



Agenda

Notice of a public meeting of

Planning and Regulatory Functions Committee

To: Councillors Peter Sowray (Chairman), David Blades (Vice-Chair), Caroline Goodrick, Eric Broadbent, Robert Heseltine, David Hugill, Mike Jordan, John McCartney, Zoe Metcalfe, Clive Pearson and Chris Pearson.

Date: Tuesday, 23rd February, 2021

Time: 10.00 am

Venue: Remote Meeting via Microsoft Teams

Pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held using video conferencing with a live broadcast to the Council's YouTube site.

Further information on this is available on the committee pages on the Council website - <https://democracy.northyorks.gov.uk/>

The meeting will be available to view once the meeting commences, via the following link - www.northyorks.gov.uk/livemeetings. Recording of previous live broadcast meetings are also available there.

Business

1. **Welcome, introductions and apologies**
2. **Minutes of the meeting held on 9th February 2021** (Pages 3 - 8)
3. **Declarations of Interest**
4. **Public Questions or Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice of their question/statement to Stephen Loach of Democratic Services (contact details below) by midday on Thursday 18 February 2021. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

Enquiries relating to this agenda please contact Stephen Loach Tel: 01609 532216
or e-mail stephen.loach@northyorks.gov.uk

Website: www.northyorks.gov.uk

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes); or
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman, who will instruct anyone who may be taking a recording to cease while you speak.

- 5. C8/999/16U/PA (NY2016/0251/FUL) - Planning application for the purposes of the change of use of part of the former coal mine site to create a waste transfer station for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces on land at the former Stillingfleet Mine Site, Escrick Road, Stillingfleet** (Pages 9 - 82)
- 6. C8/2019/1271/CPO - Planning application for waste recycling and restoration by infill on land at Newthorpe Quarry, Newthorpe, North Yorkshire** (Pages 83 - 158)
- 7. Items Dealt with under the Scheme of Delegation** (Pages 159 - 160)
- 8. Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

Barry Khan
 Assistance Chief Executive
 (Legal and Democratic Services)

County Hall
 Northallerton

15 February 2021

For all enquiries relating to this agenda or to register to speak at the meeting, please contact Stephen Loach, Democratic Services Officer on Tel: 01609 532216 or by e-mail at: stephen.loach@northyorks.gov.uk

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely via Microsoft Teams on 9 February 2021 at 10.00 am.

Present:-

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

Apologies were submitted by County Councillor Robert Heseltine.

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

Copies of all documents considered are in the Minute Book

175 Welcome and Introductions

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

176. Minutes of the meeting held on 12 January 2021 and reconvened meeting on 13 January 2021

Resolved -

That the Minutes of the meeting held on 12 January 2021 and reconvened meeting held on 13 January 2021, having been printed and circulated, be taken as read and confirmed, to be signed by the Chairman as a correct record at the next available opportunity.

177. Declarations of Interest

There were no declarations of interest.

178. Public Questions or Statements

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

179. Planning application for the erection of a single storey classroom extension (113sq.m), open sided canopy (9sq. m), installation of 3no. Velux roof lights, external paving and associated landscaping (40sq.m) and removal of 4No trees with compensatory replacement works on land at Carleton Endowed Church Of England Primary School, School Lane, Carleton, Skipton, BD23 3DE

Considered -

The report of the Corporate Director, Business and Environmental Services requesting Members to determine a planning application for the erection of a single storey classroom extension (113sq.m), open sided canopy (9sq. m), installation of 3no. Velux roof lights, external paving and associated landscaping (40sq.m) and removal of 4No trees with compensatory replacement works on land at Carleton Endowed Church Of England Primary School, School Lane, Carleton, Skipton, BD23 3DE

This application is subject to two objections from the County Council's Principal Landscape Architect and Craven District Council having been raised in respect of this proposal on the grounds of landscape grounds, design, siting of proposal, loss of open space and protection and retention of existing trees and is, therefore, reported to this Committee for determination. Further to the publication of the papers an objection had been submitted by Carleton Parish Council and had been circulated to Members of the Committee prior to their determination of the application.

A representative of the Head of Planning Services briefly introduced the report.

A statement from Carleton Parish Council was read out by the Clerk, stating the following:-

"Good Morning Ladies & Gentlemen of the Planning Committee. The Parish Council are kindly asking you to defer hearing the Carleton School application until we have had the Statutory time to consult our wider village community. The reason for this is that the PC were not sent the Statutory Consultee invite and we, the Parish Councillors were only made aware of the application at our planning meeting on 27th January 2021 via a complaint about the loss of Boundary Wall, the loss of trees, the negative visual impact of the proposed building and the negative impact it would have on the Listed St Mary's Church and wider Conservation Area.

Whilst we have already received verbal objections the PC have not had chance to carry out our duty of care to ensure that; nearby residents and the wider village have had chance to see the documents relating to the application and that they have actually received the planning notice.

That residents know how to comment should they so wish to do so. That the PC can take any further advice if necessary. To ensure that you the Planning Committee are in receipt of all the facts to make a fully informed decision. As at the moment we believe this is not the case particularly, with regard to the level of objection to the proposed scheme and the level of harm the proposal would bring.

The Parish Council have studied all the documents and we have submitted our Objection, a copy of which is attached for your information together with photographs of the proposed site as the comments were excluded from the Officers report.

In addition to this the PC would like to request that Historic England are Consulted on this proposal and that no decision is made until there has been a site visit. This is because the proposed site sits right in the heart of the Conservation area. Historic England and the Planning Inspectorate have recently been involved in a Planning Application in this area which was refused because of the Impact upon the Conservation area and the Listed St Mary's Church. The refusal was upheld by the Planning Inspector in January 2020 and he commented as follows;

"The Carleton Conservation Area Appraisal describes the area northeast of the Grade II Listed St Mary's Church as making a strong contribution to the character and appearance of the conservation area. The footpath running from this field towards Skipton is highlighted as Important for its views both into and out of the Conservation area, which are described as Significant. The paved footpath running from St Mary's Green to St. Mary's Church contain views across towards Skipton and Embsay Moor. Overall, the open views into and out this location make a significant and important contribution to the Character and appearance of the Conservation area".

He goes on to say that " I take on board the argument that other buildings in the area such as the houses at St Mary's Green and the existing school buildings may not be in keeping with the established vernacular, but every case must be taken on its merits and the unsuitability of the current built form does not warrant allowing further development which would cause harm to a designated heritage asset."

We believe that the current proposal would cause just as much harm if not more due to the loss of boundary walls and the loss of trees along the ancient path between St Mary's Church and St Mary's Green impacting upon the views both into and out of the Conservation Area. Part of the wall which can be seen on the attached photographs is proposed to be demolished and replaced by the school building. This is significant. It amounts to a stretch of some 14 metres and increases the height of the wall from just 1.4 metres to 3.6 metres an increase of some 257%¹

Whilst North Yorkshire CC's Principal Planning Architect, Craven District Council and Carleton Parish Council have all raised strong objections to the proposed scheme we accept that there would be some benefits as the extension would allow up to an additional 15 School places (albeit; pupils likely to be from outside of the village which brings its own issues with regards to anti- social parking etc) We cannot agree with the planning officer that the benefits would outweigh the harm.

We believe the proposal fails to preserve or enhance the character or appearance of the conservation area and would be contrary to policies ENV1 ENV2 ENV3 INF4 & INF6 of the Local Plan and the aims of the National Planning Policy Framework.

It must be noted under the Local plan Hierarchy, Carleton is listed as a 4a Service Village with limited transport links and not in a walkable location to the out of village new developments as referenced under section 8.54 of the LP. Sites in the principal town of Skipton have been earmarked for potential new primary schools to provide the education infrastructure associated with new developments under the plan.

In closing, whilst we the PC cannot support the current application we would be happy to work with the applicant to agree upon a suitable scheme as we believe there is scope to extend the classroom facilities which would not provide the level of harm that the current proposal brings.

UPDATE

We have started to circulate details of the extension in the village and have already had 12 Objections to the plan before it has been published on the Parish Council's Social media pages. The Planning officer's report states that there has not been Objections and this is only because people were not aware of the application. By the current response it is felt that there will be many more objections to come".

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

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

In response to the issues raised by the Parish Council the representative of the Head of Planning Services outlined the responses to the consultation on the application set out in Sections 4 and 5 of the report. She noted that the Parish Council was not a statutory consultee, but had been consulted during the process and that they had responded accordingly. The application had also been advertised in the local press, two site notices had been erected, with one placed on the Parish Council's Noticeboard and 16 local residents had been directly contacted due to their proximity to the application site. In respect of suggestions that Historic England should have been consulted it was noted that the limitations of the application did not require that organisation to be considered as a statutory consultee on this occasion.

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

- Members generally praised the report and presentation for being comprehensive and addressing the concerns raised.
- A Member suggested that further consideration should be given to developing Condition 11 to ensure that lime base mortar was used during the erection of the proposed development, as that would match the existing walls. He considered that the Condition should require a section of wall to be presented to ensure that it was satisfactory, rather than just samples of the stone. A number of other Members echoed this request. The request was acknowledged by the Planning Officer and it was stated that, should Members request that, the Condition could be altered accordingly.
- Clarification was provided in relation to the height of the new classroom, why that was required and why a flat roof would be used in the development. It was noted that the provision of a pitched roof within the development would require a further tree to be removed and the design of the flat roof enabled the use of natural light to be maximised within the classroom.
- Details of the stone to be used in the development were clarified including the re-use of the stone from the demolished wall and York Stone cladding to correspond with the material used on the school building.
- A Member that a number of the trees that were to be removed were currently prone to disease and likely to die, but each tree would be replaced with 3 alternative trees. Another Member noted that the trees to be removed were not the subject of Tree Preservation Orders.
- Members acknowledged the fine balance between preserving the conservation area and the need to provide the much needed additional school places, but considered that the need to enhance the school outweighed the other issues.
- Members considered that the issues raised by the Parish Council had been addressed in the report and the presentation, and felt that the issues raised in relation to parking near to the school were common for many schools in North Yorkshire.

Resolved –

That the application be approved for the reasons stated in the report, subject to the Conditions outlined, and subject to an amendment to Condition 11, requiring a section of the wall to be provided by the contractor for approval, including mortar, , rather than just stone samples, with that process being delegated to the Head of Planning Services. .

180. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 20 October 2020 to 6 December 2020 inclusive.

Resolved -

That the report be noted.

The meeting concluded at 11.10am.

