

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

29 AUGUST 2017

C8/37/177E/PA - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITION NO. 6 OF PLANNING PERMISSION REF. C8/2015/0769/CPO FOR THE REDUCTION OF THE FREQUENCY OF THE NOISE MONITORING REPORTS TO BE CARRIED OUT ON AN ANNUAL BASIS ON LAND AT EGGBOROUGH SANDPIT, WEELAND ROAD, HENSALL, GOOLE, NORTH YORKSHIRE, DN14 0RL ON BEHALF OF MONE BROS (SELBY DISTRICT) (OSGOLDCROSS ELECTORAL DIVISION)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the variation of condition No. 6 of Planning Permission Ref. C8/2015/0769/CPO for the reduction of the frequency of the noise monitoring reports to be carried out on an annual basis on land at Eggborough Sandpit, Weeland Road, Hensall, Goole, North Yorkshire, DN14 0RL on behalf of Mone Bros.
- 1.2 This application is subject to an objection having been raised in respect of this proposal on the grounds of reducing on-site controls and is, therefore, reported to this Committee for determination.

2.0 Background

- 2.1 A plan showing the application site is attached to this report.
- 2.2 The Eggborough sandpit is located approximately midway between the villages of Eggborough to the west, and Hensall to the east, as shown on the plan attached to this Report. The Eggborough Sandpit site is approximately 7.2 hectares in size. The A645 runs to the north of the site with an active railway line to the south. A number of dwellings and agricultural holdings are sited within 600 metres of the Eggborough Sandpit site area, along the A645 itself and along High Eggborough Lane starting to the west of the site and running along the southern boundary of the site. The nearest property to the north along the A645 is Springfield Farm which lies approximately 50 metres and the nearest residential property to the south is Level Crossing House which is approximately 35 metres from the Eggborough Sandpit Site on the south side of the level crossing on High Eggborough Lane.
- 2.3 The existing site access off the A645, Weeland Road to serve the Eggborough Sand Pit Inert Waste Landfill. The application site is reached from the highway by a surfaced track across an area previously worked for sand, now being infilled and restored. The distance from the site entrance to the application site is approximately 500m. The haul road used to get to the application site has, in the main, been surfaced with hardcore. Strict speed limits on the site are imposed minimising dust from traffic crossing the site. A water bowser is also deployed to damp-down haul routes when necessary. Access to the site is restricted at the gated entrance to the quarry, which is kept locked at all times that the site is not operational. All amenity

facilities required by the proposal would be shared with the landfill provisions, the weighbridge and site offices are at the entrance to the site to the north east end of the application site, approximately 400 metres from the tipping area within the application site. There is also a plant including a mobile crusher and mobile screen with double deck and associated conveyors for the purpose of recycling of inert waste materials at the site approximately 60 metres to the east of the application site.

- 2.4 The site is not within any statutory designated areas such as Green Belt, Area of Outstanding Natural Beauty or Locally Important Landscape Area. In terms of landscape the site falls within the Humberhead Levels Landscape Character Area on 'The Character of England Map' produced by the former Countryside Commission and English Nature, with support from English Heritage in 1996. This Character Area is generally a flat, very open character with occasional rising ground formed by ridges of sand and outcrops of Mercia Mudstone which, in combination with the surface geology of drift deposits, gives rise to local variations in character. The Humberhead Levels are characterised by rich high-quality land which is intensively farmed. Landscape Character mapping is a mechanism for understanding and explaining what makes the local landscape distinctive.

Planning History

- 2.5 Extraction at Eggborough Sandpit was originally granted in 1948 on 15.11 hectares of land to the east of the current application site lying north to the Knottingley to Goole railway on the south of side Weeland Road (the A645) and bounded on the east end by the part of Hazel Old Lane leading to the level crossing at Ings Gate House. New updated planning conditions for working this 1940s permission area were determined in June 1993 (Ref: C8/37/160A/PA) and the majority of that site had been worked and restored by the mid-1990s but some of the western part of the site remains unrestored. Planning permission was also granted in June 1993 for the extraction of sand from a 9.8 hectare extension to the west of the existing Eggborough Sandpit (Ref: C8/37/177/PA). However, extraction has only occurred in a fifth of the area permitted. The previous operator ceased sand extraction at the site in 2002.
- 2.6 In January 2009, planning permission was granted for the infilling of the quarry void with inert material to provide for the restoration of the sand pit (Ref: C8/37/160B/PA). The approved scheme involved the infilling of the 7.32 hectare site in 3 phases with approximately 250,000 cubic metres (490,000 tonnes) of inert material, such as soil, stones, concrete, bricks, tiles and ceramics and glass. The infilling of the sandpit was expected to take two years with a further year thereafter to complete the restoration. The supporting statement for the application, which was an approved document included restoration (Paragraph 6.1) and aftercare scheme (Paragraph 6.2) involved restoring part of the site to agriculture with a shallow seasonal pond approximately 25 metres in diameter and marshy grassland with tree and shrub planting at the western end of the site and amenity grassland at the eastern end of the site near the site entrance. Part of an existing cliff in the south-west corner of the site would be retained to enable sand martins to continue nesting and areas of grassland adjacent to the railway would be retained to support potential reptile habitats. The final landform would be at approximately the original ground level. This application was the subject of a Section 106 Agreement to set designated haulage routes to and from the site.
- 2.7 On the 25 March 2009, an application was submitted (ref: NY/2009/0125/A21) for the approval of details reserved by conditions 7, 8, 10, 13, 17 and 18 of planning permission C8/37/160B/PA. These details related to a noise monitoring scheme (7); a dust control scheme (8); precautions to prevent the deposit of mud on the highway (10); on-site staff and contractor parking and materials storage (13); a scheme of

drainage (17) and a scheme of landscaping (18). The relevant submitted details for this application are the Noise Monitoring Scheme, dated March 2009, this stated the two proposed locations for the noise monitoring at car parking area adjacent to Crossing Keepers Cottage and adjacent to Hazelgrove Farmhouse, with the Selby District Council Environmental Health Officer having no objections to the details provided. This application was approved by the County Planning Authority on the 19 June 2009.

