

## Planning Committee (Special)

21 December 2021

**Full Planning Permission for Motorway Service Area Comprising Amenity Building, (Shops, Restaurants, Lounges, Tourist Information, Gaming Room and Cash Machines, Toilet Facilities, Administration Offices and Staff facilities, Servicing , Storage Areas, and Ancillary Uses), 100 Bedroomed Hotel, Drive Thru Costa and MacDonald's Restaurants, Fuel Filling Station with Shop (total 10,855 sq. m Gross Floorspace) , Car, Lorry, Motorbike, Cycle, Caravan and Coach Parking, Electric Vehicle Charging Facilities, Amenity Lake and Associated Landscaping with Dog Walking Facilities and Landscaping with Access to J52 on the A1(M) (As Amended)**

**Land East of Junction 52 on the A1(M) At Catterick, Pallett Hill Farm, Catterick Village, DL10 7PG**

Report of the Planning Manager

**Catterick & Brompton-on-Swale  
Key Decision = N**

<b>Date Application Received:</b>	<b>19 July 2019</b>	<b>Target Date for Decision:</b>	<b>18 October 2019</b>
<b>Applicant:</b>	<b>Roadchef Motorways Ltd Roadchef</b>		
<b>Agent (where applicable):</b>	<b>Mrs Jill Davis</b>		
<b>View Application Documents, Consultation Responses, Representations Received and Other Background Papers Online:</b>	<a href="https://documents.richmondshire.gov.uk/planning/planning-documents?SDescription=19/00473/FULL&amp;viewdocs=true">https://documents.richmondshire.gov.uk/planning/planning-documents?SDescription=19/00473/FULL&amp;viewdocs=true</a>		

### 1.0 Purpose of the Report and Decisions Sought

- 1.1 To set out details of the proposal, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission.
- 1.2 The application was first published to be heard at Planning Committee in July 2021. Prior to the Planning Committee being held a correspondence was received that requested the Council review the officers recommendation and prior to taking the report to Planning Committee that further consideration was required. The Council then took legal advice which advised deferment of the application until action could

be taken to confirm the Council's position. Since then, the application report has been reviewed and additional advice taken.

## **2.0 Background and Details of the Proposal**

- 2.1 The application (as amended) is seeking planning permission for the creation of a motorway service area (MSA) on a 11.2 hectare site situated adjacent to, and accessed off, Junction 52 of the A1(M) The proposed development would consist of an 'Amenity Building', a 100 bedroom hotel, two 'drive thru' buildings (a coffee and fast food restaurant respectively), and a fuel filling station with associated convenience shop. The proposed development would also include associated car and coach parking, HGV overnight parking, electric vehicle charging facilities, as well as associated landscaping. Overall, the proposed development would create 8,912 square metres of restaurant and cafe floorspace. It is stated within the Planning Statement that, like all MSAs, the MSA would be operational 24 hours per day. It has been calculated/stated by the applicant that the proposed development would generate 35.66 direct Full Time Equivalent (FTE) construction jobs. During its operation, the proposed development is expected create 227 direct FTE jobs.
- 2.2 The proposed two storey amenity building would comprise of shops (including a farm shop), restaurants, customer lounges and seating areas, tourist information facilities, a gaming room, cash machines WC facilities, administration, servicing and staff facilities, and storage areas. The proposed building would have a gross floor area of 3,325 square metres, with additional floorspace allocated below for plant and delivery areas. The building would have a "green" sedum roof, and a large external terrace that would be cantilevered over a lake to the south-east of the amenity building. A concrete monolith structure would be created within the lake to the south of the amenity building. The proposed hotel building would be linked to (via a continuous green roof), and sited to the northwest of the amenity building. The three-storey hotel would have 100 bedrooms, a reception area and a restaurant, comprising of 4,050 square metres of gross internal floorspace. Local stone and "stone type" cladding would be used for the external surfaces of the buildings with glass curtain walling. A cement 'rain screen' would also be utilised.
- 2.3 In addition to the amenity building and hotel, a fuel filling station (with ancillary convenience shop) is proposed within the southern part of the site, as well as two drive-thru buildings to be sited further to the north-west, towards the centre of the site.
- 2.4 Surface water is proposed to be disposed of via a SuDS scheme (further details of which are described and explained further within section 7 of this report) and foul drainage would be disposed of via the mains sewer to Catterick treatment plant.
- 2.5 A vehicular access for the proposed development would be created off the existing roundabout at Junction 52 of the A1(M) The roundabout already has a spur created allowing vehicular access into the site. A large parking area would provide customer car parking spaces (including disabled bays); HGV spaces; coach parking bays; caravan spaces and an abnormal load bay. Spaces would also be made available for motorbike parking, and staff cycle storage would also be provided for. Electric vehicle charging points are proposed within the parking area of the development. The proposals have been amended to provide a footpath and cycle link between the proposed development and Catterick Village.

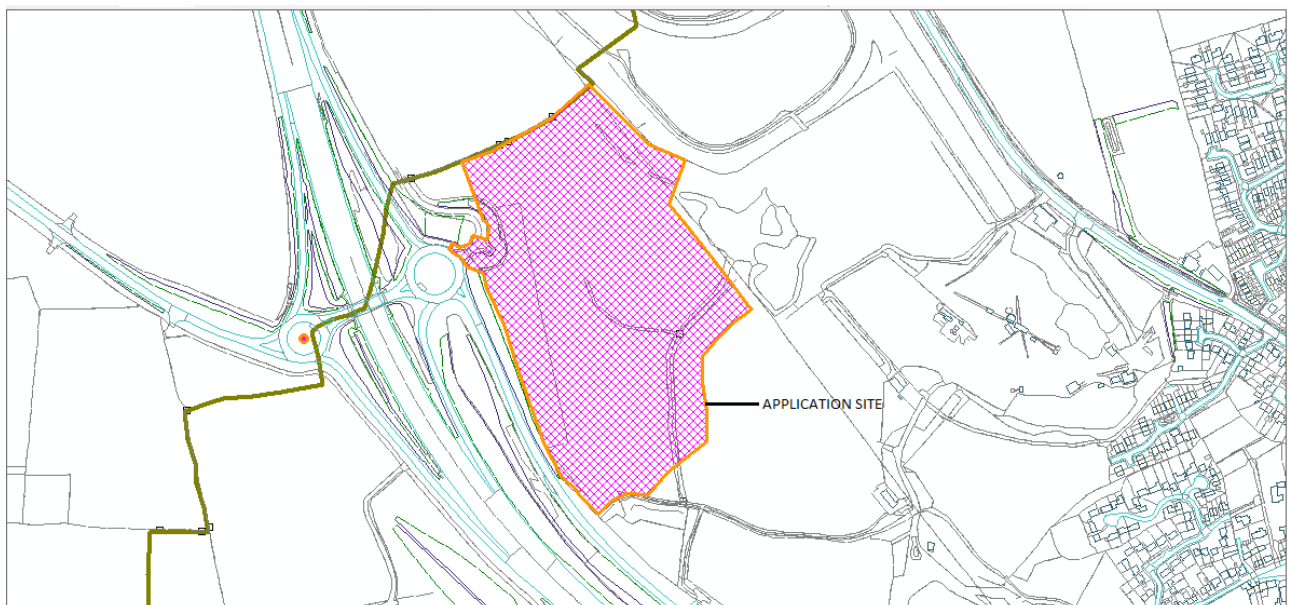
- 2.6 The proposals would include landscaping, including extensive tree planting, pond creation and other habitat creation measures. Other areas of greenspace would also be included within the landscaping scheme, including areas for picnicking, exercise, and dog-walking.
- 2.7 In August 2018, Richmondshire District Council issued a screening opinion to the applicant which concluded that an Environmental Statement (ES) would be required to be submitted with the planning application because of potential ecological impacts resulting from the development. An ES has duly been submitted with the planning application which has considered the environmental effects/impacts of the proposed development (i.e. the likely significant effects of the development on the environment, including any cumulative impacts), and where considered necessary, has recommended appropriate mitigation measures for the environmental impacts of the proposals, including during the construction phase of the development. It is stated within the introduction of the ES that it is compliant with the requirements of the Town and County Planning (Environmental Impact Assessment) Regulations 2017. Various parts of the ES have been amended or updated since the submission of the application, including the Archaeology & Cultural Heritage Impact Assessment Chapter, the Landscape Strategy and the ecological Mitigation.
- 2.8 Since the validation of the application in August 2019, several of the originally submitted plans, documents and assessments have been amended and additional information/documentation submitted in order to seek to address concerns, issues and objections raised by various consultees including: Highways England, the Local Highway Authority, Historic England and County Archaeology. The main amendments to the proposed plans consist of alterations to the access arrangements and related changes to the internal layout, including tier landscaping along the western boundary of the site. The amended proposals have also re-orientated one of the drive-thru buildings. Additional information and updated/amended plans and assessments have been submitted in respect of ecology, archaeology flood risk/drainage, highway safety, employment and electric vehicle charging, amongst other matters. A formal 21-day reconsultation exercise of all relevant consultees was undertaken in February 2021.
- 2.9 In addition to the site and layout plans (amended), proposed buildings plans (amended), landscape masterplan (amended), site sections (amended), topographical survey, and 3D visualisations the following documents/plans form part of the application submission:
- Environmental Statement, including Ecological Assessment; Landscape & Visual Impact Assessment; Socio-Economic Effects; Archaeology & Cultural Heritage (as amended), Transport, Air Quality and Noise Assessments, and Alternative Sites Assessment.
  - Design and Access Statement
  - Planning Statement
  - Statement of Community Involvement
  - Socio-Economic Statement
  - Transport Assessment (and Appendices)
  - Flood Risk Assessment, Drainage Strategy Report (as amended) and Drainage Addendum Letter
  - Archaeological Assessment
  - Application Form and Certificates (Including minor correction letter from the agent dated 12<sup>th</sup> August 2019)

- 'Biodiversity Metric and Mitigation Proposals' document
- Section 106 Habitat Compensation Document.
- Retail Impact Assessment
- Staff Travel Plan
- Supplementary Statement
- Off-Site Footpath and Cycleway (To Catterick Village) Plan and Schedule for Works
- Off Site Drainage Strategy and Service Route Plan
- General Site Plan – Swept Path Analysis
- Proposed Site Circulation Plan, Section and Elevation Plan
- Section 106 Works Plan
- Section 106 Heads of Terms

2.10 The proposed site layout plan (as amended), landscape masterplan (as amended), off-site drainage and service route plan, off-site footpath and cycleway (to Catterick Village) plan, and proposed building plans are provided at **Appendix 1** of this report for Members' consideration. A copy of the Design and Access Statement is provided at **Appendix 2**. Details of the proposed Habitat Compensation Fund as well as details of the off-Site compensatory habitat land search are provided at **Appendix 3**. Other documents are available as required through the 'Public Access' facility of the Council's web site.

2.11 The applicant submitted a Statement of Community Involvement with the application in July 2019 and a further Supplementary Statement in April 2020 to address issues raised by third parties and consultees within the consultation process. The SCI set out the public consultation programme and how matters raised were addressed.

### 3.0 Description of the Site and Surroundings



3.1 The 11.27 hectare (27.85 acres) site is a former gravel and sand quarry located between the A1(M) to the west and Catterick Racecourse to the east. The site consists of grassland used as pasture in relation to Pallett Hill Farm, as well as wetland areas that have formed within the areas of the site where gravel extraction had taken place. The nearest settlement to the site is Catterick Village, approximately 950 metres to the south-east. Although the application site is not

currently being quarried, and hasn't been for several decades, a mineral processing yard is located approximately 380 metres to the east of the application site, with a lease running until 2024. Approximately 300 metres to the east of the site boundary and on land adjoining Racecourse Road, land reclamation and recycling operations are taking place.

- 3.2 The application site slopes down from the A1(M) to the west and rises sharply again to the eastern boundary of the site (adjacent to Catterick Racecourse) where there is a rock escarpment. There is an area of mixed species woodland located to the south of the application site and further trees adjacent to the south-western application site boundary. A mature hedgerow runs along the northern site boundary.
- 3.3 The majority of the application site is located within Flood Zones 2 and 3, with only the north-western and western parts of the site within Flood Zone 1. The application site is located within the designated Pallet Hill Site of Importance of Nature Conservation (SINC). The agricultural land within the application site is Grade 3B (i.e. the Agricultural Land Classification) and thus not be classed as best and most versatile agricultural land. There are no public rights of way within the application site, although there are public rights of way within the surrounding area, including within the intervening land between the application site and Catterick Village to the east. The *Cataractonium* Scheduled Monument is located on land to the north of the application site, although a small part of the Scheduled Monument extends approximately 8 metres into the northern part of the application site

#### **4.0 Planning Policies**

- 4.1 This application needs to be considered in relation to the relevant Spatial Principles and Core Policies of the Richmondshire Local Plan; the National Planning Policy Framework; national Planning Practice Guidance; and Circular 02/2013 as well as any other material considerations.

Richmondshire Local Plan 2012/2028 Core Strategy

- 4.2 The following policies of the Local Plan Core Strategy are relevant in considering this application:

SP1: Sub Areas

SP2: Settlement Hierarchy

SP5: Scale and Distribution of Economic Development

Central Richmondshire Spatial Strategy

CP1: Planning Positively

CP2: Responding to Climate Change

CP3: Achieving Sustainable Development

CP4: Supporting Sites for Development (with reference to Saved Policy 23 of the Local Plan 2001)

CP7: Promoting a Sustainable Economy

CP8: Achieving Rural Sustainability

CP9: Supporting Town and Local Centres

CP10: Developing Tourism

CP12: Conserving and Enhancing Environmental and Historic Assets

CP13: Promoting High Quality Design

CP14: Providing and Delivering Infrastructure

#### Emerging Development Plan Policy

- 4.3 Richmondshire District Council is currently undertaking public consultation on the 'Preferred Options' 2018-2039 document in relation to the Council's Local Plan review. Public consultation has been undertaken over a six week period from 28th May 2021 until 9th July 2021. The Local Plan Review is not yet at a stage where it carries any material weight in the determination of this planning application.

#### National Planning Policy Framework (July 2021)

- 4.4 As a means of achieving sustainable development and alongside the presumption in favour of sustainable development, the following specific sections of the document are relevant in considering this proposal:

- Building a Strong and Competitive Economy
- Ensuring the Vitality of Town Centres
- Supporting a Prosperous Rural Economy
- Promoting Healthy and Safe Communities
- Promoting Sustainable Transport
- Making Effective Use of Land
- Achieving Well-Designed Places
- Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Conserving and Enhancing the Natural Environment
- Conserving and Enhancing the Historic Environment

#### National Planning Practice Guidance

- 4.5 The NPPG complements the aforementioned National Planning Policy Framework in terms of how the NPPF should be implemented in practice. The NPPG can be a material consideration in the decision-making process.

- Air Quality
- Climate Change
- Design: Process & Tools
- Determining a Planning Application
- Environmental Impact Assessment
- Flood Risk and Coastal Change
- Healthy and Safe Communities
- Historic Environment
- Land Affected by Contamination
- Light Pollution
- Natural Environment
- Noise
- Planning Obligations
- Renewable & Low Carbon Energy
- Town Centres & Retail
- Travel Plans, Transport Assessments & Statements
- Use of Planning Conditions
- Water Supply, Wastewater & Water Quality

#### Relevant Guidance contained within Government Circulars

- 4.6 Circular 02/2013: ('The Strategic Road Network and the Delivery of Sustainable Development.') (including Annexes A and B). The circular sets out how National Highways engage with the planning system. Annex B gives advice on MSA's.

## 5.0 Planning History

- 5.1 The application was part of Pallett Hill Farm that was quarried and then subsequently restored in the late 1960s in accordance with conditional planning permission granted by North Yorkshire County Council as the 'Minerals and Waste' Authority.
- 5.2 In August 2018, Richmondshire District Council issued a screening opinion to the applicant which concluded that an Environmental Statement (ES) would be required to be submitted with the planning application because of potential ecological impacts resulting from the development (18/00536/EIASCR).

## 6.0 Consultations Undertaken and Representations Received

- 6.1 The application has been publicised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Since the expiry of the initial consultation period for the application in September 2019, there have been a formal reconsultation exercise (21 days) undertaken of relevant consultees in February 2021 in respect of the relevant additional and amended plans and application documents submitted since the application was validated. All representations submitted in relation to both the consultation and reconsultation exercises are available to view in full within the "Documents" section of the application on Public Access. A summary of all the consultation and reconsultation representations received (where comments made are material planning considerations) are provided below:
- 6.2 **Catterick Village Parish Council:** Catterick Village Parish Council confirmed that they had no objections to the proposals as originally submitted. The Parish Council would welcome the increase in job opportunities to be provided and note that the applicant have stated that they will look to recruit locally (although the Parish Council would like assurances that this will be the case) The path that is to be provided from Catterick Village to the MSA is a welcome addition as this will give residents of the village without transport the opportunity to gain employment here. The siting of the MSA is far enough away from the village not to cause any problems.
- In response to the reconsultation exercise, the Parish Council confirmed that they have no objections to the amended planning application, but they still have concerns over the amount of flooding that occurs on the proposed site. They recognise that this has been taken into consideration in the plans with the development of a water feature and some of the building being 'built on stilts' but the Parish Council is still worried as to whether these are sufficient measures to control the flooding and to prevent problems in the future.
- 6.3 **Bolton-on-Swale Parish Council:** No observations to make in relation to the application as originally submitted. No representations received in relation to the reconsultation exercise.
- 6.4 **Ellerton-on-Swale Parish Council:** No representations received.
- 6.5 **Brough St Giles Parish Council:** No representations received.

- 6.6 **Brompton-on-Swale Parish Council:** The Brompton-on-Swale Parish Council have no objection or comments to make with regards to the reconsultation exercise.
- 6.7 **Scorton Parish Council:** Commenting during the revised proposals, Scorton Parish Council confirmed that they have no objections to the development.
- 6.8 **Darlington Borough Council:** No representations received.
- 6.9 **Hambleton Borough Council:** No representations received.
- 6.10 **City of York Council:** During the original consultation, they confirmed that they have no comments to make (as they are not an adjoining authority)
- 6.11 **Harrogate Borough Council:** During the original consultation, they confirmed that they had no observations with regards to the proposals, but drew the LPA's attention to two similar proposals that are on land within Harrogate Borough Council's boundaries:
- Land to the west side of the A1(M) Marton Le Moor (between junctions 48 and 49) - ref. 18/00123/EIAMAJ
  - Land adjacent to Junction 50 – ref. 18/02713/EIAMAJ

Harrogate Borough Council confirmed that they have no observations to make in regard to this revised proposals, other than to state that further to their original consultation response that the two proposals referenced therein are the subject of a virtual planning appeal.

The Appeals have now been determined in favour of the outline application for an MSA at the Kirby Hill Site (Vale of York),( April 2021 Moto Hospitality Ltd and Applegreen Plc Appeal Decisions Nos APP/E2734/W/20/3245778 and APP/E2734/W/20/3261729).

- 6.12 **Durham County Council:** Responding to the original consultation, they confirmed that they had no concerns regarding the proposals.
- 6.13 **National Highways (Previously Highways England):** NH reviewed the Transport Assessment (TA) submitted with the application and provided a 'technical memorandum', summarising the conclusions of the review of the TA in relation to whether it suitably addressed the impact to the proposed development upon the Strategic Road Network (SRN), specifically Junction 52 of the A1(M) The technical memorandum raised the following matters and requirements for further information to be provided by the application, as summarised below:
- NH would generally expect a Travel Plan document to be submitted with this planning application, noting that one was not available to view on the Planning Portal.
  - Note a small discrepancy between the levels of parking and number of employees specified on the application form and within the TA. These figures require clarification and justification.
  - The raw traffic data for the A6055 turning count surveys should be provided to NH.

- A Stage 1 Road Safety Audit [RSA] will be required for the scheme, accompanied with A swept path analysis for all vehicle types (including abnormal loads) which may wish to access the site.
- Obtain advice on whether any specific safety issues at Junction 52 have been identified following the completion of the improvement scheme in 2018.
- Appropriate network flows to be agreed with NH (which will then allow an assessment of the parking requirements for the proposed development)
- The detailed methodology used to calculate the proposed baseline and future year assessment flows must be provided to evidence how the 2018 baseline, 2022 and 2033 figures have been determined.
- Any ARCADY model utilised as part of a highway network assessment would need to be suitably validated against existing highway conditions.
- The NH would expect that a representative SRN turn-in rate for the site would be at least 5.5%, in line with the typical values proposed in Graph 8.1 of the TA.

Due to the requirement for the above additional information and clarification to be provided on behalf of the applicant, the NH issued a holding (non-determination) direction on the application until 2<sup>nd</sup> March 2020, or until all the aforementioned required information had been assessed, whichever was sooner.

In response to NH's holding objection and request for additional information and clarification, the applicant's highway consultants (Vectos) submitted a response in October, 2019 seeking to address the NH's requirements (listed above) This response letter also included a technical drawing showing the swept path analysis for HGVs and Long Commercial Vehicles. However, the non-determination direction was subsequently extended by NH in March 2020 for another 6 months (to 2<sup>nd</sup> September 2020) to allow the still outstanding issues to be resolved, including the provision of appropriate parking standards, assessment of the existing junction to accommodate the additional traffic, the provision of a Travel Plan and the agreement of conditions. In March 2020, National Highways reviewed the contents of the Travel Plan and confirmed that it was 'acceptable for the purpose of the proposed development', although NH confirmed that their holding direction remained in place.

Following the completion of a Stage 1 Safety Audit and further discussions/negotiations between Vectos and National Highways, resulting in amendments to the access and agreement on technical highway matters such as the location of signage and the design of splitter island, National Highways were finally able to confirm that having carried out a full assessment of the impact of the application on the Strategic Road Network they were able to lift their holding objection, subject to the following conditions:

- Full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme to be approved in writing by the Local Planning Authority prior to the commencement of the development. The submission shall also include a Stage 2 Road Safety Audit. The site access must be completed in accordance with the approved details prior to the first occupation of the site.
- No part of the development shall be occupied prior to the implementation of the Approved Travel Plan dated March 2020 (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation)

- No development shall commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development shall be undertaken in accordance with the approved plan.