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North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

23 February 2020

C8/999/16U/PA (NY2016/0251/FUL) - Planning application for the purposes of the change of use of part of the former coal mine site to create a waste transfer station for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces on land at the former Stillingfleet Mine Site, Escrick Road, Stillingfleet on behalf of Harworth Estates (Selby District) (Escrick Electoral Division)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the change of use of part of the former coal mine site to create a waste transfer station for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces on land at Former Stillingfleet Mine Site, Escrick Road, Stillingfleet on behalf of Harworth Estates.
- 1.2 The application is subject to 161 representations received from members of the public, and from Stillingfleet, Escrick, Kelfield, Cawood, Naburn Parish Councils and former County Councillor Mrs Casling, objecting to the proposal in view of the likely impact on local amenity caused by noise and dust, traffic movements, impact on the natural environment and conflict with local planning policy. The application is therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 The application site is located on the former Stillingfleet Mine site, one of five satellite sites, which formed part of the former Selby mine complex. A location plan of the site is Appended A to this report.
- 2.2 The site is located in a rural area approximately 630m southeast of the village of Stillingfleet and south of Escrick Road between the villages of Cawood to the south-west and Escrick to the northeast. The site is accessed via a 500m private access road south of Escrick Road (C307) and extends over an area of approximately 32 hectares, 8.2 hectares of which was used for the operational area of the mine, the remainder being landscaping. The access road also serves adjacent agricultural land.
- 2.3 Escrick Road is an upgraded 'C' class road that serves the local area and provides access to the A19 York to Selby road, approximately 2km to the east, and the B1222 Cawood Road to the west.
- 2.4 A Public Bridleway (no.35.62/8/1) runs along the southern and part of the eastern boundary. A Public Footpath (no.35.62/20/1) runs alongside part of the eastern and part of the northern boundary of site, running parallel to the access road; half way down the access road, the footpath turns into the fields to the east meeting up with Public Bridleway 35.62/8/1 running along the east of the site.

- 2.5 A wider scale plan showing the context of the site in the locale is Appended B to this report.
- 2.6 The operational area of the former mine site originally comprised a number of buildings and hardstandings which were completed in 1983 following the grant of planning permission in 1976; operations ceased in 2004. By 2012, fifteen structures had been removed including the more significant buildings, the sewage treatment plant, store building, gas store and oil and grit interceptors and the amenity block and the shafts capped. Two large buildings remain, along with a compound containing electricity generators, powered by mine gas extracted from the mine; these are located in the northeastern part of the site. The remainder of the site is predominately covered in hardstanding associated with the former use and subsequently created following the removal of the buildings. A 2m high palisade fence and security gates bound the site.
- 2.7 Historically, the mine site was constructed on agricultural land. Bunds/embankments, were constructed around the northern, western, southern and in part northeastern boundaries to the site and planted up with a mix of deciduous trees to screen the development. The bunds are generally 4m high and 50m wide; the eastern bund extends to 5m high. The trees have now grown to between 5 and 10m high. Notwithstanding the clearance of most of the developed part of the mine site, the bunds and trees have been retained and which now, in conjunction with the bunds provide a dense screen to the site of around 14 -15m high. The access road is also screened to the west by a mixture of approximately three-metre-high deciduous hedges and intermittent deciduous trees. The extent of the bunds and tree planting is shown on the *Screening Management Plan* Appended as H to this report.
- 2.8 The application site falls within the former mine site and extends over an area of approximately 2.2 hectares, 2.75 hectares including the access. It comprises mainly hardstandings but also includes the two remaining large buildings; one measuring 52.4 x 17.6m x approximately 9m high (922.2m²) with a protruding 6.4m square front extension (128m²); the second measuring 64 x 17.3m x approximately 10m high (107.2m²) with a rear extension measuring 8.1 x 21.1m x approximately 5m high(170.91m²). Both buildings are in a sound, but unused condition.
- 2.9 The nearest residential property to the former mine site is 'Mount Pleasant Farm', located approximately 400m to the north west of the site adjacent to and served by the rural road to Kefeld. The small, primarily residential village of Stillingfleet is located approximately 630m to the north west of the site. These can be identified on the location plan appended A to the report.

Constraints affecting the application site

- 2.10 The wider surrounding area is characterised by an open arable landscape with dominant blocks of woodland. The former mine site, including the application area, falls within Flood Zone 1. Public Bridleway (no.35.62/8/1) runs along the southern and part of the eastern boundary; Public Footpath (no. 35.62/20/1) runs along part of the eastern and part of the northern boundary off site ultimately connecting to Public Bridleway 35.62/8/1. Heron Dyke runs parallel to southern boundary (Ouse & Derwent IDB).

Planning History

- 2.11 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- Outline planning permission for Stillingfleet Mine was granted in 1977 for 'the erection of buildings, plant and machinery and the carrying out of other development in connection with the winning and working by underground mining of coal from the Barnsley Seam on land at Stillingfleet Moor' (ref.C/8/999/16/PA). Condition 16 requires: 'If the use of the two shafts for the purpose of conveying miners and equipment to work coal from the Barnsley seam is abandoned or shall cease for a

period of not less than twelve months, the whole site shall be restored to a condition capable of agricultural production, in accordance with such scheme as may be approved in writing by the County Planning Authority, and any plant buildings and machinery shall be removed from the site within twelve months of the relevant date being the date of abandonment or termination of the twelve months period mentioned".

- Reserved matters *'in respect of surface buildings'* for the purposes of permission C/8/999/16/PA, were approved in 1979 (Ref C/8/999/16D/PA).

2.12 The working of the Barnsley seam from the Stillingfleet Mine site ceased in 2004 and the site has been inactive for coal extraction purposes since. Shaft infilling was undertaken and completed; the buildings, which housed the headgear, were removed in 2006. The largest building, the amenity block, was demolished in 2012. The sewage treatment plant, store building, gas store and the oil and grit interceptors were also removed. Some buildings, (including those the subject of this application), and large areas of hard standing, constructed to facilitate the operational use of coal extraction remain *in situ*. The buildings are in a dilapidated condition. To date 15 of the original 20 buildings/structures have been removed in accordance with the requirements of condition 16 to planning permission C/8/999/16/PA.

- Planning permission for the *'retention and reuse of existing suitable buildings, car parking and landscaping to provide accommodation and facilities for business, industrial and warehouse uses linked to Use Classes B1, B2, and B8 of the Town and Country Planning (Use Classes) Order 1987'*, (Ref 2005/0415/COU / 8/09/117/PA), was refused by Selby District Council on 30 January 2006. The application was considered to be contrary to national guidance, regional policies and the Selby Local Plan (adopted February 2005) in that the site falls within open countryside and the proposal would constitute a large-scale inappropriate car dependent employment use in an unsustainable location. An appeal lodged by the applicant (also the current applicant) was subsequently withdrawn.
- Planning permission for the installation of four replacement containerised methane (mine gas) electricity generators, the temporary drilling of a bore hole and an underground gas pipeline to the south of the site for a period of ten years was granted by the County Council 24 November 2006 (ref C8/999/16Q/PA);
- Planning permission seeking to extend the time period within which the site should be restored as specified by condition 16 to planning permission C/8/999/16/PA to consider potential alternative uses of the sites was refused by the County Council on 27th August 2008 (ref. C8/999/16S/PA) for the following reason:
 - *In the opinion of the County Planning Authority, the proposal is contrary to Minerals Policy Statement No 1 that requires the early restoration of sites to avoid dereliction and North Yorkshire Minerals Local Plan Policies 4/16 and 4/1 that requires an acceptable proposal for the restoration of the site following mineral extraction shall be submitted. No restoration scheme has been submitted and the justification to postpone the submission of such a restoration scheme does not include any proposals to restore the land to agriculture and would instead involve exploring the potential of types of development, which would be contrary to Regional Policies YH7, E7 and Selby District Local Plan Policy EMP7. The Applicant has not provided an acceptable justification to vary the wording of condition number 11 of the planning permission granted by C/8/999/16/D/PA in 1979. The County Planning Authority considers that it would be more beneficial to restore the landscape character of the site, taking into account any current amenity and biodiversity value of the site in accordance with Regional Policy ENV10.*
- Planning permission for the variation of condition 11 to planning permission C8/999/16Q/PA to allow for an extension of the time limit for the use of the existing

electricity generation equipment until 31st December 2029 was granted 18 June 2012 (ref C8/999/16T/PA). The buildings retained and used in connection with the planning permission are: Soluble Oil Pump House; Methane Plant; Process Water Tanks; Shaftman's Cabin and Sub Station.

- A prior notification of demolition submitted to Selby District Council on 27th February 2012, for the removal of the amenity block and 15 structures as stated above was supported (ref 2012/0120/DEM);

2.13 Notwithstanding the requirements of condition 16 to planning permission C/8/999/16/PA, the County Council concluded in 2016, that it would not be expedient, reasonable, nor in the public interest to pursue formal enforcement action for the removal of the remaining buildings and hardstanding for the purposes of condition 16 when taking into account:

- the demolition work completed to date;
- no visual or landscape harm or other harm to any interest of acknowledged importance was demonstrated to exist in relation to the site; and
- changes in the local planning policy context (Selby Local Plan Core Strategy adopted in 2013) since enforcement action was first considered in 2010, and which is supportive of redevelopment of certain former mine sites.

The legal time limit for taking enforcement action for breaches of planning conditions is ten years from the date of the breach. The time limit for taking enforcement action against non-compliance with condition 16 expired in 2016 notwithstanding the decision not to take action for the reasons set out above. Consequently, there are no powers under the provisions of the Town and Country Planning Act 1990 to take enforcement action against the landowner to remove the remaining buildings and restore the site for the purposes of condition 16.

2.14 The proposal has been 'screened' in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 to determine whether the proposal constituted Environmental Impact Assessment development. A Screening Opinion was adopted on 3rd May 2017; the opinion was that the proposed development would not give rise to significant environmental effects and therefore the application does not constitute Environmental Impact Assessment requiring an Environmental Statement. There have been no further development proposals on the former mine site, or in the vicinity (the site is located in open countryside) since the Screening Opinion was adopted; therefore there are no in combination effects to consider.

3.0 The Proposal

3.1 The application is for the change of use of part of the former coalmine site and two buildings to a waste transfer station for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces.

3.2 An aerial photo, appended as C to this report shows the current condition of the site and on which the two remaining large buildings, which are to be retained, refurbished and used as part of the proposed development can be seen. It is proposed that the bulk of the waste processing would be undertaken within the western building (former store building), as shown on the plan appended as D to this report. This building is 52.4 x 17.6m (922.2m²), with a protruding 6.4m extension to the front providing an additional 128m². The eastern building (former workshop building) is 64 x 17.3m (1,107.2m²) with a rear extension of 8.1 x 21.1m (170.91m²).

3.3 The proposed waste transfer station would receive construction and demolition (C&D) wastes (including plasterboard, glass wastes, plastic laminate, waste concrete tiles and blocks). The waste would be subject to strict waste acceptance procedures designed to exclude non-conforming materials. Any non-conforming waste would be segregated

and stored in skips in the designated area in the southeast corner of the site, west of the quarantine area in the building shown on the *Proposed Site Plan* appended as E to this report before being removed off site. Skips would be transported to and from the site using the same vehicles as those that bring in and take out the waste, using flatbed roll-on/roll-off (RoRo) wagons. Waste would be tipped into stockpiles onto the concrete pad in the north of the application site. Construction and demolition waste would be deposited on the hardstanding and stored in external stockpiles. The height of the stockpiles are proposed to be limited to 4m for laminate and 5m for all other stockpiles. Any water runoff from the stockpiles and hard standing would be managed within the existing drainage system. It has been calculated that the existing sustainable drainage system (SUDs) on the site would have the capacity to handle the proposed surface water discharge from the site.

