

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely via Microsoft Teams on 17 November 2020 at 10am.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Caroline Goodrick, David Hugill, Mike Jordan, Cliff Lunn (as substitute for Chris Pearson), John McCartney, Zoe Metcalfe and Clive Pearson.

County Councillor Robert Heseltine submitted his apologies.

11 members of the public were present remotely to submit questions/statements.

The meeting was available to watch live via the County Council's website and a recording of the meeting is now available on the website via the following link www.northyorks.gov.uk/livemeetings

Copies of all documents considered are in the Minute Book

155 Welcome and Introductions

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

156. Minutes of the meeting held on 24 September 2020

In relation to the previous Minutes (Minute No. 154 - Planning application for the 2.7 ha extension to Gatherley Moor Quarry for the extraction of 50,000 tonnes of block sandstone over a period of 20 years on land at Gatherley Moor Quarry, Moor Road, Gilling West) it was noted that the resolution stated that the Committee were minded to grant Planning Permission subject to further consideration being given to the details of Condition 10, in relation to giving the local community sufficient advanced notice of any work taking place, with that process being delegated to the Head of Planning Services, following consultation with the Chairman and Vice-Chairman. The matter had been addressed to the satisfaction of the applicant and the local community, and, therefore, had received the agreement of the Chairman and Vice-Chairman, resulting in the Planning permission notice being issued accordingly.

Resolved –

- (i) That the issue highlighted above be noted;
- (ii) That the Minutes of the meeting held on 24 September 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.

157. Declarations of Interest

County Councillor Caroline Goodrick declared a non-pecuniary interest in respect of Minute number 160 (Malton Sports Centre) in respect of her being an elected Member on Ryedale District Council, with the Sports centre being located in Ryedale District, and the Council being a major consultee in respect of the application.

158. 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.

159. **C8/2019/0732/CPO - Planning Application for the purposes of 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. on land at Gale Common Ash Disposal Site, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB**

Considered -

A report, and addendum report, of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application for 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 on land at Gale Common Ash Disposal Site, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire

This application was subject to eighty-six objections having been raised in respect of the proposal on the grounds of a variety of matters. These included: traffic impacts including on pedestrians, cyclists and other road users; proposed scale of extraction per year; impacts upon the residents of Whitley including those living on Whitefield Road and on the A19 and elsewhere (such as the villages of Womersley, Cridling Stubbs, Great Heck); proximity issues, vibration, noise, dust, emissions, light pollution; proposed hours of operation and duration of the development; lack of consideration of/proposal to use alternative means of transport and routing; visual impact; impact on wildlife and cumulative impact. The application was, therefore, reported to this Committee for determination.

The Head of Planning Services briefly introduced the report.

The public speakers were invited by the Chairman to present their statements as follows:-

Against the application.

John Hunter, Clerk of Whitley Parish Council, addressed the meeting from a remote location, stating the following:-

“My name is John Hunter I am the Clerk to Whitley Parish Council and I am here representing the Council and its 400 plus householders and the 200 plus children who attend the Primary School in the Village.

I would remind the planning committee of comments by our MP Nigel Adams who in fully supporting the request of residents to have the application removed refers to 744 comments from residents with approximately 700 objections. This figure contrasts significantly with the limited number of 86 objections that is quoted in the report as having been received.

Our MP correctly points out that the Coal from which ash in question was originally generated was transported to Eggborough by rail and canal and the consequent ash was delivered to Gale Common by slurry pipeline. This was in an era when environmental issues were certainly not at the top of the agenda in this country.

The committee will surely agree we live in a different world where environmental pollution and climate change is arguably the most significant issue this world has to face.

Then why is the committee embracing a transport solution that is retrograde. 22 extra HGV vehicles per hour will be passing along Cobcroft Lane, Whitefield Lane and the A19 on onwards to the rest of the road network. A constant stream of Heavy Goods Vehicles passing every 3 minutes throughout the whole day. This doubles the amount of road traffic on the A19. Yes, the A19 has capacity but it doubles the amount of traffic. Double the noise, double the fumes and double the pollution for 25 years. A quarter of a century.

Yes, the applicants are offering mitigation measures, road widening, traffic calming and a line of trees to baffle some of the sound. Mitigation measures that will be to the limited benefit of a row of ? homes on Whitefield Lane. That is it. Nothing to mitigate the impact on all the homes situated on the A19. Nothing to mitigate the impact of pollution on the lungs of primary school children that will cross the path of these lorries every single day. Not to mention the five generations of primary school children that will follow over the next 25 years.

We acknowledge that the committee do recognise in adding the condition 19 to their proposed Grant of Approval of the need for a Sustainable Mineral Transport Plan. A condition that will trigger review of alternative transport options. But this is a condition that is impotent before it starts! It only kicks in when each supply contract that is agreed exceeds 100,000 tonnes per annum. So, it is quite legitimate and possible for the contractor to set a limit of 100,000 tonnes to each supply agreement, enter into 10 separate contracts of 100,000 tonnes.

We then have to face HGV delivery of 1,000,000 tonnes per annum for 25 years. There is no imperative or incentive for the application to consider any other option than the cheapest route to market; HGV.

No need to consider alternative Sustainable Modes of Transport. Ever!

This surely flies in the face of our Nations commitment to environmentally friendly greener transport.

There are many Sustainable Options available it just needs the true commitment and goodwill of all parties involved to make it happen. Surely, the planning committee cannot entertain and subscribe to a transport solution that is in direct contradiction of the UK's avowed commitment to its responsibilities the reversal of climate change.

For this reason we ask that the committee reject this application.”

John Dodwell, Commercial Boat Operators Association, addressed the meeting from a remote location, stating the following:-

“My name is John Dodwell from the Commercial Boat Operators Association, the national association for the UK’s barge industry. Our members trade, among others, on the estuaries of the Thames, Humber, Mersey and Severn and the waterways connecting to them, such as the Aire & Calder Navigation from Goole to Leeds. As with any trade association, the CBOA promotes and protects the interests of its members. In this case, the most likely type of barge for use is not owned by an officer of CBOA.

Barges able to carry 500 tonnes operate on the Aire & Calder Navigation (relevant to this matter) each one taking off the roads 18 lorries carrying 28 tonnes. Barges emit 75% less CO2 than lorries. Even if engines were electrically powered, there would still be congestion on the roads. There would still be nasty particulates from brake pad dust; from lorry tyre wear; and from road surface erosion. None of these happen with water freight. These points have an extra validity when UK policy is to improve air quality. That this will cost industry money is not in doubt. Much social and environmental change is judged worth its economic cost. S 106 agreements are imposed via the planning system, recognising that the extra cost to the applicant is justified. We submit that the suggested use of barges in this case should, if necessary, be seen in that light.

This is especially important as there is the H&H Celcon plant at Pollington (nearly waterside) which uses 350k tonnes pa of PFA and also the possibility of a new similar facility at the waterside Kellingley Colliery site. We do not think it is acceptable for the Applicant to say it does not know where likely customers are sited; it would not have gone so far with its plans without some idea of its customers. Indeed, in their letter of 20 July, the Applicant said that if they did supply H&H Celcon, they would not be increasing road traffic in that area, only replacing the supply source by road. That suggests they have not considered alternative modes.

