

## North Yorkshire County Council

### Planning and Regulatory Functions Committee

Minutes of the meeting held at remotely via Skype on 8 September 2020 at 10.00 am.

**Present:-**

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

Apologies were submitted by County Councillors Eric Broadbent and Robert Heseltine.

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

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

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**148 Welcome and Introductions**

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

**149. Minutes of the meeting held on 30 July 2020**

**Resolved -**

That the Minutes of the meeting held on 30 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**

There were no declarations of interest.

**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. C8/2020/0460/CPO - planning application for the variation of condition no. 2 of planning permission ref. C8/10/3AC/CPO which relates to raising landfill levels on land at The Old Brick And Tile Works, Riccall Road, Escrick, YO19 6ED on behalf of Escrick Environmental Services Ltd.**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application for the variation of condition no. 2 of planning

permission ref. C8/10/3AC/CPO which relates to raising landfill levels on land at The Old Brick And Tile Works, Riccall Road, Escrick, YO19 6ED on behalf of Escrick Environmental Services Ltd.

The application is subject to two objections (including one from the Parish Council) having been raised in respect of this proposal on the grounds of restoration timescales, visual impact, highways, need, noise and dust and is, therefore, reported to this Committee for determination. 1

This application was preceded by application ref. no. NY/2018/0229/73 (which sought to vary condition no. 2 of planning permission ref. C8/10/3AC/CPO). The previous application is now subject to appeal on the grounds of non-determination. In light of this appeal, it was incumbent upon the Authority to come to a view in respect of the application. Thus, a report was presented to Members on 12th November 2019 at which, a resolution that Members were minded to refuse the application was made.

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

Chris Jarvis of MEWP, the agent for the applicant, had submitted a written statement, that was read out to the Committee by the Clerk, and is detailed below:-

“We welcome the recommendation of Officers and thank them for presenting the matter to the Committee today.

The application before Members is a resubmission of one that was presented to the Committee in November 2019. Members may recall that they were asked to be minded to refuse our previous application following an appeal against non-determination.

As part of the appeal process, the applicant has revised his proposals to include an increased focus on the biodiversity benefits of the proposed development. The revised proposals provide for the planting of some 20,000 trees and the long-term management of the site for the purposes of biodiversity (alongside the approved mountain bike skills centre) over the 30 years following completion of the operations. The site lies in the heart of the Northern Forest where the planting of new woodland is encouraged.

Alongside this focus on biodiversity, several key changes have also been made to redesign the landscaping scheme to ensure that any potential visual impacts are minimised. This is supported by a detailed new assessment of landscape and visual impacts which amongst other things confirms that the proposed landform will not 'break' the tree line bordering the site. It is these revised proposals that are put before members today.

In addition to the demonstrable biodiversity benefits, the application also secures the sustainable management of wastes in North Yorkshire. The site is one of a limited number of sites in North Yorkshire currently permitted to import inert wastes. The Environment Agency granted an Environmental Permit for the works set out in this application in September 2019. The grant of this permit also secured the payment of a bond from the applicant sufficient to implement the restoration scheme should the applicant cease trading in the future.

The ongoing operation of the Acumen plant also secures the sustainable management of wastes collected on behalf of a number of local authorities including Harrogate Borough, Scarborough District, Selby District and City of York Councils.

The current permission allows for the continuation of tipping activities until such time as

the approved levels are reached, it is not a time limited permission. In effect, given the permitted recycling activities at the site, restoration of the site could be delayed to some unknown point in the future. By contrast, the approval of the proposed scheme would see the site finished and restored to a beneficial after use within 10 years.

The transport evidence supporting the application (which was not available to members previously) demonstrates that refusal of planning permission would not be likely to reduce vehicle numbers along the A19 given the distribution of alternative disposal points in the County, nor would there be any material impact upon residential amenity with noise levels around the site and in Escrick village not noticeably affected by the proposed works.

The application demonstrates significant benefits to sustainable development. In the absence of the proposed scheme, we have estimated that the management of inert wastes in North Yorkshire would likely generate an additional 823 vehicle miles per day and, over the proposed 10 year life of the site, generate some 2,694.4 tonnes of CO2 equivalent. This is equivalent to over 6.6 million average passenger vehicle miles.

As the economy struggles with the emergence from the coronavirus pandemic, the site also makes an important contribution to the local economy. The grant of planning permission would directly support 19 full time equivalent jobs in the Selby District, paying circa £50k per year in Council tax and adding an estimated £900k gross value added to the local economy.

Members are advised by their officers that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. The revised application clearly demonstrates that the proposed development is compliant with the requirements of the adopted and emerging development plan alongside all other material considerations. We would respectfully request therefore that Members endorse their officer's recommendation and approve the proposed scheme."

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 statement.

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

- Referring to the public statement, a Member noted that reference had been made to a bond having been paid to the Environment Agency, by the applicant, ensuring that the restoration work could continue should the applicant become insolvent, and asked whether this guaranteed that the restoration would be completed. In response the Committee's legal adviser stated that the bond was an agreement between the Environment Agency and the applicant only, and covered aspects within the Environmental Permit. The Planning Authority was seeking to provide a separate agreement in relation to the site and the proposed restoration over the 30 years' period through a Section 106 agreement. It was noted that the details of the bond were not available as they were with the Environment Agency.
- Noting the presentation a Member checked that the planted screening already in place was not due to be cut back at some stage. In response it was clarified that this would remain in place as it was off benefit to both this application and the

- nearby quarry, in terms of screening their activities.
- A Member raised concerns that, despite the current plan for the site, as outlined, there may be subsequent applications seeking to extend the period of use and pushing the ultimate restoration further back. It was emphasised that any such applications would need to be considered on their own merits, however, the current application related to the 10 years' period outlined, and it was noted that Highways had responded to the consultation on the application by stating it should not be extended beyond 10 years as that would lead to a detrimental impact on the local highways. Members reiterated that each application had to be determined on its individual merits.
- A Member welcomed the favourable impacts to biodiversity that had been built into the application.
- Members thanked Amy Taylor for her concise and informative presentation of the application.

**Resolved -**

That, subject to prior completion of a Section 106 Legal Agreement to secure a Detailed Restoration and Aftercare Scheme and a 30-year aftercare period, Planning Permission be granted for the reasons stated and subject to the conditions outlined.

**148. 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 22 June 2020 to 9 August 2020 inclusive.

**Resolved -**

That the report be noted.

**149. Publication by Local Authorities of information about the handling of planning applications for Quarter 1 – the period 1 March 2020 to 30 June 2020**

Considered -

The report of the Corporate Director - Business and Environmental Services which outlined the County Council's performance in the handling of County Matter and County Council Development Planning Applications for the year 2019/20, Quarter 2 (the period 1 March 2020 to 30 June 2020).

Information on Enforcement Cases was also attached as an Appendix.

**Resolved -**

That the report be noted.

The meeting concluded at 10.45am.

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