- 3.4 Stockpiled coarse aggregate product would be located west of the untreated stockpile of construction and demolition waste, and limited to a height of 5m. The untreated stockpile of construction and demolition waste would be located further east within the screening area and also limited to a height of 5m, also shown on the *Proposed Site Plan* appended as E to this report. The site would have a limit of processing a maximum 75,000 tonnes of waste at any one time and in total over any one year. The waste would be controlled by an *environmental permit*, which would be issued by the Environment Agency. The applicant has advised an application for a permit would be made to the Environment Agency should planning permission be granted.
- 3.5 The one-way system proposed to be implemented on site would mean the weighbridge would only be used by incoming HGVs and would not be used by vehicles removing any material for recycling. On the eastern boundary of the site there would be a post-treatment plastic laminate and block storage area. The site would operate with the one-way traffic system, between the *Dry Product Storage* building and the stockpiles to the north. The exit road would then be to the south of the *Dry Product Storage* building, looping around it.
- 3.6 The majority of waste brought to the site would be processed within the buildings, with a small amount of physical segregation and screening occurring on the hardstanding outside the buildings, using the loaders and plant equipment in the 'screening area'. Plasterboard would be stored externally in sheeted stockpiles, but would be treated inside the processing building, using a shredder and trommel screen to separate paper, wood and metal from the gypsum. Plastic laminate recovered from glass products would be stored at the eastern side of the application site on the hardstanding, as a stockpile. This area would be bunded to retain any inflammable liquids that may be within any material imported onto site. The laminate would be made into blocks, which would be stored with the untreated laminate in the stockpile area.
- 3.7 The proposed mobile plant to be used mainly inside the building would include:
- two x Wheeled Loaders Case 821f;
 - 1 x Excavator Doosan 300x;
 - 1 x Jaw Crusher McCloskey J45;
 - 1 x Screener McCloskey 190;
 - 1 x Shredder Teresa tdsv20;
 - 1 x Trommel Screen Anaconda TD516;
 - 1 x Generator Cat 350 kvs super silent.
- 3.8 The C&D waste is proposed to be tipped outside and then manually sorted to remove materials such as wood, plastic, metals etc. before being taken inside to be crushed. Outside screening of C&D waste could occur in the event of encountering capacity issues. The proposed jaw crusher, shredder and trammel screen would be located and only used inside the buildings, as shown on the *Internal Building Layout Plan* appended as F to this report. Plasterboard would be treated inside the processing building using

a shedder and trommel screen to separate paper, wood and metal from the gypsum. Clean gypsum and other fine product from the processing operation would be kept in the *Dry Storage Building* before being removed off site.

- 3.9 A new weighbridge is proposed on the site of the former weighbridge to the colliery. This would be 3.2m x 19.1m located between the two existing buildings (see Appendix F). A portable single storey amenity cabin 3m x 10m x 2m high to provide weighbridge office and welfare facilities would be sited west of the weighbridge. A water bowser, misters and spray guns would be used to control dust migration within and around the external stockpile and processing areas. In the event of local wind speeds in excess of 20m per second (where effective dust control could be difficult), it is proposed to suspend site operations. An anemometer would be employed to identify wind speeds and determine the need for mitigation measures to be employed.
- 3.10 Car and HGV parking would be located east of the *Dry Product Storage Building* on the existing hardstanding. The site would also operate under a one-way system for incoming vehicles passing through the weighbridge to tip in the untreated stockpile area and then exit to the south of the *dry product storage building* before re-joining the site access, as shown on the *Proposed Site Plan* (appended as E). The '*Transport Assessment*' estimates there would be 50 HGV movements per day (25 in and 25 out) with a mixture of single and return loads of which 40 percent would be rigid bodied 19 tonne loads and 60 percent articulated 29 tonne tippers. It is proposed that all road vehicles would be restricted to clean site areas, negating the need for specific wheel washing facilities; nevertheless, it is proposed that all vehicles would be inspected and cleaned before leaving the site.
- 3.11 The proposed hours of operational working, including HGV are 0700 to 1900 hours weekdays, 0730 to 1300 hours on Saturdays, with no working on Sundays or Bank or Public Holidays. It is proposed all HGVs would travel to and from the site from the A19 via the C307 (Escrick Road), as shown on the *HGV Haul Route Plan* appended as G to this report. The applicant is willing to enter into a S106 planning agreement to ensure this is the case. It is estimated 10 full time jobs would be created by the waste transfer station.
- 3.12 No additional lighting is proposed over and above the existing lighting which has been retained following the clearance of the former mine site. Outdoor operations would not take place after hours of darkness for safety reasons. The entire site is proposed to be secured by a Heras type fence with panels of a height of two metres, including on the southern boundary, which is currently unfenced. A 2m high gate is proposed at the site access.
- 3.13 The applicant has undertaken a *Flood Risk Assessment*; the site falls within Flood Zone 1. The assessment concludes there is a low risk of flooding, the existing site drainage is acceptable for the proposed development and there is no requirement for additional flood risk mitigation or management measures. A *Preliminary Ecological Appraisal* was also undertaken which includes a remit to provide an *extended Phase 1 Habitat Survey* to describe and map the habitats of the site, to identify the presence or potential presence of any protected or notable species, and to undertake a walkover protected species survey. The report concluded that there were no protected species that would be affected by the proposed development.
- 3.14 The applicant has advised that while there are other recycling sites in the region including several in South Yorkshire, "*with regard to plasterboard, this one will be unique to the Region in that it will take waste plasterboard direct from the manufacturer and return high quality recycled gypsum that can be used to make new plasterboard*". It goes on to state that the facility would produce a variety of products and the primary products would include:

“a range of aggregates including sub base and granular and general fills manufactured to WRAP [Waste and Resources Action Programme] Aggregate Protocol standards. Also produced would be gypsum from plasterboard and glass, again to WRAP protocol standards, fines for block manufacture and batching plants, paper and metals including aluminium. Any soils produced would be sold off-site under the CL:AIRE [Contaminated Land: Applications in Real Environments] regime. Materials that could not be recycled would be disposed of at the nearest authorised facility”.

- 3.15 The applicant estimates 75,000 tonnes of waste per annum would be imported to the site and confirms that contracts are in place for most of this. The applicant considers that there is a need for a specialist treatment/recycling site such as proposed because there is no other facility that recycles plasterboard in North Yorkshire. The applicant also considers there is also a need for additional facilities to deal with construction, demolition and excavation waste (CD&E) within North Yorkshire and York and is identified in the emerging *Joint Minerals and Waste Plan* for the area. The waste would be brought in directly from source sites without the need for intervening waste transfer stations, with waste only being accepted on a contract basis and no individual small loads to ensure quality control and to avoid non-conforming waste. The process would involve recycled fines being blended with other recycled products to give a bespoke product for concrete and concrete block manufacturing companies who are sourcing these materials given power stations are moving to biomass fuels and the waste ash is no longer readily available in block manufacturing.
- 3.16 The applicant has undertaken a noise assessment (dated 28.12.18) and which concludes, noise levels generated by the use are unlikely to be excessive. The nearest dwellings to the site are Mount Pleasant Farm, 500 metres to the north-west; a farm off Cawood Road, 750 metres to the northeast; a farm on Moor Lane, a kilometre to the south; and a farm off the A19 1.25 kilometres to the east. Background noise measured at these properties was 37 to 42 dB L_{Aeq} . It is predicted the noise from the site as measured at these properties would be 34 to 41 dB L_{Aeq} during the day. There would be no operations and therefore no noise at night. The assessment concludes that restricting the proposed hours of operation of the site would be sufficient to mitigate any noise effects and as such, the applicant considers that the impact of the proposed development upon the amenity of any sensitive receptors, which include the nearest dwellings to the site, would be negligible.
- 3.17 The application was initially submitted by ASA Recycling Group Ltd. In July 2018, applicant changed to Harworth Estates, the landowners of the Stillingfleet mine site including the access, all the hardstandings, buildings, surrounding bunds/embankments and landscaping. The applicant is willing to establish a local liaison meeting.

4.0 Consultations

- 4.1 The following bodies were consulted on the application on 3 February 2017. Following receipt of further information relating to a *Transport Statement*, they were re-consulted on 20 March 2017. On 20 June 2019, following receipt of an updated Planning Statement (relating to the legal planning status of the site and setting out relevant policies against which the site should be considered), Selby District Council (Planning), Stillingfleet Parish Council, Escrick Parish Council, Kelfield Parish Council and those individuals who had made representations, were re-consulted. Responses received to all the consultations and re-consultations are summarised or set out as follows:
- 4.2 [Selby District Council \(Planning\)](#) – responded 15 February 2017; *‘no objections or comments to make on the application’*. The Council advised the application should be considered against the relevant Selby Core Strategy and the Local Plan given the development falls outside the development limits.

- 4.3 On 23 March 2017, the County Council requested the Council to advise whether they considered the application was in conflict with the policies of the Selby Local Plan Policy. The Council (3 April 2017) confirmed they had '*no objection*' to the proposal and that, as they are not the determining planning authority, it would be inappropriate for them to assess the application against their Development Plan. Therefore, they could not confirm if the scheme is in accordance with the Development Plan as a whole or not.
- 4.4 The District Council further advised on the 3, 11, 18 and 24 May, and 11 June 2018, that they understood the planning conditions required the site to be restored, that any deviation from this would need to be justified, that they considered the restoration conditions were still enforceable and they had not been party to any decision taken by North Yorkshire County Council not to enforce such. It would be for North Yorkshire County Council to set out the background for the site and why the condition would not now be enforceable.
- 4.5 The District Council advised, '*In your letter dated 18th May, you refer to the fact that the adoption of the Selby District Core Strategy in 2013 provided part-justification for not returning the mine site to agricultural land. We would query this justification, given that paragraph 6.35 of the adopted Core Strategy highlights the remote location of Stillingfleet Mine and identifies that it is not a suitable location for large scale or intensive employment activities.*'
- 4.6 The County Council sought confirmation from the District Council why they considered the proposal to be a '*large scale or intensive employment activity*'. The District Council responded on 30 August 2018 that they "*regard the creation of the waste transfer facility to be large scale / intensive due to the rural nature of the application site and the fact it lies beyond the development limits of Stillingfleet in the open countryside. It is in this context that the proposal is considered to be large scale, but we would determine what constitutes "large scale" and/or "intensive" on a case by case basis.*"
- 4.7 [Selby District Council \(Environmental Health\)](#) – responded 22 February 2017 and 10 March 2017 (identical response to 22 February 2017), advising the development would require an Environmental Permit from the Environment Agency and recommended conditions be imposed restricting the hours of HGV movements to minimise noise from such adversely affecting residential dwelling on Kelfield Road.
- 4.8 [Highway Authority](#) – responded 15 February 2017 requesting further information in regard to traffic flows and a speed survey for the C307 (Escrick Road) near the site entrance in the absence of which a full assessment of the road's capacity to accommodate the vehicles could not be completed. Following receipt of the requested information the Highway Authority advised on 23 March 2017 that the speed survey and traffic flow data for the C307 (Escrick Road) County Road shows that the additional HGV trips generated by the proposal would account for 3% of total traffic flow. No objection is raised to the proposed development, subject to the imposition of conditions requiring: warning signs be erected either side of the access to improve safety; for all vehicles leaving the site to turn right towards the A19; access only via the C307 (Escrick Road); a highway condition survey be carried out prior to the commencement of use of the site, and the installation of wheel washing facilities.
- 4.9 [Environment Agency](#) – responded 21 February 2017. If water to be used for dust suppression is to be taken from local surface water or groundwater or will be needed in volumes greater than 20 m³ per day, an abstraction licence would be required. The development would require an Environmental Permit.
- 4.10 [Selby District Council \(Environmental Health\)](#) – responded 22 February 2017 and 10 March 2017 (identical response to 22 February 2017), advising the development

would require an Environmental Permit from the Environment Agency and recommended conditions be imposed restricting the numbers and hours of HGV movements to those proposed (07:00 to 19:00 weekdays, 07:30 to 13:00 Saturdays and no Sunday working. No more than 50 HGV movements per day and no more than 6 in any one hour) to minimise noise from such adversely affecting residential dwelling on Kelfield Road.