We welcome that the proposed Condition 19 about a Sustainable Mineral Transport Plan is tighter than what the Applicant had proposed. However, we feel it should be stronger and reflect (a) the Plan should be in place when the new development starts so it is immediately available for use; (b) the Plan should be prepared after consultation with CBOA (the Applicant has previously stated it would consult with CBOA after getting planning permission); (b) there should be an obligation to consider using the pontoon barge system we have previously described as this minimises handling costs (the Applicant has not considered this); (c) the environmental benefit of alternative modes as well as economic matters should be compared with road haulage so the Council has such information when deciding if the Plan is acceptable. In the light of net zero policy targets, costs should not be the only factor.

Separately, we have put forward to the planning officers and Committee members suggested fresh wording for the Condition.”

Ian Phillips, Cridling Stubbs Parish Council, addressed the meeting from a remote location, stating the following:-

“Let me start by thanking The Chair and the rest of The Committee for your continued interest in ensuring fair determination of EPUK Ltd’s application in respect of the Gale Common site. The parishioners of Cridling Stubbs, the closest community to the site, were incredibly grateful to you for expending the time and effort to visit the site in person earlier in the year, despite it being a long journey for many of you.

Conscious of the time constraints for today’s session, I don’t plan to go through our consultation written response again in detail.

Instead, I'd like to focus on two key questions which, it appears, are at the bottom of all this

1) Do the benefits outlined by the applicant represent sufficiently "special circumstances"?

And then, if they do;

2) Do the applicant's current plans for transporting materials away from the site pass muster in terms of safety, impact on the local community and overarching environmental policy?

Our view in Cridling Stubbs is "no" to both but, even if you view the balance of information as an impartial observer, which we're sure you're trying to do, we think the best you could do is answer "maybe" and we don't believe that's a strong enough basis to grant an application of this impact as it stands.

On the first point, the applicant justifies their proposed disruption of the Green Belt with the impact of the alternatives to extracting PFA at Gale Common – which they cite as the need to import PFA from overseas or to extract alternative materials (e.g. limescale) to be used in place of PFA in the construction industry.

However, to date, no contracts have been signed for the supply of materials for the site, making it impossible to assess the demand or the impact of refusal on UK construction.

If the demand is so great, you might expect to see numerous expressions of support from potential customers, but there have only been a handful and, crucially, the majority of these have been based overseas, meaning a) that the UK won't feel the benefit of any material extracted and that b) the environmental argument in favour of extraction is null and void. In both these circumstances, therefore, the only one to benefit will be the applicant...commercially.

On the second point, whilst the volume of HGV vehicle movements arising from the proposal is clearly at odds with environmental policy's desire to seek "greener" alternatives, the applicant argues that there is currently no viable alternative or that, where an alternative exists, it would have to be funded by a future customer.

In response, both the Commercial Boat Operator's Association and the Inland Waterways Association have written to NYCC to challenge, stating that they believe the waterway which runs adjacent to the site to be a viable alternative to road and requesting deferral of determination pending a review of the most sustainable mode of transport.

Indeed, you've already heard / will be hearing from the CBOA with further details and real world examples of how that could work in practice.

Given that the application is for the commercial benefit of the applicant, we don't see why the need to pass costs on to a hypothetical customer should be accepted as a barrier to exploring these options further prior to the application being granted.

If they truly believe in the "special circumstances" of the demand for PFA and are serious about achieving this in an environmentally conscious way, they could build the expense into the development of the site and then recoup it by including them in the costs they charge to future customers. As it stands, the only ones paying a price will be the local residents.

If allowed to proceed on the basis currently proposed, we believe any future customer wishing to use rail or waterways would be put off by the fact the applicant expects them to foot the entire bill and we'll be stuck with HGVs indefinitely.

It's also worth noting that because, as above, the applicant has yet to actually secure a commitment from any future customers for their end product, they have declined to submit the detailed transport plan you would normally expect to see.

So, again, the only one who benefits from the current approach is the applicant...commercially.

To summarise the strength of feeling on this matter in local communities, whilst the numbers in the planning officer's report don't seem to include all responses, review of the comments on the portal shows that over 700 NYCC residents have objected or expressed

concern in relation to this application, together with a number of local bodies – Parish Councils, community groups, charities etc.

A related petition has gathered well over 1,000 signatures, whilst our MP, Nigel Adams, has also written to The Committee to make it clear he endorses the concerns of his constituents and personally supports requests for refusal.

This strength of feeling serves to underline why, with 25 years impact on the green belt and local communities the consequence, including over 2 million HGV trips to and from the site over that period, granting this application, in its current form, would be a big decision to make without being absolutely certain.

Taking this into account, we would respectfully ask The Committee to refuse the application as it stands. This would allow the applicant, should they so wish, to consult further and submit an updated application that provides greater certainty on these points including confirmed UK demand for the end product, results of the feasibility study regarding alternative transport methods and a detailed transport plan, based around real world, confirmed customers.”

Tim Woodhead, Gale Common Action Group, addressed the meeting from a remote location, stating the following:-

“My name is Tim Woodhead. I am a residential Whitley and spokesperson for Gale Common Action Group.

As a group we are totally opposed to the way the applicant is planning to move the fly ash from Gale Common. The increased pollution from 260+ HGV movements to and from the site six days a week is totally unacceptable, both in its use of the existing green belt, and to the environmental damage these will cause. The plan to drive so many HGV's down the green belt road of Whitefield Lane, then accessing the A19 passing many homes and also the children's nursery and Primary School. This is an average of 1 every 3 minutes during their working hours. Anyone who lives on Whitefield Lane, or the A19, as I do, will confirm that their homes shake every time a HGV vehicle passes their home. For this to continue every 3 minutes for 12 hours of the day or 1.5 million times over the proposed 25 years is inconceivable.

Proposing so many HGV movement's through our village community appears to put profits before public health. People walking, or living along the route or children playing in their own gardens or the school playground will be exposed to breathing air polluted by their HGV emissions.

The World Health Organisation and Public Health England both confirm a clear scientific link between air pollution and respiratory disease, lung cancer, heart disease and stroke, with children proven to be at highest risk.

PM 2.5 is the most dangerous particle from HGV emissions to human health. WHO state that the threshold level of 10 is the point at which cardiopulmonary and lung cancer mortality increases, EP UK Ltd have reported that the reading of 10.8 nearest the school already exceeds this, and is therefore a danger to our children. They also state that their HGV's will have an “insignificant” increase on this, we believe any increase is again unacceptable.

None of this appears to have been considered during the application review process.

The applicant says there is no other viable method of moving the product, however the Commercial Boat Operators Association have offered a solution which mitigates the need

to the move the ash by road via Whitley. EP UK Ltd however are refusing to enter communications with the CBOA until they have received planning permission based on their preferred transport method. We find this totally unacceptable. This gives them authority to do as they want, damning the wishes of the people to whom they would harm the most.

We ask, for the sake of the people of Whitley, and particularly our children like my granddaughter Imogen, who lives on the proposed A19 route, that you turn down the application until a suitable method of transport has been agreed with all parties concerned.”

Councillor Liz Barker, Vice-Chair of Womersley Parish Council, addressed the meeting from a remote location, stating the following:-

“We dispute that “very special circumstances” exist that outweigh the development being inappropriate in the Green Belt.”