6.14 **Local Highway Authority (LHA):** On the 21 February 2020, the LHA provided an interim consultation response to state that although they had no objections to the principle of the proposed development, they were not yet in a position to issue a formal recommendation. The LHA confirmed that it is only the southern leg of the eastern roundabout and the north-western leg of the western roundabout (at Junction 52) which fall under the control of the LHA. Given the nature of the proposed and with the vast majority of users of the proposed development coming directly from the A1(M), the expected customer vehicular impact on the local highway network was however considered to be minimal (although the LHA would not be in a position to confirm this until the outstanding matters raised by Highways England (see above) were first addressed, including the requirement for a Travel Plan to be agreed. The LHA acknowledged that the Local Access Forum had raised matters relating to the accessibility of the site to non-motorised users, but recognises that the access requirements need to be weighed with the location and the appropriateness of the location for the various modes of non- motorised traffic. It is considered that the matter can be considered in the Stage 1 Road Safety Audit.

Following confirmation that Highways England would be removing their holding objection in March 2021, the LHA were able to provide a formal recommendation stating that they have no objections to the principle of the proposed development subject to the following matters being addressed through inclusion in a Section 106 Agreement or by the imposition of conditions any planning permission:

- The undertaking of off-site highway mitigation measures (including modifications to the existing safety barrier within the A6055 verge; the replacement of a lighting column; and earthworks to reduce the embankment slope to the A6055) in accordance with detailed engineering drawings and any relevant calculations which shall be first submitted to and approved in writing by the Local Planning Authority. An independent Stage 2 Road Safety Audit must also be included in the submission as well as a programme for the delivery of the scheme (condition).
- No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan (condition)
- The delivery and implementation of the submitted Travel Plan in accordance with timescales set out in the Implementation Action Plan. This is to include delivery of the non-vehicular (footpath and cycle route) access from Catterick High Green and the funding of the design & delivery of the secure off-site cycle storage. Requirement for the payment of a Travel Plan monitoring fee to the Local Highway Authority (Section 106 Agreement).

6.15 **Local Access Forum (LAF):** The LAF provided the following advice in relation to the application as originally submitted, as summarised below:

- The LAF has major concerns in relation to the lack of safe arrangements for access (to the development site) for non-motorised users. The site with its hotel, cafes, petrol station etc. will be dependent on numerous shift workers,

who could be drawn from nearby Colburn and Catterick villages and ideally travel by bicycle. However, they must be able to do so in safety and the planned route down the 15m of escarpment will be dangerous in frosty weather, impassable in snowy weather and unattractive in any weather because of the gradient. Even if the access profile could be adapted in some way to ensure it is user-friendly, there are only 20 cycle-parking places planned for staff, which seems a gross under-provision. Nor are there any visitor cycle stands adjacent to the planned bus stop which would make sense.

- The National Planning Policy Framework expects all new development to provide for walkers and cyclists and we consider that this application fails to do this. When cyclists leave the area they will need to cross the main trafficked access, so the developer needs to implement measures to achieve this.
- The access off the roundabout is only 9m wide and the LAF considers this too narrow to provide two lanes of traffic and which must include a 1m margin for cyclists- essential to safeguard their coming and going and a splitter island. Furthermore, the Landscape Master Plan shows the site area encroaching onto the public highway
- The bridge over the A1(M) was never envisaged to carry the volume of traffic which this development will attract, and the LAF suggests that the bridge margins be provided with ramps and made into cycle paths but this would require negotiation with Highways England or NYCC's highways department. There is little scope widening the very restricted access off the motorway roundabouts and the LAF envisages tailbacks and problems affecting the normal travelling of the local public, with further disincentives for cyclists.
- Cyclists must be able to use the Colburn to Leeming route safely. Therefore it is incumbent on the applicant to ensure this development does not impinge adversely on the existing community facility, and until that time the LAF must advise against support for this application, although the LAF stated that they would welcome the opportunity to engage further on the issues raised.

Following the undertaking of the reconsultation exercise, the LAF have raised similar comment as per their original response.

**6.16 NYCC Countryside, Business & Environmental Services (Ecology):** The Principal Ecologist has provided a formal response welcoming the proposed on-site mitigation and compensation measures proposed within the amended scheme, and notes the contribution to biodiversity that will be made in the local area. She had also acknowledged that the biodiversity metric (used by ADAS) has demonstrated that the proposals would result in an increase in the variety of habitats being provided to the benefit of different species, although if planning permission is to be approved, she recommends specific conditions to secure the on-site habitat mitigation/enhancements:

- The approval of a biodiversity Construction Environmental Management Plan (CEMP) to include measures to avoid/mitigate impacts upon habitats and species during construction as well as any pre construction/preparatory work.
- The approval of details of a sensitive lighting plan to ensure that habitats are not illuminated.
- The approval of a Biodiversity Enhancement and Management Plan (BEMP) for the development site to include all of the landscaping and biodiversity 'net

gain' measures proposed, and details of their monitoring and long term management.

The Principal Ecologist has also acknowledged that the applicant/agent (since August 2020) has undertaken substantial investigations seeking an appropriate off-site compensation area. Although she acknowledges that no site has been forthcoming despite the efforts of the applicant/agent, the investigations have provided a better understanding the work required in identifying a site and a more accurate picture of the costs associated with not only delivering the off-site compensation area, but its monitoring and long term management. In respect of the compensation package submitted by the applicant (which includes an endowment fund to pay for a project officer, land purchase/long-term lease, capital works, maintenance, monitoring and long term management, she considered the ecological objectives of the offsite fund to be appropriate and the proposed funding 'well costed' and taking a precautionary approach to uncertainties. She also supports the outline mechanism, for delivery. Overall she considers that the compensation package (including the endowment fund) proposed 'can achieve the compensation required to offset the partial loss of the Pallet Hill SINC in line with both Local Plan and national policy, subject to securing the offsite compensation fund and strategy through a Section 106 agreement, as well as (potentially) a long-term management plan for the remaining (undeveloped) Pallet Hill SINC.

**6.17 Yorkshire Wildlife Trust (YWT):** In response to the application as originally submitted, the YWT objected to the application due to inadequate mitigation and compensation for the loss of wildlife habitat as the application site is partly within a Local Wildlife Site, i.e. a designated Site of Importance for Nature Conservation (SINC) There will be an overall loss of habitat and significant impact on waders. This (in their view) would be against national and local planning policy Their main concerns are summarised below:

- Concerned that birds which are part of the designation of the Swale Lakes SSSI (located approximately 1.2 km from the application site) could be impacted by the development and the loss of habitat.
- The development in its current location would result in the destruction of approximately a fifth of the SINC. Local Wildlife Sites are a material consideration within the planning system.
- The mitigation hierarchy should seek to avoid, reduce, mitigate and when all else fails offset.
- The SINC supports an important population (in the North Yorkshire context) of Ruff (1% of British wintering population) and also significant numbers of wintering waterfowl and waders including Wigeon, Teal, Golden Plover, Lapwing and Curlew (1% County population). The site also supports breeding wetland species including several species of conservation concern. The site has added value for passage and wintering birds due to its proximity to Catterick Gravel Pits SINC, Swale Lakes SSSI and other water bodies along the Swale corridor associated with current or former mineral workings. Little Ringed Plovers bred on site in 2014 and have historically bred there on a regular basis when conditions have been suitable, as have Common Ringed Plovers. Peak counts for Little Ringed Plover are of County significance while those for Ringed Plover are just below the threshold. The site is considered to be of local value for Kestrel, Lapwing, Lesser Redpoll, Linnet, Oystercatcher, Redshank, Redwing, Shelduck, Skylark and Wigeon.

- Although some areas of open water are to be retained these will be rendered unsuitable due to disturbance and inappropriate landscaping. These areas will be unable to support the same numbers of birds which currently use the site to breed, forage and enable surveillance.
- The banks at the north of the development support Sand Martin. The hotel building doesn't provide enough space in front for Sand Martins to continue to use this feature. The tree planting along the top is inappropriate.
- The planting scheme includes invasive species such as *Rosa rugosa* and *Rhododendron sp.* which should not be allowed to spread into the wild (Wildlife and Countryside Act 1981) and are inappropriate in this location.
- No detail has been provided with respect to any compensation / offsetting and it is therefore impossible to determine the overall ecological impact of this development.
- As the SINC has been designated for its bird interest any off-site compensation will need to factor in the requirements for waders. We cannot support enhancement or improved management of existing habitats unless the proposals also involved creation of new habitat as there should be no net loss to the habitat available for wading birds and waterfowl in the Swale corridor. The re-creation of shallow lagoon habitat with fluctuating margins is essential. Potentially this could be on improved/semi-improved grassland or even ex-arable providing nutrient inputs were discontinued and the grazing/mowing regime was sympathetic. However, suitable hydrological conditions would obviously be a pre-requisite.
- Compensation should be located on a new site. The immediate area around Catterick has a number of sites important for birds on the floodplain of the river Swale some of which have developed due to historic aggregate extraction such as Swale Lakes SSSI.

However, in their initial response the YWT also confirmed that the provision of the following information would begin to address the aforementioned concerns:

- Evidence that the ecological impact has been avoided/reduced and that opportunities for enhancement have been maximised on site.
- In order to more easily recognise and agree the level of biodiversity loss/gains on site a biodiversity offsetting calculation should be undertaken.
- The positive management of the remainder of the SINC should be secured into perpetuity (the s106 should include a management plan for this site and if appropriate management by a third party) in order to prevent future loss or neglect of the remainder of the SINC.
- Detail would be required regarding compensation for loss of wader habitat. Either in the form of information of an offsite compensation area or in the form of a ring fenced fund to provide such an area.

Having been invited to comment further on an amended layout and a detailed biodiversity offsetting calculation submitted on behalf of the application, the YWT provided the following additional comments in January 2020:

- Although pleased to see that there is an improved design for the layout of the development and the submission of a detailed biodiversity offsetting calculation, they were nevertheless surprised that the calculation appears to show a net gain in biodiversity for the application site.
- The increase appears to be due to some improved habitats on site, reed beds and a lake, and woodland planting outside the application boundary,

however there will be a major loss of habitat within the SINC. The YWT would agree that there will be a loss of grassland and wetland areas which will mean a loss of habitat in particular for wading birds.

- In order to transform the suggested loss of biodiversity units of 29.33 biodiversity units into a required area of compensation habitat the Trust has used a spreadsheet developed by Warwickshire Council.
- The site appears to be particularly important for wintering birds, for example, Curlew, although after 2014 (when drainage works were carried out on the site), there have been some declines in wader numbers, although recorded numbers still show the value of the site for Curlew (which is a rapidly declining bird species in the UK) North Yorkshire and the Swale and Ure wetlands are very important for the species.
- In order to provide sufficient habitat for compensation for the development the YWT considers that at least twice the area which is lost to the development would be required. This is due to the uncertainty in successful habitat creation and the fact that species such as Curlew require a sufficient open area to forage and roost in, with a distance from potential predator perches of at least 300 metres.
- In their response the YWT provided costings for a 36ha compensation site which would compensate for the loss of the value of the entire SINC for wading birds. YWT state that due to the development of the MSA the remaining area of the SINC will no longer be an open area of grassland due to the impact of the noise, disturbance and overlooking of the remaining grassland area. Some bird species may not be too seriously affected but birds such as Curlew which depend on large grassland and wetland areas will be unable to continue to use the remaining area.
- To fully compensate for the loss habitat proposed, the cost, including land purchase, habitat creation and 30 year plus maintenance and management), would therefore, by their calculations be £1,927,129.

Commenting further in July 2020 primarily on the applicant's submitted S106 Habitat Compensation Document (which sought to address and query the YWT's earlier compensation off-setting costings), the YWT had the following additional concerns/matters to raise (as summarised below):

- The biodiversity metric used by the applicant's ecology consultants uses a 'habitat based approach' as a proxy for biodiversity, and does not incorporate species requirements. As Pallet Hill SINC has been designated for its bird interest, the metric should not be used in isolation, but used as a tool to guide off-site compensation requirements, interpreted alongside detailed species information and habitat requirements.
- The mitigation hierarchy should be applied first before using the metric. The metric does not change the protection afforded to biodiversity. Existing levels of protection afforded to protected species and to habitats are not changed by use of this or any other metric. Statutory obligations will still need to be satisfied. The metric focuses on widespread species and typical habitats....Protected and locally important species needs are not considered through the metric. For instance, the bird assemblage is locally important (or of county/national importance in relation to some species) this isn't adequately taken into consideration by the metric and additional mitigation/compensation is required outside of the application of the metric.
- The metric is designed to inform decisions and available expert ecological advice also needs to be taken into consideration (i.e. the Defra metric does

not account for indirect impacts such as disturbance on adjacent habitats and therefore should be used as a tool to help inform plans and decision and guide proposals but should not be used in isolation)

- Concerns that the data of Curlew numbers (used to inform the applicant's conclusion that an offsetting area of 12ha of compensatory habitat is required) has undercounted the number of Curlews on site.
- In addition to curlew, the SINC also supports ruff (1% of British wintering population) and also significant numbers of wintering waterfowl and waders including wigeon, teal, shoveler, coot, golden plover and lapwing (See previous comments 09/09/2019). As detailed within the Wintering Bird Survey Report (ADAS, April 2019) the site is considered to be of national value for ruff and county value for curlew based on the surveys undertaken for this project.
- Whilst the YWT appreciate that habitat creation which has been planned on site and the amendments to the masterplan which have been made, the YWT still maintain that the habitats on-site post-construction are unlikely to be suitable for wading birds....the proposed habitats would be unsuitable for certain species of wading bird that currently use the site, such as golden plover and ruff. The retained area will change from one of open grassland, to habitats adjacent to a Motorway Service Area, changing the character entirely and being subject to noise and disturbance, which is likely to render it unsuitable for some bird species such as curlew which depend on large open areas of grassland and wetland.
- The functionality of the SINC may still be lost for the species upon which its designation is based due to the change in topography and open landscape, even if the habitats are retained.
- The YWT therefore uphold their opinion that the entirety of the SINC should be compensated for by the applicant, and that they still consider that a 36ha site is appropriate for any off site provision to compensate for the loss of value of the entire SINC for wading birds (not due to habitat loss of the entire SINC) should planning permission be granted. It has previously been acknowledged that Pallet Hill SINC has been designated for its bird interest; the habitats and flora present are not of intrinsically high value.
- YWT would expect to see management commitments for considerably longer than 10 years, ideally in perpetuity.
- In order to secure the long term suitability of any compensatory site, YWT state that full ownership would be required in order to holistically manage the site in a functional way and prevent non-complementary activities from taking place.

Commenting on the reconsultation of the scheme undertaken in February 2021, the YWT confirmed that their previous objections/concerns were still relevant to the amended proposals being reconsulted upon (although YWT confirmed that they would continue to work with the applicant to identify suitable potentiation off-site compensation areas in case the LPA approve the development).

6.18 **Natural England:** Natural England have made the following comments/advice in relation to the originally submitted proposals:

The application could have potential significant effects on the Swale Lakes Site of Special Scientific Interest (SSSI) which is located within 1.2km from the application site. Natural England note that the Swale Lakes SSSI is designated for its breeding, wintering and migratory bird populations. The proposed application would involve

the loss of wet grassland which surveys have demonstrated is used by a number of SSSI bird assemblage species, including oystercatcher, mallard, greylag geese, little grebe, ruff, lapwing, shelduck, mallard, teal and wigeon. Natural England believe that there may be a functional link between the Pallett Hill SINC and the Swale Lakes SSSI, and the loss of wet grassland resulting from the proposed application, may therefore affect the SSSI because of loss of foraging/breeding habitat. The cumulative impact of development on the Swale Lakes SSSI should also be considered.

Whilst Natural England recognise that there is an area wetland habitat to be created within the development, they currently have doubts about whether this would be effective in mitigating the loss of the existing wet grassland due to its enclosed setting', landscaping and disturbance, lighting and activities associated with the use of the MSA. Whilst the waterbody creation would offer amenity value and may count towards biodiversity net gain calculations, Natural England have expressed doubts about its suitability for use by breeding and foraging birds, therefore in order to mitigate the impact on SSSI bird assemblage (through loss of supporting habitat), alternative off-site mitigation should be provided. This could potentially be provided through the improvement or creation of other local wetland sites within the Swale Corridor to offset the loss of habitat, which are not subject to the disturbance from development, with the potential for habitat creation at the Swale Lakes SSSI.

Natural England have therefore requested the following further information in order to determine the significance of these impacts and the scope of mitigation (without this information, Natural England stated that they may need to object to the proposal and requested to be re-consulted once this information is obtained):

- Alternative habitat creation to the wetland area proposed.

In response to the reconsultation exercise, Natural England confirmed that the advice they provided in their original response would equally apply to the proposed amendments to the scheme (i.e. the proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal) and that their previous request for alternative habitat creation to the wetland area proposed still stands.

Natural England were consulted on the revisions to the scheme responding in August 2021. The response raised no objection subject to appropriate mitigation being secured through appropriate planning condition or obligation attached to any planning permission to secure these measures.

Natural England also advise the mitigation area should be acquired within three years as per funding allocated in the submission and that the measures contained within NYCC Ecology response are appropriate and should be included in the permission as conditions these include:

- Construction Environmental Management Plan (CEMP) for biodiversity. This will include all of the measures necessary to avoid and mitigate impacts upon habitats and species during the construction process. Including: - Pre-construction/preparatory works - Reasonable Avoidance Measures (RAMs) set out in the Ecological Assessment - Role of the Ecological Clerk of Works (ECoW) at key times in the construction.
- A sensitive lighting plan to ensure that retained and created habitats are not illuminated.

- A detailed biodiversity enhancement and management plan (BEMP) for the site which includes all of the landscaping and biodiversity net gain measures within the development site. This should include monitoring and long term management objectives.

6.19 **Campaign for the Protection of Rural England (CPRE):** In response to the original consultation, a response submitted on behalf of CPRE confirmed that they neither supported or objected to the proposals, however they consider that clarification, confirmation and further information was required in order to be able to fully assess the proposals against planning policy, namely:

- The LPA and Highway England should be satisfied that there is a need for the development in this location given the existence of services at Scotch Corner only 6 miles away.
- CPRE are concerned that 9.22ha of a Site of Importance for Nature Conservation (SINC) will be lost with little or inappropriate mitigation to offset this loss used by birdlife and endangered species. Furthermore, protected species of birds who use the Swale Lakes Site of Special Scientific Interest (SSSI) may be detrimentally impacted by the development and the LPA would need to be satisfied that an MSA at this scale is appropriate development for the proposed location given its interest to nature conservation.
- Further information should be requested from the applicant in terms of a Travel Plan and in relation to the methodology used to calculate vehicular movements, proposed number of employers and potential vehicular movements into and out of the site including those visiting the hotel, prior to the determination of this application.
- CPRE stated that they wished to be kept informed of the progress of the application and that they reserved the right to comment at the appropriate time should further information be submitted by the applicant.

6.20 **NYCC County Archaeology:** Responding to the initial consultation, the Principal Archaeologist noted that the assessments indicated that the areas of the application site that had not been subject to quarrying in the past, held 'a high archaeological potential for prehistoric and Roman remains. These remains could be of considerable significance given the relationships to the adjacent Neolithic henge monument and the Roman town of *Cataractonium* which are designated as a Scheduled Monument and previous trial trenching works in this area (undertaken as part of the relatively recent A1 improvement works) revealed prehistoric features including a cremation burial, demonstrating the archaeological potential of the area. Although the majority of the proposal is within the former quarry there is still a fairly large area, particularly along the western edge, with high archaeological potential for prehistoric and later archaeology. This is likely to include very sensitive deposits including human burials.

Given the potential archaeological sensitivity of the application site, the Principal Archaeologist has recommended that further assessment was undertaken to include:

- A desk-based assessment (to establish areas of undisturbed ground),
- Field evaluation of the identified undisturbed areas (i.e. geophysical survey and trial trenching)
- A preservation or mitigation strategy informed by the survey results

Following the subsequent submission by the agent of a revised Cultural Heritage Impact Assessment and supplementary Archaeology and Cultural Heritage Impact Assessment (December 2019), the Principal Archaeologist has confirmed that the revised assessment/report has taken on board his previous comments in terms of assessing the impact of the development on the un-quarried western edge of the development site that forms the proposed access road to the development, noting that the assessment acknowledges that there may be an impact on unrecorded archaeological remains in the area. As such a mitigation scheme is proposed of trial trenching followed by strip map and record excavation (where the impact cannot be avoided). On this basis, and subject to the imposition of the condition summarised below, the Principal Archaeologist has stated that he supports the proposal.

- The submission and approval by the LPA of a Written Scheme of Investigation (WSI) prior to the commencement of the development. The development shall thereafter take place in accordance with the WSI. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI and provision made for the analysis, publication and dissemination of results and archive deposition has been secured.

In response to the reconsultation exercise, the Principal Archaeologist confirmed that his previous advice/recommendation (see above) remains valid and that he has no additional observations to make in light of the amendments.

- 6.21 **Historic England:** Responding to the initial consultation, Historic England raised concerns on heritage grounds due to the lack of clarity in the application regarding the nature of the physical works proposed to be undertaken to the edge of the *Cataractonium* Scheduled Monument.

Following the subsequent submission by the agent of a revised Archaeology and Cultural Heritage Impact Assessment (December 2019) as part of the Environmental Statement, Historic England has confirmed that the revised document 'fully addresses the concerns expressed in...previous advice letters' and that they have no objection on heritage grounds to the proposals. They have confirmed that the application meets the requirements of the NPPF. They also confirmed that they were content to defer to the County Council's Principal Archaeologist with regards to the recommended archaeological mitigation strategy.

- 6.22 **NYCC Lead Local Flood Authority (LLFA):** Responding to the initial consultation, the LLFA recommended that the application be refused for the following reasons (although confirmed that their objection may be overturned upon the submission of adequate information as stated within their response):

- Flood risk (fluvial and surface water)  
A significant portion of the site is within Flood Zones 2 and 3. The flood levels within the FRA appear to be based on photograph evidence which is not a reliable indicator of future events. Further modelling/feasibility works are required to better gauge the likely impacts on site and whether flood risk mitigation (i.e. raising finished floor levels by 300mm would be sufficient mitigation) The south-eastern part of the site is at medium-high risk of flooding. LLFA requested that this area be further assessed to ensure that surface water can be adequately managed on site without leading to increased flood risk on and off site.