- 2.8 On the 28 July 2011, planning permission was granted (ref: C8/2011/0546/DPC for the variation of condition no.3 of planning permission C8/37/160/B/PA, to extend the date for the completion of the infill of inert material until 6 July 2015 and the completion of restoration by 6 July 2016. This planning permission varied no other element of the previously approved development so the restoration and aftercare requirements remained as approved in 2009.
- 2.9 On the 24 June 2013, planning permission was granted (Ref: C8/2012/1045/CPO) for the use of land for the siting and operation of a mobile crusher and mobile screen with double deck and associated conveyors for the purpose of recycling of inert waste materials at the site. This planning permission permitted such operations until 6 January 2016. The operation of this facility is intrinsically linked to the importation and landfill of material permitted under planning permission C8/2011/0546/DPC, as the imported material is initially processed through the mobile crusher and screen for the purposes of recycling. The recycled material is re-used off site whilst any materials incapable of being recycled are landfilled at the site.
- 2.10 On the 23 January 2014, planning permission was granted (Ref: C8/37/177A/PA) for an extension of time for the extraction of sand at the quarry site. This consent area lies adjacent to the current application area, but outside of the redline boundary and, therefore, not subject to the considerations of the current application. The unrestored excavated area at the quarry is currently an irregularly shaped valley between 8 and 12 metres deep with steep sides.
- 2.11 On the 12 June 2015 a planning application was submitted (ref: C8/2015/0769/CPO) to the County Planning Authority to vary of Condition No.1 of Planning Permission Ref. C8/2011/0546/DPC for an extension of time for the continued disposal of inert waste as identified in the application details only until the 6 July 2018 and for the site to be restored before 6 January 2019, to enable the continued operation of the site. This application was determined by the Planning and Regulatory Functions Committee on the 15 December 2015 due to being subject to an objection from a member of the public and was subsequently granted and issued on 15th December 2015. This permission included Condition 17 which stated "Aftercare operations at the site shall be carried out in strict accordance with the aftercare scheme 'Michael Armitage' 'Restoration Scheme' and 'Aftercare Scheme' dated 7 May 2008, approved as part of planning permission C8/37/160B/PA" meaning the restoration and aftercare requirements were kept the same as approved in 2009 by Ref. C8/37/160B/PA.
- 2.12 On the 12 June 2015 a planning application was submitted (ref: C8/2015/0767/CPO) to the County Planning Authority to vary of Condition No.1 of Planning Permission Ref. C8/2012/1045/CPO for an extension of time for the continued use of land for the operation of a mobile crusher and mobile screen with double deck and associated conveyors for the purpose of recycling of inert waste until 6 July 2018. A further planning application was submitted the same day (ref: C8/2015/0769/CPO) to the County Planning Authority to vary of Condition No.1 of Planning Permission Ref. C8/2011/0546/DPC for an extension of time for the continued importation of inert waste materials for the completion of restoration until 6 January 2019. Both these

applications were determined by the Planning and Regulatory Functions Committee on the 15 December 2015 due to being subject to an objection from a member of the public and was subsequently granted and issued on 15th December 2015.

- 2.13 On the last two occasions that the site was visited as part of the County Planning Authority's Site Monitoring Regime; being the 6 August 2014 and 12 February 2015, no breaches of planning control were identified on either visit.
- 2.14 There is currently an outstanding application for the area of extraction of the residual deposit of sand from land west of the sandpit and its restoration until 6 January 2019. This area of land had permission for extraction under application C8/37/177A/PA which expired on 6 January 2016. That application is to be determined at Planning Committee on 29 August 2017.
- 2.15 The planning condition that is the subject of this application is:

Condition

6. The development shall be carried out in accordance with the noise monitoring scheme 'Kirby Charles Associates Ltd' "Noise Monitoring Scheme" (ref: KCA100308/2285NMS) dated March 2009, approved as part of planning permission C8/37/160B/PA.

Reason

6. In the interests of amenity.

3.0 The Proposal

- 3.1 Planning permission is sought under Section 73A of the Town and Country Planning Act 1990 for the variation of condition No. 6 of Planning Permission Ref. C8/2015/0769/CPO for the reduction of the frequency of the noise monitoring reports to be carried out on an annual basis on land at Eggborough Sandpit, Weeland Road, Hensall, Goole, North Yorkshire, DN14 0RL on behalf of Mone Bros.
- 3.2 Due to the relatively close proximity of a number of noise sensitive receptors to the site, restrictions have been placed on the site to ensure that noise emissions do not have an adverse impact upon any local residents. The site is presently required to operate to a maximum noise level of 55dB(A) as measured from the boundary of any residential property. In addition, during the placement of topsoil and restoration operations noise emissions shall not exceed 70dB(A) as measured from the boundary of any residential property. Noise levels are currently monitored in accordance with a noise monitoring scheme approved under planning permission C8/2015/0769/CPO, which involve noise monitoring to be undertaken at the following noise sensitive locations:
- car parking area adjacent to Crossing Keepers Cottage;
 - adjacent to Hazelgrove Farmhouse.
- 3.3 The approved monitoring is currently carried out in 3 monthly intervals and a report supplied on an annual basis, this application is to vary this for the noise monitoring to take place on a yearly basis and the report to be kept to be being submitted on an annual basis. The agent states this is being requested now because for more than six years monitoring which has been carried out four times a year has produced no results which have exceeded the limits of the permission and the operator has also not received any complaints during the lifetime of the facility in regards to noise. Therefore they state it would be reasonable to lower the frequency of the noise monitoring at the site.