The Officers report downplays breaches in policy throughout, stating “it is potentially a matter of preference and perspective “, yet at para 7.68 it states “The Principal Landscape Architect for the County Council does consider that significant adverse landscape effects are likely ”and that these effects are likely to be contrary to landscape policy.”

The perspective with regards to expert opinion is that the development is contrary to planning policy and should be refused. He states “there is an inherent conflict with Policy M11 part 2 of the emerging Minerals and Waste Plan” and “that the development is contrary to that plan”.

He states “ it is not considered to be in accordance with policy SP13, ‘saved’ Policy 4/1 criterion (d) and (i), neither is it COMPLIANT in terms of the cumulative effects arising from the changes to the landscape - Policy D06.”

The Landscape Architect clearly believes the development does not comply with relevant policies, therefore very special circumstances do not exist that outweigh the development being in green belt.

I last addressed this committee regarding pollution of the principal aquifer from the UK coal tip site in Womersley less than a mile away.

Today’s application carries as much risk of further pollution of the secondary and principal aquifers beneath Gale common.

Groundwater protection policies - given great weight in the report state “ that mining operations and the associated depositing of mineral waste will be permitted only where there would not be an unacceptable impact on surface and groundwater , and that cumulative impacts of a development on a locality should be taken into account.”

Can you confirm there would not be an unacceptable impact? The Environment Agency cannot, the expert opinion is that there is evident risk.

Reference to cumulative impacts on ground water are absent in this report and indeed the applicant states that “there is no potential for significant cumulative effects in respect of geology and hydrology”. We strongly dispute this.

Without seamless regulation and enforcement from the Environment Agency and Planning there is an unacceptable risk. Conditions are totally inadequate; they did not prevent pollution of the aquifer from the tip site.

In 2014 the EA noted a C2 breach at Gale Common . “A non-compliance which could have a significant environmental effect on water quality and significant damage to physical habitat”.

Given the applicants non-compliance, Measures to manage the evident risks to surface and groundwater must be in place prior to permission being granted, to prevent catastrophic pollution of the aquifers.

The benefits of re harvesting PFA do not outweigh the risks to the surrounding communities.

We strongly dispute the recommendation that very special circumstances exist that

outweigh the development being inappropriate in Green belt.”

Councillor Paul White, Womersley Parish Council, addressed the meeting from a remote location, stating the following:-

“I am Paul White - a Womersley Parish Councillor and a concerned resident

First can I address the Market for Pulverised Fuel Ash

We are concerned that the applicant is basing their application on there being a long term market for PFA. We would question that. The Concrete block Association website says “Local sourcing is the cornerstone of concrete block sustainability.”

All very Laudable but there are only two local block manufacturers around us, and one has gone over to expanded clay, so where will the PFA go and where is the market?

Plasmor in Knottingley say “Plasmor view the use of expanded clay as the key to the sustainable and eco-logical future of concrete block manufacture”. Therefore is it going for export? If so huge environmental impact ! There is PVA stockpiled all over the UK, and around the world, so why extract more from a partially restored site in Greenbelt at Gale Common?

The Government Future Homes Standard will require new build homes to be future-proofed with low car-bon heating and world-leading levels of energy efficiency; it will be introduced by 2025. This will see a move away from concrete block construction to more sustainable methods of construction with much higher U values.

Secondly - Noise and dust & working hours

The on-site excavation work is going to be 7.00am, to 7.00pm, 7 days a week, every day of the year except bank holidays, and this is for 25 years. Would you like this 1 kilometre from your community? Would you like it next to your own house? Virtually every day, of every week, of every year for 25 years?

On your site visit EP didn't take you up onto the top of the site. Why not? I went on a site visit last year and from the top we were looking down right onto Womersley. I also question whether the planning officer has been on top of the site? Womersley is only 1 kilometre from Gale Common and on the wind the village will suffer constant noise from heavy plant and dust particles in the air.

Whilst there are promises from EP to adhere to planning conditions, who is to say that they will not be taken over, or sold to a less scrupulous operator, who could completely ignore these.

Do you have sufficient staff to ensure compliance on a site 60 miles from Northallerton? Can you afford to take legal action if required?

I am 65 years old and I will have died long before this project comes to an end as will many of you. This scheme is not just for Christmas, it is for a generation. If you approve this scheme you are putting 47 jobs and corporate profit ahead of the lives of some 1250 residents who live within 1000 metres of this scheme.

You have had hundreds of objections, a petition with 1160 signatures, as well as condemnation of the scheme from our MP. We appreciate jobs are scarce at the moment, but a vaccine for Covid has been announced and the economy will quickly bounce back. Please consider the length of this scheme, remember it is 25 years, and refuse the application.”

Stuart Vendy representing Mr. Watkinson on behalf of Great Heck PC, addressed the meeting from a remote location, stating the following:-

We rely upon the content of objection letters submitted previously. There remain issues within these letters that have not been addressed or remedied by the Officers Report. These issues still form the basis of our case against the proposal and the determination process.

Only granted three minutes, so two specific points need to be brought the Committee's attention.

Firstly, the Committee members familiarity with the issues surrounding HGV movement over the Rail Bridge at Great Heck.

1. Para 2.12 – No reference or Visit to the Great Heck Bridge. Have members been to the bridge and do they understand the issue?
2. Para 3.7 – How can the destinations for HGV be known or relied upon in the TA if the contracts are not yet known?
3. Para 3.13 – Highways Assessment of alternative routes. There is no mention or apparent assessment of alternatives that would avoid the harms at the rail bridge of Great Heck.

The officer reaches no conclusion about whether the issues I have raised in my representations with regard the bridge represent an 'other harm' or not. I would be grateful if she could provide the Committee with this advice.

Secondly, there are failures and issues within the officer's report in relation to Green Belt matters leading to incorrect advice being provided to members. Several examples are set out below:

1. (Para 4.3) SDC take the correct approach in defining the entire proposal as inappropriate in the Green Belt. The NYCC appears to have split the proposal into individual components and applied policy piecemeal.
2. (Para 4.21) – The County Councils Heritage/Landscape Officer recognises that there are 'significant adverse landscape and visual effects and impact on GB openness'. This is critical when balancing the case for 'Very Special Circumstances' yet receives no detailed consideration.
3. (Para 7.20) - The site does not meet the definition of 'Previously Developed Land' with the Glossary to NPPF. The land is a waste site that is subject to restoration conditions.
4. (Para 8.3 (3)) The fact that the proposal is defined in Section 55 (4)(A)(ii) of the 1990 Act as a 'mining operation' has no bearing on whether it is inappropriate or not within the Green Belt. It appears that the reader is being invited to infer that a 'mining operation' is either 'appropriate in the Green Belt' or is not 'development'. Both would be wrong.
5. (Para 8.3(3)) The officer appears to have split the proposal into various components and considered whether each is 'appropriate' or 'inappropriate' development in the Green Belt. There is no provision in policy for such an approach. The application is a whole and needs to be considered as such.
6. (Para 8.6) The officer fails to provide members with advice about the amount of weight to be attached to the identified harms to the Green Belt and Other Harms. Instead presenting the issue as a simple 'balancing exercise'. NPPF requires 'substantial weight' to be attached to all harms. The officer also fails to advise that Very Special Circumstances need to be demonstrated that 'clearly' outweigh the harms.