4.11 **Stillingfleet Parish Council** - responded [3 March 2017](#) and [10 July 2019](#). The Parish Council object to the application and further information submitted by the applicant for the following summarised reasons:

- The application is in open countryside and must be assessed against the relevant Selby District Core Strategy and Local Plan including point 6.35, which states '*The former mine sites at Stillingfleet and Wistow are remote and are not considered suitable for re-use for large scale industrial activity*'. *The Applicant states that the development would bring back a major part of the mine site into use, which could be considered large scale industrial activity*';
- The proposal is attempting to use national waste disposal policy to override Selby DC Core Strategy Policy. Stillingfleet is a small secondary village surrounded by open landscape and would be overwhelmed by the size of this developments noise, pollution and the constant movement of heavy goods vehicles. The proposals submitted do not justify overriding Selby Core Strategy and the wishes of the residents of Stillingfleet;
- Paragraph 7 of the application says the plans do not incorporate areas to store and aid the collection of waste while paragraph 22 refers to the storage of 75,000 tonnes of waste (including liquid waste).
- Noise concerns and issues with how the noise survey was undertaken;
- Traffic concerns regarding the 50 HGV movements every day and concerns that there are no road signs or routing avoiding Stillingfleet Village. Strongly refuting that there are no unacceptable impacts or that local roads are adequate for the anticipated increase in HGV's;
- Stating the Applicant could use a Rotherham recycling centre and also questions the Applicant's links to British Gypsum;
- The potential problems dust could cause;
- The wording '*there would be no contamination of the former mine site*' is considered to be suspect and that an assessment should be obtained prior to determination, including the method of dealing with foul sewage;
- The natural environment may be affected by the proposed activities. Especially if the benchmark for the site is taken from the abutting agricultural land or even a silent derelict site;
- Paragraph 6.44 of the planning statement fails to observe that a key condition of the mine site consent was that it should be returned to agriculture once mine operation had finished. Any consent should be time limited to match the energy plant (methane production application Ref. C8/999/16T/PA).
- That the intended planning status of the land is relevant to the merits of the application while its physical appearance is not. It should be agricultural.
- The failure of NYCC to enforce a condition should not affect the relevance of its planning policies nor those of Selby District Council. The land should be restored to agricultural use even if no one can now be compelled to do so. The Selby DC local plan does not support the development of the site.
- The proposed development is ill conceived and would have devastating consequences for a completely undeveloped rural environment.
- It is one thing to observe that restoration of the site would be problematic (and very expensive for the company which should have done so without enforcement action from anyone) but that does not mean that a development would be an inevitable consequence of non-restoration.
- The present characteristics are the result of abandonment by its owners. It could be turned into a wild life haven.

- The use of the word 'regardless' summarises the approach of the applicants to this remote rural spot.
- The disadvantages of the proposed development also need to be considered.
- The future of this site should be one of improving the environment and promoting healthy living.
- Clause 6.35 of the Selby DC Core Strategy states clearly that the former site at Stillingfleet is remote and not considered suitable for use for large-scale industrial activity. It is disingenuous of MWP to suggest that their proposal is small scale. Furthermore, it is clear that any permission to develop a significant part of the site for industrial activity would attract (as it already has done) agents advertising to let the remaining part of the site for commercial activity which would overwhelm this remote rural area.
- The site sits in isolation from any other industrial development within a deeply peaceful and scenic rural environment.
- The NY Waste Local Plan has its own agenda to promote. It appears to presume, contrary to the submitted objections of a large number of local residents, that the proposed development would not have an adverse impact on the character of the area.
- The noise, dust and heavy traffic generated by a development such as this would certainly have an adverse impact, even before the owners attempted any second phase of development to bring the rest of the site into commercial activity.
- The proposal would be 'large scale'.
- Site should not be judged on its present condition but upon the intention of the original and highly detailed planning consent. Even if Harworth Estates have escaped the high cost of restoration of the site, it would be a travesty if they were then to benefit by a considerable amount from the inaction of NYCC while the locality would suffer the consequences.

4.12 [Kelfield Parish Council](#) - responded 9 March 2017. The Parish strongly object to the application for the following reasons:

1. The original consent for the Stillingfleet Mine contained a condition that the site should be returned to agricultural use once the mining operation had finished. That condition has never been revoked therefore further site development should not take place until that issue has been resolved.
2. The proposal is considered to be a large-scale industrial activity and should be assessed against the relevant policies of the Selby District Core Strategy and the Local Plan due to the fact that the proposed development is outside the development limits of Stillingfleet and in open countryside. Clause 6.35 of the Selby District Core Strategy states; 'The former mine sites at Stillingfleet and Wistow are remote and are not considered suitable for re-use for large scale industrial activity'.
3. The storage of 75,000 tonnes of waste (including liquid waste) is a cause for considerable concern and if the application is approved, it should be conditioned to ensure adequate safety measures are incorporated into the scheme in order to prevent contamination of the atmosphere, soil and watercourses.
4. No hazardous waste should be allowed to be stored or processed on site and, if the application is approved, this should be conditioned and strictly monitored.
5. Concern that noise from the operation of the site (including a crusher) would have an undesirable impact on the occupants of nearby residential properties.
6. Concern is also expressed on the impact that the 50 HGV movements every day will have on the local highway network including the noise that will be generated by this traffic. The application should be conditioned to prevent HGVs travelling through Stillingfleet and other villages on the B1222 or routing via Cawood Bridge. It is important that a Travel Plan is submitted, agreed and conditioned prior to any consent being issued.
7. The problem of dust from the site must be dealt with through adequate means of control and conditioned appropriately, particularly during dry and windy conditions.

8. Kelfield is a secondary village in a rural and agricultural setting and concern is expressed at the size and nature of the proposed waste disposal site, due to the impact of noise, pollution and the constant movement of heavy goods vehicles. In order to protect the nature of the villages and the surrounding agricultural landscape, national waste disposal policies should only be used in conjunction with the relevant policies of the Selby District Core Strategy.
9. It is submitted that the benefits of the proposals contained in this application do not outweigh the harms to the local communities, inasmuch that it will introduce a large-scale industrial development into an essentially rural and agricultural environment.
10. North Yorkshire County Council Planning Committee is strongly recommended to refuse the application and to uphold the policies contained in the Selby District Core Strategy and give due consideration to the valid concerns of the residents of Kelfield and Stillingfleet.

4.13 **Escrick Parish Council** - responded [15 March 2017](#). The Parish strongly object to the application and supports the reasons for objecting set out by Stillingfleet and Kelfield Parish Councils. Further, the Parish is concerned the proposal would set a precedent for the determination of future expansion proposals and which would be a piecemeal approach overturning and undermining the recently adopted Selby District Policy. The site is not an allocated site in the draft North Yorkshire County Council Minerals and Waste Joint Plan (MWJP), is therefore contrary to the Plan, and should be refused. Concern is expressed to the impact of extra HGV traffic on the A19 and the extra noise that would be generated by such. An additional 50 HGV movements would exacerbate problems of traffic passing through the village. It requests that, if approved, no vehicles should be allowed to travel through Stillingfleet and other villages on the C307 (Escrick Road) or routing via Cawood Bridge. The cumulative impact of traffic associated with other planning permissions not yet implemented should be assessed including the anaerobic digester at the former North Selby Mine site and the large site at the former Escrick brickworks. There are other waste sites within reasonable proximity where construction waste is stored; the applicant has not demonstrated the need for a separate waste 'feeder' transfer station. Consequently, the application is unnecessary, contrary to policy, and should be refused.

Following re-consultation, the Parish Council maintain its strong objection to the proposal ([1 July 2019](#)) for the following reasons:

- *Escrick Parish Council retains its strong objections to this application. Its previous objections submitted still stand and should be re-examined. It understands that this re-consultation by NYCC is due to the fact that it has now received legal advice advising that, in determining the application, the site should not be treated as 'previously developed'. The applicant has now responded to this. EPC has previously objected that the application is contrary to National, regional and local policy and therefore should be rejected. This legal advice will assist NYCC in determining the correct context for its consideration and determination of the application.*
- *EPC remains supportive of the representations made by Stillingfleet Parish Council and Kelfield Parish Council. It also welcomes the fuller Planning Policy context and background information of the Local Plan Inquiry where the site was discussed, submitted by Samuel Smith Old Brewery (Tadcaster) on 16 October 2018 by its consultants Cunnane Town Planning, as well as its detailed analysis of the deficiencies of the application; EPC supports this detailed objection too.*
- *EPC welcomes the Council's legal opinion. However, the overarching context must be the Development Plan, which, in accordance with the NPPF, is a material consideration in all planning decisions. The NPPF states that the starting point for all decisions on applications is the local development plan unless material considerations indicate otherwise. There is now an accepted presumption in favour of sustainable development and this is to be seen as 'a golden thread*

running through plan making and decision taking'. Therefore, development plan 'is absent, silent or relevant policies are out of date', planning permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.' Consequently, many application determinations, appeal decisions and ministerial directions have shown that applications which are contrary to the development plan should be rejected, unless exceptional circumstances and clear benefits can be shown to put the development plan aside.