- 3.4 The proposal would also include keeping the results at the site office for inspection. In the event that noise levels are recorded in excess of the maximum noise level detailed above, the problem is to be rectified immediately with additional noise monitoring undertaken afterwards. It is proposed that the currently approved levels and noise monitoring requirements be brought forward into any new consent as may be granted for the proposed development. The mobile crusher and mobile screen for recycling of inert waste (current permission C8/2015/0767/CPO) lies within the overall footprint of this application site and is subject to the same sound level limit but no separate noise monitoring is required by that permission.
- 3.5 On the last two occasions that the site was visited as part of the County Planning Authority's Site Monitoring Regime; being the 6 August 2014 and 12 February 2015, no breaches of planning control were identified on either visit. The most recently submitted noise monitoring report dated February 2015 also concluded the noise levels are were in full compliance with the noise levels stipulated with the conditions at the identified monitoring stations, i.e. noise from the operations on site shall not cause the Leq 1hr sound level to exceed 55 dB(A) as measured from the boundary of any residential property.
- 3.6 The applicant's proposed wording for the condition is that it should be varied from the text set out in paragraph 2.15 above to be as following:

Condition

6. The development shall be carried out with annual noise monitoring but in all other respects in accordance with the noise monitoring scheme "Kirby Charles Associates Ltd" "Noise Monitoring Scheme" (ref: KCA100308/2285NMS) dated March 2009, approved as part of planning permission C8/37/160B/PA.

Reason

6. In the interests of amenity.

4.0 Consultations

- 4.1 The consultees responses summarised within this section of the report relate to responses to the consultation on 9 March 2017.
- 4.2 **Selby District Council (Planning)** – A response was received on 31 March 2017 stating no objections to the application.
- 4.3 **Selby District Council (Environmental Health)** – A response was received on August 3 stating no objections to the proposed reduction in frequency of noise surveys.
- 4.4 **Environment Agency York** – Were consulted on 9 March 2017 and no response has been received to date.
- 4.5 **Network Rail - Minerals & Waste Apps** – Were consulted 2017 on 9 March and no response has been received to date.
- 4.6 **Highway Authority** – Were consulted on 9 March 2017 and no response has been received to date.
- 4.7 **Eggborough Parish Council** – Were consulted on 9 March 2017 and no response has been received to date.

- 4.8 **Hensall Parish Council** -Were consulted on 9 March 2017 and no response has been received to date.

Notifications

- 4.9 **Cllr John McCartney** - Was notified on 9 March 2017.

5.0 Advertisement and Representation

- 5.1 The proposal has been advertised by means of 6 Site Notices posted on 21 April 2017 (responses to which expired on 12 May 2017). The Site Notices were posted in the following locations:

- at the site entrance on Weeland Road;
- a telegraph pole outside the residential property 'Sandways' on Weeland Road;
- a lamp post on Hazel Old Lane;
- a telegraph pole in front of Hazelgrove Farm, on Weeland Road
- A road High Eggborough Lane;
- A lamppost on High Eggborough Lane.

- 5.2 A Press Notice appeared in the Pontefract and Castleford Express on 19 April 2017 (responses to which expired on 3 May 2017).

- 5.3 Neighbour Notification letters were sent on 10 March 2017 and the period in which to make representations expired on 31 March 2017. The following properties received a neighbour notification letters:

- Alsuno, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
- Springfield Farm, Weeland Road, Selby, North Yorkshire, DN14 0RL;
- Sandway, Weeland Road, Selby, North Yorkshire, DN14 0RL;
- The Willows, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
- Arlyn, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
- Darly House, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
- The Bungalow, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
- Hazel Grove Farm, Weeland Road, Selby, North Yorkshire, DN14 0RL;
- Hazel Croft, Weeland Road, Selby, North Yorkshire, DN14 0RL;
- Mount Pleasant Cottage, High Eggborough Lane, Eggborough, Goole, DN14 0PS;
- Mount Pleasant Farm, High Eggborough Lane, Eggborough, Goole, DN14 0PS;
- Mayerling, High Eggborough Lane, Eggborough, Goole, DN14 0PS;
- Mount Pleasant House, High Eggborough Lane, Eggborough, Goole, DN14 0PS;
- Level Crossing House, High Eggborough Lane, Eggborough, Goole, DN14 0PT.

- 5.4 A representation objecting to the application was received on 8 June 2017 raising objections on the grounds of:-
- Extending the quarrying operations onsite and reducing controls, without any explanation of the noise effects of the additional operations in conjunction with the subsequent application ref. NY/2017/0041/FUL.

6.0 Planning Policy and Guidance

National Planning Policy

- 6.1 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:

- National Planning Policy Framework (NPPF) (published March 2012)
- National Planning Policy for Waste (NPPW) (published October 2014)

National Planning Policy Framework (NPPF)

- 6.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.3 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development stating its approach as *"making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same"*. The Government defines sustainable development as that which fulfils the following three roles:
- **An economic role** – development should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
 - **A social role** – development supporting strong, vibrant and healthy communities; and,
 - **An environmental role** – development that contributes to protecting and enhancing the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.
- 6.4 The NPPF advises that when making decisions, development proposals should be approved that accord with the Development Plan and when the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this framework indicate development should be restricted.
- 6.5 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.6 The NPPF advises that the framework *'does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste management Plan for England (2011).'* It is noted however, that since the publication of the NPPF the Department for Communities and Local Government has published the National Planning Policy for Waste (2014) which sets out detailed waste policies. It is noted that this document should be read in conjunction with the NPPF and, therefore, when determining waste planning applications, regard should be had to policies in the NPPF where relevant.
- 6.7 Within the NPPF, Paragraph 14 of the Framework advises that when making decisions, development proposals should be approved without delay that accord with the development plan and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- *'Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole: or*
 - *Specific policies in the Framework indicate development should be restricted'.*
- 6.8 Within the NPPF, Paragraph 120 of the Framework advises that planning decisions should ensure that development is *'appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account'*. The NPPF advises in paragraph 111, that planning decisions should *'encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value'*. The NPPF notes that planning decisions should *'focus on whether the development itself is an acceptable use of the land and the impact of the use'*.
- 6.9 Within the NPPF, Paragraph 123 of the Framework provides guidance relating to the impacts of noise pollution on quality of life. It advises that planning decisions should aim to:
- *'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
 - *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through use of conditions;*
 - *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'.*
- 6.10 Within the National Planning Policy for Waste, Paragraph 1 notes that the planning system plays a key role in delivering the country's waste ambitions through *'recognising the positive contribution that waste management can make to the development of sustainable communities'*. Furthermore, it is noted that it is important that ambitions are also achieved by *'helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment'*. Furthermore, it is advised that this document provides a framework to enable waste to be disposed of or recovered *'in line with the proximity principle'*.
- 6.11 Paragraph 7 of the National Planning Policy for Waste, provides guidance to Local Planning Authorities in the determination of waste planning applications, advising that they should:
- *consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
- 6.12 Within Appendix B of the National Planning Policy for Waste, it is noted that in addition to the type and scale of any proposed facility. In this instance the relevant factors Local Planning Authorities should consider in assessing the suitability of a proposed waste site:
- a. *"protection of water quality and resources and flood risk management;*
 - b. *land instability;*
 - c. *landscape and visual impacts;*
 - d. *nature conservation;*
 - e. *conserving the historic environment;*
 - f. *traffic and access;*