In summary, the report fails to advise Committee members properly with regard the application of Green Belt policy to this proposal. It provides a confused and erroneous advice which provides an inadequate basis upon which to make a formal determination of the proposal.

I would also like to remind the Committee of the questions posed at the outset of this statement.

Sarah Langridge, Headteacher of Whitley and Eggborough Primary School addressed the meeting from a remote location, stating the following:-

What considerations have been made to safeguard the well-being and safety of the children of Whitley walking to and from school – will there be a suspension of traffic between set times in the morning and afternoon to allow them to walk safely which is not only a physical health benefit but also a mental health benefit?

What consideration has been made for the potential increase in levels of pollution that will be emitted from travelling vehicles?

What considerations have been made to ensure that there is not increased disruption to our parents who are required to travel to and from school by car and need to access Learning Lane when dropping off and the A19 when leaving? Currently traffic is heavy at this time and can cause back logs down the lane and the A19.

What considerations have been made to ensure that one of the largest employers is not adversely affected by the loss of children on roll attending the school due to the proposed actions – parents are already considering this course of action. A big loss of numbers would affect the viability of the school continuing to operate long term.

The following statement from Joanne Poynton (local resident) was read out by the Clerk:-

“1. Why do you think it is acceptable that over 200 lorries a day should travel through our village and past our village school and village nursery. Have you fully considered the effect of this increased pollution on our children and elderly members of our village.
2. If the company want to move the ash why can't an alternative route not be found to move the ash? The ash came via a pipe why can it not go back the same way?
3 why can't a slip road to the motorway be built? Is this purely financial reasons?
4. Why do the council encourage the school to be eco-friendly and encourage the children to turn off lights to save the environment then in the next breath look to approve such an environmentally damaging project.
5. Why on earth do you think this is in anyway a sensible proposal - if this goes ahead you will ruin our village and damage our health.”

For the application

Nigel Cooke, Director of UK Quality Ash Association addressed the meeting from a remote location, stating the following:-

“My name is Dr Nigel Cooke and I am the Director for the United Kingdom Quality Ash Association (UKQAA). The UKQAA is a trade association which supports companies involved in the supply and use of Pulverised Fuel Ash (PFA). PFA is the ash produced from the burning of pulverised coal in power stations such as Eggborough and Ferrybridge. PFA has a number of unique properties which make it very strategic for the cement industry, autoclaved aerated concrete blocks and grouts for tunnelling and stabilisation

Prior to joining the UKQAA in 2015, I spent 33 years working for Blue Circle and then Lafarge sourcing sustainable materials for the cement and construction industries. PFA featured significantly in many of the 50+ countries that Lafarge operated in. In my experience, very few people are aware of the technical and sustainable benefits offered by PFA despite the fact that it is the most widely used “secondary aggregate” in the

world.

PFA has been used in the UK construction sector for over 50 years. Initially it was seen as a cheap filler in cement and a sand replacement. These days, there is a much greater appreciation for its chemical and physical properties. Marine structures, infrastructure with mass pours, wind farm bases and structures specified with >60 year life will all reference PFA in the technical specifications. The grouting industry has found that virgin sand makes a very poor substitute for PFA. This is why the Gale Common project is so critical as it will fill the void that has been created by the closure of coal fired power stations.

It is wonderful news that EPUKI has the vision and confidence of its shareholders to invest in UK manufacturing. This should be welcomed given the decline in investment in UK manufacturing over the past 30 years. The investment will secure a very strategic secondary aggregate/mineral resource for UK PLC for many years to come. An investment which will secure long term quality engineering and production and sales jobs. It will also catapult the UK to becoming the world leader in the processing of PFA from single use deposits. A world leader that can make use of commercially proven technologies of which a significant element would be UK sourced.

The project will also create opportunities for universities. Through the UKQAA, EPUKI is involved in sponsoring a PhD Dundee University in the use of PFA from single use deposits. Further support has been provided to the UKRI National Infrastructure Circular Economy Research (NICER) and the Centre for Mineral-based Construction Materials (CMCM). The Gale Common project dovetails seamlessly with the NICER-CMCM vision for bringing industrial by-products into productive use in construction.

I recognise that PFA in single use deposits does not readily fall within the remit of most planning authorities. It requires a strong technical understanding and an appreciation of how PFA falls within a national rather than mere local sourcing strategy. As a consequence, I am involved in advanced discussions with MHC&LG, BEIS and DEFRA to ensure that PFA in single use deposits are safeguarded for future generations. In this context, I am confident that the next revisions of the NPPF and the Planning Practice Guidance Document will both refer to the safeguarding PFA as a secondary aggregate.

I could quote lots of statistics which relate to the importance that PFA plays within the circular economy and to certain industrial sectors. However, I am sure that these facts will have already been supplied together with the economic benefits to UK PLC through the long term replacement of imports of cement, blast furnace slag and fly ash. There might be less awareness of the importance of PFA to LLWR for low level nuclear waste encapsulation. Indeed, LLWR has asked for samples of processed EPUKI PFA and they are actively engaged in looking at strategic sourcing for the next 50 years.

I would rather conclude by recognising that the Gale Common project requires understanding and support from people with influence and who have vision, who can see the bigger picture and can make things happen. People who can see the importance of investment in manufacturing; quality job creation; investment in research; supplies of a strategic construction material. Those who recognise that being a global leader will draw interest from people from all over the world to come and see what is happening at Gale Common.

Finally, during my time with Lafarge, I was involved in PFA project (ScotAsh) which won numerous environmental awards including 2 Queens Awards. I was fortunate to be invited to Buckingham Palace to receive, from the Queen, the Queens Award for

Innovation. Two years later, my MD was invited to receive the Queens award for the Environment.

I am absolutely convinced that the EPUKI project ticks all the boxes for the sourcing of a product which will play a critical role in a sustainable and low carbon economy. I am also convinced that this will result in many environmental and sustainability awards including a very strong potential for a Queens Award for both innovation and the environment.”

Applicant and applicant’s representatives.

Adam Booth representing the applicant addressed the meeting from a remote location, stating the following:-

“My name is Adam Booth. I have been working for Eggborough Power Ltd since 2007 and since 2016 have been the Managing Director responsible for all operations at the Gale Common site. First of all, I’d like to thank the committee for giving me the opportunity to speak here today.

Before addressing the scheme’s substantial benefits and how we will control and mitigate its impacts, I’d like to start off by providing some background information.

Eggborough Power Station has been a feature of the landscape since the 1960s and generated power safely and reliably for over 50 years until its closure in 2018. When Eggborough was built, alongside its sister station at Ferrybridge, the pulverised fuel ash (PFA) produced by the burning of coal was seen as a waste product and was disposed of at Gale Common.

Over the years more than 50m tonnes of PFA were deposited at the site, resulting in the formation of a manmade hill that can be seen from miles around. However, what can’t so easily be seen is a much larger area of unrestored landfill, from which we have been extracting PFA for many years now for use by a local company in the manufacture of building products. Not only does this mean that what was once a waste is now beneficially used, it also reduces the need for the quarrying of virgin materials.

However, in recent years things have changed significantly. Firstly, a climate change emergency has been declared by many local authorities and, just like Eggborough, coal fired power stations throughout the UK are being required to close. This means that virtually no new PFA is being produced in the UK today. Moreover, the same process is taking place throughout Western Europe and many other countries.