- *In this case, the relevant development plan - namely the Selby District Core Strategy - specifically examined the future of the former Stillingfleet mine site and, as evidenced by the response provided by Samuel Smith Old Brewery, the site was specifically discussed at the Plan's Public Inquiry. Had the Inspector recommended a different future use, recommendations would have been proposed and changes made in order for the Plan to be found sound. This was not the case. It is therefore clear that the Plan was not silent and did not intend that other more generic policies should be applied. Clause 6.35 of the Selby District Core Strategy specifically states: 'The former mine sites at Stillingfleet and Wistow are remote and are not (my emphasis) considered suitable for re-use for large scale industrial activity'.*
- *NYCC has also asked Selby District Council's Policy officer to comment on whether the current proposals are considered to be 'large scale industrial activity' in order to re-confirm to it whether the proposals accord or not with the adopted Development Plan. EPC notes that Selby's Policy officer has confirmed to NYCC: 'In response to your query, we would regard the creation of this waste transfer facility to be large scale / intensive given the rural nature of the application site and the fact that it lies beyond the development limits of Stillingfleet in the open countryside. It is in this context that the proposal is considered to be large scale, but we would determine what constitutes "large scale" and / or "intensive" development on a case by case basis.' This is examined in more detail by the Samuel Smith Old Brewery's representation, which also rejects its appropriateness for this location for many other sustainability and environmental reasons. EPC supports these views and objects to the proposals for a waste transfer station, which are clearly contrary to policy and inappropriate for this location.*
- *EPC acknowledges that Plans of NYCC as Waste Authority must be considered together with those of Selby District Council, and policies in the more recent draft Minerals and Waste Joint Plan also form part of the Development Plan for the area. This too should be a material consideration as all Inquiry sessions are now complete and the Inspector's Report is awaited. We note that there was no reference to the use of this site in the recent NYCC Minerals and Waste Joint Plan consultation and the site is not proposed as an allocation for the proposed (or any) use outlined in this application. Therefore, as other sites have been found to be more appropriate for this use (and there is no obvious deficiency in allocation and therefore outstanding need for it), the application is also contrary to the recently approved policy proposals of both NYCC and City of York Council and should be refused on this basis.*
- *It is appreciated that the legal opinion will help NYCC for the next stage of its deliberations, but EPC believes that the fact that the proposals are contrary to both the Selby District Local Plan and NYCC Minerals and Waste Joint Plan means that it should be rejected and refused as contrary to policy. Furthermore, for the reasons outlined by Samuel Smith Old Brewery, the proposals are unsustainable and would have adverse impacts on the local environment and surrounding area. In the absence of any material considerations case to outweigh the conflict with the development plans, EPC advocates that the proposals should be rejected and planning permission refused.*

4.14 **Cawood Parish Council** – responded [9 May 2018](#): The Parish Council object to the proposal for the following reasons:

1. *The planning consent for this site and the other Selby Coalfield sites required the sites to be returned to agriculture when mining finished. This should be done. To allow a subsequent development to piggyback on the fact that the land has not been returned to agriculture is to perpetuate an injustice. As a bare minimum the application should be considered as if this were a Greenfield site.*
2. *The application includes screening and outdoor storage of 75,000T of material. This will inevitably lead to a noise and dust nuisance as the material is tipped, picked up, screened and re-handled. This is all heavy industrial work.*
3. *The 50 additional HGV movements per day will place an additional burden on local infrastructure. Of particular concern to us is Cawood Bridge. NYCC have recently spent £1m refurbishing the bridge but it remains an essentially Victorian structure and has a 10T weight limit. There have been many problems in the past with enforcing the weight limit and rogue vehicles are still a problem. The temptation for vehicles bringing waste from the Sherburn direction to use Cawood Bridge as a shortcut rather than going round through either Selby or Tadcaster will inevitably prove too much for some drivers leading to damage to the bridge and further expense for NYCC.*
4. *When the coalfield was in operation all coal was removed at Gascoigne Wood, not at Stillingfleet or the other four shaft sites, which were for men and equipment access only. The proposed HGV movements and surface handling of material are both far in excess of what the NCB and subsequently British Coal were allowed to do during mining operations. In these important respects the proposed development would have more impact than the mining operations so to allow it would be a retrograde step*

A further response received [29 July 2019](#) following re-consultation, supports and reiterates, Escrick Parish Council's objection to the further information.

4.15 **Naburn Parish Council** – responded 3 May 2018. The Parish Council strongly object to the proposal for the following reasons:

Firstly, the original planning permission for the coal mine specifically stated that once the mine was closed, the site would be given back to agriculture. Why is this planning condition being ignored? It makes a mockery of the planning process.

Secondly, whilst the A19 and Stillingfleet Lane may be capable of taking up to 50 HGV's per day (100 movements), we very strongly insist that the B1222 through Naburn and Stillingfleet be barred to HGV's heading to and from the site and that should plans be approved, this constraint should be an inherent part of any approval given. The B1222 has along its route a low bridge under the old ECML railway line, a narrow bridge over Howdern Dyke, a primary school, a riding school, caravan sites and several narrow and tight bends. It is completely unsuitable for HGV usage and would be dangerous for pedestrians and other road users.

4.16 **NYCC Heritage - Landscape Architect** – responded [1 March 2017](#). Further information is needed; the area is rural and the acceptability of the proposal depends on:

- the planning status of the site in relation to its existing use;
- the agreed restoration objectives
- the level of screening and mitigation, which is currently available on site. The screening relied upon does not fall within the application boundary and it is not clear how it could be retained.

4.17 Conditions are required regarding landscaping; buildings to be in a recessive colour to ensure they are unobtrusive; a lighting scheme. Concerns are expressed to the

planning status of the site which should be established and potential conflicts with policies 4/1 and 4/3 of the North Yorkshire Minerals Local Plan.

- 4.18 In response ([1 March 2017](#)), the applicant advised a specific landscape impact assessment had not been prepared as the site is fully screened from outside views by mature planting and mounding which was put in place with the original mine application. The applicant is of the view there should be no additional requirement for off-site planting to screen the proposed operations and notes the public rights of way are outside the perimeter mounding and planting.
- 4.19 In response, Landscape advised ([15 March 2017](#)) that after visiting the site and seeing views from the Public Rights of Way from the south, east and north, they would agree that at present the application site is currently *'very well screened by landform and planting'*. It was noted noise from the current methane plant could be heard from the Public Right of Way and is concerned the effect of noise on the tranquillity of the surrounding area, which is rural in character is unlikely to be appropriate.
- 4.20 In response to the further information submitted by the applicant ([3 July 2017](#)), Landscape *'strongly recommend that the issue of restoration the former mine site is clarified before this application is determined'*. Condition 16 of permission. C8/999/16/PA requires the site to be restored to a condition capable of agricultural production and application for an extension of time within which the site should be restored was refused permission. This application should include consideration of how the final restoration would be affected by the scheme and it would be premature to determine the application without contextual information to show how the restoration of the waste transfer station would be carried out as part of a wider approved scheme.
- 4.21 The restoration of the site as a whole after this length of time may need altering but the principle of restoration to a rural land use is still appropriate, maintaining the site is clearly isolated with the countryside and the NPPF definition of previously used land does not apply due to this being a former minerals site. The granting of the temporary permission for mine methane gas electricity generation up to 2029 does not prejudice the restoration of the remainder of the site or full restoration when the permission expires. Landscape concludes that this proposal, whilst not being directly comparable to the methane gas electricity generation which is related to the previous use of the site, a waste transfer station is not and has less justification.
- 4.22 Further, whilst the screening by mounding and planting may currently be good it falls outside the red line boundary of the site. The planting would have been intended to be temporary and should not be relied on for long-term mitigation, as it does not appear to be being managed by the landowner and would benefit from some woodland management. In a further response ([25 April 2018](#)), Landscape advised the potential removal of the landscaping would not be acceptable in landscape terms as the proposed development would become highly visible from the surrounding properties roads, and footpaths and is of the view: *'the proposal in landscape terms cannot be supported unless the existing hedgerows, woodland and mounding could be retained and managed through a separate S106 agreement together with a woodland maintenance management plan'*. In addition, it was advised any permission should be temporary up to 2029 to reflect the time limit of the nearby mine gas generation plant, after which the site should be restored to an agricultural afteruse in keeping with the use and character of the adjoining farmland.
- 4.23 **NYCC Heritage - Ecology** – responded [3 February 2017](#). As the operations are restricted to hard standings, no concerns subject to best practice being employed to avoid pollution of air and water. Advised on 12 November 2018 that as there are no significant alterations to existing buildings, no bat survey is required.

- 4.24 Further comments were provided following the submission of a Preliminary Ecological Appraisal of the site dated 19th January 2019. The appraisal included a commitment to provide an extended phase 1 habitat survey to describe and map the habitats on the site, to identify the presence or potential presence of any protected or notable species, and to undertake a walkover protected species survey. Ecology advised ([29th January 2019](#)), they were satisfied with the extent of the survey and its conclusions that no further surveys are required.
- 4.25 [Ouse and Derwent IDB](#) – responded 21 February 2017. The Board has assets adjacent to the site, which are known to be subject to flooding in high flows. The Board requests that, where possible the risk of flooding should be reduced with surface water being managed in a sustainable way. The Board notes the Flood Risk Assessment states the development would not increase the impermeable footprint of the site and therefore they are satisfied that the current drainage arrangements for the site are adequate.
- 4.26 [NYCC Public Rights of Way](#) – responded 2 March 2017. Public rights of way should be kept open for public use during the construction or as part of the plan. If any temporary closures or permanent diversions are required, proper applications are made.
- 4.27 [Fire and Rescue Service](#) - responded 27 July 2017. No objection or observations. Further comment would be made when safety measures are submitted for Building Regulations. The Service assumes the provision of water for firefighting would meet the requirements set out in National Guidance document on the provision of water for firefighting, Appendix 5.

Notifications

- 4.28 [County Councillor Elizabeth Casling](#) – responded 27 February 2017. *‘I wish to make my objection to this application known. Ideally, the site should be returned to agriculture as the original planning conditions stated. Given that due to cost, this isn’t going to happen the site should be left as it is. It is contrary to the Selby Core Strategy.*

“Former mine sites Whitemoor and Riccall, which already have the benefit of planning consent are acknowledged locations for meeting the needs of existing indigenous employment. The remaining two former mine sites at Stillingfleet and Wistow are remote and not considered suitable for re-use for large scale or intensive economic activities.

The traffic implications of 50 vehicle movements a day is also a massive intrusion to the remote quiet village life. I question the route on to the A19 which is a road which is already congested. Cawood bridge is about to close for a period of time and the only other route is through the village. Enforcement to stop this will be necessary.

This application will be similar to placing industrial activity in a small rural community. The dust, noise and traffic implications all make this wrong.’

- 4.29 **County Councillor Richard Musgrave** – was notified of the application on 22 May 2017 following the County Council Elections on 4 May 2017.

5.0 Advertisement and Representation

- 5.1 The application was advertised by three Site Notices posted on 16 February 2017. Two notices were posted at the site entrance; one notice was posted at the end of the public right of way, which passes south of the site, joining Kelfield Road. Following the receipt of further information, site notices were posted in the same locations on 12 October 2018 and 27 June 2019. The application and additional information were advertised in the Selby Times on 9 February 2017 and 8 August 2019.

- 5.2 A Neighbour Notification letter was sent to the nearest residential property considered to be most affected, Mount Pleasant Farm on Cawood Road on 3 March 2017
- 5.3 161 representations have been received from members of the public objecting to the proposal for the reasons summarised under the following headings:

Highways

- Increased vehicle movements, decreasing the road safety (including cyclist and horse rider safety). Stating the road does not have the capacity for the proposal and would not be safe for crossing, in terms of pollution and vibrations it would cause. The impact of the 300% increase in HGV movements;
- The application not being accurate when commenting on the former mine road traffic activity. The coal mine would not have generated historical and extensive usage of the site by cars and HGVs, when the mine had quite limited traffic and the road size was for the 600 workforce for the mine;
- Impact of proposal and its HGV movements on the residential properties on C307 (Escrick Road). With the traffic impact assessment not considering the impact on the two most vulnerable residential properties on the Lorry's Route along the C307 (Escrick Road) and this not being sufficiently assessed in the Traffic Impact Assessment.
- There should be wheel-washing facilities located on the site.
- Traffic and HGVs speeding unsafely through the local villages.
- The site is in a rural area served by a substandard highway network and highway safety would be compromised by an increase in vehicular movements.

