection from Riccall Parish Council, in respect of this proposal on the grounds of highways impact, amenity, environmental impact, dust and noise and was, therefore, reported to this Committee for determination.

A representative of the Head of Planning services introduced the report.

Lillian Coulson, representing Escrick Parish Council, had submitted a statement, that was read out to the Committee by the Clerk, and is detailed below:-

Statement 1 – Lillian Coulson on Behalf of Escrick Parish Council

“Escrick Parish Council's Planning Working Group has previously responded that if this application is to be approved, then certain mitigation, conditions and restrictions would be essential. We note the recommendation to approve and remind you of our previous comment on the need for 'restriction on the working hours and days' in order to protect the amenity of residents and businesses in the surrounding locality. We note that proposed condition 4 sets out restrictions on working hours and days. And conditions 7 and 8 seek to achieve noise control by specifying the need for noise attenuating equipment and state the maximum LAeq for specific locations, including many residential properties. However, we would ask you to draw members' attention to national good practice noise guidelines (as set out in Professional Practice Guidance on Planning + Noise) where the noise industry daytime band (for residential amenity) is 0700 - 2300 and night time is 2300 - 0700. Given that the proposal is for a long term operation of circa 30 years, we would request that the start times in conditions 4 be amended to 07.00 to match national good practice guidelines in order to protect the residential living environment of those homes close by. This would be a more reasonable start time for any audible disturbance and better protect the amenity of those living there.

I have already emailed the Planning Officer to ask her to reconsider this draft condition, saying that (as a Planning Consultant - in my personal capacity) I appreciate that conditions are there to protect the residential amenity of nearby properties whilst allowing the business a reasonable operating period. She referred me to the current permission of the applicant's existing site at Hemingbrough as an example of appropriate timings, which also sits with some residential properties within similar proximity.

Having now checked the conditions imposed for the Hemingbrough site, these currently only allow soil and overburden stripping from 0715 and quarrying operations and exportation of clay from the site from 0800. To similarly protect the amenity of Escrick Parish residents, we would request that either these same tried and tested times should be repeated here for Escrick Quarry, for the same good reasons, or at least the 0700 start time I am suggesting. The applicant has previously agreed these times at Hemingbrough and shown they can work for them, but we would equally accept the 0700 time we originally

proposed as a reasonable compromise.

We would be grateful if, should members be minded to approve the application, that they confirm that condition 4 should be amended accordingly.”

Guy Titman of MJCA, representing the applicant, had submitted a statement, that was read out to the Committee by the Clerk, and is detailed below:-

“As you may be aware Plasmor is a privately owned Yorkshire based company which supply a wide range of concrete products to the construction and landscape industry markets throughout the UK. We also manufacture lightweight aggregate and operate our own road and rail transport companies to distribute the products that we manufacture. Clay with very specific properties is an essential raw material to our business and we currently extract clay from our Hemingbrough Quarry. The clay available at Hemingbrough Quarry will be exhausted in less than 4 years’ time hence it is critical that we secure a longer term source of suitable clay not only to provide for the long term stability of our company and our significant ongoing capital investment programmes but also to protect the employment provided by the company.

After several years of investigating potential sources of clay we have concluded that the clay at the proposed Escrick site which is the subject of the planning application before you has the very specific properties which are suitable for our use. Our planning application was supported by a detailed and thorough Environmental Statement in which we presented the results of the extensive technical studies we carried out to establish the environment of the site and the surrounding area and to ensure that the design of our proposed operations would not result in any unacceptable environmental impacts. These technical studies were carried out by a range of experts who are independent of Plasmor.

The details of our proposals are summarised in the Officer’s Report before you. In developing our proposals and before we submitted our planning application we consulted widely with the local community and a range of other stakeholders and we listened to their comments, amending the proposals wherever we were able to. We continued this dialogue after the planning application was submitted and made further changes to our proposals to address comments made, particularly in respect of the restoration principles. There are no outstanding objections from technical consultees who are the experts in their fields, including with respect to potential impacts on traffic and highways, landscape, ecology, noise, dust and general amenity, cultural heritage, soil resources and agriculture and water resources including flood risk.

A key principle of our current operations at Hemingbrough Quarry and at all of our manufacturing facilities is our relationship with our neighbours. We are aware that objections have been raised by some local residents and Riccall Parish Council and it is disappointing to us that we have not been able to address the concerns raised to their satisfaction. The environmental issues raised are all matters which have been considered by the expert technical consultees who have not identified any matters which, in their expert opinions, merit an objection to the proposed development.