Secondly, Brexit may bring about opportunities, but it also generates significant uncertainty for UK businesses and creates an increasing need for self-sufficiency. At the same time there is a growing housing crisis with many young people being unable to afford a home. More than 300,000 homes per year need to be built between now and 2031 just to deal with the backlog – meaning any restrictions on the availability of building materials needs to be dealt with.

Finally, the Covid-19 pandemic is having a profound and continuing effect on all of us, whether directly or through the impact on jobs and the economy.

This proposal, to increase the output from Gale Common, can play a vital part in helping with all of these challenges, whilst also turning what was once a waste into a valuable resource. The benefits of the development are clear and are very substantial.

For example: over its lifetime it could reduce UK carbon emissions by up to 20m tonnes by reducing the requirement to use limestone in the manufacture of cement. To put this into perspective this is equivalent to planting 54,000 hectares of trees, twice the size of the City of York, or stopping 68 million car journeys from London to Edinburgh. That is a significant carbon saving in anyone’s books and supports the Government’s legally binding target to achieve ‘Net Zero’ in terms of greenhouse gas emissions by 2050.

The UK Government estimates that 22m tonnes of PFA will be needed to meet UK demand to 2030. This development will help the UK become self-sufficient and prevent

the need to import significant amounts from China and elsewhere in Asia. Gale Common contains around 50% of the total accessible PFA reserve in the UK, demonstrating the site's national importance as a source of this valuable material.

The development will also have a positive impact on both the local and national economies. Once fully operational, Gale Common will inject about £4m a year into the local economy, resulting in the creation of nearly 50 full time jobs and safeguard a number of local industries. On a national scale the PFA extracted from the site will play a vital role in supporting the building industry, helping it to build the desperately needed new homes for our young people to buy.

Whilst the benefits are obvious, we are very aware of the impacts that the Gale Common development could have on the local community if it is not properly managed. Consequently we have spent considerable time and effort to identify these issues and put in place plans to address them: We have undertaken significantly more consultation with the local community and local authorities than was required; we have ensured that we have listened to all of the concerns of the community; and we have done all we possibly can to address these concerns.

We fully understand that the community is concerned about traffic through Whitley and we have put in place a significant package of measures to help reduce the impact of vehicle movements on the village. Amongst other things, we've committed to constructing a new section of road where Whitefield Lane joins the A19, moving vehicles away from the houses most affected. This will cost over £1.5m and shows our commitment to reducing impacts on the community. We have recently agreed a planning condition with Officers that requires these road improvements to be constructed before we can remove more than 200,000 tonnes per year of PFA from the site. We're also funding a number of speed reduction measures in Whitley, a new signalised crossing close to the school and have committed that no vehicles will leave the Gale Common site at school drop off and pick-up times.

I want to touch briefly on sustainable transport. The use of HGVs is viewed by us as the least preferred option, and we have committed to assessing alternative transport methods (such as rail and barge) on a regular basis. However, at this stage in the development HGVs are, quite simply, the only viable means of transporting PFA from the site. We, genuinely, do not yet know where our customers will be located nor how they will be able to receive the PFA from us. Thus, until we have agreed long term supply contracts, which can only be done if planning permission is granted, we cannot meaningfully consider alternative transport methods. However, I reiterate that we are committed to reviewing alternative transport methods on a regular basis and indeed this is one of the planning conditions we have agreed with the county council.

The operations proposed on site are very similar to those that have been carried out for the last 40 years. When Eggborough and Ferrybridge power stations were fully operational, we moved over 1m tonnes of ash per year on site without any dust, noise, lighting or other complaints or concerns from the local community. And even today we still extract 30,000 tonnes per year of PFA for sale. What we are asking for is an intensification of these existing operations, but there is no substantive change in the nature of the activities being undertaken.

Over the last 50 years we have proven ourselves to be a good neighbour both at the power station and Gale Common. To our knowledge there have never been any complaints about the site, and we are fully committed to continuing that record. To that end our proposals include a significant ramping up of the already stringent control measures in place to make sure that problems with dust, noise and emissions don't occur. And we will continually work with the community, both directly and through the liaison committee that will be set-up.

As part of the development we are opening the restored area to the public for the first time, which will create a 172 acre nature reserve and amenity space. This will include

paths and woodland walks to the top of the man-made hill which, I can tell you, offers spectacular views across the local countryside. I want to make clear that we are only proposing to extract PFA from the unrestored areas of the site. We will not be touching the restored areas and have committed to creating a community group to work with us to help open and manage this as a public resource.

It should also be noted that when extraction is completed the site would be fully restored to form the Gale Common Country Park, covering an area of approximately 600 acres and providing full public access across the site. It would be linked to local villages by footpaths and provide a permanent asset for the local community to enjoy.

All the EPUKI team that have been working on this development are from the local area and are former employees of the power station. They have worked with and alongside the local community for many years and will continue to do so. They will be staying with the development as it becomes operational, subject to planning permission being given, and will continue to engage with the community to ensure that we remain the good neighbour that we have always been.

I wish to end by saying that the Gale Common Development represents a significant opportunity to help fight climate change whilst also bringing about significant economic benefits both locally and nationally. In my experience it is rare for a development to be both environmentally and economically sustainable, and I look forward to delivering these benefits.”

Geoff Bullock, planning consultant on behalf of the applicant addressed the meeting from a remote location, stating the following:-

“My name is Geoff Bullock – I am Chartered Town Planner and Partner at DWD planning consultants. I have been involved in the management, preparation and submission of the Gale Common Ash Extraction application on behalf the Applicant (EPUKI) and, along with colleagues, have liaised with the Planning Officers at NYCC on a day-to-day basis over the past 18 months. I am going to briefly cover planning policy, consultation and other planning focussed matters.

In terms of planning policy:

There is strong in principle support for the use of secondary aggregates, such as PFA, at both national and local level:

- A central aim of the National Planning Policy Framework (‘NPPF’) requires that sites for secondary aggregate related uses, such as PFA extraction, are safeguarded and that decision makers, such as NYCC, take account of the positive contribution that such materials make in terms of sustainability and carbon reduction.
- Policy M11 of NYCC’s emerging Minerals and Waste Joint Plan (‘MWJP’) states that proposals which facilitate secondary aggregates provision as an alternative to primary aggregates will be permitted, including the supply of material from a waste disposal site, such as Gale Common.
- The North Yorkshire Waste Local Plan acknowledges that changing economic circumstances may necessitate the re-use of deposited waste. Such circumstances include the Government’s decision to close coal-fired power plants by 2025 and the need to find new sources of PFA (locally both Eggborough and Ferrybridge have closed).

We acknowledge – however – that the benefits of PFA extraction must be balanced against potential environmental impacts. The planning application therefore includes a detailed Environmental Impact Assessment, which has concluded that there will be no unacceptable impacts. Richard Lowe from AECOM will cover this in more detail shortly.

The development has also received support for the local community and businesses, although we fully acknowledge that the local community has also raised a number of concerns – which have resulted in the Applicant making a number of significant changes

and additions to the proposal.

The development includes an extensive set of planning conditions and a draft Section 106 agreement that secures a number of planning obligations, including a 30-year aftercare period and numerous financial contributions.