- Runoff destination  
Whether a suitable runoff destination can be achieved is unclear from the application, i.e. whether the watercourse is linked to the wider network. A capacity & condition survey was recommended to be undertaken on receiving ditches/culverts and watercourses (on or off site), including the identification of the final outfall location and demonstrating any remedial works required. Suitable stand off zones and easements should be achieved to allow maintenance for the watercourse and to prevent damage to any culverts respectively. They requested that the Internal Drainage Board be consulted due to the close proximity of the site to the IDB designated area and that separate Land Drainage Consent maybe required from the LLFA for works in, over, under or near a watercourse.

Following the submission of an addendum letter (dated 18 September 2019) from the applicant's drainage consultants (RSK), the LLFA confirmed that their previous recommendation of refusal remained unchanged, although could be overturned on the submission of the following 'adequate information':

- Flood Risk (Fluvial) The applicant should consult with the Environment Agency to ensure they are satisfied with the 2014 modelling data used and in terms of the mitigation proposed.
- Flood Risk (Pluvial) As there is a significant surface water flood risk, the applicant should establish the likely flood levels and how the site may be affected by such flooding for a 1-in-100 (+30% climate change) event and provide supporting evidence. It should be established how surface water volumes will be displaced without leading to increased flood risk on and off the site, and how the site can be developed safely/adequately to ensure resilience to potential surface water risks.
- Runoff Destination The applicant should address the issue of the run-off destination (as mentioned by LLFA within their original response)

Subsequent further discussions between the applicant's drainage consultants and Officers of the LLFA took place, and following clarification and the submission of supporting and amended drainage plans and drainage strategy report, LLFA were able to withdraw their earlier objections and recommend approval of the application, confirming that the aforementioned latest Drainage Strategy Report and proposed drainage plans 'demonstrate a reasonable approach to the management of surface water on the site'. They have also confirmed that the surface water discharge location is appropriate, and that a reasonable approach to peak flow control and exceedance routes (for surface water) have been demonstrated. However, if planning permission is granted, they have recommended the following condition (as summarised) be imposed:

- The development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority (based on the approved drainage details)

6.23 **Yorkshire Water:** Yorkshire Water have made the following comments:

Foul Drainage Comments

Yorkshire Water note that the site is remote from any existing water or waste water infrastructure and that it is proposed to connect the proposed development to the

main sewer that drains to Catterick Village Waste Water Treatment Works. The proposal will require to lay extensive pipework in order to achieve such a connection (over 100 metres of new sewer). Yorkshire Water state that it may be more feasible to utilise a private foul sewage treatment works for the site.

#### Surface Water Drainage Comments

Yorkshire Water acknowledge that the proposals seek to discharge surface water to an existing watercourse, which they have confirmed they have no objection to (and there is no requirement for a capacity assessment of the public sewer as a result). However, if the proposed surface water proposals change, further consultation with Yorkshire Water will be required.

Yorkshire Water have confirmed that if planning permission is granted, the following planning conditions should be imposed in order to protect the local aquatic environment and Yorkshire Water infrastructure:

- The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- For the avoidance of any doubt, no piped discharge of surface water from the site shall take place until works to provide a satisfactory surface water outfall (other than the local public sewerage) has been completed in accordance with details approved by the Local Planning Authority.
- Prior to the discharge to any adoptable sewer, surface water run-off from specifically-sized hardstanding and parking area must pass through oil/petrol/grit interceptor/separator of adequate design, prior approved by the Local Planning Authority.
- No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Furthermore, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

In 'notes to the developer', Yorkshire Water have confirmed that the developer is required to consult with Yorkshire Water's Trade Effluent team on any proposal to discharge a trade effluent to the public sewer network and with Yorkshire Water's New Supplies department with regard to provision of a water supply to the site.

Having been reconsulted on the amended proposals, Yorkshire Water state they have no objection to the proposal to connect to the 150 mm public foul sewer recorded in Leeming Lane (at the junction to Bishop's Way) as detailed within the amended Drainage Strategy Report. They also confirmed that the maximum foul water pump rate shall not exceed 4.74 litres per second and that the landowner's consent will be required for any 3rd party land along the proposed route of the rising main. Overall, however, they confirmed that their comments and recommended conditions in relation to the original consultation would still apply.

6.24 **Environment Agency (EA):** The EA raised no objections in relation to the original consultation, subject to the following condition to reduce the risk of flooding, as summarised below:

- The development shall be carried out in accordance with the Flood Risk Assessment (FRA) and in relation to the mitigation measures within the FRA.

The mitigation measures shall be fully implemented prior to the first use, and thereafter retained and maintained for the lifetime of the development.

The EA has stated that the NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to the development. Where necessary, advice should be sought on the following matters:

- Adequacy of rescue or evacuation arrangements;
- Details and adequacy of an emergency plan;
- Provision of and adequacy of a temporary refuge;
- Details and adequacy of flood proofing and other building level resistance and resilience measures.

Having been reconsulted on the amended proposals and reviewed the additional and amended plans, assessments and information submitted, the EA confirmed that they have no further comments to make and that their advice/recommendations in their original consultation response still stands.

6.25 **RDC Environmental Health:** Environmental Health provided the following response and recommendation after the expiry of the consultation period:

“The applicant has provided assessments for noise impact and air quality that show that the impact from the construction and operational phase of the development will be negligible. The lighting plan indicates no spread beyond 10m of the boundary. Having viewed the information provided by the applicant Environmental Health has no objections to this application provided the following conditions and advisories are included in any approval.”

- No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency’s Land Contamination: Risk Management (LCRM), has been submitted to and approved by the local planning authority. If deemed necessary a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
- If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with the Environment Agency’s Land Contamination: Risk Management (LCRM), has been submitted to and approved in writing by the local planning authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

- Informative are recommended in relation to petrol vapour recovery permits and compliance with the Food Safety and Hygiene (England) Regulations 2013.

Having been reconsulted on the amended proposals and reviewed the additional and amended plans, assessments and information submitted, Environmental Health confirmed that there was no new information provided in the amended proposal that raised concerns, and that their previous comments (see above) still apply

6.26 **North Yorkshire Police:** In response to the original consultation, North Yorkshire Police noted that should planning permission be approved, the applicant has indicated that they would work with North Yorkshire Police to secure 'Secured By Design' accreditation. This is to be commended.

Having been reconsulted on the amended proposals and reviewed the additional and amended plans, assessments and information submitted, North Yorkshire Police confirmed that they hope that it is still the case that the applicant is seeking to achieve 'Secured By Design' accreditation for the (amended) scheme, although they have no further comments to make regarding the amended proposals.

6.27 **Health and Safety Executive:** No representations received.

6.28 **Richmond Business & Tourism Association:** No representations received.

6.29 **RDC Waste and Street Scene:** No representations received.

6.30 **RDC Business and Community Team:** In response to the original consultation, the Business and Community Manager confirmed that she would 'strongly endorse' the application, as the proposed development would create valuable new employment opportunities within the District, and create additional jobs within the construction and broader supply chain phases. The development would contribute towards delivering the growth ambitions of the District Council, as set out in the Council's revised Economic Action Plan; specifically in relation to:

- increasing inward investment into the district;
- the creation of new employment opportunities;
- supporting the development of new supply chain opportunities;
- developing new commercial floorspace;
- increasing non domestic rating (NDR).

6.31 **Defence Infrastructure Organisation (DIO):** In response to the original consultation GL Hearn (on behalf of the DIO) requested that a Retail Impact Assessment and Transport Assessment be submitted with the application. Without these two additional supporting documents DIO feel unable to provide RDC with any further comments on the planning application. They also request that the applicant contributes to the Retail, Leisure and Town Centre Study (being prepared to support the Council's Local Plan Review so that the impact of the proposal can be fully assessed in terms of Catterick Garrison Town Centre and other centres within the District.

A letter from the agent (Davis Planning Partnership) sent to the Council and the DIO (dated 22 August) sought to respond to, and address, the matters raised by the DIO, namely:

- A Transport Assessment was submitted with the application, along with Chapter 9 of the Environmental Assessment submitted with the application.
- An assessment of the retail impact of the proposals is included within Section 5 of the Planning Statement. To clarify,
  - Only 390 sq.m. of the proposed amenity building will be retail, comprising of a Farm Shop (230 sq.m.) and the retailer WH Smith (160 sq.m)
  - The agent considers the total retail floorspace to be below the Local Plan and NPPF floorspace thresholds for which an Impact Assessment would be required.
  - The proposals as submitted accord with Section B29 of Dft Circular 02/2013 in that the design provides for facilities which support the safety and welfare of the road user and the retail element is not a primary objective.
  - The small scale of retail floorspace proposed (390 sq. m.) and the limited range of goods to be provided, the retail provision would not detract from town centre facilities. Section 5 of the Planning Statement 5 has assessed the applicability of town Centre Policies to the application proposal, the town centres in Richmondshire District, sequentially preferable sites and retail impact implications. The analysis has conclusively demonstrated that there are no available, suitable or viable sites in more sequentially preferable locations and that the development would not result in any significant adverse impact on the vitality or viability of any town centre or existing committed and planned investment in any centre within the catchment area or beyond. The report concludes that the proposal is in full accordance with paragraphs 86 to 90 of the National Planning Policy Framework and Policy CP9 of the Richmondshire Local Plan Core Strategy and satisfies the sequential and impact assessments.
  - Although as an operator of motorway services, the applicant does not see how they can make a meaningful contribution to the Retail, Leisure and Town Centre Study mentioned, the applicant would be happy to learn more about how they may be able to contribute.

Responding to the agent's letter, GL Hearn (on behalf of the DIO) commented to acknowledge the availability of the Transport Assessment and the position of the application with regards the submission of a Retail Impact Assessment.

6.32 **The Road Haulage Association (RHA):** The RHA have made the following comments on the application:

- State that there is an urgent need for secure HGV facilities with amenities. The lack of such facilities has led to overnight HGV parking in unsecure areas, an issue which they understand is prevalent in and around Catterick (e.g. in Colburn).
- The RHA consider 'be key to ensuring the needs of our operators and its drivers are met and should be taken seriously with regards to the determination of...applications such as this.'
- Have expressed their support for the application as it will address the needs of their drivers by providing secure HGV parking and facilities, believing that the site represents the 'most logical and practical location to deal with this local issue.'

- Note that Catterick is a desirable location for companies who use HGVs due to the accessibility to the strategic road network and local industrial estates, however provision of dedicated HGV parking is limited, and the proposal would represent 'a positive step towards addressing the demand for high quality facilities in the Catterick area', providing a convenient place for lorry drivers to stop, refresh, refuel and securely park overnight than currently exists in the area, removing issues of crime associated with unsecure parking.

6.33 **Moto Hospitality Limited:** Moto made the following comments on the application following the original consultation exercise (as summarised below), stating that they believe that there are 'sound reasons' for why the LPA should refuse planning permission:

- Confirm that Moto operate the existing service facilities on the A1(M) at Barton and Scotch Corner, and at Lemming Bat which are within 7 miles of Junction 52 of the A1(M)
- Confirm that Barton is currently a truck stop, but has the benefit of (an extent) planning permission for the redevelopment in a 'full' Motorway Service Area
- Confirm that their Scotch Corner site is a Motorway Rest Area (MRA) which also operates as a Trunk Road Service Area (TRSA)
- Leeming Bar currently operates as an MRA but also has the benefit of planning permission to redevelopment as a 'full' MSA.
- It is notable that the *Alternative Sites Assessment* ("ASA") submitted with the Catterick MSA planning application considers the need for new MSA facilities and potential alternative sites by reference only to the existing MSAs at Wetherby and Durham and that whilst the existing facilities are Barton, Scotch Corner and Leeming Bar are taken into account in the assessment it is on the basis that they are potential alternative sites rather than facilities that already contribute to road safety by catering for the needs of those using the associated sections of the SRN.
- To the extent that the sites are considered as alternative sites they are rejected from detailed consideration as "not available to Roadchef" or for "commercial reasons" as if ownership or unspecified commercial considerations were sufficient in themselves to preclude an examination of their planning merits, whether in their own right or in comparison with the Catterick MSA scheme.
- Notwithstanding the Local Plan policy context, the need for the development, not only in general but specifically on the proposed site, together with the existence of alternatives for meeting the need, are plainly material considerations. That is particularly so where, as in this case, there are existing facilities which already contribute to meeting the need and alternative sites which are not merely candidates for the same development but already have planning permission for the same development.
- Barton has been a commitment for redevelopment as an MSA for many years. Although implemented the planning permission has not been taken forward until now because of uncertainty over the timing and implementation of the scheme to upgrade the A1 to motorway standard. The option exists to 'co-sign' Barton and Scotch Corner as a combined service area in the same way that Knutsford MSA and Lymm Truckstop are co-signed on M6, which is potentially a more sustainable solution than the wholesale redevelopment of Barton either in the short-term or as a long-term arrangement. Either option would preclude the need to consider the development of a wholly new

- service facility at Junction 52 and allow the land to be reserved for strategic economic development as the Core Strategy intends.
- The potential for Barton or Barton/Scotch Corner to be developed as an MSA and for Leeming Bar to be either developed as an MSA or to continue to operate as an MRA has been largely overlooked in the information submitted in support of the Catterick MSA proposal, including in the Socio-Economic Assessment (“SEA”) in the Environmental Statement.
  - the Applicant’s view is that to develop a new MSA within 12 miles of existing service facilities is likely to undermine the viability of either or both of the existing and proposed facilities. Despite that, the SEA contends that the displacement effect of developing a new MSA on the Catterick MSA site would be “*very limited*” (12.5.27). The conclusion is inconsistent with one of the principal site-selection criteria used in the ASA suggesting either that the economic benefits of the development have been over-stated or that the economic impacts of the development on existing facilities have been under-stated, or both.
  - If the applicant is right in its contention that there are viability implications where a new MSA is developed within 12 miles of existing facilities, the development of a new MSA at Catterick is likely to have commercial implications for the existing facilities at Barton and Scotch Corner and for the decision facing Moto on whether or not to invest in the completion of the MSA development at Barton or the co-signing option at Barton/Scotch Corner. As previously observed, both Barton and Scotch Corner are in Richmondshire.

A rebuttal letter from the agent (on behalf of the applicants, Roadchef) has subsequently been submitted dated 17<sup>th</sup> September 2020. Members can read this detailed rebuttal in full on Public Access, and the main points will be referred to, where relevant, in the issues section below.

More recently, Moto have provided additional comments in relation to the application (as amended), including a detailed assessment/rebuttal of the socio-economic benefits of the development as stated by the applicant within the application documents. Members can view these additional comments via Public Access.

Further correspondence has been received on behalf of Moto. Dated July 2021. (a copy can be viewed via Public Access.

#### 6.34 **NYCC Planning Services (Minerals and Waste):**

Having been consulted on the application, the County Planning Authority confirmed that they did not consider that this proposed development would fall under the safeguarding within the Minerals and Waste Joint Plan. They note that the application site has previously been subject to a number of planning permissions granted in respect of minerals extraction at the proposed site, but also some with regards to tipping of inert waste, so some of the proposed site may be on made up ground. They have also drawn attention to current applications being considered by the County Council which they recommend are taken into account in the determination of the application:

- The Pallett Hill/Bridge Farm Quarry mineral processing yard - a variation of condition No's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7th November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for

completion of all mineral operations from 31st December 2017 to 31st December 2022 and the restoration of the site from 31st December 2018 to 31st December 2023 (NY/2017/0326/ENV)

- Planning permission for the disposal of inert waste materials until 31 December 2020. This permission has now expired, but it is understood that further work may be required in order to completion restoration of that particular site which is in close proximity to the proposed Motorway Service Area (NY/2019/0042/FUL).
- Planning application for the retention of the Pallett Hill quarry access until 31<sup>st</sup> December 2023 (NY/2019/0130/FUL).

**6.35 Richmondshire Ramblers Association:** Have made the following comments.

The Richmondshire Ramblers Group (The Ramblers Association) responded on 7<sup>th</sup> August 2021 that they have no objection. They commented that the access from Manor Green Catterick Village should be provided to be a status and standards needed for horses and cyclists. They would expect by use of the Section 106 agreement the provision be designed to provide a safe and pleasant walking experience and in doing so limiting the environmental damage to fields and woodlands.

**6.36 British Horse Society: responded on the reconsultation stating:**

The British Horse Society responded to the reconsultation process on 23<sup>rd</sup> July 2021 as follows:-

Thank you for the consultation with the British Horse Society (BHS) on the above proposal which includes some non motorised user (provision) for access from Manor Green Catterick Village to the Motorway services. Our comments will be on the matter of the NMU provision only and not on the desirability of another motorway services within 7 miles north and south of already existing motorway services.

As you have explained the proposal for NMU is to make use of the public bridleway and then the permissive footpath around the lake at Pallet Hill and then via a new short section of link to the services. We suggest that the link to the services should be a multi-user path to facilitate travel on foot and by bicycle and the occasional horse rider (this has occurred at other services where horse riders have ridden to avail themselves of the food facilities at the services). This means the status of the link should be a bridleway and not footpath.

The proposed link to the motorway services should have full legal status as a public route (a public bridleway) and not remain permissive, after all permission can be withdrawn at any time but if it has legal status then this is safe for the public for all time. We would also suggest that the continuation of the path around the lake be made up to bridleway standard as it benefits all NMU and not just walkers who after all have access to 100% of the rights of way network, whilst horse riders and cyclist have access to less than the 20% of the path network which is bridleway.

We also believe that development money should be set aside to improve the existing bridleway surface and camber from Manor Green through to the A6055 local Access Road built as part of the A1M upgrade. The bridleway from Manor Green was diverted in 1982. However, for any diversion the surface of the new route up should be made up to a decent and useable standard before it is adopted

and the old route closed. This was never done. This should now be done. The existing route is very uneven and unpleasant to ride, walk or cycle, it is on a steep adverse lateral camber along most of the section of the lake. This should now be made good and should be a condition of any planning permission.

Note these footpaths are outside the planning application boundary. The applicant has offered the permissive route in the terms of a 106 agreement which Members can view on the Council's web site

The bridleway is well used by local horse riders and walkers and it is only right the landowner and developer who will benefit greatly from this proposal should give something back to the local community on which it will have a major adverse impact. Unless the making good of the bridleway surface on the section which was diverted around the lake is part of the condition of any planning permission for this proposal then the BHS OBJECTS to the proposal.

NOTE: The bridleway is outside the application boundary and is not in the control of the applicants.

### 6.37 **Richmondshire Climate Action Partnership (RCAP) Transport and Travel Sub-Committee**

Maurice Dixon the Chair of RCAP T and T responded in the reconsultation process

"1. I write to you as the Chair of the Richmondshire Climate Action Partnership Transport & Travel (RCAP T&T) sub-committee, having the remit to support the Richmondshire District Council (RDC) targets to reduce the district's carbon footprint to as close as possible to carbon Net Zero by 2030.

2. The major contributor to the RDC emissions footprint (431,000 tCO<sub>2</sub>e) is transport and travel (50% - 240,000 tCO<sub>2</sub>e), and a major factor is the transitory traffic on our major roads, such as the A1(M) (82,000 tCO<sub>2</sub>e).

3. Whilst we have little influence on the T&T emissions of vehicles passing through our district, we can have a significant influence on the emissions of vehicles and travellers who stop and refuel within RDC.

4. It is firmly established that vehicles being driven smoothly and efficient, e.g. cruising at constant fuel efficient speed, emit fewer polluting emissions than those changing speed and navigating roads at lower urban speeds and driving styles: average mpg is greater and emissions are lower at steady motorway speeds, with lower average mpg and greater emissions for slower and changing urban driving1 .

5. We have seen no A1(M) user survey data from rest stops between Durham and Wetherby, nor Highways Agency traffic surveys or analysis, to provide credible or convincing evidence to support the stated need for the proposed Motorway Service Area (MSA) at J52 Catterick Village. The A1(M) has many rest and refuel opportunities, with short distance intervals (max 27 miles), between Durham, Barton, Scotch Corner, Leeming Bar and Wetherby. These locations provide ample opportunity for both northbound and southbound travellers to stop for fatigue and rest breaks, meals, accommodation, amenities, and fuel. The Durham to Wetherby A1/A1(M) stretch probably offers more rest and fuelling stops per mile than other major A roads and motorways in the UK.

6. A MSA at J52 Catterick Village will encourage vehicles to slow and stop, with AI(M) transiting vehicle emissions increasing, many vehicles, especially trucks, running/idling engines/auxiliary power systems, and volatile emissions will leak from refuelling activity. It is also likely that any extra MSA traffic on the J52 roundabouts will slow traffic on the roads to/from Catterick garrison and Marne Barracks, especially busy and congested at morning and evening rush-hour times, further increasing vehicle exhaust emissions. This will result in a Net increase in GHG and exhaust emissions and noise within the RDC boundary, and especially in the vicinity of J52 to the detriment of Catterick Village and the surrounding area.

7. The RCAP T&T committee oppose the granting of permission for this MSA development.

8. Should this MSA proposal be approved, in line with my committee's, and the RDC's, remit to minimise Richmondshire area CO<sub>2</sub>e and exhaust emissions by 2034, and for RDC to contribute to the governments 'Road to Zero'<sup>2</sup> and 'Decarbonising Transport'<sup>3</sup> strategies, we detail the maximum socioeconomic benefit, and minimum environmental, noise and traffic emissions impact, we deem necessary for any MSA proposal, at Annex A to this letter.