- g. air emissions, including dust;
- h. odours;
- i. vermin and birds;
- j. noise, light and vibration;
- k. litter; and,
- l. potential land use conflict”.

6.13 It is considered that criteria d and j are relevant to the determination of this application and these are set out in full below:

d. nature conservation

Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species.

j. noise, light and vibration

Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. Potential light pollution aspects will also need to be considered.

National Planning Practice Guidance (PPG) (2014)

6.14 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

Noise

6.15 The PPG confirms the need for noise to be considered in taking decisions on proposed developments having regard to the effects of potential noise from new developments and on existing developments.

6.16 The (Noise) PPG identifies how local planning authorities should determine the impact or effect of noise by considering the following:

- *‘whether or not a significant adverse effect is occurring, or likely to occur’;*
- *‘whether or not an adverse effect is occurring, or likely to occur’; and*
- *‘whether or not a good standard of amenity can be achieved’.*

6.17 In addition to the above the (Noise) PPG also offers guidance on identifying *‘whether the overall effect of noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed effect level for the given situation’.*

6.18 The (Noise) PPG sets out the observed effect levels as being:

- *‘significant observed effect level: this being the level of noise exposure above which significant adverse effects on health and quality of life occur’;*
- *‘lowest observed adverse effect level: this being the level of noise exposure above which adverse effects on health and quality of life can be detected’; and*
- *‘no observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected’.*

- 6.19 The (Noise) PPG has a specific section that considers how noise emissions from mineral extraction developments can be controlled and advises the following: *'the carrying out a noise impact assessment, which should identify all sources of noise and for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighborhood'*.
- 6.20 The (Noise) PPG also provides guidance on establishing a noise limit by means of a planning condition and puts forward suggested thresholds to protect noise sensitive properties as follows:
- *'Mineral planning authorities should aim to establish a noise limit, at the noise sensitive property that does not exceed the background noise level (LA90, 1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit should be set as near that level as practicable. In any event the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field)*
 - *For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90, 1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field)*
 - *For operations during the period 2200-0700 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property.*
 - *Where a site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect.*
 - *Peak or impulsive noise, which may include some reversing alarms, may also require separate limits that are that are independent of background noise (Lmax in specific octave or third octave frequency bands –that should not be allowed to occur regularly at night).*
- 6.21 In regard to these noise levels the (Noise) PPG does state: *'care should be taken, to avoid any of these values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed'*.
- 6.22 Notwithstanding the guidance set out above the (Noise) PPG does recognise there may be occasions when increased temporary day time noise limits may be acceptable as follows:
- *'Increased temporary daytime noise limits of up to 70dB(A) LAeq, 1h (free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs'*
 - *'Where work is likely to take longer than eight weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain environmental benefits. Within this framework the 70dB(A) LAeq, 1h (free field) limit referred to above should be regarded as the normal maximum'*.

The Development Plan

- 6.23 Notwithstanding that the abovementioned national planning policy is a significant material consideration, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the

Development Plan consists of policies contained within a number of planning documents. These documents include:

- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
- any planning policies contained within Development Plan Documents adopted under the Local Development Framework regime.

6.24 The Development Plan for the determination of this particular application comprises the following:

- 'Saved' North Yorkshire Waste Local Plan (adopted 2006);
- 'Saved' Selby District Local Plan (adopted 2005);
- Selby District Core Strategy (adopted 2013).

6.25 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect, it is worth noting that the following document contains emerging local policies that are of relevance to this application:

- Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).

6.26 The draft MWJP was published in November 2016 for representations. Consultation has commenced on an Addendum schedule of proposed changes for an 8 week period over summer 2017 prior to the submission of the Minerals and Waste Joint Plan for Examination in Public (EiP) which is expected to take place later this year. When the MWJP is submitted the representations received in connection with the consultation on the Addendum, together with the representations received on the Publication document, as part of the information supplied for the EiP.

6.27 A number of policies contained within the North Yorkshire Waste Local Plan have been 'saved' under a direction of the Secretary of State. The 'saved' policies relevant to the determination of this application are:

- 4/1 – Waste Management Proposals;
- 4/19 – Quality of Life;
- 6/1 – Landfill Proposals.

6.28 'Saved' Policy 4/1 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the nature of the development is for a waste management facility. The policy advises that *'Proposals for waste management facilities will be permitted provided that:-*

- a) The proposed method and scheme of working would minimise the impact of the proposal;*
- b) There would not be an unacceptable environmental impact;*
- c) There would not be an unacceptable cumulative impact on the local area;*
- d) Other environmental and amenity safeguards would effectively mitigate the impact of the proposal;*

6.29 Both the NPPF and the NPPW are silent on matters raised in criteria b) of 'saved' Policy 4/1. Consideration is given within Appendix B of the NPPW in relation to the testing the suitability of a proposed site in determining planning applications. With regards to criteria a), it is noted that the NPPF is silent on the matters raised, whilst paragraph 7 of the NPPW notes that consideration should be given to the type and scale of a proposed waste management facility. Therefore, only partial weight can be afforded only to criteria a) of this policy in the determination of this planning application.