The Applicant has agreed to a new Condition 5 that would prevent more than 200ktpa of PFA being removed from the site by road until the Whitefield Lane Realignment Works, including works to the junction of Whitefield Lane with the A19, have been constructed in accordance with a scheme and programme approved by NYCC.

Following comments from the Commercial Boat Operators Association in late October on Condition 19 (now 23) relating to the a Sustainable Mineral Transport Plan, the Applicant has agreed to deliver the Plan significantly sooner, within 6 rather than 12 months following commencement of the development. The 6-month period allows for:

- operational personal to be hired (who should input into the plan);
- practical experience to be gained; and
- importantly, time to get a clearer idea where the PFA might be going and if alternatives to road are potentially feasible – allowing for a more meaningful Plan to be produced.

During the extensive consultation on the application and throughout its determination period, it is notable that no objections have been received from statutory and technical consultees, including the NYCC Highways Department, the Environmental Health Officer or the Environment Agency.

Planning Officers have recommended approval for the development following a significant amount of consultation and discussion over many months – concluding that:

- the benefits of PFA as a secondary aggregate outweigh any negative aspects associated with the development;
- very special circumstances exist that outweigh the development being located within the Green Belt; and
- appropriate management and control can be secured through planning conditions and the Section 106 agreement to ensure that any impacts on local residents and the environment are controlled and effectively mitigated.

Officers have clearly concluded that the planning balance weigh significantly in favour of the development. That is a conclusion that I agree with.

The acceptability of the development in planning terms has been demonstrated by the comprehensive submission made by the Applicant, the extensive consultation and discussions carried out, the absence of objections from statutory and technical consultees, including NYCC's Highways Department, and, ultimately the assessment made and conclusions reached by your Planning Officers.

I would therefore urge the Committee to grant planning permission in line with the recommendation of their Planning Officers.”

Richard Lowe, environmental consultant on behalf of the applicant, addressed the meeting from a remote location, stating the following:-

“My name is Dr Richard Lowe and I am a Director of the AECOM Environmental Consultancy. My team and I prepared the Environmental Impact Assessment that supported the planning application on behalf of EPUKI, the Applicant.

We have carefully considered all the environmental effects of the proposed development and how these are to be controlled so as to not affect the site neighbours and the ecology in the area. I will briefly address some of these issues in turn – overall however, through the measures that the Applicant proposes to use, no significant environmental effects have been identified.

Adam has mentioned the efforts that the Applicant will make to use sustainable transport methods for exporting ash from the site, but at this stage we have had to assess what

would happen if only HGVs were used to export the ash. Traffic will use the most direct route to the motorway network and the Council Highways department agree that this route can accommodate the traffic without affecting the road network. The Applicant has nevertheless proposed a number of measures to reduce impacts on the local residents including realigning the road and funding a number of safety measures including a pedestrian crossing, speed camera and traffic calming measures. Lorries will also be stopped from leaving the site during school drop off and pick up times. Furthermore, the Applicant has agreed to a new Condition 5 that would prevent more than 200ktpa of PFA being removed from the site by road until the realignment works have been constructed.

EPUKI have included a number of measures to make sure no mud or debris gets onto the road from any vehicles, including wheelwashes, a jet wash and visual inspections of vehicles leaving the site. These go over and above what currently happens at the site and which have been sufficient to ensure the site does not lead to deposits on local roads.

Similarly there are a number of dust control measures that would be used during site operations, building on those that have been employed on the site for many years to prevent any nuisance dust issues. Dust monitoring has been undertaken around the site for several years and additional monitors will be installed. Air quality effects from the proposed development including lorries have been assessed and no significant effects have been identified, including at the school, where no exceedances of any air quality standard are predicted.

Noise from operational activities will also be controlled to prevent nuisance and ensure that noise limits agreed with the Council are met. The use of bunds at the site edge will also significantly reduce any landscape or visual impact from the plant operating on the site. The Applicant will also set up a regular community liaison group so that any complaints if they did arise would be addressed quickly.

Finally, as local people know, there is a lot of wildlife on the restored stage 1 area of the site and the other areas which have never been part of the operational site – these have been surveyed and assessed to make sure that they won't be affected by the proposed development. The areas being worked do not support any protected wildlife. After the ash has been removed from each part of the site, the Applicant will implement a restoration plan designed to increase the biodiversity of the site for the future, and has then committed to maintaining the whole site for 30 years after restoration is complete. So, in summary, a comprehensive list of environmental topics have been considered and assessed by a team of specialists, and a range of control and mitigation measures have been proposed by the Applicant to prevent significant effects or nuisance for the local community. These measures have been agreed with the planning authority and will be secured by planning conditions if the planning permission is granted.

The Head of Planning Services presented the substantive Committee report, together with the addendum report. Initially she drew Members' attention to the list of conditions within the addendum report, which had been altered slightly from the original report. She provided details of changes to the proposed conditions 5 and 22 detailed in the addendum report, as follows:-

Condition 5. No more than 200,000 tonnes of pulverised fuel ash shall be removed from the site, by road, in any one year until the highway improvement works to the junction of Whitefield Lane and the A19, shown on indicative drawing 60589011-P-016B, have been constructed in accordance with a scheme and programme to be first submitted to the County Planning Authority for approval in writing. The approved scheme and programme shall thereafter be implemented in full

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission.

Condition 22. HGVs exiting the site shall be released at intervals of not less than 1 per minute. Within 6 months of the commencement of development a CCTV system shall be installed and in operation to monitor HGVs exiting the site. Recordings shall be held for six months and made available for inspection at the request of the County Planning Authority during normal working hours. During the first six months of operation or in the event that the CCTV cameras are not operating (such as during any maintenance period or as a result of unforeseen circumstances), the site operator shall manually log the number of HGVs released from the site and/or retain weighbridge tickets (including tonnage information) to ensure and be able to demonstrate that HGVs are released at intervals of no less than 1 per minute and to record the annual tonnage of materials being exported from the site. The manual recorded records shall be held for a period of twelve months and made available for inspection at the request of the County Planning Authority during normal working hours.

Reason: To reduce the likelihood of vehicles queuing at the Whitefield Lane/A19 junction and to enable the monitoring of the annual tonnage limitations in the interests of highway safety and amenity.

The Head of Planning Services highlighted the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy and planning considerations detailed in the addendum and substantive reports. The reports also provided a conclusion and recommendations. She provided details to address the issues that had been raised during the public questions/statements session. She reminded Members that they had visited the site in February 2020 to consider the local surrounding area in relation to the application.