Amenity

- The effects of noise on amenity for local residents, users of the bridleway and public right of way generated by the proposal in regards to HGV traffic and the site operations; the effect on 'Tranquillity' of area.
- The proposal not being appropriate for a rural agricultural community with the impact on cycle routes, bridleways and public rights of way;
- The impact on air pollution. Dust being impossible to control, within dry and windier conditions. Negatively impacting on the health and amenity of local residents including from the fumes and smells from the site;
- The contamination of the water course from the proposed development;
- The impact of lighting on residential amenity with operations continuing until 19:00 Monday to Friday. In winter months this would result in light pollution, which is undesirable in this rural location;
- The impact of the operating hours on the surrounding villages;
- The methods undertaken for the noise survey and how this was completed, including the noise decay, the process to come to the report's conclusions and how it is dependent on stockpiles.
- The hours of use in winter months should be limited more so than 7am-7pm to no access/egress from the site after 4pm in line with daylight hours.

Landscape and Ecology

- The dismissal of wildlife issues on the surrounding area, with the field adjacent to the proposal having nesting lapwings, barn owls, buzzards and green woodpeckers. Refuting the Agents statement '*overall, the proposed development does no harm to the natural environment*';
- The application is deficient in information as no ecological or contaminated land assessments have been carried out
- The impact on the Green Belt.

- Procedural failures in the Screening Opinion for the application stating it is incorrect and the application should require an Environmental Impact Assessment, as it fails to state the significant impact the proposal would have on properties on C307 (Escrick Road).

Policy

- The application is not in line with North Yorkshire County Council Waste Local Plan Policies 4/19, 5/2 or 5/7 because of the locational criteria as it is in a rural agricultural area and is not an allocated site within the plan;
- The application is in conflict with the Selby Local Plan and Core Strategy Policy SP13 – The Scale and distribution of Economic Growth the supporting text to which (paragraph 6.35) states that '*the remaining two former mine sites at Stillingfleet and Winstow are remote and are not considered suitable for re-use for large scale intensive economic activities*'; The development constitutes 'major' development and therefore 'large' scale for the purposes of Policy SP13.
- The application is not appropriate for the remote location and is contrary to Saved Policy DL1 of the Selby District plan (2005).
- The planning application does not conform to the development plan for the area due to its remote nature. Concerns that this application is contrary to the restoration condition for the site to be returned to agriculture.

Development

- Concern is expressed to the potential future development of the wider former mine site (outside of the boundary of the current application).
- Planning applications at the Plasmor Great Heck site and Escrick Sidings as applications in the area soon to be submitted and proposals which would have cumulative impacts along with this development.
- This application setting a precedent for what is acceptable on the site.
- The development cannot be considered previously developed land.
- Development in this location would be unsustainable due to its remoteness; it would not process waste close to its source and therefore fails the proximity test and would be unsustainable.
- If the application is to be supported, it should be for a limited period until December 2029 after which the whole site should be restored.

6.0 Planning policy and guidance

The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise.
- 6.2 In this instance, the *Development Plan* consists of policies contained within a number of planning documents including:
- the extant 'saved' policies of the North Yorkshire Waste Local Plan (2006) (NYWLP);
 - the extant policies of the Selby District Core Strategy Local Plan (2013) (SDCS); and,
 - the extant 'saved' policies of the Selby District Local Plan (2005) (SDLP).
- 6.3 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption, In this respect, it is

worth noting that the following document contains emerging local policies that may be of relevance to this application:

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

North Yorkshire Waste Local Plan (NYWLP) (adopted 2006)

6.4 At the current time, prior to the adoption of the *Minerals and Waste Joint Plan* (MWJP) and, in accordance with the provisions of the *Planning and Compulsory Purchase Act 2004*, as of 27 September 2007, only the 'saved' policies of the NYWLP are taken to be considered as comprising part of the *Development Plan*. However, the policies of plans that pre-date the publication of the *National Planning Policy Framework* (NPPF) in 2012 are, in accord with NPPF Paragraph 213, required to be assessed against the policies within that framework for their consistency. While an assessment against the general thrust of the policies within the NPPF is required, it does not address specifically waste-related land use matters and, therefore, the policy document to which the Authority must also turn for the national policy context for waste is that which is contained within the *National Planning Policy for Waste* (published in October 2014) (NPPW). The 'saved' NYWLP policies relevant to the determination of this application are:

- 4/1 – Waste Management Proposals;
- 4/3 – Landscape Protection;
- 4/18 – Traffic Impact;
- 4/19 – Quality of Life;
- 5/2 – Waste Recovery
- 5/7 - Facilities for the Recycling of Construction and Demolition Wastes.

6.5 **'Saved' NYWLP Policy 4/1 – Waste Management Proposals** states:

Proposals for waste management facilities will be permitted provided that:

- a) the siting and scale of the development is appropriate to the location of the proposal;*
- b) the method and scheme of working would minimise the impact of the proposal;*
- c) there would not be an unacceptable environmental impact;*
- d) there would not be an unacceptable cumulative impact on the local area;*
- e) the landscaping and screening has been designed to effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character;*
- f) where appropriate, adequate provision is made for the restoration, aftercare and management of the site to an agreed afteruse;*
- g) the proposed transport links are adequate to serve the development; and,*
- h) other environmental and amenity safeguards would effectively mitigate the impact of the proposal;*
- i) it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with the waste;*
- j) the location is geographically well located to the source of the waste thereby according with the proximity principle.*

6.6 This 'saved' policy of the NYWLP is directly relevant to the proposed development. The NPPW has also been reviewed in relation to the proposed development in terms of compliance with criteria a), i) and j). There is nothing specifically related to criteria b) and f) within the NPPW.

6.7 With regard to criterion a) this is consistent with the NPPW, which sets out locational criteria for waste management facilities and states that the type and scale of the facility should be taken into account when deciding on appropriate locations.

6.8 In terms of criterion i), the Best Practicable Environmental Option (BPEO) is a set of procedures with the goal of managing waste and other environmental concerns. BPEO

assessment is a method for identifying the option that provides '*the most environmental benefit*' of '*least environmental damage*'. The technique is not reflected in NPPW or the NPPF, but the principles of putting forward the most sustainable option i.e. movement of waste up the waste hierarchy is set out in NPPW. The NPPW also reflects the proximity principle set out in criterion j) and this point should be given weight.

- 6.9 'Saved' Policy 4/1 g) supports proposals where '*the proposed transport links are adequate to serve the development*'. The NPPF (paragraph 108 b) requires specific applications for development to have safe and suitable access for all users. Policy 4/1 g) is therefore consistent with the provisions of the NPPF and should be given weight.
- 6.10 In terms of criteria c), d) and h) of 'saved' Policy 4/1 the NYWLP states that developments should contribute to and enhance the local environment, not give rise to unacceptable risks from pollution, and that cumulative effects should be taken into account. The wording in 'saved' Policy 4/1 states that there should not be unacceptable impacts and that safeguards should mitigate the impacts. Although there is a slight difference in emphasis the provisions of the policy are generally consistent with the NPPF and should be given weight.
- 6.11 Criterion e) of 'saved' Policy 4/1 requires that landscaping and screening should mitigate the impact of the development, being sympathetic to local landscape character. This policy is considered consistent with the relevant policies of the NPPF, and emphasis should be given to protecting and enhancing valued landscapes with weight attached appropriately. However, it should be noted there is no statutory or locally specific designation for the site/its immediate surroundings.
- 6.12 **'Saved' NYWLP Policy 4/3** - Landscape protection, advises that waste management facilities will only be permitted where the avoidance of "*unacceptable effect on the character and uniqueness of the landscape*" is possible, and furthermore would result in an enhancement of local landscape character wherever possible. The policy is consistent with the NPPF Paragraph 170 and is afforded full weight.
- 6.13 **'Saved' NYWLP Policy 4/18** – Traffic Impact. This policy is similar to criterion g) of 'saved' Policy 4/1), and provides support to developments where "*the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway [without having] an unacceptable impact on local communities*". However, it differs from NPPF Paragraph 108 in that the NPPF policy seeks '*safe and suitable access*', but '*for all*' and promotes sustainable transport modes. This difference leads to only partial weight being able to be afforded to 'saved' NYWLP Policy 4/18.
- 6.14 **'Saved' NYWLP Policy 4/19** - Quality of life. The policy states management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity. NPPF Paragraph 180 makes clear that the effects of pollution on the natural environment or general amenity, and the potential sensitivity of an area to adverse effects from pollution, should be taken into account. It is therefore considered full weight can be given to the 'saved' policy.
- 6.15 **'Saved' NYWLP Policy 4/20** (*'Open space, Recreation and Public Rights of Way*) guards against any unacceptable impacts upon recreationally important assets such as the public rights of way network. This 'saved' policy is considered relevant given the proximity of a public footpath and a public bridleway to the site. Paragraph 98 of the NPPF requires planning policies and decisions to protect and enhance public rights of way and access. The policy is consistent with the NPPF and should be given weight.
- 6.16 **'Saved' NYWLP Policy 5/2** - Waste Recovery. The policy states that:

Proposals for facilities relating to the recovery of waste will be permitted subject to adequate environmental and amenity safeguards at the following locations as shown on Inset Maps No. 1 & 2

- a) *Barnsdale Bar Landfill & Quarry*
- b) *Jackdaw Crag*

Proposals outside these areas will be considered in light of other policies of Chapter 5, as referred to above.

- 6.17 **'Saved' NYWLP Policy 5/7** - Facilities for the Recycling of Construction and Demolition Wastes. The policy states:

Proposals for recycling facilities for construction and demolition wastes will be permitted provided that:

- a) *the proposed site is suitably located within an existing, former or proposed industrial area of a character appropriate to the development; or*
- b) *the proposed site is suitably located within a redundant site or building; or*
- c) *the proposed site is appropriately located within, or adjacent to active or worked out quarries or landfill sites; and*
- d) *that where relevant it does not prejudice the restoration and afteruse of the quarry or landfill site; and*
- e) *the highway network and site access can satisfactorily accommodate the traffic generated; and*
- f) *the proposal will not have an unacceptable impact on local amenity or the environment.*

- 6.18 Criteria a) and b) and f) are most relevant to this proposal and are broadly consistent with national policy in the NPPF, particularly Paragraphs 83 and Paragraph 84 which deal with sites in a rural location and policies to support a prosperous rural economy; as well as Paragraph 127 which deals with the need to achieve well-designed spaces. The locational criteria set out in Appendix B of the NPPW, which are to be used when determining proposals for waste facilities, includes considerations relating to traffic and amenity, with which criterion e) is consistent and therefore full weight can be attached to it.