6.30 In terms of criteria c) and d) of 'saved Policy 4/1, the NPPF states that developments should contribute to and enhance the local environment, not give rise to unacceptable risks from pollution and cumulative effects should be taken into account rather than the wording in 'saved' Policy 4/1 which states that there should not be unacceptable impacts and that safeguards should mitigate the impacts. Although there is a slight difference in emphasis, the provisions of the Policy are considered to be generally conforming to the NPPF. Furthermore, Paragraph 7 of the NPPW notes that the potential harm to the local environment should be assessed in the determination of a planning application against the criteria set out in Appendix B of the document, the general thrust of which seeks to ensure that the suitability of a proposed site is assessed against a number of environmental criteria. Therefore, partial weight should be given to this element of the policy in the determination of this application.

6.31 'Saved' Policy 4/19 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the development has the potential to impact upon the local environment and residential amenity. The policy advises that *'Proposals for waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity'*. The NPPF provides guidance in relation to how planning decisions should aim to conserve and enhance the natural environment. Paragraph 109 of the Framework advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. In addition, Paragraph 123 of the NPPF states:

'Planning Policies and decision should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'.*

6.32 Furthermore, it is noted that the NPPW confirms that environmental impacts and impacts upon amenity are to be considered against the Locational Criteria set out in Appendix B when determining planning applications. It is noted that Appendix B includes factors such as visual impacts, air emissions including dust, odours, noise, light and vibrations. It is, therefore, considered that 'saved' Policy 4/19 is consistent with the NPPF and NPPW. Therefore, this policy should be given considerable weight in the determination of this planning application.

6.33 'Saved' Policy 6/1 of the North Yorkshire Waste Local Plan is considered relevant to this application as the development is for a landfill operation, and provides details of what the County Planning Authority would normally view as being appropriate for waste disposal via landfill. The policy states, *"Proposals for additional landfill capacity for the disposal of waste will be permitted provided that:-*

a) *it can be demonstrated that there is an over-riding need for the development and there are no available alternative methods for treating the waste; or*

- b) *it is required for the restoration of a former mineral void which cannot be satisfactorily reclaimed in any other way; and*
- c) *where appropriate, provision is made for the selective recycling of waste; and*
- d) *the highway network and site access can satisfactorily accommodate the traffic generated; and*
- e) *the proposal will not have an unacceptable impact on local amenity or the environment”.*

6.34 The NPPF is silent on guidance relative to landfill and waste and, therefore, points a) to c). It is noted that the NPPW makes reference to landfill, but only in relation to seeking suitable restoration and aftercare. As such, it is considered that this policy is only partially consistent with the NPPF and NPPW, and more weight should be given to the both policy documents regarding highways and traffic issues and the points covering impacts on local amenity or the environment.

Selby District Core Strategy

6.35 The Selby District Core Strategy is the long-term strategic vision for how the District will be shaped by setting out a number of broad policies to guide development principles for the area.

6.36 The Core Strategy (2013) does not contain any policies specific to mineral or waste-related development ('County Matters'), but there are general development management policies which would usually be applicable to District-scale development which, in this instance, are relevant to the determination of this application. The policies considered relevant to the determination of this application are:

- SP1 – Presumption in Favour of Sustainable Development;
- SP18 - Protecting and Enhancing the Environment;
- SP19 - Design Quality.

6.37 Policy SP1 states *‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date (as defined by the NPPF) at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted’.*

6.38 Policy SP18 of the Selby District Core Strategy seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. A number of points within Policy SP18 are of relevance to the proposed development, as follows: “The high quality and local distinctiveness of the natural and man-made environment will be sustained by (inter alia):

1. Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance
3. Promoting effective stewardship of the District’s wildlife by:

- a) Safeguarding international, national and locally protected sites for nature conservation, including SINCS, from inappropriate development.
 - b) Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site
 - c) Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate...
5. *Identifying, protecting and enhancing locally distinctive landscapes, areas of tranquillity, public rights of way and access, open spaces and playing fields through Development Plan Documents.*
 6. *Encouraging incorporation of positive biodiversity actions, as defined in the local Biodiversity Action Plan, at the design stage of new developments or land uses.*
 7. Ensuring that new development protects soil, air and water quality from all types of pollution.
 8. Ensuring developments minimise energy and water consumption, the use of non-renewable resources, and the amount of waste material”.

6.39 Policy SP19 of the Selby District Core Strategy states *‘Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design. Both residential and non-residential development should meet the following key requirements:*

- a) *Make the best, most efficient use of land without compromising local distinctiveness, character and form;*
- b) *Positively contribute to an area’s identity and heritage in terms of scale, density and layout;*
- c) *Be accessible to all users and easy to get to and move through;*
- d) *Create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts;*
- e) *Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate;*
- f) *Promote access to open spaces and green infrastructure to support community gatherings and active lifestyles which contribute to the health and social well-being of the local community;*
- g) *Have public and private spaces that are clearly distinguished, safe and secure, attractive and which complement the built form;*
- h) *Minimise the risk of crime or fear of crime, particularly through active frontages and natural surveillance;*
- i) *Create mixed use places with variety and choice that complement one another to encourage integrated living, and*
- j) *Adopt sustainable construction principles in accordance with Policies SP15 and SP16.*
- k) *Preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.*
- l) *Development schemes should seek to reflect the principles of nationally recognised design benchmarks to ensure that the best quality of design is achieved.’*

Selby District Local Plan

- 6.40 Notwithstanding the adoption of the Selby District Core Strategy Local Plan in 2013, referred to above, some of the policies in the existing Selby District Local Plan (adopted in 2005 and saved in 2008 by Direction of the Secretary of State) remain extant following the adoption of the Core Strategy.
- 6.41 Within the Selby District Local Plan, the 'saved' policies relevant to the determination of this application are:
- ENV1 – titled 'Quality of Development';
 - ENV2 – Environmental Pollution and Contaminated Land;
- 6.42 This policy ENV1- Control of Development states that "...development will be permitted provided a good quality of development would be achieved" and sets out a number of points which the District Council will take account of in considering proposals for development:
1. The effect upon the character of the area or the amenity of adjoining occupiers;
 2. The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking;
 3. The capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure;
 4. The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping;
 5. The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area;
 6. The extent to which the needs of disabled and other inconvenienced persons have been taken into account;
 7. The need to maximise opportunities for energy conservation through design, orientation and construction; and
 8. Any other material considerations".
- 6.43 It is considered that limited weight can be attached to 'saved' Policy ENV1 as the NPPF makes clear that the effects of pollution on the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account. However, with regards to transport, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and, therefore, only limited weight may be given in this instance.
- 6.44 Within the Selby District Local Plan, 'saved' Policy ENV2 is considered relevant to the determination of this application as the nature of the development, being waste disposal, has the potential to create nuisance and pollution. The policy advises that:
- A) *'Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences.*
 - B) *Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out*

and development has incorporated all measures shown in the assessment to be necessary.'