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

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

- Members welcomed the comprehensive report and presentation.
- A Member referred to the emerging Minerals and Waste Joint Plan and the need to divert away from the use of primary materials in favour of secondary materials, and considered that the ash to be taken from this process could be seen as recycled material, and would correlate with the Joint Plan. In response it was emphasised that the Joint Plan had yet to be agreed, and the policies could be subject to change, however, it was true to say that use of this material would assist in replacing the use of primary materials in areas such as the construction industry, and, in that respect, could be considered to be using recycled material.
- It was noted that no details were available as to where the staff from the school parked their vehicles, although the local Member clarified that this did not encroach onto the A19 main road.
- A Member noted that the report highlighted “very special circumstances” in terms of removal of the material as a secondary aggregate, but wondered whether the policies would still support the application if, as had been suggested, the material was to be for export only. In response it was emphasised that the application related only to the removal of the material, its future use was a material planning consideration.
- A Member noted that there were a number of other potential projects under consideration in the area, including this one, which would require extensive use of the local access to the M62 via the roundabout from the A19. He suggested that this was inadequate for the size and amount of traffic involved, and the issue should

be considered as part of this proposal. He also suggested that the pollution from the vehicles and how that would affect local residents and the local school should be taken account of. In response it was stated that there had been extensive consultations with the Highway Authority who had concluded that the local road network would not be unduly, detrimentally affected by the proposals. A proposed Section 106 agreement with the applicant would see improvements made to local roads and the cumulative impacts of traffic from proposed applications had been taken account of. It was noted that a number of the future applications would not be using this specific route. In terms of the impact of pollution on it was stated that the M62 ran adjacent to the school and residential properties indicated and there was unlikely to be a significant increase in traffic pollution already in the area from the proposals.

- A Member queried the alteration of a Condition submitted by the Environment Agency in relation to their concerns raised in respect of potential water pollution. He noted that details of the wording that had been provided for the Condition by the Environment agency were set out in the report, however, these were not replicated in the final list of Conditions. He raised concerns on this matter in relation to a water contamination matter that had occurred on a nearby site, which had been before the Planning Committee previously and had resulted in a pollution by run off from the procedure taking place. He considered that the Environment Agency's proposal would have guarded against this. In response it was emphasised that the Condition within the report was seen as appropriate to mitigate against any environmental impacts of the work on the site. It was emphasised that consultees were able to provide suggestions in terms of conditions, but ultimately, the Planning Authority would determine the nature of those conditions, to ensure that they were practical, enforceable and passed the six appropriate tests. In essence, however, the Condition remained the same as that suggested by the Environment Agency.
- An issue relating to the redevelopment of Whitfield Lane as part of the agreement for moving the material from the site had been highlighted in the addendum report, however, a member was aware that Selby District Council rejected the development of land in that area due to mining subsidence, and he wondered how the material would be transported from the site should the required redevelopment of the road be unable to take place for the same reason. In response it was stated that site investigation works would be required before any redevelopment works took place on the road, however, should issues such as subsidence arise, it was expected that there would be engineering solutions available to overcome these.
- A Member highlighted that of the thirteen letters of support provided by organisations that would use the material, none were from North Yorkshire. He stated that the material would need to be transported around the country, and to Europe, for use, adding to the environmental concerns created by transporting the material by HGVs, as much longer journeys would be required. In response to this matter the Committee's Legal Adviser stated that whilst traffic and impact were planning matters that could be considered the eventual destination of the product was not a material planning concern and should not be taken into consideration.
- It was noted that the applicant had stated that they would give consideration to the use of alternative transport to move the material, however, there appeared no incentive within the report for this to take place and with the material to be moved long distances, it was much more likely that it would continue to be moved by HGVs. In response it was emphasised that Conditions required the applicant to give consideration to the use of alternative methods of transport when a certain level of material had been transported from the site, to ensure that this was viable. The Member emphasised that alternative methods of transport were available now, using nearby rail links, canal systems and a tunnel system to the east coast ports, and suggested that these should be utilised ahead of large numbers of HGVs

coming into the area. He considered that it was unlikely that the applicant would move toward using these transport methods, as it would be more economical to use road transport, despite being more detrimental to the local area and the environment, without being required to through more meaningful conditioning. In response it was emphasised that the Conditioning ensured that the applicant would be required to fully investigate the alternative methods of transport when a certain level of production had been reached, and these would have to be considered by the County Planning Authority.

- It was noted that the draft Minerals and Waste Joint Plan and the Local Plan highlighted the need to ensure planning applications did not detrimentally affect the local residents. The Member provided a photograph that showed how near to local residential properties HGVs would be queueing and waiting and asked whether the proposal contravened these policies. In response it was stated that the junction highlighted was already used by traffic and there would be no significant additional impact from the proposal. It was reiterated that in-depth consultation had taken place with the Highway Authority, and it had been concluded that the proposals were manageable on the local road network.
- It was asked why the installation of CCTV to monitor vehicles leaving the site could not be installed from the start, rather than waiting six months. In response it was stated the proposals included the building of a number of out-buildings on the site, to which the CCTV would be installed, therefore, this allowed for those buildings to be erected.
- A Member stated that the proposals had a potential impact on the Green Belt as the area by the residential bungalows was classified as such, and there would be a detrimental impact on the Green Belt from the increase in traffic. In response it was noted that the M62 and A19 also passed through the area, therefore, it was not considered that there would be any additional impact on the Green Belt from the proposals. The Member noted that Selby District Council considered that there would be an impact on the Green Belt through their submitted representations and would address the issue differently. In response it was stated that consultees were entitled to their opinion, however, the report addressed the issues raised. The Chairman emphasised that members would make a decision on the application based on the information that had been provided through the report and during the meeting.
- A Member noted that the start time for work on the site was 7am. He envisaged problems being created for local residents being created from HGVs arriving earlier, and parking in the residential areas to ensure that they were there for the start time. In response it was emphasised that the operator of the site would have an Environmental Impact Plan to comply with and would utilise that to prevent this practice from taking place.
- Concern was raised that the extensive use of HGVs in moving the material would increase CO2 emissions, rather than the reduction suggested by the use of the PFA. It was stated in response that although initially there would be CO2 emissions from the HGVs, this was very likely to reduce in time due to the exploration of alternative transport methods, and the likely development of technological solutions that would greatly reduce emissions from HGVs, and would likely see the introduction of Carbon neutral vehicles. The Member considered that agreeing to the vehicle movements went against the County Council's proposal of reducing carbon emissions to zero by 2030, as the vehicle movements would be in place into the late 2040s. In response it was noted that the target outlined related to County Council developments and services and could not be imposed on external organisations applying for planning permission. The Member acknowledged that but considered that the proposals did not encourage the sought after reductions in carbon emissions.

- A Member provided details of how the PFA material could be utilised and noted that it could only be used in situations where the material would be compressed.
- A Member asked whether any monitoring had been carried out in relation to the effect on the school of pollution from the M62. In response it was stated that the officers were unaware whether this had been undertaken, therefore, the information requested was not available. The member suggested it would have been useful to have comparison data to determine whether pollution levels increased when the HGVs were using the junction and roundabout when moving the material, should the application be approved.
- A Member noted that the Authority's Principal Landscape Architect had raised concerns regarding the application and had asked for mitigation measures to be introduced on Whitefield Lane in view of the increase of HGVs proposed along that route, and he wondered whether that issue had been addressed. In response it was noted that the mitigation referred to had been addressed in the report and that the Landscape Architect had not objected to the report.
- In summing up his thoughts on the application, a Member suggested that although there were clearly issues of concern for the local communities in the area, the application would allow material to be recycled for use in the construction industry and would reduce the need to extract primary resources. He considered that the "very special circumstances" outlined justified the removal of the PFA and that the conditions set out in the report provided sufficient mitigation to address the concerns expressed by the local communities.
- A Member praised the public speakers for their contributions to the debate. He agreed that the method of transporting the material from the site was of concern, but considered that the benefits from the use of the material outweighed those issues, particularly as there were stringent conditions in place to mitigate the effect of the removal process.
- A Member expressed her disappointment regarding the use of HGVs to move the material, particularly in relation to the impact that would have on the local communities, but considered, on balance, that she supported the application because of the use of a secondary material to support the construction industry.
- A number of Members outlined their concerns in relation to the proposed vehicle movements and the impact that would have on the local communities. They suggested that further consideration was required in relation to the use of alternative methods of transport, and whilst they were not opposed to the removal of the PFA, they would like to see the transport issues addressed before they could support the application.
- A Member suggested that a more robust assessment of the use of the material, and the demand for that, locally, should have been carried out. He considered a major negative factor in respect of the application related to the transport plan, and had major concerns regarding the adequacy of the roundabout at the junction to the M62 to accommodate all the proposed vehicles, particularly the cumulative effect from other forthcoming applications. He noted that the applicant owned land to the north of the site, with the site entrance just 40 metres from the M62 and suggested that a direct route from the site to the M62 would eliminate the need for vehicles to travel through the local communities. He considered that the current application contradicted the Council Plan for 2020-24 in terms of the impact on the environment and protecting children. He considered that the removal of the PFA was acceptable but not the transport plan.
- A Member reiterated the fact that others had outlined in terms of not being opposed to the removal of the PFA but having major concerns regarding the transport plan. He believed that the use of HGVs would have a significant detrimental effect on the surrounding local communities, and that the available, alternative transport