9. We must ensure the developer earns its Social License to Operate (SLO)<sup>4</sup>, and delivers the promised low environmental impact MSA, with maximum local socio-economic benefit, to contribute to delivering RDC Climate Emergency carbon emission reduction targets. 10. I therefore request the RDC Planning Committee to apply legally binding Section 106 planning obligations, and a Community Infrastructure Levy (CIL<sup>5</sup>), to deliver the minimum low environmental, noise and CO<sub>2</sub>e/GHG emission impact, and maximise socio-economic benefit MSA outlined in their updated Apr 21 full proposal, with a roadmap to a MSA Net Zero by 2035:

a. Developer and its Electric Vehicle Charge Point (EVCP) partner/provider to provide written evidence that they have engaged with, and have confirmation from, Northern Power Grid (NPG) that the local electrical grid, or a reinforced electrical grid, for the proposed site can provide the initial, and phased increase in EVCPs, and for Hydrogen Refuelling Points (HVPs) in the future;

b. Developer and EVCP partner/provider will provide, maintain and update as required, all the proposed EVCPs to the latest EVCP standards and be future-proofed for upgrade to future services such as Vehicle-to-Grid (V2G) to allow the overnight and long stay plugged in EVs electrical storage capacity to be used to minimise site energy and fuel emissions to deliver its services;

c. Written evidence of tangible and proactive working with Northern Gas Network (NGN) and a HRP partner/provider to provide one (1) HRP from start of operations, and an increasing number of HRPs as Hydrogen vehicle take up locally, and from passing traffic, increases;

d. Maximum on-site renewable energy production, storage and use, and EVCP and HRPs to reduce the site's and visiting vehicle carbon and emissions pollution and footprints;

e. Provision of plug-in electricity, heating and cooling services to medium, long and overnight stay vehicles, caravans, etc, to eliminate engine and

auxiliary power systems running and associated noise and emissions. A requirement for no parked or staying vehicles to idle or run engines when stationary;

f. Construction and operating phase jobs to be prioritised for people living within 20 miles of the site and providing socio-economic benefit to groups that will most benefit from local area employment;

g. Employees to be provided with site direct accessible walking, cycling and bus route access, e-transport incentive schemes, with staff changing and secure storage facilities for their mobility modes of transport;

h. Install and provide enduring noise and air pollution monitoring, reporting and alerting at both west and east ends of J52, around the proposed MSA site boundary, and downwind from the prevailing SW weather in Catterick Village, Scorton and local area. Monitoring to provide 12 months baseline data around J52 and the proposed site prior to construction, during construction, and throughout the operating period, to show site air quality and noise level trends and to keep to legislation limits;

i. Developer and operator to design, construct and operate the site with a minimal site noise, air pollution and Co2e/GHG footprint in all phases, and provide a site MSA Net Zero roadmap and implementation plan to 2035, to which they are held accountable for delivery on an annual basis.

12. In summary, the RCAP T&T committee oppose the proposal for a MSA at J52 Catterick Village for two primary reasons

a. The developer has provided no tangible or compelling evidence that a MSA is required between Durham and Wetherby as there are already many A1/A1(M) rest and refuelling stop facilities for southbound and northbound traffic;

b. The proposal will increase site and vehicle noise and T&T emissions and pollution to the local area, especially Catterick Village. Thus, adding, rather than reducing, emissions within the RDC CO2e footprint boundary contrary to the Council's stated policy and requirement to reduce RDC overall and T&T emissions by 2034.

13. Whilst opposing the proposal, the RCAP T&T committee offers tangible and viable options, to be instilled via s106 conditions and a supporting CIL to be invested locally, to inform and ensure any approved MSA at J52 Catterick Village delivers minimal environmental, traffic emissions and noise impact, maximum local ULEV and socio-economic impact, and demonstrates RDC leadership and inspiration in the provision of low/no emission MSAs.

14. I thank the RDC Planning Committee for the opportunity to provide input from the RCAP T&T committee on this MSA proposal at J52 Catterick Village, in support of delivering the RDC's declared carbon reduction targets by 2030"

6.38 **Local Residents:** A summary of the representations received from local residents in relation to the initial consultation are as follows (where comments made are material planning considerations) and have been grouped together based on the issues raised:

#### Issue of Need (Objections)

- There is no clear and present need for additional motorway service facilities on the A1 in this area with existing services at Leeming Bar and other areas, truck stops and fuel filling stations within both the local and wider area.
- There is also no clear need for Drive Through restaurants/coffee shops as there are similar facilities already in existence within the local area.
- There is no need for more retail shops within less than 5 miles of Scotch Corner (and the site for the approved Designer Outlet)

#### Issue of Need (Support)

- 'Rest stops' are 'few and far between' on the A1, and the ones that do exist are old and at fully capacity, with the nearest MSA being 40 minutes away at Wetherby. The proposed development will alleviate these issues to some extent.

#### Employment and Economic Benefits (Support)

- The creation of hundreds of permanent jobs is a plus given that the Catterick Garrison area is due to expand enormously in the near future.

#### Traffic, Parking and Highway Safety/Amenity Issues (Objections)

- The development will lead to additional traffic adding to congestion and resulting in additional noise, light and air pollution in the villages of Catterick Village and Brompton on Swale.
- The MSA will draw HGV drivers into Catterick Village, with some parking in local gateways and laybys, leading to anti-social issues related to truck stops including littering.
- The roundabout which will form the main access to this development is considered to be unsuitable for this amount of traffic, especially HGVs. This will need to be made larger causing further disruption to a local community which has already suffered years of nuisance in the widening of the A1 in both directions.

#### Amenity Issues (Objections)

- The development will be very close to existing housing and to proposed housing development.
- The close proximity to present and additional proposed housing is likely to cause noise pollution, particularly from site delivery vehicles, HGVs and coaches. This is likely to be more evident to residents during the night.
- Even with high quality lighting, compliant with dark skies requirements, this site will cause light pollution at ground level, particularly for residents in neighbouring properties.
- A large service station so close to residential properties will only add to the noise and general pollution already experienced by local residents as a result of the cement quarry also close by.
- The thought of the noise of large vehicles coming and going 24 hrs a day is not something anyone would wish for.

#### Accessibility and Public Transport (Objections)

- The new employees will have to travel to the site by car, with no bus services going past the site.
- There is not a footpath or cycle route linkages to any nearby settlements.

### Impact on Ecology and the Natural Environment (Objections)

- The proposals will cause damage to the environment by building on a greenfield site/location.
- The drive through restaurant/coffee shop facilities will create litter which is a nuisance to local residents and damaging to the natural environment.
- The noise and air pollution from the increased traffic at this junction will rise to unacceptable levels in relation to Catterick Village.

### Impact on the Character of the Landscape (Objections)

- The visual impact of the development will be detrimental to the local landscape and the light pollution will blight the night sky for miles around.
- At present motorway traffic is effectively screened from view; this proposed development will be clearly visible to residents.
- The development will impact adversely on Catterick Village's rural nature and on the rural setting of Catterick Racecourse.

### Drainage (Objections)

- The large car parking area is likely to cause drainage problems on the site (which is a reclaimed gravel quarry)

### Land Use (Objections)

- This is an overdevelopment of land currently used for farming, agriculture and leisure.

A summary of the representations received from local residents in relation to the reconsultation exercise are as follows (where comments made are material planning considerations) and have been grouped together based on the issues raised:

### Impact on the Character of the Landscape (Objections)

- Increased Light and Noise pollution.

### Issue of Need (Objections)

- With Scotch Corner and Leeming at the junctions before and after, there is no need for another stopping point on the A1.
- There are already multiple service areas within short distances of the planned development, with truck services at Barton, Scotch Corner services which could be redeveloped with less impact to accommodate extra traffic. Leeming Bar service area and Bedale service area are also in relatively close proximity.
- There is also a large existing services at Wetherby. At Catterick Garrison there is already have a large hotel and multiple fast food outlets. Further afield there are Wetherby and Durham services. We do not need these facilities at every junction within the area. Scotch corner and the Bedale/Leeming Bar areas are enough.
- If the development is purely to accommodate trucks then a truck park is what should be applied for.
- There should be investment in current facilities.
- A better use of the space would be to create a public park, establishing some new woodland areas to help combat the pollution from the A1, not add to the issue by creating yet more concrete jungle which will be neglected in a few years.

### Traffic and Highway-Related Impacts (Objections)

- The development is likely to cause a lot of traffic.
- More traffic will be brought back through Catterick Village.
- The proposed path between the services and High Green is also of great concern (including disruption of residential amenity and more anti-social behaviour within Catterick Village from more passers-by)

### Design and Appearance (Objections)

- The appearance of the development (as viewed) from residential properties in the vicinity is a concern.
- The scale of the development is too large, and will be seen from vantage points in the surrounding area (including from Catterick Village)

### Locational Issues (Objections)

- Catterick village is not a commercial built up area and a big hotel and commercial facilities does not compliment the village life and residents in any way.
- These type of services should be in areas away from villages and residential areas so as not to affect rural village life.
- The development will result in a loss of green space near Catterick Village.
- The development is too close to Catterick Village and will affect Catterick the village's 'charm', its 'life and soul' and its retailers.
- Concerns about the impact on local businesses, the village cafe and other takeaways.
- The site is used by locals for dog walking and recreation, which will be lost as a result of the proposed development.

### Amenity Issues (Objections)

- The MSA development is too close to residential properties, and it will bring consistent noise (including from overnight parked HGVs and the stereo systems of cars), pollution (including to watercourses) and light pollution to local residents. This will affect the quality of life (and potential health) of local residents.
- There will be additional dust on top of that already produced by the cement company within the vicinity.
- Any positives in this plan are far outweighed by the negatives it will bring.
- There will be an increase in litter which will affect residential properties and local nature areas.
- Potential issues with vermin.
- The development is good for the economy but not good for locals people, many of which have lived in the village all their lives.
- There will be no benefits to local residents and communities.

### Drainage and Flood Risk Issues (Objections)

- The development would be in an area of flood plain; any development is likely to cause flooding elsewhere with potential damage to properties due to the displacement of flood waters. This is a concern given previous flooding events that have occurred within Catterick Village.

### Environmental and Ecological Issues (Objections)

- The site is used by wildlife and the development will negatively impact/damage this wildlife and natural habitats.
- Having too many service facilities is not environmentally friendly.

### Heritage Issues (Objections)

- Catterick Village has a Conservation Area and the site is a former Roman settlement (*Cataractonium*)

### Employment/Recruitment Issues (Objections)

- Jobs will be outsourced and there are no guarantees local people would be hired.
- Existing jobs within the locale cannot be filled, so the stated benefit of additional employment is not accurate.

### Other Issues

- Queries regarding the extent of the consultation/reconsultation in terms of properties that received consultation letters from the District Council of the application.

6.39 The proposal has been further publicised by a site notice and newspaper advertisement (for both the initial consultation and the reconsultation exercises) and the period for representations to be made has now expired.

## **7.0 Planning Issues**

### Policy Considerations

7.1 The full list of relevant policies is set out in Section 4 above. This section deals with the key policy requirements that have the greatest bearing on the consideration of this application.

7.2 The adopted Local Plan Core Strategy defines a network of sustainable locations for development centred on Richmond and Catterick Garrison which are the main “town centre” locations in the plan area for new economic and retail development (Policies CP7 and CP9) Appropriate motorway and/or economic development opportunities related to the upgraded A1 junctions are to be considered under Spatial Principle SP5 which states that such economic development will be considered in locations at Catterick Central, Scotch Corner and Barton, subject to appraisal of their requirements to link directly with the strategic road network taking into account the feasibility (of such linkages) and existing local conditions.

Appropriate development at the ‘Catterick Central’ junction (i.e. junction 52) is also supported by section 4 of the Central Richmondshire Spatial Strategy which states that development will be considered at the new Catterick Central junction on the upgraded A1 subject to SP5. Overall, the Council’s Strategy in the Local Plan is to ensure that significant economic and retail development takes place in existing centres, with Catterick Garrison Town Centre providing the greatest opportunities. The “centre first” strategy acknowledges the role of Darlington as the sub-regional centre for Richmondshire.

7.3 Whilst the Local Plan has been prepared in the context of the National Planning Policy Framework (NPPF), the sub-regional scale and nature of this particular scheme does also need to be considered in the broader context provided by the NPPF (and the associated National Planning Practice Guidance (NPPG)) as a material consideration. Paragraph 81 of the NPPF states that planning decisions should give significant weight to the support of economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 83 states that planning decisions should recognise and address the locational requirements of different sectors

7.4 The NPPF is committed to delivering sustainable development, including sustainable economic growth and competitive town centre environments that provide customer choice and a diverse retail offer reflecting the individuality of town centres. New developments generating significant amounts of transport movement should take opportunities to deliver sustainable transport modes; provide safe and suitable access for all people; and bring cost effective solutions to significant transport impacts arising from the development.

7.5 Other key policies considerations of the Local Plan Core Strategy that need to be noted at this point are:

- Taking a positive approach that reflects the presumption in favour of sustainable development, working to find solutions which mean that proposals can be approved wherever possible to secure development that improves the economic, social and environmental conditions in the plan area (Policy CP1).
- Provision of an energy statement to demonstrate that carbon savings in excess of Building Regulation requirements have been maximised within the design of the scheme. Schemes are also expected to demonstrate how they can be adaptable to climate change (Policy CP2).
- Specific considerations in achieving the delivery of sustainable development, including an encouragement to utilise previously developed land first (where that land is in a sustainable location) in preference to greenfield sites. Development should, as far as possible, be located so as to minimise the need to travel. Convenient access via foot, cycle and public transport should exist or be provided, where possible, encouraging the use of these modes of travel for local journeys and reducing the need to travel by car (Policy CP3).
- Development should be of a scale and nature appropriate to secure the sustainability in 'elsewhere' areas as defined by SP3, taking into consideration the scale and distribution of development as defined in the Core Strategy and providing an effective response to Climate Change in accordance with Policies CP2 and CP3. Development should provide for the social and economic needs of the local community, and in all cases be accessible and well related to existing facilities and be within the capacity of existing or additional infrastructure. Conversely, development should not impact adversely on the character of settlements and their settings, important views/open spaces, the character of the landscape or on designated and undesignated heritage assets. In addition, development should not lead to the loss of, or adversely impact on, or cause deterioration of important nature conservation, water bodies, biodiversity or geodiversity, or be located in areas of flood risk or contribute to flood risk elsewhere sites. Development should also not cause significant adverse impacts on amenity and highway safety (Policy CP4).
- Supporting tourist related activities where they make a sustainable contribution to the local economy and, where possible, enhance the local environment and landscape (Policy CP10).
- Supporting development where it conserves and enhances the significance of the Plan Area's natural and man-made heritage assets (Policy CP12).
- Giving priority to high quality design of both buildings and landscaping in all developments. Taking account of the need to reduce the opportunities for crime, disorder and anti-social behaviour. Limiting the impact of light pollution on local amenity (Policy CP13).

- Ensuring that developments provide, or enable the provision of, the infrastructure made necessary by such development, with improvements and investments delivered in a timely manner and to the required standards (Policy CP14).

#### Location of the MSA and Local Plan Policy

- 7.6 As stated within paragraph 7.2 above, appropriate motorway and/or economic development opportunities related to the upgraded A1 junctions are to be considered under Spatial Principle SP5 which states that such economic development will be considered in locations at Catterick Central, Scotch Corner and Barton, subject to appraisal of their requirements to link directly with the strategic road network taking into account the feasibility (of such linkages) and existing local conditions. This locational support for motorway-related development at Catterick Central (junction 52) is also echoed by section 4 of the Central Richmondshire Spatial Strategy which states that development will be considered at the new Catterick Central junction on the upgraded A1 subject to SP5. It can therefore be concluded that there is Local Plan support for the proposed development (as motorway-related development) on the site proposed.

#### The Issue of Need for a New Motorway Service Station (MSA)

##### *Overview and Context*

- 7.7 The Department for Transport's Circular 02/2013: ('The Strategic Road Network and the Delivery of Sustainable Development.') (and Annexes A and B) is an important material consideration in the determination of planning applications which affect the Strategic Road Network (SRN). The Circular advises on many aspects of safety with regards to the operation of the SRN, including MSAs. Paragraph B4 of Annex B deals with spacing of motorway service area and other facilities. The Circular notes that MSA's and other road side facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey.

*'Operating an effective and efficient strategic road network makes a significant contribution to the delivery of sustainable economic growth ...the Highways Agency supports the economy through the provision of a safe and reliable strategic road network, which allows for the efficient movement of people and goods. Such a network can play a key part in enabling and sustaining economic prosperity and productivity, while also helping support environmental and social aims by contributing to wider sustainability objectives and improved accessibility to key economic and social services....A well-functioning strategic road network enables growth by providing for safe and reliable journeys. This can help reduce business costs by providing certainty, improving access to markets, enabling competition, improving labour mobility, enabling economies of scale, and helping attract inward investment'.*

- 7.8 The Circular also sets out the minimum service requirements for various roadside related facilities. In terms of a MSA they are required to be:
- Open 24 hrs a day 365 days a year;
  - Provide free parking for up to 2 hours minimum for all vehicles permitted to use the road;
  - Provide free toilets/hand washing facilities with no need to purchase;

- Shower and washing facilities for HGV drivers, including secure lockers in the shower/washing area;
- Fuel;
- Hot drinks and hot food available at all opening hours for consumption on the premise;
- Access to a cash operated telephone; and
- Minimum parking requirements.

7.9 The network of service areas on the strategic road network has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour. However, timing is not prescriptive as at peak hours, on congested parts of the network, travel between motorway service areas may take longer. Highways England, therefore, recommend that the maximum distance between MSAs should be no more than 28 miles, although the maximum distance between signed services on trunk roads should be the equivalent of 30 minutes driving time (to account for varying speed limits on the SRN) The distance between services can be shorter, but it's important to note that in order to protect the safety and operation of the network, the access/egress arrangements of facilities must comply with the requirements of the 'Design Manual for Roads and Bridges' including its provisions in respect of junction separation. It should be noted that there would be sufficient distances between the Junction 52 scheme and any existing or proposed services to meet these highway safety requirements

7.10 Paragraph B8 of the Circular is clear that in determining applications for new and improved sites, Local Planning Authorities do not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor do they seek to prevent competition between operators; rather they should determine applications on their specific planning merits.

*Assessment/Evaluation of Need - Distances Between MSAs on the A1(M)*

7.11 The application site is located at Junction 52 of the A1(M) Although the A1(M) consists of four separate sections, the completion of the Leeming-Barton works in 2018 created the longest section of the A1(M) from Washington (in the north) to Darrington (in the south). Junction 52 is located within this section of the A1(M). The nearest existing MSA to the north is Durham (approximately 27 miles) and the nearest to the south is at Wetherby (approximately 33 miles) An Alternative Site Assessment has been submitted as part of the Environmental Statement. The assessment demonstrates that the application site performs the best in terms of the assessment. The detailed assessment was considered by officers to be a robust analysis of alternative sites, and it is evident from the assessment that no alternative suitable provision exists within the identified search area, although sites with extant permissions for MSA's or current MSA applications under consideration are considered in more detail below.

7.12 Officers have however sought independent assessment of alternative sites, by Barton Wilmore. The ASA concluded that that there is not one site identified which was preferable. All the sites assessed had issues in terms of either technical, environmental, planning or delivery. Officers remain of the view therefore that there is no clear alternative location for an MSA in the search area.

7.13 As such, there is currently a gap of approximately 60 miles without a MSA between the services at Durham and Wetherby. Based on the aforementioned Government

policy within Circular 02/2013 regarding maximum distances between MSAs on the SRN, it is clear that there is currently an unmet need for MSA facilities on the A1(M) between the existing Wetherby and Durham MSAs.

- 7.14 However, in assessing need, it is important to consider other MSA applications and extant planning permissions for MSA development on sites between Durham and Wetherby which could meet the existing unmet need for MSA facilities within the 60 mile gap between Wetherby-Durham. Important to this assessment is the Secretary of State's decisions in April, 2021 following a joint Inquiry in relation to two separate MSA outline planning applications which had both been refused by Harrogate Borough Council (HBC) Significantly, both proposed sites are located within the Wetherby-Durham gap of the A1(M), and if either or both were allowed, would provide additional MSA services:
- The 'Vale of York' (land at Marton Le Moor) MSA application submitted on behalf of Applegreen Plc (refs. 18/00123/EIAMAJ and APP/E2734/W/20/3245778) located between junctions 48 and 49 of the A1(M), was refused outline permission by HBC in November, 2019 and
  - The 'Ripon' or 'Kirby Hill' (land at Hutton Conyers) MSA application submitted on behalf of Moto Hospitality Ltd (refs. 18/02713/EIAMAJ and APP/E2734/W/20/3261729) located at junction 50 of the A1(M), was refused outline permission by HBC in October 2020.
- 7.15 Following the joint Inquiry, the Secretary of State's decision was to allow the 'Vale of York' appeal, but dismiss the 'Ripon' appeal. Although only an outline planning permission, significant weight needs to be given to the Secretary of State's granting of the Vale of York MSA application between junctions 48-49 of the A1(M) and this site needs to be taken in consideration in the assessment of need for the Catterick (Junction 52) application. Crucially, the Vale of York site is 12.37 miles north of the Wetherby MSA, which, whilst reducing the gap between existing and approved MSA facilities (i.e. between Durham and the Vale of York) facilities would nevertheless still mean a gap 47.78 miles without MSA services on this part of the A1(M) even once the Vale of York is operational, still exceeding the maximum distance of 28 miles between MSA facilities as stated within Circular 02/2013. The Junction 52 site currently under consideration is sited 21.1 miles north of the Vale of York site and 26.68 miles south of the existing Durham MSA facilities, and as such, would be well located to meet an established need for MSA facilities on this stretch of the A1(M) even when the Vale of York MSA is taken into consideration.
- 7.16 It should be acknowledged that there are extant planning permissions for MSA facilities at both Leeming Bar and Barton Lorry Park. The Secretary of State previously granted outline planning permission for an MSA at Leeming Services, and following the approval of a subsequent reserved matters application by Hambleton District Council, the planning permission was implemented through the undertaking of nominal works. However, since the appeal decision in October 2012, the Leeming Bar services have remained a signed Motorway Rest Area with only limited and relatively poor quality facilities. The Inspector in the joint Vale of York – Ripon Inquiry gave very little weight to existence of the extant MSA permission at Leeming Services, stating

*Moreover, Leeming Bar is not at present a MSA. The full implementation of its extant planning permission, irrespective of Hambleton District Council's ambivalence about enforcing the Unilateral Undertaking, seems a most unlikely prospect given its detachment and distance from the motorway; the*

*obvious need for very substantial investment; and the unchallenged submission that it is not a viable location for a MSA (paragraph 55 of the Inspector's decision letter)*

- 7.17 A renewal of outline planning permission for the erection of a MSA (1/93/146B/PA/O) at Barton Lorry Park was granted by Richmondshire District Council on 21<sup>st</sup> July 1999. The scheme for this outline permission was identical to a scheme granted outline permission by the Secretary of State previously. A subsequent approval of reserved matters application (1/93/146E/AORM) for siting, design and external appearance of buildings, means of internal access, provision of parking areas, and on-site landscaping was granted on 25<sup>th</sup> September 2001. The approved scheme included a 40 bed travel lodge, restaurant/toilet/shop/fast food facilities and petrol filling station, providing 270 car parking spaces, 17 coach parking and 90 truck stop spaces. A letter from Richmondshire District Council (to the agent of the applications) dated 28<sup>th</sup> July 2003 confirms that all pre-commencement conditions in relation to both of the outline and reserved matters applications had been discharged and that works undertaken on site involving the formation of kerbing to the lorry park area at the rear of the site had, in the District Council's view, constituted a commencement of the approved development.
- 7.18 Whilst it is acknowledged that a valid commencement has been made for a MSA at Barton Lorry Park, approximately 7 miles to the north of the proposed site, limited material weight is given to this approved scheme as an alternative for meeting the identified need within the area of search when considered within the context of the recommendations and requirements within Circular 02/2013 as stated above. Moto has also as recently October 2021 confirmed their intention to develop either the Scotch/Barton sites as a co-signed MSA or Barton park as a full MSA. The Barton Lorry Park MSA scheme has been commenced since July 2003, although the commencement of the development has, to date, only involved minor kerbing works. There is no evidence (on site or otherwise) that any other approved works on the approved MSA development has been undertaken in 18 years. The approved scheme also involved relatively extensive highway improvement works to the A6055 (including the provision of a new roundabout to provide vehicular access into the Barton Lorry Park site) Notwithstanding the planning permission granted at Barton Lorry Park (and subsequent minor amendments agreed relating to the approved roundabout design) it is yet to be demonstrated whether the required highway improvement works could now be achieved given the improvement and widening works that have been undertaken since to the Kneeton Lane junction and other accesses off the A6055 within the vicinity of the site. Similar to Leeming Services, the extant permission at Barton Lorry Park was considered by the Inspector as part of the assessment for need for the Vale of York appeal

*In terms of other facilities, Coneygarth Truckstop, off J51 and served by the A684, is 28.6 miles from Wetherby MSA; and Scotch Corner MRA (J53) is at a distance of 38.8 miles. There is also a Truckstop at Barton Park (J56)7, served from the A6055, some 40 miles north of Wetherby MSA. It has a historic permission for a MSA which has been lawfully implemented but not built out. Kirby Hill RAMS also pointed to the presence of Morrisons, for example, on the approach to Boroughbridge. There is also an undetermined planning proposal for a MSA at Catterick (J52) some 37.5 miles from Wetherby MSA.*

*In my opinion, none of the legacy facilities, relied on by the Council and Kirby Hill RAMS, which once served the needs of the A1 before it was upgraded to*

*motorway standard, nor services of a local nature, can be considered to provide a MSA function within the terms of the Circular (paragraph 56-57 of the Inspector's decision letter)*

7.19 For the reasons explained above:

- The guidance regarding need contained within the Circular;
- The applicants and the Barton Wilmore assessments of alternative sites; and
- an Inspector's views (in the Vale of York and Ripon appeals) on the status of the sites at Barton and Leeming.