Emerging North Yorkshire Minerals & Waste Joint Plan

- 6.19 The draft MWJP was published in November 2016 for representations, after consultation commenced on an Addendum schedule of proposed changes for an 8-week period over summer 2017. The MWJP was submitted to the Secretary of State on 28th November 2017 and the *Examination in Public* (EiP) continues to be underway since the first of the *Hearing Sessions* which started on 27th February 2018 and now *Main Modifications* are under consideration. Emerging policies can start to be given some weight in the determination process. The most relevant policies are:

- Policy W01: Moving waste up the waste hierarchy
- Policy W05: Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste);
- Policy W10: Overall locational principles for provision of waste capacity;
- Policy W11: Waste site identification principles

- 6.20 **Draft MWJP Policy W01** is focussed on '*moving waste up the waste hierarchy*'; the first part of the policy is most relevant to this proposal:

- 1) *Proposals will be permitted where they would contribute to moving waste up the waste hierarchy through:*
 - i) *the minimisation of waste, or;*
 - ii) *the increased re-use, recycling or composting of waste, or;*
 - iii) *the provision of waste treatment capacity and small scale proposals for energy recovery (including advanced thermal treatment technologies), which would help to divert waste from landfill.*

6.21 **Draft MWJP Policy W05** 'Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste)' states:

- 1) *Net self-sufficiency in capacity for management of CD&E waste will be supported through:*
 - i) *Permitting proposals which would deliver increased capacity for recycling CD&E waste where the development would be consistent with the site locational and identification principles in Policies W10 and W11;*
 - ii) *Permitting proposals for additional transfer station capacity for CD&E waste where it can be demonstrated that additional provision would help reduce overall impacts from road transport of waste and the development would be consistent with the site locational and identification principles in Policies W10 and W11;*
 - iii) *Permitting proposals for additional landfill capacity for CD&E waste where it would be consistent with the principles set out in Policy W01 parts 3) and 4);*
 - iv) *Permitting proposals for extending the time allowed to use remaining void space at existing CD&E landfill sites that are the subject of time-limited permissions.*

- 2) *Provision of capacity for management of CD&E waste is also supported through site allocations for:*
 - i) *Allocations for recycling of CD&E waste:*
 - *Land at Potgate Quarry, North Stainley (WJP24)*
 - *Land at Allerton Park, near Knaresborough (WJP08)*
 - *Land at Darrington Quarry, Darrington (MJP27)*
 - *Land at Barnsdale Bar, Kirk Smeaton (MJP26)*
 - *Land at Went Edge Quarry, Kirk Smeaton (WJP10)*
 - *Land at Duttons Farm, Upper Poppleton (WJP05)*
 - ii) *Allocations for landfill of CD&E waste:*
 - *Land at Brotherton Quarry, Burton Salmon (WJP21)*
 - *Land at Duttons Farm, Upper Poppleton (WJP05)*
 - *Land adjacent to former Escrick Brickworks, Escrick (WJP06)*

Proposals for landfill at sites WJP05 and WJP06 will only be permitted as a means of enabling reclamation of any mineral workings developed in connection with allocations MJP52 and MJP55 as relevant.

Sites MJP26, MJP27, WJP10 and WJP05 are located in the Green Belt and any development will need to comply with relevant national and local Green Belt policy.

- 3) *Proposals for development of the allocated sites for recycling or landfill referred to in 2) above will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.*

- 6.22 **Draft MWJP Policy W10** is entitled '*Overall locational principles for provision of waste capacity*'; the most relevant parts of which are:

The allocation of sites and determination of planning applications should be consistent with the following principles:

3) Supporting proposals for development of waste management capacity at new sites where the site is compatible with the requirements of Policy W11; and the site is located as close as practicable to the source/s of waste to be dealt with. This means:

b) For larger scale or specialised facilities expected to play a wider strategic role (e.g. serving multi-district scale catchments or which would meet specialised needs of particular industries or businesses), these will be located where overall transportation impacts would be minimised taking into account the market area expected to be served by the facility.

- 6.23 **Draft MWJP Policy W11** is entitled '*Waste site identification principles*' and the most relevant parts include:

The allocation of sites and determination of planning applications for new waste management facilities should be consistent with the following principles:

1) Siting facilities for the preparation for re-use, recycling, transfer and treatment of waste (excluding energy recovery or open composting) on previously developed land, industrial and employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby. Where the site or facility is proposed to deal mainly with waste arising in rural areas then use of redundant agricultural buildings or their curtilages will also be acceptable in principle and, for agricultural waste, appropriate on-farm locations;

....

In all cases sites will need to be suitable when considered in relation to physical, environmental, amenity and infrastructure constraints including existing and proposed neighbouring land uses, the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities, in line with national policy.

- 6.24 The Stillingfleet former mine was not submitted for consideration through the MWJP and is not proposed for allocation or identified in the Plan as a site having potential for development to recycle, transfer or treat construction, demolition and excavation (CD&E) waste. At the current stage, increasing weight can be attributed to the draft Plan due to its advanced stage. In respect of the development proposed in this planning application, representations were received with regard to proposed Policy W05 in the *Publication Draft* (2016) that challenge the soundness of that aspect of the MWJP. However, this policy is not subject to significant modifications, with only limited changes to the wording of the policy, but not changing its approach. Draft Policy W05 is linked to draft policies W10 and W11 which deal with locational and site requirements for waste developments. Part *b)* of draft Policy W10 is especially relevant as it caters for specialised facilities, which this purports to be, and part *1)* of draft Policy W11 is also relevant as it provides waste site identification principles.

- 6.25 **Draft MWJP Policy D01 - *Presumption in favour of sustainable minerals and waste development.*** The policy supports development that is sustainable with a positive approach so long as that development generally accords with the policies within the Plan.

- 6.26 **Draft MWJP Policy D02 - Local amenity and cumulative impacts.** The policy seeks to safeguard communities from any unacceptable impacts on local amenity, businesses and users of the public rights of way network as a result of:
- *noise;*
 - *dust,*
 - *vibration,*
 - *odour,*
 - *emissions to air, land or water*
 - *visual intrusion,*
 - *site lighting*
 - *vermin, birds and litter*
 - *subsidence and land instability*
 - *public health and safety*
 - *disruption to the public rights of way network*
 - *the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park*
 - *cumulative effects arising from one or more of the above at a single site and/or as a result of a number of sites operating in the locality*
- 6.27 **Draft MWJP Policy D03 - Transport of minerals and waste and associated traffic impacts.** The policy requires there to be capacity within the highway network to accommodate any proposed development without giving rise to unacceptable impacts, as well as an expectation that a proposed development would have appropriate, safe and suitable access and that accommodation of vehicle movements on-site can be catered for.
- 6.28 **Draft MWJP Policy D06** has as its focus the landscape and seeks to protect the landscape from the harmful effects of development.
- 6.29 **Draft MWJP Policy D07** is concerned with the subject matters of biodiversity and geodiversity (although the latter, in this particular instance, is not a relevant consideration) and seeks to safeguard against unacceptable impacts thereupon.
- 6.30 **Draft MWJP Policy D09,** concerning the water environment, seeks to safeguard against unacceptable impacts upon surface water and groundwater including their respective quality, supply and flow.

Selby District Core Strategy Local Plan (SDCS) (22nd October 2013)

- 6.31 The Core Strategy does not contain any policies relating to waste related developments but does contain policies against which the proposal should be assessed as they form part of the ‘Development Plan’. The most relevant policies are:
- SP1 Presumption in Favour of Sustainable Development;
 - SP2 Spatial Development Strategy;
 - SP13 Scale and Distribution of Economic Growth;
 - SP18 Protecting and Enhancing the Environment;
 - SP19 Design Quality
- 6.32 **SDCS Policy SP1 - Presumption in favour of sustainable development.** The policy states:

‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with Applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Local

Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date (as defined by the NPPF) at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

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

6.33 **SDCS Policy SP2 – Spatial Development Strategy.** The policy sets out the principles guiding the location of all forms of new development in Selby and includes a statement relevant to the determination of this application that the location of future development within the District will be based on. Criterion c) is the most relevant to the proposal:

‘Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the reuse of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances’.

6.34 **SDCS Policy SP13 – Scale and Distribution of Economic Growth.** The policy supports proposals to develop and revitalise local economies with the most relevant considerations for this application are criterion B, C and D:

‘B. Strategic Development Management

1. *Supporting the more efficient use of existing employment sites and premises within defined Development Limits through modernisation of existing premises, expansion, redevelopment, re-use, and intensification.*

C. Rural Economy

In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example:

1. *The re-use of existing buildings and infrastructure and the development of well-designed new buildings;*
2. *The redevelopment of existing and former employment sites and commercial premises;*

D. In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity’.

6.35 The following paragraphs in support of Policy SP13 specifically refer to the former Stillingfleet mine site:

Paragraph 6.35 states: *‘Former mine sites at Whitemoor and Riccall, which already have the benefit of planning consent, are acknowledged locations for meeting the needs of existing indigenous employment. The remaining two former mine sites at Stillingfleet and Wistow are remote and are not considered suitable for re-use for large scale or intensive economic activities. (Part of the former North Selby mine site also falls within the administrative boundary of the District although the majority of the site, including the remaining buildings, is within the City of York Council area)’.*

Paragraph 6.36 states: *It will be necessary for any re-use of these former mine sites to consider and remediate any mining legacy issues that may be present to ensure that no public safety issues arise from their beneficial re-use.*"

Paragraph 6.38 states: *'Employment development outside the Designated Service Villages will be carefully assessed against development management, environmental and highways criteria, to ensure proposals are sustainable and considerable weight is attached to safeguarding the character of the area and minimising the impact on existing communities. Proposals within Green Belt will need to comply with national Green Belt policy and Policy SP3'*

- 6.36 **SDCS Policy SP18 – Protecting and Enhancing the Environment.** The policy seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. Criterion 1, 3, 7 and 8 are of most relevance to the proposed development:

'The high quality and local distinctiveness of the natural and man-made environment will be sustained by (inter alia):

1. *Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance*
3. *Promoting effective stewardship of the District's wildlife by:*
 - a) *Safeguarding international, national and locally protected sites for nature conservation, including SINCs, from inappropriate development.*
 - b) *Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site*
 - c) *Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate...*
7. *Ensuring that new development protects soil, air and water quality from all types of pollution.*
8. *Ensuring developments minimise energy and water consumption, the use of non-renewable resources, and the amount of waste material."*

- 6.37 **SDCS Policy SP19 - Design Quality.** The policy requires new development to: *'to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design. Both residential and non-residential development should meet the following key requirements.*

The policy sets out a number of criterion which proposed developments are required to meet. Criterion c, e and k are most relevant to this proposal:

- c) *Be accessible to all users and easy to get to and move through;*
- e) *Incorporate new and existing landscaping as an integral part of the design of schemes, including off site landscaping for large sites and sites on the edge of settlements where appropriate;*
- k) *Preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability....*

Selby District Local Plan (SDLP) (2005)

6.38 Notwithstanding the adoption of the Selby District Core Strategy Local Plan in 2013, some of the policies in the Selby District Local Plan (adopted in 2005 and saved in 2008 by Direction of the Secretary of State) remain extant. The 'saved' policies relevant to the determination of this application include:

- DL1 Control of development in the Countryside (Development Limits);
- ENV1 Control of Development;
- T1 Development in Relation to the Highway network;
- T2 Access to Roads.