methods had not been investigated adequately. He noted that there were very few local organisations that use the extracted material and raised concerns regarding the potential impact on the local water table. He noted that National Planning Policy promoted sustainable transport methods which were not being addressed in this application. He suggested that the application could not be supported unless a sustainable transport plan was put in place.

- A Member noted that should the application not go ahead then primary material would need to be extracted and transported from numerous sites across the region, which would also create transport issues for other communities.

A proposal to defer consideration of the application to a subsequent meeting of the Committee to allow further investigation of alternative transport methods and routes, enabling the impact on the nearby local communities to be reduced, was moved and seconded. A vote on the proposed deferral was undertaken which resulted in a tied position and was defeated on the Chairman's casting vote.

A proposal to approve the application, the details of which were set out in the recommendation of the addendum report, together with the amendments to Conditions 5 and 22, outlined earlier in the meeting, was moved and seconded. A vote on the proposal was undertaken which resulted in a tied position and was approved on the Chairman's casting vote.

Resolved -

That Planning Permission be granted for the reasons stated in the addendum report, subject to a Section 106 agreement as detailed in the addendum report and subject to the conditions outlined in the addendum report, together with the amended Conditions 5 and 22, as detailed at the meeting.

160. C/20/00344/CPO – Single storey extension of Sports Centre to form a Fitness Suite (382 sq. metres), Tarmac perimeter path and additional 22 car parking spaces (599 sq. metres) on land at Malton Community Sports Centre, Broughton Road, Malton, YO17 7BP

Considered –

The report, and addendum report of the Corporate Director, Business and Environmental Services requesting Members to determine a planning application for the single storey extension of Sports Centre to form a Fitness Suite (382 sq. metres), tarmac perimeter path and additional 22 car parking spaces (599 sq. metres) on land at Malton Community Sports Centre, Broughton Road, Malton.

The application was subject to two objections from local residents having been raised in respect of this proposal which were summarised in paragraph 5.3 of the original report and was, therefore, reported to this Committee for determination. It was noted that the original report had been deferred at the meeting of the Committee held on 16th July 2020 for further consideration at a subsequent meeting, allowing further details to be obtained in respect of any potential lighting scheme relating to the application. The addendum report provided the additional details requested.

A representative of the Head of Planning Services presented the report. He initially outlined the following amendments to both the addendum report and the substantive report:-

Addendum report

Section 5.1 For the following reason(s):

- (i) a likely significant effect from the proposed development upon the River Derwent Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) can be ruled out;
- (ii) the proposed development would not result in an adverse impact upon residential amenity, visual or otherwise, of existing or future occupants of the surrounding area as it is considered that the proposed development would have a limited impact upon amenity; and
- (iii) the proposed development generally accords with the principles of the National Planning Policy Framework (February 2019), National Planning Practice Guidance (March 2014), and does not conflict with Policies SP11; SP13; SP14; SP16; SP17; SP19 and SP20 of the Ryedale Plan - Local Plan Strategy (2013).

Appendix 1 – Substantive Report

Section 9.1 For the following reason(s):

- (i) a likely significant effect from the proposed development upon the River Derwent Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) can be ruled out;
- (ii) the proposed development would not result in an adverse impact upon residential amenity, visual or otherwise, of existing or future occupants of the surrounding area as it is considered that the proposed development would have a limited impact upon amenity; and
- (iii) the proposed development generally accords with the principles of the National Planning Policy Framework (February 2019), National Planning Practice Guidance (March 2014), and does not conflict with Policies SP11; SP13; SP14; SP16; SP17; SP19 and SP20 of the Ryedale Plan - Local Plan Strategy (2013).

The representative of the Head of Planning Services then highlighted the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy and planning considerations detailed in the addendum and substantive reports. The reports also provided a conclusion and recommendations.

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

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

- A Member noted that the issues relating to the lighting scheme that had led to the previous deferral of the application had been clarified within the addendum report.
- A Member requested clarification in respect of the potential glare to nearby residential properties from the bulk head lighting situated on the external wall of the extension. It was clarified that the external planting, between residential properties and the extension, would reduce the potential for this.
- A Member suggested that the lighting may have to remain switched on for a short period of time after the closing time of 10pm for the facility, to ensure the safety of those using the Sports Centre.
- Members concluded that they were satisfied with the lighting plan outlined for the

scheme and that the issue of glare from external lights into neighbouring properties had been addressed.

Resolved -

That Planning Permission be granted for the reasons stated in the addendum report, subject to the alterations outlined at the meeting, as detailed above, and subject to the conditions outlined in the addendum report.

161. Variation of condition No. 1 of Planning Permission Ref. C2/10/00926/CCC for the permanent use of the land and buildings as a waste transfer station on land at Carr Lane, Sutton on the Forest, YO61 1EB

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application for the Variation of condition No. 1 of Planning Permission Ref. C2/10/00926/CCC for the permanent use of the land and buildings as a waste transfer station on land at Carr Lane, Sutton On The Forest, YO61 1EB.

The application was subject to an objection having been raised by one member of the public in respect of the proposal and was, therefore, reported to this Committee for determination. The grounds for the objection were detailed within paragraph 5.3 of the report.

A representative of the Head of Planning Services presented the report highlighting the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy and planning considerations detailed in the addendum and substantive reports. The reports also provided a conclusion and recommendations. She provided details to address the issues that had been raised during the public questions/statements session.

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

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

- Members outlined their satisfaction with the report and the Conditions outlined.

Resolved -

That Planning Permission be granted for the reasons stated in the report, and subject to the conditions outlined in the report.

162. 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 10 August 2020 to 19 October 2020 inclusive.

Resolved -

That the report be noted.

163. Publication by Local Authorities of information about the handling of planning applications for Quarter 1 – the period 1 July 2020 to 30 September 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 2020/21, Quarter 2 (the period 1 July 2020 to 30 September 2020).

Information on Enforcement Cases was also attached as an Appendix.

Resolved -

That the report be noted.

The meeting concluded at 2.35pm.

SL