6.45 This Policy is generally considered to be compliant with Section 11 of the NPPF.

7.0 Planning Considerations

7.1 Section 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue.

7.2 With a Section 73 application the Planning Authority is required to consider only the question of the conditions subject to which planning permission should be granted. This does not prevent the Planning Authority from looking at the wider considerations affecting the original grant of permission, but the permission itself should be left intact. Section 73 enables the Planning Authority to grant permission subject to conditions differing from those subject to which the previous permission was granted or to refuse the application, for example, where there has been a change in policy.

7.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 also requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In making its decision the Council should focus its attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought. In light of the abovementioned policies the main considerations in this instance is the principle of the development and noise.

Principle of the Development

7.4 The previous grant of planning permission ref. C8/2015/0769/CPO, granted December 2015, examined the merits of the development, being the disposal of waste, in terms of its land use and assessed that the general impacts on the development were acceptable at that time. This is still considered to be the case for the current planning application. There have been no significant alterations to the surrounding area in this time. To ensure that the impact of operations would not have an adverse impact upon the local highway, visual amenity, residential amenity, or upon the local environment, conditions were included in decision notice C8/2015/0769/CPO to ensure that the cumulative impact was not adverse and further reduced through additional mitigation measures.

7.5 It is noted that since the grant of planning permission C8/2015/0769/CPO, the site has continued to operate in compliance with its extant planning permissions. This is consistent with the NPPF Paragraph 14 and the NPPW. Furthermore, it is noted that no objections to the proposal have been received from any consultee. As such, it is considered that the principle of the proposed development at Eggborough Sand Pit remains acceptable.

Noise

7.6 It was noted at the time of the grant of planning permission C8/2015/0769/CPO that a number of residential properties were located in near proximity to the site. These properties included those on the western edge of Hensall village approximately 300 metres to the east and other properties including Springfield Farm which lies approximately 50 metres to the north and the nearest residential property to the south is Level Crossing House which is approximately 35 metres south on High

Eggborough Lane. There have been no significant alternations to the surrounding area in terms of noise receptors in the locality since 2015. The annual noise monitoring would cover the importation of inert waste materials for the completion of restoration until 6 January 2019 and not all operations on site. The operation of a mobile crusher and mobile screen with double deck and associated conveyors for the purpose of recycling of inert waste are dealt with under separate permission C8/2015/0767/CPO, dated 15 December 2015. That separate permission does not require noise monitoring but places the same restrictions in regards to noise levels as it is proposed would continue to apply to development associated with this application if permitted.

- 7.7 The site is well screened from Weeland Road by extensive trees and high hedges, all of which still remain in situ from when previous applications were determined. Planning permission C8/2015/0769/CPO currently extant for the application site includes conditions in regards to noise. Finally, it is noted that no complaints had previously been received from local residents or Regulatory Bodies in relation to noise at the site, which remains to be the case until the objection to the current planning application was received.
- 7.8 Annual noise monitoring reports have been received for the site since the permission was granted in 2009 and, in the absence of any complaints in regards to the noise produced from the site whilst operational, it is considered that the operator has appropriately controlled noise at the site operating within the limits of their permission. The proposed development does not seek to alter the previously approved hours of operation, maximum noise levels or any other operational processes/practises. In relation to noise, the continued imposition of a maximum noise level and restricted hours of operation would ensure that the site continues to operate so as to ensure that the impacts of noise is mitigated so as not to result in environmental harm. It is also noted that no objections have been raised to the proposed development by Selby District Council's Environmental Health Officer in regards to the change in frequency of noise monitoring or the continuation of the annual noise reports. On the basis that such mitigation and controls continue to be secured by the imposition of planning conditions, this would enable the County Planning Authority to continue to monitor the situation.
- 7.9 The proposed development would not alter any other facet of the previously approved development other than lowering the frequency of noise monitoring results being taken on site to one set per annum, instead of the four sets taken at present. These would be included in the annual noise monitoring report submitted to the County Council as required by Condition 6 of the permission. It is therefore considered that there would be no adverse impacts of noise. This is considered unlikely to result in an adverse impact upon the amenity of local residents living in proximity to the site of any nearby villages. Therefore is considered to be consistent with the principles of the NPPF in relation to noise impacts as outlined in paragraph 123 of the Framework, NPPW in relation to amenity protection and the guidance on noise contained within the PPG. It is also considered in compliance with the amenity protection elements of 'saved' Policies 4/1, 4/19 and 6/1 of the North Yorkshire Waste Local Plan and 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan, which seek to ensure that there are no significant effects upon amenity arising from developments, adding further weight in support of this application. For the reasons detailed above, it is considered that the proposed development of decreasing the frequency of the noise reports submitted to the County Council to be on a yearly basis would not result in an adverse impact upon local amenity through the generation of noise.

7.10 The wording for the variation of the noise monitoring condition proposed by the applicant as seen in paragraph 3.6, has been amended for preciseness to include the amount of noise monitoring that is currently completed, the condition this was originally approved under and the date this condition was approved. Therefore the appropriate wording for condition 6 is as follows:

6. The development shall be carried in accordance with the noise monitoring scheme "Kirby Charles Associates Ltd" "Noise Monitoring Scheme" (ref: KCA100308/2285NMS) dated March 2009, as approved under the terms of Condition 9 of planning permission C8/37/160B/PA on 19 June 2009. With the exception of the frequency of monitoring being reduced to being completed on an annual basis.