The officer view is that limited weight should be given by Members to the extant permissions at Barton and Leeming in the assessment of alternatives to meet the need for additional MSA facilities between Wetherby and Durham.

7.20 Members may be aware that Moto have submitted two full planning applications for MSA development at Scotch Corner Services and Barton Lorry Park ('Truck Stop') respectively:

- 21/00418/FULL - Full Planning Permission for Extension to Amenity Building and Construction of Additional Car Parking Spaces with Relining / Remarking of Parking Areas at Scotch Corner Services, Middleton Tyas (determination date of 3<sup>rd</sup> August 2021), and
- 21/00419/FULL - Full Planning Permission for Extension to Amenity Building Together with Revised Parking Layout to Include 9 Caravan Spaces, HGV Wash and Park and Ride Car Park at Barton Motorway Truck Stop, Barton (determination date also of 3<sup>rd</sup> August 2021),

7.21 Whilst it is important that Officers (in their recommendations) and Members (in their decision-making) do not pre-judge the final outcome of other planning applications that are still subject to on-going consideration and negotiation by Officers of the LPA. At this time it remains that the Barton Lorry Park and Scotch Corner applications (both individually and collectively) still have planning and technical matters to resolve.

7.22 Further to these outstanding technical matters National Highways have also stated that the above applications would not meet the relevant criteria of the Circular 02/2013 to be considered as an MSA. National Highways goes on to confirm that: The site put forward by Moto as a precedent for a split site MSA at Knutsford and Lymm on the M6 was allowed at the time (1980)s due to severe safety concerns on the slip roads National Highways did recognise the two facilities as an MSA but confirmed that officially one is an MSA and one is a truck stop. The rationale for a similar "link" does not exist at the Scotch Corner location and that the locations and issues are not the same. The advice to the LPA was that the application could be determined and that the present Government Policy as set out in Circular 02/2013 does not recognise the concept of a "linked facility."

7.23 Alternatively, the current Junction 52 proposals have undergone several amendments and updates to technical documents and plans to ensure that the extensive requirements of National Highways and the Lead Local Flood Authority have been met in order allow these important technical consultees to lift their initial objections, a process that has taken approximately a year and a half to achieve.

### *Conclusion on Need*

- 7.24 Given these outstanding technical matters and National Highways response it is therefore unclear that the Barton/Scotch Corner 'split site' MSA proposal would provide a suitable alternative MSA site to Junction 52, furthermore both the applicants ASA and the more recent ASA has not identified a more preferable site. As discussed above, the extant permission at Barton Lorry Park (as a legacy permission) has little bearing on the current likelihood or suitability of the 'split site' proposals being approved. As such even having regard to the expressed intention of Moto, there remains doubt about whether the proposed Moto split scheme represents a suitable alternative site to meet the identified need for new MSA facilities for users of the A1(M) between Durham and the Vale of York facilities. Therefore, even with the submission of planning applications for a proposed split MSA scheme at Scotch Corner Services and Barton Lorry Park it is likely that, the Junction 52 proposals represent the only site at this time able to meet the identified need for MSA facilities between Durham and the Vale of York.
- 7.25 Where there are two or more separate MSA proposals (and each would meet an identified need), then the LPA or Secretary of State) as decision makers must consider which of the alternatives would cause the least 'planning harm'. As the Moto 'split site' proposal has some technical matters that are not resolved it would be unreasonable to conclude that the Scotch Corner/Barton Lorry Park proposals would provide a less harmful MSA scheme than the Junction 52 proposals, notwithstanding that at this time the 'Moto 'split scheme' proposals have not demonstrated that they meet National Highways technical requirements for an MSA. Whilst there might be some benefits to the decision making process in delaying a decision on the Junction 52 application to allow the 'split scheme' applications to 'play out', the Junction 52 proposals can be demonstrated and on this basis it would be contrary to the requirements and expectations of the NPPF and Policy CP1 to approve applications (where acceptable) 'without delay' unless material considerations indicate otherwise) to further extend the time taken to determine this application.
- 7.26 It is ultimately a matter for the Local Planning Authority (in the first instance, as decision-maker) to attach the appropriate weight to the matter in the overall planning balance when reaching its planning decision. The provision of services to meet an unmet need for MSA facilities on the Strategic Road Network is potentially a key material consideration in the determination of this planning application. Overall, it is considered that there is an identified need for a MSA to support the safety and welfare of road users to serve the A1(M) between Wetherby MSA and Durham MSA, even with the recently allowed Vale of York MSA scheme taken into consideration there is still a need. Unlike extant 'legacy' permission at Leeming Services, Barton Lorry Park and the pending Moto split scheme referred to above, it is clear that the proposed Junction 52 scheme would fulfil this need, and therefore it is recommended that significant weight is given in the planning balance to meeting this need.

### Impact on 'Main Town Centre Uses' (Including Retail & Leisure Uses)

- 7.27 Chapter 7 (Ensuring the vitality of town centres) of the NPPF states that planning decisions should support the role town centres play at the heart of local communities (para.86), and to help ensure this, local planning authorities should apply a sequential test for applications involving 'main town centre uses' which are neither in an existing centre nor in accordance with an up-to-date plan (para.86) The glossary in the NPPF confirms that 'main town centre uses' include retail,

leisure and entertainment and recreation uses (e.g. restaurants, drive-through restaurants as well as culture & tourism development (e.g. hotels) The sequential test states that:

- i) main town centre uses should be located in town centres
- ii) then in edge of centre locations,
- iii) only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

7.28 Flexibility on issues such as format and scale should be demonstrated so that opportunities to utilise suitable town centre or edge of centre sites are fully explored (before the consideration of out of centre sites). Preference should be given to accessible sites which are well connected to the town centres when considering edge of centre and out of centre proposals (paragraph 88).

7.29 In addition, paragraph 90 of the NPPF states that for retail and leisure development proposals located outside of town centres which are not in accordance with an up-to-date Local Plan, an impact assessment is required where the gross floorspace is above 2,500 square metres unless there is a locally set floorspace threshold set. It should be noted that the Local Plan Core Strategy does adopt a lower threshold of 500 square metres to reflect the rural characteristics of Richmondshire (as stated below)

7.30 Section 3 of Policy CP9 (Supporting Town and Local Centres) of the Local Plan states that:

*“Support will be given for retail and town centre developments of more than 500m<sup>2</sup> outside of town centres where:*

- a) *There are no suitable, viable and available sites firstly within, then on the edge of, the existing town centre.*
- b) *An impact assessment has demonstrated that proposals will not have an adverse impact on the vitality and viability of the District’s town centres, or on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.* This echoes the requirements as stated within para.89 of the NPPF for an impact assessment which, it states, shall include: the impact on existing, committed and planned public and private investment in a centre(s) within the proposals’ catchment area, and the impact on town centre vitality and viability including on local consumer choice and trade within the centre and wider retail catchment.
- c) *It would be accessible by a choice of means of transport, and the local transport system is capable of accommodating the potential traffic implications.”*

7.31 Paragraph 91 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on investments within centre(s) and/or the vitality and viability of town centres, planning permission should be refused.

7.32 As referred to in the paragraphs above, the NPPF advises that Local Planning Authorities should apply a sequential test to planning applications for ‘main town centre uses’ (as defined within the glossary of the NPPF, but including retail, leisure, restaurants, drive throughs and hotels) that are not in an existing centre and is not in accordance with up-to date Local Plan, as well as undertake a Retail

and Leisure Impact Assessment for retail and town centre uses of more than any locally set floorspace limit located outside of town centres.

- 7.33 That said, Circular 02/2013 at paragraphs B29-32 confirm that the scope and scale of retail activities is a matter for consideration by the relevant local planning authority in line with the NPPF and local planning policies. However, local authorities should have regard to the primary function of road side facilities which is to support the safety and welfare of the road user. Similarly, the provision of facilities such as hotels will be a matter for the local planning authority to consider in line with the NPPF and local planning policies.
- 7.34 It is argued by the applicant that an MSA should be not be considered *per se* as retail, leisure *et.al* but as a single *sui generis* use in its own right, the argument being that the uses would not operate 'as separate entities' and would not form separate planning units. As such, a MSA is not, and does not include individual/separate 'main town centre uses' (including retail and leisure uses) *per se* (for the purposes of the NPPF and Policy CP9 of the Local Plan) and the sequential test should not apply in this case, or the policy requirement for a (retail & leisure) impact assessment. Based on paragraphs B29-32 of the Circular and the nature/details of the proposed development, the applicant's position in these regards is a relatively persuasive one. There is a strong argument that the extent and nature of the retail provision within the application site can be reasonably considered as being ancillary to the 'primary function' of the MSA to support the safety and welfare of road users, with the retail offer similar to other-sized MSAs on the Strategic Road Network. Although the site would be accessed off junction 52 and thus has a close access to and from the local road network, its location (by car and other modes of transport) remains relatively isolated from nearby conurbations and settlements, thus likely to ensure that the MSA development would not provide a convenient retail offer for local residents in comparison to existing local retail facilities within Catterick Garrison, Catterick Village and Brompton-on-Swale notwithstanding the proposed non-mode forms of accessibility proposed to be provided as part of the proposals.
- 7.35 The proposed scheme also includes a 100 bed, three-storey hotel. Like the retail offer, the proposed hotel can be seen as being ancillary to the MSA use and a facility that would support the safety and welfare of road users (i.e. by providing a safe and convenient place to stay for road users) rather than helping to create a form of development that is likely to become a destination in its own right. This view is supported by the lack of any significant on-site ancillary facilities within the proposed floor plans of the hotel.
- 7.36 The applicant has undertaken a retail impact and sequential test approach to the development as part of the Planning Statement and Environmental Statement. The impact assessment and consideration of alternative/preferable sites was undertaken on the basis that these elements are inherently linked to the MSA, therefore there would be no impact on retail in the area given that it would be motorway users who would be the patrons of the retail/leisure offer. Likewise, the sequential test only considered alternative sites for an MSA, rather than sites of specific retail and leisure uses within the town centres of Richmond, Catterick Garrison and Leyburn.
- 7.37 Therefore, following further discussions with Officers, and in order to adopt a 'belts and braces' approach, the agent has submitted a detailed Retail Impact Assessment (RIA) document in February 2020 which has assessed in more detail the appropriateness and potential impacts on town centres resulting from the

proposed retail and leisure uses which form part of the proposed MSA development. The RIA again emphasises that the retail, leisure and tourism uses within the development site are intended to primarily serve motorists on the Strategic Road Network, with only 5% of trade estimated to be generated within the catchment area of Richmondshire, thus the impact on existing town centre facilities and the vitality and viability of town centres is not considered to be significant. Furthermore, the RIA reiterates and supports the conclusions of the sequential test exercise (as detailed within the Planning Statement and Environmental Statement) which reviewed the suitability of potential sites.

7.38 Furthermore, in terms of the impact on town centres, the RIA confirms that based on information received from Richmondshire District Council, it does not consider that there are any planned investments within existing town centres within the catchment area that would be potentially to be affected by the proposed development and that the convenience, comparison and leisure floorspace proposed within the MSA site would not impact on the vitality and viability of existing town centres, offering complimentary provision by serving predominantly users of the Strategic Road Network. An assessment has also been made of the likely impact of the hotel (a tourism use) on existing hotel and holiday accommodation uses in the local (Richmondshire) area, with the conclusion being that the location, size and predominantly SRN-using clientele is unlikely to have any adverse impact on existing hotel accommodation within the local town centres, including Catterick Garrison and Richmond.

7.39 Overall, it is considered that through the sequential test exercise (including consideration of alternative sites) and the qualitative and quantitative information, evidence and arguments submitted with the application (including within the Retail Impact Assessment) that the applicant has been able to successfully demonstrate that the proposed development would not have an adverse impact on town centres and their continued viability and vitality, and would meet the requirements of the NPPF and of Policy CP9 of the Local Plan, as detailed above, whilst providing needed services and facilities to users of the strategic road network.

Economic Considerations (including Workforce and Employment Matters)

7.40 The NPPF is based on the principles of sustainable development and requires the planning system to balance economic, social and environmental factors. Paragraph 8 of the NPPF from an economic perspective means “to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”.

7.41 Paragraph 81 establishes that decisions should help create the conditions in which businesses can invest, expand and adapt. Substantial weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential. This approach is reflected in Policy CP7 of the Local Plan which states that in order to develop and sustain the Richmondshire economy.

- 7.42 As stated within paragraph 7.2 above, the Local Plan does envisage that appropriate employment and motorway-related development opportunities would take place on sites adjacent to the upgraded junctions of the A1(M), including the Catterick junctions, and such development which has economic employment benefits for the plan area on this site is a material consideration in assessing the sustainability issues of this current proposal. The application submission (particularly Chapter 12 Volume 1 of the Environmental Statement - "Socio-Economic Effects") and subsequent clarification by the agent has highlighted the particular economic benefits of the development, including how the proposed development would bring economic benefits to the area, with reference to the creation of employment both during and post-construction. It has been calculated/stated by the applicant that the proposed development would generate 35.66 direct Full Time Equivalent (FTE) construction jobs. This will generate an estimated total of 26.07 FTE in the North Yorkshire region and of these it is estimated that 16.85 FTE jobs will be within the Local Impact Area (LIA). During its operation, the proposed development is expected create 227 direct FTE jobs. This translates to an overall net operational employment following displacement, leakage, and multiplier effects of 199.19 FTE jobs at the regional level. Of these 140.48 FTE jobs will be within the LIA.
- 7.43 Further to the direct employment generated from the construction of the proposed development, the applicant has identified other employment-related 'additional benefits' resulting from the construction phase of the proposed development. These secondary impacts would arise from the need to purchase supplies for the proposed development (indirect employment), and from the increased expenditure in the locality by the construction workers (induced employment). Together this beneficial economic multiplier effect will sustain and generate further economic activity in the area, boosting the local economy. The applicant considers this to be a short-term 'moderate positive' impact (as stated within the Environmental Statement.)
- 7.44 A marked increase in available employment opportunity (particularly for local residents) would be an economic benefit to the local area., and the applicant has confirmed that they are willing to enter in a Section 106 agreement to ensure that a specific proportion of the workforce is from the local area (based on the aforementioned calculations/estimations of expected local employment. A Staff Travel Plan has subsequently been submitted with the application, the details of which are discussed in more details within the 'highway impact' section of this report, which would provide staff bus services to local settlements for the benefit of local staff, whilst the footpath/cycleway link to be provided from Catterick Village to the application site would also be of potential benefit to local staff who would be able to use convenient and non-car modes of accessing their place of employment.
- 7.45 Further details have been provided throughout the course of the application period with regards to the applicant's (Roadchef) apprenticeship scheme, including apprenticeship schemes within hospitality, business, retail and customer service (including, where applicable, supervisor, team leader and managerial apprenticeships within these sectors)
- 7.46 Notwithstanding the above, it is noted that concerns have been expressed during consultation on the application regarding the number, types and quality of jobs to be created for local people. The comments are acknowledged, particularly in relation to concerns that the development would provide employment opportunities beyond Richmondshire's boundaries and therefore there is the potential (as per the applicant's calculations/estimations referred to above) for a notable proportion of the

development's workforce to travel to work beyond the local area. However, on the basis that MSAs are a consequence of need, related to the safety and welfare of motorists, it follows that the location of the workforce, and the type and nature of the resultant employment is a corollary of that need.

- 7.47 Overall, the 'one-off' sustainable economic benefits of the proposals (including the creation of local employment opportunities) would help to develop the economy of Richmondshire, albeit to a relatively modest-moderate extent, and thus would be in accordance with Policy CP7 of the Local Plan and section 6 of the NPPF in this regard. This is an important consideration in the determination of this application.

#### Impact on Heritage Assets and their Settings

##### *Overview and Policy Considerations*

- 7.48 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Specifically, Section 66(1) of the Act requires the decision maker to ask whether there would be some harm to setting of listed buildings. If there would be, the Council should refuse planning permission unless that harm is outweighed by the planning benefits of the proposed development. This is a statutory presumption in favour of preservation. However, it has been established through case law that the decision maker needs to give appropriate 'special regard' to the preservation (or no harm) to heritage assets and their settings within this 'weighing up' process where it is concluded with harm will be caused.
- 7.49 Paragraph 194 of the NPPF states that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 195 advises that, 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'
- 7.50 Paragraph 199 of the NPPF confirms that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Paragraphs 200 of the NPPF clarifies that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- grade II listed buildings, or grade II registered parks or gardens, should be

exceptional.

- assets of the highest significance, notably scheduled monuments,...grade 1 and 2\* listed buildings,...should be wholly exceptional.'

7.51 Paragraph 201 advises that 'where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

7.52 Paragraph 201 of the NPPF advises that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 203 confirms that 'the effect of an application on the significance of a non designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.53 Historic England guidance on setting (2011) focuses on its importance and the determination of what it is in each case. It stresses that setting is not in itself a heritage asset, but that it has importance because of the contribution that it makes to a heritage asset. Regard is also required in respect of Chapter 12 of the NPPF which attach great importance to design of the built environment and creating high quality and inclusive development.

7.54 Following several issues raised by both County Archaeology and Historic England in their original consultation responses, the agent subsequently submitted an amended Impact Assessment. The amended Assessment has taken into consideration of the comments/feedback made by the aforementioned consultees which highlighted the potential for Prehistoric and later period archaeological remains and burials along the western part of the application site as well as the extent of the Scheduled Monument within the northern part of the site, both areas of which should be appropriately identified, assessed and mitigated. Based on the advice, the proposed landscaping scheme has been amended to remove previously proposed tree planting along the quarry slope that would have the potential to impact on archaeological remains.

7.55 The objective of the Impact Assessment was to identify the nature and extent of archaeological resource within the development site and its surroundings and assess the impact of the proposed development upon designated and non-designated heritage assets within an identified 'Inner Study Area' (of up to 600m) and an 'Outer Study Area' (between 600 metres and 1,000 metres). Through

consulting with the Historic Environment Record, the amended Impact Assessment has identified two designated heritage assets within Inner Study Area of the application site, and an additional 36 within the Outer Study Area that need to be had regard to in consideration of this planning application. These designated heritage assets include:

Designated Heritage Assets within the Inner Study Area:

- The Scheduled Monument of *Cataractonium* (the southern extent of which extends approximately 8 metres into the northern part of the application site and adjacent to the slope of the former quarry)
- Grade II Listed Catterick Camp and Aerodrome War Memorial (located approximately 500m to the east of the development site off the A6136)

Designated Heritage Assets within the Outer Study Area:

- Grade I Listed Church of St Anne (located approximately 900m to the south-east of the application site)
- Two Grade II\* Listed Buildings of Catterick Bridge (located 805m to the north of the application site)
- The Grade II Listed Building of Thornbrough, a 18<sup>th</sup> century farmhouse located approximately 750m to the north of the application site.
- 31 Grade II Listed Buildings (all located between 760m and 1,00m from the application site), mainly within the settlements of Catterick Village and Brompton-on-Swale
- Catterick Village Conservation Area (located approximately 800m from the application site)
- Pallet Hill Motte and Bailey Scheduled Monument (located 823m to the east of the application site)
- Bainesse Roman settlement and Anglican Cemetery Scheduled Monument (located 930m to the south-east of the application site)

Over one hundred 'additional' (i.e. non designated) heritage assets have also been identified within the Inner and Outer Study Areas.