We are committed to constructive liaison with the communities in which we operate. At Hemingbrough Quarry we operate a Liaison Committee which has been an effective forum for community engagement and has provided us with the opportunity address directly observations and concerns raised by the local community. We propose to operate a similar Liaison Committee in respect of the operations at Escrick Quarry and feel sure that this will be an effective means to address any concerns of the local community.

We support the recommendation of the Planning Officer that our planning application is approved.”

The representative of the Head of Planning Services presented the Committee report, highlighting the proposal, the site description, the consultations that have 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. She also provided details in response to the issues raised in the public statements.

Members undertook a detailed discussion of the application and the following issues and points were highlighted during that discussion:-

- In relation to the issue raised by Escrick Parish Council in their public statement regarding the condition relating to working hours, and their request for this to be changed to a 7am start time, it was stated that the condition was in line with other similar operations in the area. The applicant had already removed Saturday as a working day at the request of local residents thereby reducing their working hours. The comparison to the working hours at Hemingbrough were not justified as those operations were undertaken in much closer proximity to residential dwellings.
- Clarification was provided in relation to the number of vehicle movements per day, which would be 200 at the very height of the operations on site, therefore, lower for the majority of the time.
- It was clarified that the nature of the material to be brought to the site for use in the restoration landfilling would be governed by the Environmental Permit issued by the Environment Agency.
- A Member asked whether the proposed Liaison Group, similar to the one that operates in Hemingbrough, could be included within the conditions to ensure that it was established and operated. It was stated that Condition 53 could include reference to this if Members required.
- It was clarified that a bridleway that passes through the site would be re-routed by the Public Rights of Way team, through the appropriate process.
- It was noted that there was likely to be some overlap between the site at Hemingbrough ceasing to produce clay from the site and the site at Escrick commencing operations, but that was necessary to maintain the supply for the applicant's production at Heck.
- The restoration scheme for the site would involve a continuous, progressive rolling programme of restoration. As the extraction process moved throughout the site the restoration process would follow on behind. Both processes would be taking place simultaneously.
- There were no issues within the application where it was considered that hydrology would affect the use of the land.
- A Member of the Committee, also chair of the Liaison Committee for the applicant's Hemingbrough site, outlined the success of that body and welcomed the approach to ensure that a similar Liaison Group was set up for Escrick.
- It was clarified that the clay resource to be extracted from Escrick was necessary for the continued manufacturing process of the applicant, as the source of the material at the Hemingbrough site was coming to an end and the material was only available from those sites.
- Noting the large amount of HGV movements required for this process, a Member asked what action was being taken to accord with the County Council's strategy to

combat climate change, particularly through the planning process, and whether this factor could be included when determining applications. In response it was stated that it was expected that, going forward, these concerns would become a factor when determining planning applications, and it was expected that alternative methods of transport, or cleaner fuels for transport, would be taken account of. The Member emphasised the need to consider this matter for planning applications, to comply with the strategy.

- In terms of the creation of employment it was expected that the workforce from the Hemingbrough site would move across to the Escrick site as work transferred from one to the other. The vehicle movements for the anticipated workforce were not known.
- A Member again queried as to why the requested 7am start time for the hours of operation could not be adopted. In response it was re-iterated that the hours of operation were in line with other similar operations in the area and that the applicant had already agreed to remove Saturday operating hours to address some of the concerns of local residents. It was also emphasised that the hours of operation were provided to support the provision of the raw material for use at the production site at Heck, and altering the times would affect that production. It was also stated that the Environmental Health Officer who had submitted the response to the consultation had not identified any issues with the hours of operation.
- It was asked whether wheel wash facilities were to be provided on the site and whether the material would be screened when it was being transported, otherwise, as the material was particularly messy, the local highway network would be badly affected. In response it was noted that both wheel wash facilities and the covering of the material while it was being transported would be in place. A Member noted that the wheel wash facilities at the Hemingbrough site were excellent, ensuring that the local road network was not affected, and he expected that to be replicated at this site.
- Members welcomed the clarity of the report and the presentation to this meeting in relation to the application.

Resolved -

That,

- (i) subject to the addition of reference to the establishment of a Liaison Committee for the Escrick Site, similar to that in operation for the Hemingbrough site, in Condition 53 of the list of conditions; and
- (ii) subject to the prior completion of a Section 106 Legal Agreement to secure a Detailed Restoration and Aftercare Scheme and a 30-year aftercare period,

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

The meeting concluded at 11.20am.

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