7.11 This permission would superseded the current extant permission ref. C8/2015/0769/CPO, dated 15 December 2015 and therefore gives an opportunity to update aspects of the conditions assessing whether these are still relevant to the development and compliant with the tests for planning conditions. Condition 1 has been updated to include the landscaping scheme which was not included in the December 2015 decision notice. Condition 1 previously included the wording "2009 and the schemes approved under the terms of Condition Numbers 16 and 17 of planning permission C8/37/160B/PA no later than the 6 January 2019" however neither of these conditions were discharged under this application. Therefore condition 17 of this application has been attached which has the same wording as the C8/37/160B/PA (2008) permission in regards to topsoil as our records show a Scheme was never received. Condition 18 has been added to this permission for clarity as in the Landscape Scheme approved under approved under the terms of Condition 18 of planning permission C8/37/160B/PA on 19 June 2009, it is stated a drainage scheme would be submitted after the restoration has been completed, this could be completed as part of the aftercare however the addition of condition 18 makes the need for this drainage scheme clearer. Condition 2 has been updated to include the documents submitted for this this application. Condition 17 has also been amended to include the Landscaping Scheme approved in 2009 this was not mentioned in the ref. C8/2015/0769/CPO, dated 15 December decision notice. This was an omission which we can be rectified via this decision as this would enable the Landscape Scheme to be secured through this permission.

8.0 Conclusion

8.1 There are no material planning considerations to warrant the refusal of this application for the variation of condition No. 6 of Planning Permission Ref. C8/2015/0769/CPO for the reduction of the frequency of the noise monitoring reports to be carried out on an annual basis.

8.2 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

9.0 Recommendation

9.1 For the following reasons:

- i.) the principle of the proposed development has been established through the previous grant of planning permissions;
- ii.) the proposed development, would not result in an adverse impact upon local amenity, visual or otherwise;
- iii.) the proposed development is in-compliance with the principles of the NPPF, NPPW, PPG, 'saved' Policies 4/1, 4/19 and 6/1 of the North Yorkshire Waste

Local Plan (1997), Policies SP1 of the Selby District Core Strategy (2013) and 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan (2005).

That, **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

Conditions

1. The permission hereby granted authorises the disposal of inert waste as identified in the application details only until the 6 July 2018. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the plan 'Proposed Restoration Plan (ref: 200-005) dated February 2008 and the 'Landscape Scheme' approved under the terms of Condition 18 of planning permission C8/37/160B/PA on 19 June 2009.
2. The development shall be carried out in accordance with the application details dated 19 May 2008, as amended by the details dated 6 June 2008, 9 May 2015 and 7 February 2017, and the following conditions which at all times shall take precedence.
3. No import of waste materials, works or associated operations shall take place except between the following times 0800 – 1700 Mondays to Fridays. No activities shall take place on Saturdays, Sundays or Bank and Public Holidays.
4. During the working hours specified in Condition 3 above noise from the operations on site shall not cause the Leq 1hr sound level to exceed 55dB(A) as measured from the boundary of any residential property. In the event that the noise level specified above is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in-compliance with the above level.
5. During the construction of any soil mounds and bunds, the final placement of topsoil and during restoration, noise from the operations on site shall not cause the Leq 1hr sound level to exceed 70dB(A) as measured from the boundary of any residential property. In the event that the noise level specified above is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in-compliance with the above level.
6. The development shall be carried in accordance with the noise monitoring scheme "Kirby Charles Associates Ltd" "Noise Monitoring Scheme" (ref: KCA100308/2285NMS) dated March 2009, as approved under the terms of Condition 9 of planning permission C8/37/160B/PA on 19 June 2009. With the exception that the frequency of monitoring shall be on an annual basis, rather than the quarterly basis specified in the 2009 scheme.
7. The development shall be carried out in accordance with the dust control scheme titled 'Decision Notice C8/37/160B/PA – Condition 8' submitted on the 25 March 2009 and approved by the County Planning Authority on 19 June 2009, including the measures proposed to control dust, details of the wheel washing facilities to be used, the water source and capacity and the method of water distribution onto stockpiles and roadways during dry and windy weather.
8. Access to the site shall be via the existing access and no other access shall be used.

9. The development shall be undertaken in accordance with the measures to prevent the deposit of mud, grit and dirt on the public highways detailed in document 'Condition 9 Supporting Statement', approved by the County Planning Authority on the 2 December 2014. These precautions shall be kept available and in full working order until such time as the County Planning Authority agrees in writing to their withdrawal.
10. The existing visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times. The splays shall give clear visibility of 120 metres measured along both channel lines of the major road, A645 Weeland Road, from a point measured 4.5 metres down the centre line of the access road. The eye height will be 1.0 metre and the object height shall be 0.6 metre
11. All vehicles involved in the transport of waste materials to the site shall be securely sheeted or otherwise enclosed in such a manner that no material will be spilled on the public highway.
12. No vehicles involved in the transport of waste exiting the site shall do so except by turning left onto the A645.
13. Any imported topsoil and subsoil shall be reserved for use in restoration and shall be stored separately from each other in such locations as shall first be approved in writing by the County Planning Authority. Any such storage mounds and any screening bunds shall be seeded with a grass mix that has been first agreed in writing with the County Planning Authority and such seeding shall be done as soon as practicable and no later than the first growing season after creation of the storage mound or bund.
14. Any cranes, machinery and constructional plant used in connection with the works, must be positioned such that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres and the accidental entry onto railway property of such plant, or loads attached thereto is prevented in the event of failure of the plant or machinery.
15. An annual meeting shall be held between the operator and the County Planning Authority to review schemes of working, restoration, landscaping and aftercare issues. This meeting shall include all interested parties and technical advisers as required.
16. Throughout the working life of the site, a copy of this and the original planning permission and all approved documentation shall be made available on site for inspection during normal working hours. Their contents and existence should be made known to all operatives likely to be affected by matters covered by them.
17. Any imported topsoil and subsoil shall be reserved for use in restoration and shall be stored separately from each other in such locations as shall first be approved in writing by the County Planning Authority. Any such storage mounds and any screening bunds shall be seeded with a grass mix that has been first agreed in writing with the County Planning Authority and such seeding shall be done as soon as practicable and no later than the first growing season after creation of the storage mound or bund.
18. Within 3 months of the completion of restoration a detailed scheme of drainage shall be submitted to the County Planning Authority for written approval, in accordance with the 'Landscape Scheme' approved under the terms of Condition 18 of planning permission C8/37/160B/PA on 19 June 2009.