*Impact on the Scheduled Monument, its Setting and Archaeological Remains*

- 7.56 The *Cataractonium* Scheduled Monument is the site of a Roman fort and town, which includes the remains of a prehistoric henge monument as well as Anglican burials. Although the southern extent of the cemetery and henge of the *Cataractonium* Scheduled Monument extends approximately 8 metres into the northern part of the application site, the Impact Assessment confirms that there would be no planned groundworks associated with the proposed development within or adjacent to the application site that would physically affect the Scheduled Monument. The significance of the Scheduled Monument is the rarity of Roman forts in the UK and the presence of a Prehistoric henge and 5<sup>th</sup> Century Anglican cemetery.
- 7.57 Previous archaeological investigations of the Scheduled Monument have taken place in the 1970's as part of the activities of the Pallet Hill Quarry, revealing the presence of Prehistoric and Roman deposits and remains. Although watching briefs carried out within the Scheduled Monument in the 1990's did not record any features or finds, later archaeological interventions as part of the A1 upgrade included investigations within the western boundary of the application site. This

work revealed a large number of archaeological remains dating from the Roman period.

- 7.58 Based on the available archaeological evidence and data, the amended Impact Assessment concludes that prior to the quarrying activity, the application site had a high archaeological potential, particularly relating to the Roman period. However, since the quarrying of the site most of the remains will have been removed, although the Assessment has highlighted the potential that the edges of the proposed site (i.e. the northern and western boundaries) may still have high archaeological potential based on similar levels that are known to exist or have been found within the surrounding area. The northern edge of the application site in particular, is expected to have preserved remains associated with the henge, Anglican burials and Roman deposits, although it is important to again note that no proposed groundworks are to undertaken within the boundary of the Scheduled Monument or along the northern boundary of the site (an area to be retained for agricultural access to the adjacent field) The mended landscape masterplan and proposed layout plan show a minimum 5m buffer between the proposed operational development and the Scheduled Monument, which the Impact Assessment recommends is retained. The physical impacts associated with the proposed access road within the western part of the site have the potential to impact currently unknown features associated with the finds identified during the A1 improvement works in the locale, although the Impact Assessment states that the impacts can be mitigated by undertaking a programme of archaeological evaluation and, if necessary, targeted archaeological excavation (i.e. trial trenching evaluation and 'strip, map and sample' excavation) to confirm the presence and nature of any archaeological remains an to achieve preservation by record.
- 7.59 Although the majority of the proposed development would be within the area of the application site that has been quarried, the proposed access into the site via the western site boundary would be located within a 0.75 hectare area of land not previously quarried. Based on the additional evaluation comprising of a geophysical survey followed by trial trenching (in order to better identify mitigation options for minimising, avoiding damage to, and/or recording any archaeological remains), the Principal Archaeologist acknowledges that features were detected that are likely to be ditches corresponding with Roman property boundaries, but no evidence of any building remains which would have been beyond the edge of the site. A scheme of 11 trial trenches was then designed and carried out so that the assumed Roman ditches and property boundaries along with other potential features of archaeological interest could be investigated more fully.
- 7.60 The works carried out revealed archaeological deposits comprising ditches and pits cut into the natural subsoil within four of the trenches. Pottery and environmental evidence consistent with a Roman date were recovered and these confirmed the findings of the geophysical survey indicating the presence of a series of enclosures containing Roman settlement activity in the north-east corner of the site. A gully and a ditch containing Roman pot and spelt wheat chaff were also found in two of the other trenches which is likely to be an outlying element of the Roman settlement or an additional enclosure, separate from the roadside settlement. Nothing was found which would require preservation in situ but if planning permission were to be granted further excavations could be carried out within the areas where archaeological remains were found prior to development taking place.
- 7.61 In the light of the further work undertaken, the County Archaeologist has now concluded that there are no objections to this proposal but is nevertheless

recommending that further archaeological investigation and mitigation of the remaining parts of the site with potential archaeological interest be required by planning condition if permission is to be granted to ensure that a full record is provided of the archaeological significance of the site.

- 7.62 Due to the close proximity of the Scheduled Monument to the proposed development (i.e. the Scheduled Monument extends approximately 9 metres into the application site), there is the potential for the proposed development to harm the setting of the Scheduled Monument and its semi-rural landscape character. The Impact Assessment states that the setting of the Scheduled Monument has already been compromised by the development of Catterick Racecourse, the A1(M) Motorway and the quarrying activities, reducing the Scheduled Monument's sensitivity to change, and the proposed development has the potential to impact existing views from the Scheduled Monument looking south and from 'third point views' of the Scheduled Monument looking north, whilst increases in traffic and noise immediately to the south have the potential also to harm the setting and significance of the Scheduled Monument. The amended Impact Assessment has also assessed the visual impact (setting) on the Scheduled Monument, stating that the impact could be mitigated through landscaping on the site boundary and ensuring that the heights of the buildings do not exceed the height of the quarry slopes. The Impact Assessment concludes that such mitigation would likely reduce the potential magnitude of impact of the development on the (setting) of the Scheduled Monument to negligible or no change. In order to mitigate the temporary potential noise and construction traffic impacts on the settings of the Scheduled Monument (and Listed Building specifically mentioned below), the Impact Assessment recommends implementing appropriate traffic and noise management measures in a Construction Management Plan during the construction phase of the development.

*Impact on the Setting of Listed Buildings*

- 7.63 The closest listed building to the application site is the Grade II listed War Memorial located approximately 500m to the east of the site, and would not be physically impacted by the proposed development with the distance between it and the site as well as screening provided by intervening landscaping meaning that its significance and setting would not be affected by the development either. No mitigation is therefore proposed/recommended within the Impact Assessment.
- 7.64 Outside of the Inner Study Area, the Grade I Listed Church of St Anne is located 900m to the south-east of the site. Therefore would be no physical impacts on the Listed Building. Although the top of the church tower is visible from the application site (and likewise, views of the proposed development would be visible from the tower of the church), visual mitigation provided by landscaping would provide appropriate screening (i.e. along the south-eastern site boundary) between the proposed development and the Listed Building. The Grade II Listed Building of Thornbrough, is located approximately 750m to the north of the application site, although due to the distance from the application site, there would be no physical impact on the setting of this Listed building as a result of the proposed development. No other designated and non designated heritage assets within the Inner and Outer Study Areas and their respective settings (including Scheduled Monuments and the Catterick Village Conservation Area) are considered to be harmed by the proposed development. The Impact Assessment concludes that the historic environment impacts should not be seen as an overriding constraint in preventing the construction of the development, as potential harmful physical and

setting impacts can be mitigated by the measures recommended within the Impact Assessment and as discussed in the section of the report

- 7.65 Having considered the latest amended Impact Assessment and the findings of subsequent on-site works, both Natural England and County Archaeology have withdrawn their objections and/or concerns to the application, although County Archaeology have recommended that if planning permission is approved a condition is imposed requiring a Written Scheme of Investigation (WSI) to be submitted and agreed with the LPA prior to the commencement of the development.

#### *Conclusion*

- 7.66 It is important to remind Members again of the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess; section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. However, based on the amended Impact Assessment and taking into account the professional opinions of Historic England and County Archaeology, it is considered that the proposals will not harm any designated or non designated heritage assets, or, overall, adversely affect any settings of such assets (as specifically referred to in this section of the report) and thus would comply with Policy CP12 of the Local Plan and section 16 of the NPPF in this regard.

#### Flood Risk and Surface Water Drainage

- 7.67 Paragraph 167 of the Framework advises that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- the development is appropriately flood resistant and resilient;
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; any residual risk can be safely managed; and
- safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 7.68 Paragraph 169 advises that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- take account of advice from the lead local flood authority;
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

- 7.69 Policy CP2 of the Local Plan states that all new development is expected to be adaptable to climate change and be designed to minimise flood risk on-site and elsewhere by incorporating Sustainable Drainage Systems (SuDS) to minimise surface water flood risk, protection of waterways and providing aesthetic and ecological benefits, unless it is demonstrated to be impracticable or pose an unacceptable pollution risk. Policy CP3 supports sustainable development which promotes the natural drainage of surface water mitigating the effects of flash flooding of rivers, drains and drought.
- 7.70 The application was accompanied by a Flood Risk Assessment and later a Drainage Strategy Report (which has been amended/revised/addended throughout the course of the application), and accompanied by on-site and off-site drainage plans. These documents have assessed the existing risk of flooding on the site and provides proposals for managing flood risk and surface water run-off that would result from the site being developed. The majority of the application site is located within Flood Zones 2 and 3 (including the proposed footprint of the Amenity Building), with the north-western and western parts of the site within Flood Zone 1 (including the site access) There are no streams, becks or rivers within the site, although there are drainage ditches within the site and along the northern boundary which feed into the existing pond to the north east of the site. Following the initial response provided by the LLFA requesting additional information in relation to flood risk (fluvial) and run-off destination, an addendum letter to the FRA from the applicant's drainage consultant (RSK) as well as additional/amended plans and particulars were submitted seeking to address these matters, namely an off-site drainage strategy plan; a drainage strategy and service route plan (rev.P1)' and an amended Drainage Strategy Report

#### *Flood Risk*

- 7.71 The FRA has referenced a 2012 flooding event that affected the site as well as the carriageway of the A1(M) However, the completion in 2018 of the flood alleviation scheme on Brough Beck (to the west of the application site) is stated in both the FRA and addendum letter as providing significant flood risk benefits for the application site:

*“Further to this, and in correspondence with North Yorkshire LLFA, it was noted that the Catterick Flood Alleviation Scheme had been completed and would provide benefits to Catterick up to the 1000 year event. The FRA went on to note that the proposals as part of the flood alleviation works includes for the creation of a flood storage reservoir consisting of two raised embankments and associated outlet controls. The standard of protection is 1% AEP, with a precautionary approach to climate change. Following its completion in 2018, the Flood Alleviation Scheme is outlined to provide protection for 149 homes and businesses in Catterick as well as protecting the A1(M). The embankment location adjacent to the realignment of the A1(M) will restrict the flow path running west to east from Brough Beck which contributes to the flooding on site. From this it can be considered that the site now benefits from defences up to the 100 year event including allowances for climate change and as such (when also factoring in the new A1(M) alignment) the direct fluvial flood risk to the site can be considered **low**. Due to the ‘defended’ nature of the site, a residual risk of flooding would still remain.”*

- 7.72 In respect of flooding from pluvial flooding (rainfall), the FRA identifies that the EA's surface water flood map shows that approximately half the site is located in areas

with a very low risk of surface water flooding, although parts of the eastern and central sections of the site are shown to lie within low to high risk areas of surface water flooding. It is noted that the EA's surface water flood map does not include/take into account the recently completed Catterick Flood Alleviation Scheme which will restrict the overland flow route from the west potentially reducing the overall extent of the surface water flood risk experienced at the site. This notwithstanding, the surface water flood risk to the site is considered to range from very low to high, and the FRA acknowledges this would need to be taken into account in the layout of the site, ensuring the development is not at increased risk of flooding.

- 7.73 The FRA notes that it is stated within the SFRA that, 'groundwater flooding is not a significant risk in Harrogate Borough, Craven District and Richmondshire Districts but it should not be dismissed as a possibility'. Therefore, whilst the FRA concludes that the risk of groundwater flooding is considered to be low, the design of the development (i.e. underground fuel tanks for the petrol station), means that groundwater interactions could be expected during the excavation activities. The FRA recommends mitigation to ensure that any subterranean infrastructure is protected against any groundwater flows, whilst the addendum letter acknowledges the LLFA's recommendation of the undertaking of groundwater monitoring upon completion of the development to ascertain whether any mitigation is necessary.
- 7.74 In their initial response, the LLFA referred to the existence of surface water flooding within the south-easterly part of the site (i.e. medium to high levels) and requested that the applicant further assess this area to ensure that surface water can be adequately managed to prevent on and off site flooding risks. This matter was addressed by the applicant's drainage consultants (RSK) within the addendum letter as follows:

*"The flood risk assessment acknowledges the surface water flood risk associated with the site ranges from very low to high, with the eastern and central sections shown to be most at risk of surface water flooding. The surface water flood mapping notes the linear surface water flow path extending from the west (Brough Beck) and beneath the A1(M) and the A6136 in a north easterly direction towards the site. It is believed that this overland flow route followed the alignment of a former bridleway which ran across the former location of the A1. This bridleway has been removed as part of the flood alleviation works in the area, and as such its influence has been reduced. Where further areas of surface water flood risk remain, these will generally be considered with respect to the surface water drainage design which will accompany the application. There are no plans to alter the area of ponding water in the easternmost section of the site, so surface water flood risk in this area will remain unchanged."*

#### *Flood Risk – Sequential and Exception Tests*

- 7.75 As stated within the FRA, the NPPG classifies the vulnerability of land uses in relation to each flood zone. Depending on the vulnerability classification of a development will determine whether there is a requirement to undertake the sequential and exception tests. With the exception of the hotel element, the proposed development would be classed as a 'less vulnerable' development based on the commercial uses. These 'less vulnerable' sections of the proposed development pass the Sequential Test and does not require the Exception Test to be satisfied. However the hotel would be classed as a 'more vulnerable' use, and the proposals would be subject to sequential and exception tests because of the siting of the hotel element of the scheme within Flood Zone 3a.

7.76 The Sequential Test is required by the NPPF and the NPPG to direct new development to areas with the lowest probability of flooding (i.e. Flood Zone 1). However, if there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources. In line with the Environment Agency's flood map for planning, the hotel development may trigger an assessment against the Exception Test. As noted however, the EA's flood map does not include the influence of the recently constructed Catterick Flood Alleviation Scheme to the west of the site, which following its completion in 2018, provides protection for 149 homes and businesses in Catterick as well as protecting the A1(M). The embankment location adjacent to the realignment of the A1(M) will also restrict the flow path running west to east from Brough Beck which has previously contributed to the flooding on site. From this it can be considered that the site now benefits from defences up to the 100 year event and as such (when also factoring in the new A1(M) alignment) the direct fluvial flood risk to the site can be considered low. Due to the 'defended' nature of the site, a residual risk of flooding would still remain. As a result of the flood alleviation works in the area, it is considered that the development should not be subject to the exception test and would pass the sequential test. This argument has been accepted by the LLFA and the EA in making their consultation responses.

#### *Surface Water Drainage*

7.77 The proposed development would increase the impermeable areas within the site, resulting in an increase in surface water run-off. As such, it is important that a sustainable surface water drainage scheme is proposed for the development. The FRA was completed without infiltration tests having been undertaken for the site, however it is acknowledged that the waterbody on site would indicate that infiltration may not be viable. The lack of public sewers within the vicinity of the site would mean to discharge to sewer would also not be a viable option. The FRA therefore concludes that a restricted run-off rate (of 15.7 litres/second) to the ditch within the site would be the most sustainable means of surface water disposal. It is acknowledged within the FRA that as the site generally falls naturally towards the watercourse / waterbody at the north easternmost section of the site, a gravity surface water drainage network should be achievable with a discharge to this location. The scheme would require attenuation storage of approximately 4,528 cubic metres in order to accommodate the 1-in-100 year event (plus 40% climate change and urban sprawl/creep) A mixture of attenuation basins, and subterranean storage is recommended, although no specific details are included within the FRA. Following further discussions between the applicant's drainage consultants and the LLFA, revised surface water drainage proposals have been agreed, which involve off-site drainage. This element of the scheme would need to be secured through the Section 106 agreement.

#### *Flood Mitigation Measures*

7.78 The FRA and latest amended Drainage Strategy Report recommend several flood risk mitigation strategies to ensure the site remains 'safe and operational' throughout its lifetime, including:

- The construction of finished floor levels for buildings to be set 300mm above 51.67AOD (300mm above the modelled 1-in-100 year event plus 30 per cent for climate change)
- The final discharge flow that will reflect that of the

existing green field runoff has been confirmed within the LLFA, 1.4 litres/per second/per hectare.

- Pollution prevention measures (detailed at paragraph 10.4 of the FRA)
- Groundwater mitigation measures (detailed at paragraph 10.5 of the FRA)
- Flood resistance and resilience measures (detailed at paragraph 10.6 of the FRA)
- On site safety and Warnings (detailed at paragraph 10.10 of the FRA)

7.79 Following the receipt of the latest revised Drainage Strategy Report, and additional information/plans referred to above, the LLFA have been able to confirm that they are able to remove their previous objections to the scheme, subject to the condition referred to above.

#### *Foul Drainage*

7.80 The latest revised Drainage Strategy Report submitted to support the application and a letter from BG Consulting dated 19<sup>th</sup> November 2019 have provided clarification regarding the proposed foul drainage strategy for the proposed development based the LLFA's comments within their consultation responses and subsequent discussions with the applicant's drainage engineers. An amended Drainage Strategy Report was subsequently submitted. The amended Drainage Strategy Report and letter confirm that foul drainage would be connected directly to the off-site mains sewer system by means of a rising main (the Strategy Reports confirms that on-site treatment was considered, but that a mains connection offered the best and most sustainable means of foul disposal). On site storage would allow for a controlled rate of discharge from the development into the sewer system (at a restricted rate to be agreed with Yorkshire Water) Discussions between the applicant's drainage consultant and Yorkshire Water have identified the location of the foul connection outfall to be an existing foul sewer in Bishops Way, to the south-east of the application site. The Drainage Strategy Report states that following discussions with Yorkshire Water, it is considered that a pumping station would be required to facilitate the sewage connection from the development to the public sewer network, following its storage in a central location within the site before it is pumped at a restricted volume.

7.81 Having been formally consulted on the application, Yorkshire Water (in their consultation response) note that the site is remote from any existing water or waste water infrastructure and that it is proposed to connect the proposed development to the main sewer that drains to Catterick Village Waste Water Treatment Works. The proposal will require to lay extensive pipework in order to achieve such a connection (over 100 metres of new sewer). Yorkshire Water state that it may be more feasible to utilise a private foul sewage treatment works for the site, and have recommend a planning condition (should planning permission be approved) requiring details of the proposed means of disposal of foul water drainage for the whole site , including details of any balancing works , off-site works of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority prior to the commencement of the development, and that no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

#### *Conclusion*

7.82 Based on the latest revised Drainage Strategy Report and related plans showing the off-site and on-site surface water and foul drainage proposals, I'm satisfied that the proposed development can be developed with sustainable surface water and

foul drainage, subject to the condition recommended by the LLFA, Yorkshire Water and the EA. Although a significant part of the application site is located within Flood Zones 2 and 3, for the reasons explained in this section of the report it is not considered that the proposed development would be at an unacceptable risk of flooding, or likely to result in flooding elsewhere. Therefore, the proposed development would comply with policies CP2 and CP3 in these regards.

### Biodiversity and Ecology

#### *Background and Policy Context*

7.83 Paragraph 180 of the NPPF advises that when determining planning applications, Local Planning Authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity

7.84 Further guidance is provided in Natural England Standing Advice (October 2015) which states 'Planning authorities should refuse planning permission for developments that would lead to loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. The Standing Advice also confirms that 'If the planning authority decides to grant planning permission in line with the National Planning Policy Framework, it should seek appropriate mitigation or compensation from the developer. The Environment Bill 2020 is also a material consideration in its quest for development to deliver at least 10% improvement in biodiversity value.

7.85 Policy CP12 of the Local Plan states that development will be supported which conserves and enhances the significance of a plan area's natural designated and non-designated assets. Development will not be supported which has a detrimental impact upon the significance of a natural asset and/or is inconsistent with the principles of an asset's proper management. CP12 goes further to state that where avoidance of adverse impacts is not possible, necessary mitigation must be provided to address any harmful implications of the development. Where adequate mitigation measures are not possible, compensatory measures will be required for natural assets, including impacts on biodiversity within the plan area.

7.86 The application site is located within a non-statutory Local Wildlife Site: the Pallett Hill Site of Importance for Nature Conservation (SINC) The designated boundaries

of the SINCS have been recently altered, however the proposed development would nevertheless occupy approximately one-fifth of the area of the SINCS. It is important to state that SINCS are a non-statutory designation to identify sites that provide value as semi-natural habitat such as ancient woodlands, grasslands and wetlands.

7.87 The application is accompanied by an Ecological Assessment and species surveys, which have subsequently been supplemented with further information prepared by ADAS (the applicant's ecological consultants) since the validation of the application in response to concerns and comments raised by both Natural England and the Yorkshire Wildlife Trust contained within their consultation responses. This included a 'Biodiversity Metric and Mitigation Proposals' document in December, 2019. In particular, the document has sought to address the YWT's concerns regarding the loss of the SINCS and the habitat for the wetland birds (for which the SINCS was designated) through ensuring that appropriate ecological mitigation is put in place to ensure that biodiversity is protected and no net ecological loss occurs as a result of the proposed development, through the implementation of a mitigation strategy, following the principles of 'Biodiversity Net Gain.' To address some of the concerns expressed by the YWT, the document highlights the amendments made to the proposed Landscape Masterplan and Proposed Layout Plan to further avoid, mitigate and reduce the impacts on biodiversity, as summarised below:

- The removal of proposed tree planting in the north of the site to allow for unrestricted access to nesting sites by Sand Martins within the sandy ruderal bank
- The replacement of invasive shrubs within the site (i.e. *Rhododendron ponticum* and *Rosa rugosa*) and their replacement with suitable non-invasive species
- The siting of the designated dog exercising areas to protect the margins of the wetland areas as far as possible, including the provision of a gate (for authorised use only) to restrict dog walking to the south-east end of the wetland area.
- The inclusion of a bird 'nesting island' within the amended site layout to mitigate the loss of wildfowl habitat to provide a breeding area for Shelduck or Mallard.

7.88 In addition, the document has identified that the amended Landscape Masterplan and Proposed Layout Plan includes the following habitat benefits and creation measures, as summarised below:

- The creation of a wetland/lake habitat (in the same location as current wetland areas in the site). This area would be surrounded by native shrubs and reedbeds, linking to an existing waterbody outside of the site thus maintaining a wildlife corridor, potentially to be used by Lapwing, Oystercatcher and Reed Bunting. The area would be surrounded by predator-proof fencing.
- The creation of areas of new wildlife grassland within the site, providing flower-rich areas for insects.
- Woodland belt and native shrub planting on the margins of the site to reduce disturbance of wildlife and provide nesting sites and food for birds such as Kestrel, Linnets and the Lesser Redpoll.
- The planting of native trees and hedgerows within the site for use by common bird species, including a new native hedge at the top of the slope.

- The provision of amenity grassland and ornamental shrubs within the site for use by insects and foraging birds.
- The planting of individual native parkland trees to the western side of the wetland area to provide bird nesting and perching opportunities.
- The provision of a green roof (with gravel patches) to the amenity building, providing an area of rough grass for ground-nesting bird such as Plover as well as Starling and for use by insects.

- 7.89 The document also provides the details and results of the 'Biodiversity Metric' that has been used by ADAS to calculate the biodiversity losses and gains as a result of the proposed development, taking into account ecological features in terms of their size, ecological condition, location and proximity to 'connecting' features. The metric enables assessments to be made of the present ecological value of the site and forecasts future biodiversity value, whilst setting a minimum requirements of 10 per cent net (biodiversity) gain, providing a way of calculating biodiversity gains and losses associated with the proposed development.
- 7.90 Overall, the document shows that the proposed development would result in a positive net unit change of 17.42 habitat units, equating to a percentage change of 46.51%. Furthermore, the proposed development is calculated to result in a positive net change of 1.85 habitat units for 'linear features (e.g. hedges and tree lines), equating to a percentage change of 32.91%. These percentages show biodiversity an overall net gain as a result of the proposed development, and a level of gain above the 10% minimum normally expected.
- 7.91 The document has however identified that the biodiversity net gain calculation has identified a loss of 10.17 habitat units of high value wetland habitat (within the 'distinctiveness' category), equating to 7% and 0.67ha. It is not considered that this wetland habitat loss can be successfully mitigated on site through the proposed landscaping scheme and site layout, and the wetland/lake areas being provided won't replicate the type of wetland habitat being lost which currently supports sensitive bird species such as Ruff, Lapwing, Wigeon, Teal, Golden Plover and Redshank. The document has also identified that there would be a calculated loss of 19.16 habitat units of modified grassland. Although this habitat is categorised as 'low value distinctiveness', its loss can't be mitigated for within the landscaping and layout of the scheme due to lack of space.
- 7.92 The aforementioned loss of wetland and modified grassland habitat units requires 'like-for-like' habitat provision/creation off-site. ADAS, within section 4.4 of the document, recommends that as no suitable off-site location has been identified, an appropriate ring-fenced fund should be required to be used to achieve the lost wetland and modified grassland habitat units off-site within the River Swale Corridor, as well as the long term agreement of any off-site habitat to be secured through a Section 106 agreement. The document also recommends that a 10 year Ecological Management Plan for the SINC is produced and adhered to, to be secured through a Section 106 agreement. In addition, the document recommends planning conditions to be imposed, as summarised below:
- The submission of and approval by the LPA of a 'Reasonable Avoidance Measures' Statement to include measures, practices and procedures to protect wildlife to protect wildlife during construction.
  - The prior approval by the LPA of a wildlife-sensitive 'low pollution' lighting scheme to avoid lightspill and prevent the disturbance of wildlife.

- The submission and approval by the LPA of a Landscape Maintenance Plan for the developed site.

7.93 In addition, a 'S106 Habitat Compensation' document was also produced by the developer's ecological consultants (ADAS) to counter the Yorkshire Wildlife Trust's response that there would be a requirement to provide 36 hectares of new habitat in order to negate the habitat that would be lost as a result of the proposed development, at a total compensation cost of £1,927,129 (including land purchase, management and maintenance fees) In summary, the document argues that above compensation cost is excessive to compensate for the loss of 29.33 habitat units, and that a smaller area than 36 hectares would be required to compensate this loss of habitat units. It is stated that ADAS's calculations and financial valuations (in accordance with Natural England's Beta Version 2.0 Metric) show that a land parcel of 12 hectares would be sufficient to off-set the loss of 'high distinctiveness' habitat units by providing a replacement of 34.72 habitat units, in addition to the 52.14 habitat units to be created on site through the aforementioned on-site ecological proposals (which ADAS argue that the YWT have not taken into consideration in their offset cost calculation, As such, the offset cost should only be a maximum of £869,512.

7.94 In order to provide the Local Planning Authority with specialist ecological advice on the proposals and help advise on any appropriate level of habitat compensation and biodiversity net gain required (should planning permission be granted for the proposed development), North Yorkshire County Council's Principal Ecologist has taken an active role in discussions with the agent, ADAS, YWT and LPA Officers during the application process. This involvement has included assessing alternative sites with the potential to provide compensatory habitat to off-set the loss that would occur if the scheme were to proceed.

7.95 As noted in the 'Consultation' section above, the Principal Ecologist has provided a formal response welcoming the proposed on-site mitigation and compensation measures proposed within the amended scheme, and notes the contribution to biodiversity that will be made in the local area. She had also acknowledged that the biodiversity metric (used by ADAS) has demonstrated that the proposals would result in an increase in the variety of habitats being provided to the benefit of different species, although if planning permission is to be approved, she recommends specific conditions to secure the on-site habitat mitigation/enhancements:

- The approval of a biodiversity Construction Environmental Management Plan (CEMP) to include measures to avoid/mitigate impacts upon habitats and species during construction as well as any pre construction/preparatory work.
- The approval of details of a sensitive lighting plan to ensure that habitats are not illuminated.
- The approval of a Biodiversity Enhancement and Management Plan (BEMP) for the development site to include all of the landscaping and biodiversity 'net gain' measures proposed, and details of their monitoring and long term management.

7.96 In her final response, the Principal Ecologist has also acknowledged that the applicant/agent (since August 2020) has undertaken substantial investigations seeking an appropriate off-site compensation area (the details of this search have been compiled by the agent within an Off-Site Compensatory Habitat Land Search document provided at **Appendix 3** for Members to consider). Although she

acknowledges that no site has been forthcoming despite the efforts of the applicant/agent, the investigations have provided a better understanding the work required in identifying a site and a more accurate picture of the costs associated with not only delivering the off-site compensation area, but its monitoring and long term management. In respect of the compensation package submitted by the applicant (which includes an endowment fund to pay for a project officer, land purchase/long-term lease, capital works, maintenance, monitoring and long term management, she considered the ecological objectives of the offsite fund to be appropriate and the proposed funding 'well costed' and taking a precautionary approach to uncertainties. She also supports the outline mechanism, for delivery. Overall she considers that the compensation package (including the endowment fund) proposed 'can achieve the compensation required to offset the partial loss of the Pallet Hill SINC in line with both Local Plan and national policy, subject to securing the offsite compensation fund and strategy through a Section 106 agreement, as well as (potentially) a long-term management plan for the remaining (undeveloped) Pallet Hill SINC.

- 7.97 Ideally, a suitable and specific off-site compensation area would have been identified within the Swale Valley catchment area that was capable of providing long term compensatory habitat for the loss of the 'high distinctiveness' wetland and modified grassland habitats that would be lost as a result of the proposed development. However, despite the efforts of the applicant/agent, several potentially suitable sites identified could not be secured due to landowners being unwillingness to sell. Both the Principal Ecologist and Officers are satisfied that the applicant/agent have taken all reasonable efforts to identify and then secure potential compensatory sites within the Swale Valley catchment area but with no success. Given this lack of securing an appropriate site over a period of approximately 6 months, the proposed compensation fund (with appropriate mechanisms for its use) is considered to be a reasonable and acceptable approach and amount to provide the offsite compensatory habitat required.
- 7.98 Whilst it is acknowledged that the proposed development would have a detrimental impact on the significance of the Pallet Hill SINC in relation to the habitat it provided for specific species of wading birds within the Swale Valley, national and Local Plan policy require appropriate mitigation and compensatory measures to be implemented if the development cannot be avoided on site. Detailed sections of this report have assessed an identified need for a MSA on this part of the A1(M) with no clear alternative site or proposals that could meet this need. As such, an alternative site (as required to be considered first by the NPPF) is not considered to be available. Therefore, in compliance with the requirements of the NPPF and Policy CP12 of the Local Plan, the agent has sought to provide mitigation measures (particularly in terms of the future impacts and managements on the rest of the SINC not directly affected by the proposed development) and appropriate compensatory measures (in the form of the compensation package (including the endowment fund) Therefore, subject to Natural England being satisfied that the proposed mitigation and compensatory measures would successfully address their stated concerns about the impact on the Swale Lakes SSSI, I'm satisfied that the as stated biodiversity net gains within the site, as well as the mitigation, compensatory and future management measures to be agreed through planning conditions would ensure that the proposed development would not conflict with the Local Plan and NPPF requirements and expectations.
- 7.99 Due to the significant impact on the proposal on the SINC and the nature conservation and biodiversity of the site it has been necessary to carry out

additional work to assess alternative sites suitable for motorway service areas within the search area as described in the Alternative Site Assessment (ASA). This was carried out by a consultant and the assessment concluded that it is evident that there is not one site identified which has no issues in terms of either technical, environmental, planning or delivery. No preferable alternative sites have been identified. Upon further assessment of the document (ASA) it is evident that the delivery of a motorway service area within the search area is unlikely to be achieved within the foreseeable future. There is an identified need for a motorway service area and the application can address that need subject to suitable mitigation.

#### *Conclusion*

- 7.100 On balance the proposed development would provide acceptable onsite biodiversity/habitat mitigation and enhancement, and appropriate compensatory funding and mechanisms (subject to a Section 106 agreement) to secure suitable offsite habitat creation to ensure that the proposed development would comply with the Local Plan and NPPF requirements with regards to biodiversity impacts, subject of the approval of the latest measures by Natural England in terms of the impact on the Swale Lakes SSSI. These would be secured through an appropriately worded S106 and conditions should planning permission be granted.

#### Relationship to, and Impacts on the Strategic and Local Road Networks

- 7.101 Paragraph 110 of the NPPF advises that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 7.102 Furthermore, paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.103 Policy CP3 of the Local Plan states that, 'Convenient access via foot, cycle and public transport should exist or be provided, where possible, encouraging the use of these modes of travel for local journeys and reducing the need to travel by private car and improving the accessibility of services to all. Transport schemes that lead to improvements in accessibility will be supported. The potential for more sustainable means of transport related to the uses and users of the development must be addressed. This includes the preparation of travel plans and consideration of the scope to utilise local sourcing of materials and supply chains.' Policy CP4 of the Local Plan states that development will be supported which does not have a significant adverse impact on amenity and highway safety.

- 7.104 As stated within Circular 02/2013, MSAs perform an important road safety function by providing opportunities for the travelling public to stop and take a break during their journey. This reduces to likelihood of road traffic collisions caused through driver fatigue. Nonetheless, as with any other form of planning application, the applicant must demonstrate that there would be no severe impacts upon the safety and operation of the SRN, in this case, the A1(M) in accordance with the NPPF.

- 7.105 Vehicular access to the proposed development is proposed off junction 52 of the A1(M), allowing traffic travelling in both northern and southern directions along to the A1(M) to access and egress the site. Access to the junction from the A1(M) carriageway is provided via slip roads. The proposals would utilise an existing spur which National Highways included off the roundabout at junction 52 during the upgrade of the A1(M) in order to potentially accommodate future motorway services development. The spur is off the eastern of the two roundabouts at junction 52. The junction also provides access to and from the A6055.
- 7.106 The application was accompanied by a Transport Assessment (TA). The TA includes: an accessibility audit of the application by different modes of transport; a review of the immediate highway network; a summary of development in the area pertinent to the application; parking requirements for the development informed by traffic flow data; trip forecasts, and a highway network assessment of Junction 52. The amended proposals would include the provision an additional section of footpath (61 metres in length) in order to provide pedestrian access to and from the southern part of the development site to the existing Public Right of Way network that connects to Catterick Village. This would provide the opportunity for staff to access to the site by foot. Although there is no public transport services proposed to serve the site, it is proposed to provide a shuttle bus service to the scheme for use by staff.

National Highways Response and Impact on the Strategic Road Network (SRN)

- 7.107 Whilst National Highways initially required additional time to be able to fully assess the proposals, the applicant and their highway consultants have worked proactively with the Highway Authority and National Highways in particular, such that Highways England have lifted their initial “holding direction” and both they have now issued recommendations of conditional approval, subject to conditions as detailed within paragraph 6.13 of this report.

Local Highway Authority’s Response and Impact on the Local Road Network (LRN)

- 7.108 The Local Highway Authority (LHA) have been consulted on the application, and following clarification on several matters and the subsequent positive response of National Highways, the Highway Authority have raised no objections of the proposals, subject to conditions detailed within paragraph 6.14 above and a Section 106 agreement to secure the new footpath/cycleway link from the development into Catterick Village.

Sustainable Travel, Accessibility and Staff Travel Plan

- 7.109 A Staff Travel Plan (STP) dated March 2020 has subsequently been submitted with the application at the request of National Highways and to meet the requirements of Section 9 of the NPPF which requires all developments that will generate significant amounts of traffic movements to provide a Travel Plan. Although it is recognised by National Highways and Officer that sustainable travel options to the development are likely to be relatively limited, the STP has nevertheless identified opportunities for sustainable employee travel initiatives to be implemented in order to seek to reduce demand for travel by less sustainable modes and encourage staff to commute sustainably. To meet these objectives, the STP have recommended the implementation of the following actions:

- It has been confirmed within the STP that a Travel Plan Coordinator will be appointed by the developer prior to the occupation of the development (for a period of at least five years) to deliver any measures, as well as undertaking monitoring and review.

- The provision of a staff shuttle bus scheme for the development to help reduce the overall number of car journeys made by staff. This would be funded by the developer (the Heads of Terms for the Shuttle Bus Scheme has been provided at Appendix A of the STP)
- The provision of designated cycle parking within the scheme to be used by staff (e.g. those who wish to take their bicycles on the shuttle bus service)
- The implementation of an employee car-sharing initiative to reduce the overall number of car journeys and to encourage a pattern of more efficient car use amongst employees.
- Ensuring shift patterns result in commuting times that are usually outside of peak traffic times.
- The provision of emergency lifts so staff can be confident of not being stranded at work.
- The provision of sustainable travel information to staff.
- The provision of secure electric vehicle charging points for staff and visitors.

7.110 In addition, National Highways have recommended that dedicated cycle storage on site is provided not just for employees, but also for customers. This can be required by planning condition.

7.111 An Action Plan contained within the STP sets out the specific measures to be taken to implement the aforementioned actions, and also includes ‘trigger points’ for delivery and details of timescales, and monitoring. In March 2020, National Highways reviewed the contents of the STP and confirmed that it was ‘acceptable for the purpose of the proposed development’.

#### *Non Car Modes of Accessibility*

7.112 Following discussion/negotiations with the Local Highway Authority and National Highways, the proposals for cycle access to the proposed development have been revised so that a footpath/cycle link is provided from Catterick Village to the east of the site. An Off-Site Footpath and Cycleway Plan has been provided as part of the application. Showing details and the route of the footpath/cycleway link. The footpath/cycleway link would be secured through the Section 106 agreement.

#### *Parking Provision*

7.113 As provided within the latest Vectos response letter (as requested by National Highways), suitable proposed parking provision was within the proposed MSA has been agreed for:

- Car
- HGV
- Coach
- Caravan
- Motorbike

#### *Lorry Parking Provision*

7.114 Paragraph 109 of the NPPF emphasises the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. The proposed development proposes dedicated overnight lorry parking provision within the proposed development. The provision has been considered by the Road Haulage Association (RHA), who, in their consultation response, are supported of the proposed development and the lorry parking provision proposed. The proposals

would provide much needed dedicated lorry parking with the Plan Area with access to facilities for drivers. As mentioned in the RHA consultation response, the lorry parking provision would ease the pressure on existing lorry parking facilities (such as at Colburn) and reduce the need of overnight lorry parking within laybys and residential streets within the Plan Area. The proposals would comply with paragraph 109 of the NPPF in this regard.

### *Signage*

- 7.115 Since the submission of the application, the applicant has liaised with National Highways to ensure that all necessary parameters are met with regards to the provision of eligible signage from the A1(M).

### *Stage 1 Safety Audit*

This has been completed for the proposed development to the satisfaction of Highways England

### *Conclusion*

- 7.116 An extensive amount of negotiation and amendments have been carried out by the applicant's highways consultants in order to meet the requirements and expectations of National Highways and the Highway Authority, including altering the layout of the scheme to alter the access arrangements, the approval of technical details including signage and splitter island specification, confirmation of suitable parking provision, the undertaking of an acceptable Stage 1 Safety Audit and the provision of a footpath/cycleway route into the eastern part of the application site. The successful conclusion of these negotiations has allowed National Highways to belatedly remove their 'non determination' holding objection and recommend the application for approval, subject to conditions requiring specific technical details of the proposed development to be agreed prior to the commencement of the development. Likewise, the Highway Authority have also subsequently provided a positive recommendation raising no objections to the application, subject to conditions and the completion of a Section 106 for the provision of the footpath/cycle route. As such, the proposed development would not raise any severe or unacceptable issues with regards to the strategic and local road networks, or result in any significant adverse impacts on highway safety. The amended application would therefore meet the requirements and expectations of the NPPF in this regard, as well as policy CP4 of the Local Plan.

### Design, Landscaping and Impact on the Appearance of the Site and the Character of its Surroundings

- 7.117 Paragraph 130 confirms that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Similarly, Policy CP13 of the Local Plan gives priority to high quality design of both buildings and landscaping.
- 7.118 Paragraph 174 of the NPPF confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing value landscapes, whilst CP12 expects the character of the landscape to be protected.
- 7.119 The "Design Methodology" (as stated within the Design and Access Statement) is to design a scheme that sits harmoniously within the context of the development's rural setting with materials and landscaping that reflect the local vernacular. The elevational treatment to both the hotel and amenity buildings is based on a 'heavy' stone plinth (constructed in a local, coursed rubble stone, with a lighter 'stone' type cladding above, and an undulating "green roof" would visually link the hotel and

amenity buildings, whilst a screen wall runs through the buildings providing more visual connectivity to the development, cumulating in a concrete monolith structure within the lake to the south of the amenity building. A concrete screen wall would run from north west to south east linking both buildings, creating a defined cut through the existing landscape. The screen wall is perforated in various locations to allow access through and into the hotel, delivery yard and amenity building before stepping down through the external seating terrace and terminating in the ornamental lake to the south of the building.

7.120 The application site is located in an agricultural context between the A1(M), Catterick Racecourse and the settlement of Catterick Village. The application site's character and immediate surroundings are categorised by semi-mature woodland, ponds created by quarrying, field parcels varying in size and semi-mature hedgerow field boundaries. The application site benefits from a substantial level of visual enclosure, which is provided by its location below surrounding land in a former sand and gravel quarry and by blocks of woodland to the south, and south east. Junction 52, the south bound slip road approaching the junction and part of the A6136 are elevated above ground level and there are views from these into the site. However, the topography and previous quarry-related excavations would provide a natural backdrop to the site, particularly the amenity and hotel buildings sited within the north-eastern part of the site.

*Assessment of Building Design, Landscaping and Impact on Landscape Character*

7.121 It is stated within the application documents that the architecture, design and use of materials have been chosen to integrate with the context of the site and its surroundings. In terms of scale, the proposed amenity building would be two storeys in and the hotel building is three storeys. Although these two larger buildings within the development would be separated by an external delivery yard, they would nevertheless be connected by one continuous 'green' roof. This 'green' roof, with its undulating form and natural appearance, seeks to reflect the character of the rural surroundings in which the site is located. As stated above, the elevational treatment to the hotel and amenity buildings would have a stone plinth with a lighter-coloured 'stone' type cladding. The proposed stone plinth would be constructed in a coursed local stone. The proposed cement rain screen cladding above has been included as part of the design (as stated within the application documents) with the intention to include a 'modern day' material to compliment the stone coursing below, which 'read as one, the elevations give the effect of a striated stone façade set into the grass escarpment directly behind.' The drive thru' buildings would have a panelled elevations.

7.122 A Landscape Visual Impact Assessment (LVIA) has been submitted with the application as part of the Environmental Statement which has assessed the potential impact of the proposed development on the character of the landscape, and recommended landscape mitigation and enhancement measures. The LVIA identifies a number of key landscape principles which have been incorporated into the development proposals, including:

- The provision of green infrastructure that will contribute to the environmental quality of the site and link with the countryside around the application site.
- The creation of a high-quality landscape setting for the facility with minimum impact on the landscape character and visual intrusion in the countryside.
- Ensuring the layout responds to the existing landscape particularly the former quarry face and natural slope of the site from east to west.

- To provide travellers<sup>7.98</sup> an attractive environment in entering and leaving the site.
- Ensuring the site responds to the surrounding setting and established vegetation using structure planting to reinforce the existing vegetation and link into existing planting.
- The provision of additional planting of over 7000 trees and shrubs in the application site.
- Ensuring physical and visual integration with the character of the local landscape and countryside.

7.123 The amended Landscape Masterplan and relevant application documents have detailed the soft and hard landscaping proposals (based on the aforementioned landscape principles referred to above) seeking to mitigate the negative landscape impacts of the development, and also provide landscape enhancement, where possible. This includes tree and shrub planting (of over 7,000 trees) to be planted in wide belts along the site boundaries maintaining and adding to the existing contained nature of the site; the creation of areas of wild flora and grass meadow areas and wetland areas, including a proposed ornamental lake with a variety of edge habitats (including wetland tree and shrub edge planting, reed bed and wet grassland), as well as a separate area to provide a series of linked ponds in a nature reserve area with limited public access. Hedgerows will be used through the site to increase the vertical screening and increase the habitat potential of all areas on the site. A green roof would also be utilised with clear visual and biodiversity benefits, as discussed above. The amended site layout (as a result of the requirements of Highways England regarding access arrangements) has afforded the opportunity to introduce new landscaping features, including gabion baskets and retaining wall sections to the western site boundary, helping to create a more aesthetically pleasing landscaping feature within the site.

7.124 Overall, the design of buildings, use/layout of space within the site and the proposed (as amended) landscaping scheme would represent high quality design and would ensure that the proposed development would not have a significant or unacceptable impact on the character of the landscape in which the proposed development would be sited, and would comply with Policy CP13 of the Local Plan.

#### Lighting

7.125 Paragraph 185 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst other matters) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation

7.126 A Lighting Appraisal has been submitted with the application. The proposed lighting scheme would consist of “low level” columns and “cut off” luminaires which are designed to limit upward light pollution and the impact on wildlife and the Scheduled Monument. The MSA would operate 24 hours per day and would therefore require external lighting during the hours of darkness, there also taking into account safety and security. It is proposed that the MSA Site lighting scheme would comprise 43no. 6 metre high columns and 106 (6 metre high) columns using three types of LED luminaire. The light is directional with low spill. The proposed car park luminaires have zero upward light distribution. It is proposed that the lighting scheme would operate on a Central Monitoring System (CMS) which gives full

management of the lighting system. The CMS would automatically switch to the lower levels of lighting recommended in the Institute of Lighting Engineers (ILE) Guidance notes. This dimming would occur during hours of least activity (typically 23:00hrs – 05:00hrs) and potentially during other sensitive periods. Overall, the proposed lighting scheme is considered to be appropriate for the needs of the site, whilst reducing light pollution and impacts on ecology and heritage assets, in accordance with paragraph 180 of the Local Plan and CP13 of the Local Plan.