19. Aftercare operations at the site shall be carried out in strict accordance with the aftercare scheme 'Michael Armitage' "Restoration Scheme" and "Aftercare Scheme" dated 7 May 2008. Including the 'Landscape Scheme' approved under the terms of Condition 18 of planning permission C8/37/160B/PA on 19 June 2009.

Reasons

1. To ensure that the development is carried out in accordance with the application details.
2. To reserve the right of control by the County Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.
3. To reserve the rights of control by the County Planning Authority in the interests of amenity.
- 4-7. In the interests of amenity.
8. In the interests of highway safety and amenity.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. In the interests of highway safety.
11. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In the interests of highway safety and amenity.
13. In the interests of the environment and amenity of local residents.
14. To maintain the safety of railway operations.
15. To secure an orderly and progressive pattern of working of the site in the interests of amenity.
16. To ensure that site personnel are aware of the terms of the planning permission.
17. In the interests of the environment, visual amenity and safety of the railway.
18. To ensure satisfactory restoration and beneficial afteruse of the site.
19. To ensure the satisfactory aftercare of the site.

**Statement of Compliance with Article 35(2) of the Town and Country Planning
(Development Management Procedure) (England) Order 2015**

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Sam Till

Background Documents to this Report:

1. Planning Application Ref Number: C8/37/177E/PA (NY/2017/0038/73A) registered as valid on 8 March 2017. Application documents can be found on the County Council's Online Planning Register by using the following web link:
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Figure 1 - Committee Plan

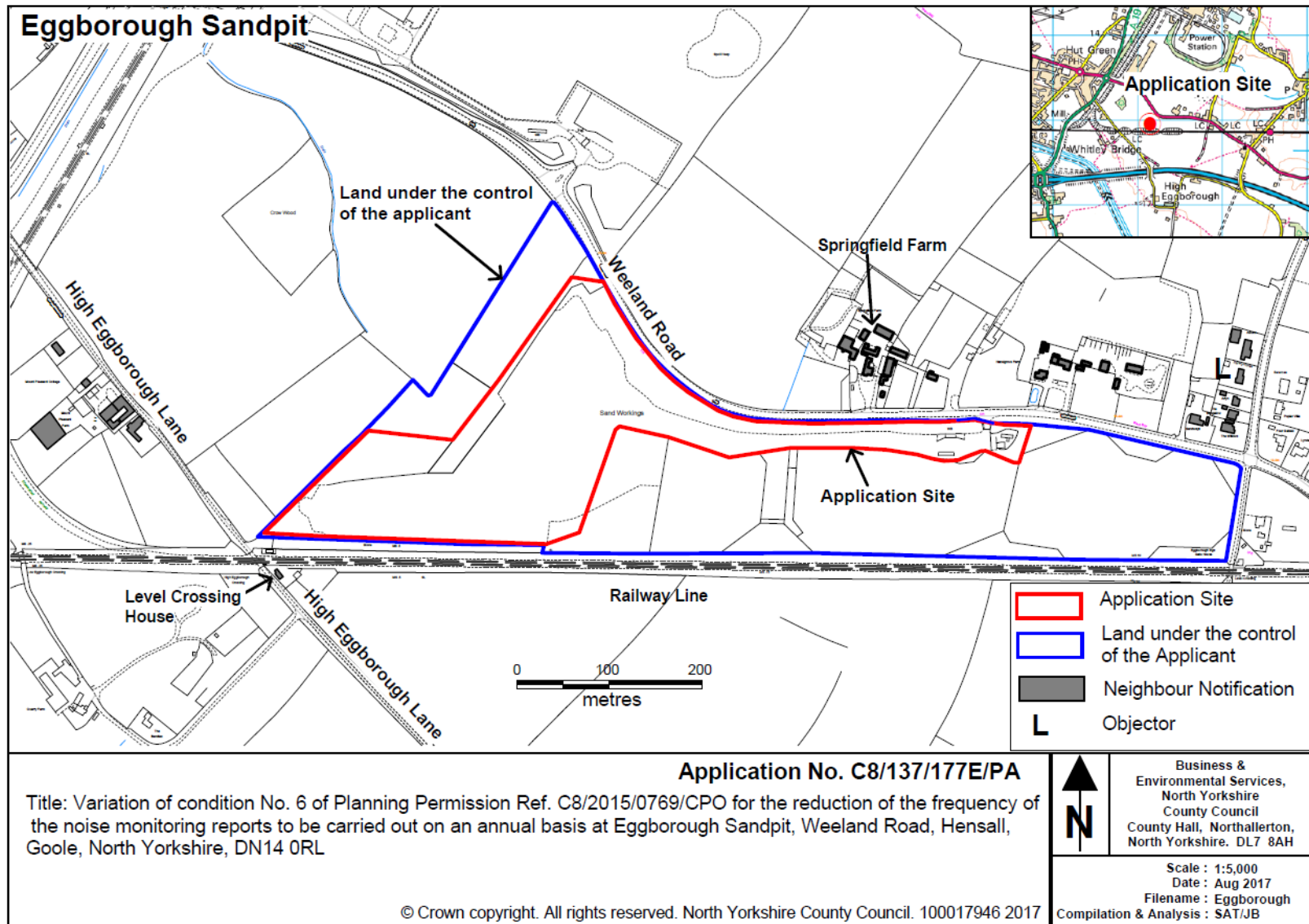


Figure 2 – Location Plan