#### Land Quality and Contamination

- 7.127 The Agricultural Land Classification has confirmed that all of the agricultural land affected by the proposed development would be Grade 3B and thus not be classed as best and most versatile agricultural land, which the NPPF and Local Plan policy expects to be protected.
- 7.128 Paragraph 184 of the NPPF confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The overall impact of the development on ground conditions is therefore considered negligible and would be reduced by good management practices being adopted during any construction phase. The application is accompanied by a Ground Condition (Land Contamination Assessment) which reviews the potential for any part of the site to be affected by contamination from previous uses (either on the site itself, or in the surrounding area). The assessment concludes that the risk of the site being contaminated is low, but more specific intrusive ground investigations would, in any event, be carried out as part of the detailed building design works if planning permission were to be granted. Environmental Health have raised no objections to the proposal in relation to potential contamination, but a planning condition can be used to ensure the proper completion of the further investigation works and any remediation measures identified.

#### Amenity and Relationship to Surrounding Land Uses

- 7.129 The site is bounded by the A1(M) motorway, agricultural land (included the Scheduled Monument site to the north) and Catterick Racecourse and a mineral processing yard site to the east. The proposed development (as ‘the agent of change’) is not considered to have a significant or unacceptable impact on the existing and likely future business operations of Catterick Racecourse and the mineral processing site.
- 7.130 Although there are three dwellings (i.e. farmhouses) within a 1 km radius of the site, none of these residential dwellings would be of a distance close enough to the proposed development to have a significant adverse impact on the amenities of their occupants in terms of noise and disruption, particularly given the siting of the development, whilst the sensitive lighting scheme discussed above should ensure that there would not be any significant adverse amenity impacts in terms of light spill or glare. The nearest settlement to the proposed development site is Catterick Village to the east and south-east, although, similarly, the nearest existing and proposed residential dwellings within Catterick Village are sufficient distance away from the proposed development not to raise any significant adverse amenity issues with regards their occupants, although the amenity concerns of residents within Catterick Village who submitted consultation/consultation responses are noted. Concerns have been expressed about additional disruption for Catterick Village residents from use of the new footpath/cycleway which links the settlement to the proposed MSA development. Whilst it is acknowledged that the new link would create more passers-by of some of the residential properties on the western edge of

Catterick Village, the likely numbers of pedestrians and cyclists involved is not considered to raise any significant adverse issues in terms of neighbour amenity. It should also be noted that having been consulted and reconsulted on the application, Environmental Health have raised no significant or unacceptable concerns with regards to the impact on the amenity of residents. Any impact during the construction phase can be appropriately dealt with through the imposition of a construction management plan, which would control hours of work and other construction-related matters.

#### *Conclusion*

- 7.131 Overall, and subject to the imposition of planning conditions, the siting and relationship of the proposed MSA would not cause any unacceptable and significant adverse impact on the occupants of residential properties within the locale, and the proposal therefore complies with Policy CP4 of the Local Plan in this regard.

#### *Response to Climate Change*

- 7.132 Whilst the full scope of carbon savings in accordance with Local Plan policy requirements would be fully established at the detailed building design stage (and the submission of an Energy Statement) if planning permission were to be granted, the scheme provides appropriate commitments at this stage to reducing the carbon footprint of the development. This would involve the use of a green roof for the amenity and hotel buildings, designated electric car charging points, energy efficient lorry 'power pedestals', and energy efficiency in building design and operation. Flood risk mitigation, sustainable drainage, landscaping/planting and on-site ecological mitigation/enhancement (considered in more detail in other sections of this report) are also relevant to the sustainability and environmental credentials of the scheme. Overall, therefore, and subject to confirmation of how specific carbon savings would be achieved in practice through compliance with suitable planning conditions if permission were to be granted (including the provision of an Energy Statement), the proposal provides an appropriate response to climate change in accordance the requirements and expectations of CP2 of the Local Plan and the NPPF.

#### *Crime and Community Safety*

- 7.133 The Police Architectural Liaison Officer (of North Yorkshire Police) was consulted on the original consultation and the reconsultation and has commended the proposal for the development to be 'Secured By Design'. Secured by Design accreditation can be secured by planning condition if planning permission is approved. The proposed development would be in accordance with the relevant expectations of the NPPF and CP13 of the Local Plan in this regard.

#### *Other Issues*

- 7.134 Councillor World raised a concern during the original consultation period regarding the opportunity for gambling within the games and leisure area within the proposed amenity building. Whilst the concern is understood, there are no relevant policies within the Local Plan or guidance within the NPPF and NPPG that would enable the LPA to restrict or prevent the provision of gaming machines within the MSA

#### *Planning Obligation (Section 106 Agreement) – Heads of Terms*

- 7.135 Paragraph 204 of the NPPF confirms that planning obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.

7.136 Following ongoing discussions between Officers and the agent, the agent has submitted a draft Heads of Terms covering issues/matters including the provision of the new footpath/cycleway, off-site drainage. In addition to these matters, other issues raised by technical consultees in their consultation/reconsultation responses would also need to be dealt with through a Section 106 agreement. In summary, the following matters/issue would need to be included within Section 106 agreement(s) to be signed by all relevant parties prior to the issuing of planning permission:

- The implementation of the measures within the Staff Travel Plan, in accordance with the timetable as set out within the Implementation Action Plan (this would include delivery of the non-vehicular access from Catterick High Green and the funding of the design & delivery of the secure off-site cycle storage) and the provision for payments to North Yorkshire County Council for its annual monitoring (as recommended by the Local Highway Authority)
- Provision(s) to be made for the creation and implementation of the footpath/cycleway (including the creation of the proposed additional 61 metre length of footpath to be created between the application site and the existing Public Right of Way network) in accordance with the latest Off-Site Footpath and Cycleway (to Catterick Village) Plan and Schedule for Works
- Payment of the agreed habitat compensation payment/endowment fund (£869,512) to RDC for the procurement, implementation and management and long-term review/monitoring for the offsite compensatory habitat creation, (in general conformity with the 'Details of the Habitat Compensation Fund' document submitted by the agent and available for Members to view at **Appendix 3** (as recommended by the County Ecologist)
- Provision and implementation of a long term management (and review) plan for the Pallet Hill SINC (as recommended by the County Ecologist).
- Provision, implementation and future maintenance of all off-site drainage works based on the latest Drainage Strategy Report, and Off Site Drainage Strategy and Service Route Plan (as recommended by the LLFA)

#### The Public Sector Equality Duty

7.137 There is a requirement for the Council to show that it has complied with the statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

7.138 As stated within the Design and Access Statement, all pedestrian access into the buildings on site will be level, and overall, there is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described within the paragraph above.

## 8.0 Conclusions

8.1 This report has demonstrated that there is an identified need for a new MSA facility to serve road users of the A1(M) between Durham and the approved MSA services at the Vale of York. Case law has established that considerable weight can be given

in such instances to meeting this need because of the safety of users of the strategic road network. An assessment has been made of alternative sites including those with extant and pending application for motorway service areas which assessed alternative sites concluding that there is not one site identified which was preferable. All the sites assessed had issues in terms of either technical, environmental, planning or delivery. There is not considered to be another proposal or site that would be preferable and realistically be able to meet this need.

- 8.2 The impact on nature conservation is a significant material consideration in the assessment of the application and therefore significant compensatory measures have been sought to address the impact. In this case the impact of the development would cause an adverse impact. The application site is located within the Pallett Hill SINC, and in accordance with Local Plan policy and the NPPF, the applicant has sought to both mitigate, and where not possible to do so, compensate for the harm that would be caused to the biodiversity and ecological significance of the SINC, particularly its importance for providing habitat for specific species of wading birds.
- 8.3 Despite the efforts of the applicant, no compensatory habitat site could be found at the current time, however a robust scheme for the provision of the compensatory habitat (including the payment of an endowment fund by the applicant) has been agreed between the applicant's ecologists and the County Council's Principal Ecologist which would provide the certainty that the compensatory habitat can be provided. In addition, a future management plan for the remaining SINC is to be agreed, as will the provision of detailed landscaping and biodiversity net gains for ecology within the application site itself.
- 8.4 Following extensive negotiations with National Highways and the Highway Authority, which has included alterations to the layout of the scheme, both statutory consultees have confirmed that the proposals are acceptable in terms of their impacts on the strategic and local road networks, and the development is not considered to have any significant adverse impact on highway safety.
- 8.5 The proposed development would provide new jobs and would benefit the local economy of Richmondshire without any unacceptable impacts on town centres and their vitality and viability. The proposed development would not raise any significance adverse impacts in terms of the amenity of residents within the locale, or affect the operations of existing businesses. Subject to relevant conditions, the proposed development would be of high quality design and landscaping, and would not adversely impact on the surrounding landscape/countryside. There would be no harmful impact on the Scheduled Monument or on the settings of other heritage assets within the vicinity. Subject to conditions, the proposals raise no unacceptable issues in terms of land contamination. Overall, the proposed development meets the requirements and expectations of the Local Plan, the NPPF and NPPG.

## **9.0 Recommendation**

- 9.1 It is recommended that planning permission is granted subject to the completion of a Section 106 agreement that would include the requirements/obligations as specified within the main body of the report.
- 9.2 Should the Committee resolve to conditionally approve planning permission, delegated authority to officers is sought for the imposition of any other conditions in addition to the following list of recommended planning conditions within Section 10

below, and/or any minor amendments to the wording of the recommended planning conditions listed below.

- 9.3 In any of these situations, the planning permission would then only be issued after agreement with either the Chair or Vice Chair of the Planning Committee regarding the proposed additional and/or amended planning conditions.

## 10.0 Recommended Planning Conditions

- 10.1 Should Members resolve to approve planning permission, the following planning conditions (and informatives) are recommended to be imposed:

**Condition 1:** The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

Application form and certificates  
Design and Access Statement  
Planning Statement  
Traffic Assessment  
Flood Risk Assessment  
Socio-Economic Statement  
Statement of Community Involvement  
Letter dated 18 September 2019 – supplement to submitted FRA  
Amended ES Ch 8 Archaeological Impact Assessment  
Letter dated 21 October 2019- Ecology and Archaeology  
Technical Note 184259/TN01  
Drainage Strategy Report 218257/Nov2019 Rev B  
Biodiversity Metric and Mitigation Proposals  
S106 Habitat Compensation  
Retail Impact Assessment  
Staff Travel Plan  
Stage 1 Road Safety Audit  
Supplementary Statement:  
Report of meeting with neighbouring Parish Councils  
Drainage Strategy Report 218257 April 2020 Rev C  
Footpath/Cycleway between Catterick Village & MSA.  
RC-575 1000 Rev P Site Location Plan  
RC-575 1001 Rev P3 Proposed Site Plan  
RC-575 1004 Rev P Proposed Lighting Layout  
RC-575 1005 Rev P Existing Site Sections  
RC-575 0100 Rev P Service Building & Hotel Proposed Plan - Level 0  
RC-575 0101 Rev P Service Building & Hotel Proposed Plan - Level 1  
RC-575 0102 Rev P Service Building & Hotel Proposed Plan - Level 2

### Reason for Condition

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

*Highways England Recommended*

**Condition 2:** Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of the site access, as shown in principle on Drawing Number VD18809-D100 General Arrangement Rev P08, or any structure or apparatus which will lie beneath the access must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. The site access must be completed in accordance with the approved details prior to the first occupation of the site.

#### Reason for Condition

To ensure that the design is appropriate in the interests of the safety and convenience of highway users

#### *Highways England Recommended*

**Condition 3:** No part of the development shall be occupied prior to implementation of the Approved Travel Plan dated March 2020 (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

#### Reason for Condition

To establish measures to encourage more sustainable non-car modes of transport.

Informative note: If this matter is to be secured by an obligation in a Section 106 Agreement Highways England would require assurances that the Local Highway Authority are a signatory to the Agreement.

#### *Highways England Recommended*

**Condition 4:** No development shall commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. Construction of the permitted development shall be undertaken in accordance with the approved plan. The Plan shall include, but not be limited, to arrangements for the following in respect of each phase of the works:

- Protection of carriageway and footway users at all times during demolition and construction;
- Details of site working hours;
- Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- Protection of contractors working adjacent to the highway;
- Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;

- Storage of plant and materials used in constructing the development;
- Details of wheel washing facilities to ensure that mud and debris is not spread onto the adjacent public highway;
- Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- Measures to control and monitor construction noise;
- An undertaking that there shall be no burning of materials on site at any time during construction;
- Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Traffic Management Plans for all phases of the works;
- Details of the routes to be used by HCV construction traffic and highway condition surveys on these routes;
- The protection of trees;
- Details of external lighting equipment;
- The parking of contractors' site operatives and visitor's vehicles;
- A detailed method statement and programme for the building works,
- Details of the responsible person (site manager/office) who can be contacted in the event of a complaint, and;
- A communication plan.

#### Reason for Condition

In the interest of public safety and amenity.

#### *Local Highway Authority Recommended*

**Condition 5:** The following schemes of off-site highway mitigation measures must be completed as indicated below:

- a) modification to the road restraint system (safety barrier) within the A6055 verge
- b) the replacement of one existing lighting column to a passively safe column
- c) Earthworks Infilling operations to reduce the embankment slope to the A6055

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings and relevant calculations of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme prior to the first operation of the site.

#### Reason for Condition

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

#### *Local Highway Authority Recommended*

**Condition 6:** No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- Details of any temporary construction access to the site including measures for removal following completion of construction works;
- Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- The parking of contractors' site operatives and visitor's vehicles;
- Areas for storage of plant and materials used in constructing the development clear of the highway;
- Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- Protection of carriageway and footway users at all times during demolition and construction;
- Protection of contractors working adjacent to the highway;
- Details of site working hours;
- Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- Measures to control and monitor construction noise;
- An undertaking that there must be no burning of materials on site at any time during construction;
- Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of the measures to be taken for the protection of trees;
- Details of external lighting equipment;
- Details of ditches to be piped during the construction phases;
- A detailed method statement and programme for the building works; and
- Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

#### Reason for Condition

In the interest of public safety and amenity.

*County Archaeology Recommended*

**Condition 7:** a) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- i) The programme and methodology of site investigation and recording
- ii) Community involvement and/or outreach proposals
- iii) The programme for post investigation assessment
- iv) Provision to be made for analysis of the site investigation and recording
- v) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- vi) Provision to be made for archive deposition of the analysis and records of the site investigation
- vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for Condition

This condition is imposed in accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance.

*Lead Local Flood Authority Recommended*

**Condition 8:** Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in NYCC SuDS Design Guidance 9 (or any subsequent update or replacement for that document) The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into until the drainage works approved for that part or phase has been completed.

Reason for Condition

To ensure the provision of adequate and sustainable means of discharge in the interests of amenity and flood risk.

*Yorkshire Water Recommended*

**Condition 9:** The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason for Condition

In the interests of satisfactory and sustainable drainage

*Yorkshire Water Recommended*

**Condition 10:** No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason for Condition

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

*Yorkshire Water Recommended*

**Condition 11:** Surface water run -off from the forecourt of petrol stations , areas used for the delivery of fuel, hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor /separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

Reason for Condition

To prevent pollution of the aquatic environment and protect the public sewer network.

*Yorkshire Water Recommended*

**Condition 12:** No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Furthermore, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason for Condition

To ensure that no foul water discharges take place until proper provision has been made for their disposal.

*Environment Agency Recommended*

**Condition 13:** The development shall be carried out in accordance with the submitted flood risk assessment and the following mitigation measures included within the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason for Condition

To reduce the risk of flooding to the proposed development and future occupants.

*Environmental Health Recommended*

**Condition 14:** No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Land Contamination: Risk Management (LCRM), has been submitted to and approved by the local planning authority. If deemed necessary, a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason for Condition

To ensure that any issues of land contamination are suitably dealt with.

*Environmental Health Recommended*

**Condition 15:** If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with the Environment Agency's Land Contamination: Risk Management (LCRM), has been submitted to and approved in writing by the local planning authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason for Condition

To ensure that any unexpected issues of land contamination found during construction are suitably dealt with.

*County Ecologist Recommended*

**Condition 16:** Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. This will include all of the measures necessary to avoid and mitigate impacts upon habitats and species during the construction process, including any pre-construction/preparatory works. The CEMP shall incorporate the Reasonable Avoidance Measures (RAMs) and other relevant recommended procedures and measures as set out in the approved Ecological Assessment. The CEMP shall detail the role of the Ecological Clerk of Works (ECoW) at key times in the construction process. Once approved, the development shall be undertaken in accordance with the CEMP.

Reason for Condition

To ensure that ecology is protected, and any impacts during construction are appropriately mitigated, and to reserve the rights of the LPA with regards to this matter.

*County Ecologist Recommended*

**Condition 17:** Prior to the commencement of the development, a biodiversity enhancement and management plan (BEMP) for the application site shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all of the landscaping and biodiversity net gain measures within the development site as detailed within the approved application documents, including monitoring and long term management objectives. Once approved, the development shall be undertaken in accordance with the BEMP.

Reason for Condition

To ensure that biodiversity new gain is achieved for the development, and to reserve the rights of the LPA with regards to this matter.

*County Ecologist Recommended*

**Condition 18:** Prior to the first operation of the development, a detailed lighting plan shall be submitted to and agreed in writing by the Local Planning Authority. The lighting plan shall be based on the principles and recommendations within the approved ecology assessments, and shall be implemented on site in accordance with the approved details.

Reason for Condition

To ensure that retained and created habitats are not illuminated.

**Condition 19:** The development shall be constructed and thereafter operated in accordance with Secured by Design Principles.

Reason for Condition

To ensure that the development reduces the risk of crime and anti-social behaviour in accordance with Policy CP13 of the Richmondshire Local Plan.

**Condition 20:** Based on the approved Landscape Masterplan and other relevant approved plans, prior to the commencement of building works, full details of all proposed hard and soft landscaping, including all mounding, street furniture, boundaries and means of enclosure shall have been submitted to the local planning authority. The details to be submitted shall also include the provision of supplementary landscaping between the northern boundary and the service/access road to mitigate the visual impact of the development from the adjoining caravan site. The landscaping scheme shall include a management plan, providing long term design objectives, management responsibilities and maintenance schedules covering a 10 year period for all landscape areas. Following approval in writing by the local planning authority of the hard and soft landscaping, mounding, street furniture, boundaries and means of enclosure, all such works shall be undertaken in association with the remainder of the development and be completed prior to any part of the site being open to the public. The management plan shall also be implemented as approved. Thereafter, any trees or plants which, within a period of

10 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced no later than the end of the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason for Condition

To ensure that an appropriate landscaping scheme is carried out on site, and to reserve the rights of the Local Planning Authority.

**Condition 21:** Details (including samples as appropriate) of any materials to be used for the external finish of any building, structure or hard surfacing on the site shall first have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason for Condition

To ensure that the appearance of the development is appropriate, and to reserve the rights of the Local Planning Authority with regards to this matter.

**Condition 22:** Prior to the construction of any stone external building walls a sample panel, not less than 2 sq. m in extent, of the stonework to be used shall be erected separately on site and approved in writing by the local planning authority. Thereafter, the stonework and pointing for each stone faced building shall be precisely in accordance with the approved sample panel, which shall be kept on site throughout the period of works to which this permission relates.

Reason for Condition

To ensure that the appearance of the development is appropriate, and to reserve the rights of the Local Planning Authority with regards to this matter.

**Condition 23:** Notwithstanding the details accompanying the application hereby approved, before work commences on any building full working drawings of the external appearance of that building shall be submitted to, and approved in writing by, the local planning authority. Such working drawings shall be in accordance with the plans as hereby approved and shall incorporate all the architectural detailing thereon depicted, together with all requirements of this permission.

Reason for Condition

To ensure that the appearance of the development is appropriate, and to reserve the rights of the Local Planning Authority with regards to this matter.

**Condition 24:** Notwithstanding the provisions of the Advertisement Regulations currently in force, all external signage within the scheme (both at the outset and subsequently) shall be in accordance with a design framework scheme for signage (establishing the positions, sizes, materials, colours and lighting for all external signage across the site) that shall have been submitted to and approved in writing by the local planning authority before any part of the development opens for trading.

Reason for Condition

To ensure that all signage for the development is appropriate, and to reserve the rights of the Local Planning Authority with regards to this matter.

**Condition 25:** Prior to the construction of each building above damp proof course level a detailed energy statement for that building shall have been submitted to and approved in writing by the local planning authority in accordance with the principles established by the approved Design and Access Statement. The energy statement shall demonstrate how opportunities to deliver carbon savings in excess of Building Regulation requirements have been considered and demonstrate that carbon savings have been maximised by incorporating appropriate opportunities into the design of the building (having regard, if appropriate, to any opportunity for co-ordinating and linking of infrastructure with any other part of the whole development). Development shall be carried out in accordance with the approved details.

#### Reason for Condition

To ensure that carbon savings are maximised for the development in accordance with Policy CP2 of the Richmondshire Local Plan, and to reserve the rights of the Local Planning Authority with regards to this matter.

**Condition 26:** Prior to the first operation of the development, a litter mitigation scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved scheme, unless otherwise agreed by the Local Planning Authority.

#### Reason for Condition

To mitigate any impacts of litter resulting from the development, and to reserve the rights of the Local Planning Authority with regards to this matter.

**Condition 27:** Based on the approved lighting plan and other relevant approved plans/documents and incorporating any ecology mitigation recommendations within the approved ecological assessments and other relevant approved documents, full and precise details of all external lighting to be used on the site shall first be submitted to, and approved in writing by, the local planning authority. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. Thereafter artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

#### Reason for Condition

To mitigate any impacts of lighting on the environment and landscape resulting from the development, and to reserve the rights of the Local Planning Authority with regards to this matter.

**File Reference:** 19/00473/FULL

**Appendices:** Appendix 1: The proposed site layout plans (as amended), off-site footpath and cycleway (to Catterick Village) plan, landscape masterplan (as amended) and proposed building plans  
Appendix 2: The Design and Access Statement  
Appendix 3: Details of the Off-Site Compensatory Habitat Land Search and Details of the Habitat Compensation Fund (Provided by the Agent)

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