'Saved' SDLP Policy DL1 - Control of development in the Countryside (Development Limits). The policy states:

'Development in the countryside, outside the Green Belt and development limits, will only be permitted where the proposal complies with all other relevant policies and the proposal:

- 1) *Would be appropriate in a rural area; or*
- 2) *Involves the re-use, adaptation or extension of an existing building; or*
- 3) *Is required to meet the identified social or economic needs of a rural community; or*
- 4) *Would be of direct benefit to the rural economy including additional small-scale employment development and the expansion of existing firms.*

Where development is considered appropriate, it must be located and designed so as not to have a significant adverse effect on residential amenity or the character and appearance of an area and must not harm acknowledged nature conservation interests."

6.39 It is considered that some weight can be attached to 'saved' Policy DL1 in regards to the NPPF Section 11 making effective use of land and Paragraph 84 in regards to supporting a prosperous rural economy. However, paragraph 84 goes further stating it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

6.40 **'Saved' SDLP Policy ENV1 - Control of Development.** The policy supports proposals which achieve a *'good quality of development'* and sets out a number of considerations, which will be taken into account. 1, 2, 4, and 8 are most relevant to the current proposal:

- 1) *The effect upon the character of the area or the amenity of adjoining occupiers;*
- 2) *The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking;*
- 4) *The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping;*
- 8) *Any other material considerations'.*

6.41 NPPF Paragraph 178 makes clear that the effects of pollution on the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account. However, with regard to transport, the NPPF states that development should only be prevented, or refused, on transport grounds where the residual cumulative impacts of development are severe. It is considered, therefore, some limited weight can be given to the policy in this instance.

6.42 **'Saved' SDLP Policy T1 - Development in Relation to the Highway network.** The policy states proposals *'should be well related to the existing highways network and*

will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer. Paragraph 109 of the NPPF paragraph states development “*should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”. It is considered that the policy is consistent with Paragraph 109 of the NPPF and should be given full weight in the determination of the application.

6.43 **‘Saved’ Policy T2 - Access to Roads.** The policy states:

‘Development proposals which would result in the creation of a new access or the intensification of the use of an existing access will be permitted provided:

- 1) *There would be no detriment to highway safety; and*
- 2) *The access can be created in a location and to a standard acceptable to the highway authority.*

Proposals which would result in the creation of a new access onto a primary road or district distributor road will not be permitted unless there is no feasible access onto a secondary road and the highway authority is satisfied that the proposal would not create conditions prejudicial to highway safety’.

6.44 Paragraph 109 of the NPPF states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and consequently it is considered that limited weight can be attached to this policy.

Relevant national policy

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

- National Planning Policy Framework (NPPF) (published February 2019)
- National Planning Policy for Waste (NPPW) (published October 2014)

National Planning Policy Framework (NPPF 2019)

6.46 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied.

6.47 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making, this means approving development proposals that accord with the *development plan* without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development as that which fulfils the following three roles:

- a) **an economic objective** – *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;*
- b) **a social objective** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) **an environmental objective** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

- 6.48 Within the NPPF, paragraph 11 of the Framework advises that Plans and decisions should apply a presumption in favour of sustainable development.

For decision taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 6.49 Paragraphs 54-57 of the NPPF relate to 'Planning conditions and obligations'. Paragraph 54 states that:

'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.

With regard to planning obligations paragraph 56 states that:

"Planning obligations must only be sought where they meet all of the following tests:

- a) *necessary to make the development acceptable in planning terms;*
- b) *directly related to the development; and*
- c) *fairly and reasonably related in scale and kind to the development.*

NB: the applicant has proposed to enter into Section 106 Planning agreement regarding the routing of HGVs accessing and exiting the site.

- 6.50 Chapter 6 of the NPPF (*Building a strong, competitive economy*) paragraph 83 requires decisions to, amongst others, enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

- 6.51 Paragraph 84 (Supporting a prosperous rural economy) requires planning policies and decisions to:

'recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

- 6.52 Paragraph 102 (Chapter 9 Promoting Sustainable Transport) requires transport issues to be considered from the earliest stages of plan making and development proposals

and specifies a number of criterion of which a) and d) are considered most relevant to the proposal:

*'a) the potential impacts of development on transport networks can be addressed;
d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.'*

6.53 Paragraph 103 advises sustainable transport solutions should be sought, but importantly it recognises that *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-taking'*.

6.54 Paragraph 108 seeks to ensure that:

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
b) safe and suitable access to the site can be achieved for all users; and
c) 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.'*

6.55 Paragraph 109 within Chapter 9 states *'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.'*

6.56 Paragraph 110 states that:

'Within this context, applications for development should:

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations''.*

6.57 Paragraph 117 within Chapter 11 (*'Making effective use of land'*) states:

"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

6.58 Paragraph 118 states

'Planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

- b) *recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
- c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);and*

Paragraph 121 states

'Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

6.59 Paragraphs 127 within Chapter 12 ('Achieving Well Designed Places') aims to ensure, that planning policies and developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visits*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

6.60 Paragraph 170 within Chapter 15 ('Conserving and enhancing the natural environment') encourages contributions to and enhancement of the natural and local environment by:

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of*

soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

6.61 Paragraph 175 within Section 15 (Conserving and enhancing the natural environment) of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) *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;*
- d) *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."*

6.62 Paragraph 178 within Chapter 15 (Ground conditions and pollution) criterion a) requires decisions to ensure *'a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation.'*

6.63 Paragraph 180 requires *'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:*

- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*

6.64 Paragraph 183 within Section 15 (Conserving and enhancing the natural environment) of the NPPF states *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities"*.

National Planning Policy for Waste (2014) (NPPW)

6.65 Within the NPPW, Chapter 1 notes that the planning system plays a key role in delivering the country's waste ambitions through *'recognising the positive contribution that waste management can make to the development of sustainable communities'*. Furthermore, it is noted that it is important that ambitions are also achieved by *'helping to secure the re-use, recovery or disposal of waste without endangering human health*

and without harming the environment'. It advises that the document provides a framework to enable waste to be disposed of or recovered *'in line with the proximity principle*'.

6.66 Paragraph 1 of the NPPW states that the Government's ambition is to *'work towards a more sustainable and efficient approach to resource use and management*'. The NPPW sets out the *'pivotal role*' that planning plays in delivering the country's waste ambitions with those of relevance to this application being as follows:

- *'delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy (see Appendix A of NPPW);*
- *ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;*
- *providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;*
- *helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and*
- *ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste*'.

6.67 It should be noted that a footnote is included in the NPPW for the reference in bullet point three to the 'proximity principle'. The footnote refers to Schedule 1, Part 1, and paragraph 4 of The Waste (England and Wales) Regulations 2011 (S.I 2011/988) for the principles behind the term proximity (as well as self-sufficiency). The reference states:

- '(1) To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including, where such collection also covers such waste from other producers, taking into account best available techniques.*
- (2) The network must be designed to enable the European Union as a whole to become self-sufficient in waste disposal and in the recovery of mixed municipal waste collected from private households, and to enable the United Kingdom to move towards that aim taking into account geographical circumstances or the need for specialised installations for certain types of waste.*
- (3) The network must enable waste to be disposed of and mixed municipal waste collected from private households to be recovered in one of the nearest appropriate installations, by means of the most appropriate technologies, in order to ensure a high level of protection for the environment and human health.*
- (4) This paragraph does not require that the full range of final recovery facilities be located in England or in Wales or in England and Wales together*'.

6.68 Paragraphs 2 to 6 of the NPPW relate to the preparation of Local Plans in respect of the evidence base, identification of need, identifying suitable sites and Green Belt protection and are not directly relevant to the determination of planning applications for waste management facilities.

6.69 Paragraph 7 of the NPPW, provides guidance to Local Planning Authorities in the determination of waste planning applications, advising that they should:

- *'only expect Applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
- *recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect Applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;*
- *consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
- *ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
- *concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;*
- *ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary'.*

6.70 Within Appendix B of the NPPW, it is noted that in addition to the type and scale of any proposed facility, Authorities should consider the following factors in assessing the suitability of a proposed waste site:

- a) *'protection of water quality and resources and flood risk management;*
- b) *land instability;*
- c) *landscape and visual impacts;*
- d) *nature conservation;*
- e) *conserving the historic environment;*
- f) *traffic and access;*
- g) *air emissions, including dust;*
- h) *odours;*
- i) *vermin and birds;*
- j) *noise, light and vibration;*
- k) *litter;*
- l) *potential land use conflict'.*

6.71 Criteria a, c, f, g, j and l are most relevant to the determination of this application:

- a. *protection of water quality and resources and flood management. Considerations will include the proximity of vulnerable surface and ground water or aquifers.*
- c. *landscape and visual impacts
Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character;*
- f. *traffic and access
Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads etc.*
- g. *air emissions, including dust
Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse*

emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.

j. noise, light and vibration

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

l. potential land use conflict

Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility

Waste Management Plan for England (2013)

- 6.72 National waste planning policy in England forms part of a wider national waste management plan to meet the requirements of the *EU Waste Directive*. The UK Government adopted the national *Waste Management Plan for England* (NWMP) in December 2013. The Plan *'provides an overview of waste management in England... It is not, therefore, the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan'*
- 6.73 The NWMP identifies a commitment to achieving a zero waste economy. It states that: *"In particular, this means using the "waste hierarchy" (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management". Later on, it identifies that the waste hierarchy is "both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011". The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery, and last of all disposal (e.g. landfill).*
- 6.74 The NWMP recognises that it is: *"important to make sure that waste is optimally managed, so that the costs to society of dealing with waste, including the environmental costs, are minimised". It goes on to state: "The key aim of the waste management plan for England is to set out our work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the "waste hierarchy" (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management".*
- 6.75 It is noted within the NWMP that *"the Environment Agency is the main regulator of waste management in England. Among its responsibilities are the determination of applications for environmental permits required under Article 23 of the revised Waste Framework Directive; and carrying out inspection and other compliance assessment activities" (page 12). In addition, "The waste producer and the waste holder should manage waste in a way that guarantees a high level of protection of the environment and human health. In accordance with the polluter-pays principle, the costs of waste management shall be borne by the original waste producer or by the current or previous waste holders. The distributors of products potentially share these costs. The polluter-pays principle ensures that those responsible for producing and holding waste are incentivised to reduce and/or manage their waste in a way that reduces impacts on the environment and human health".*
- 6.76 In terms of the location of new waste infrastructure, the NWMP highlights that: *"The Government's ambitions for waste highlight the importance of putting in place the right waste management infrastructure at the right time and in the right location. We aim to have the appropriate waste reprocessing and treatment infrastructure constructed and*

operated effectively at all levels of the waste hierarchy to enable the most efficient treatment of our waste and resources”.

- 6.77 The NWMP also refers to the nearest appropriate installation principle, advising that:

“The revised Waste Framework Directive establishes the principle of ‘proximity’. This is within the context of the requirement on Member States to establish an integrated and adequate network of waste disposal installations for recovery of mixed municipal waste collected from private households. The requirement includes where such collection also covers waste from other producers.

The network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.

The Directive also requires that the network shall be designed in such a way as to enable Member States to move towards the aim of self-sufficiency in waste disposal and the recovery of waste. However, Member States must take into account geographical circumstances or the need for specialised installations for certain types of waste and the Directive makes it clear that each Member State does not have to possess the full range of final recovery facilities.

This principle must be applied when decisions are taken on the location of appropriate waste facilities”.

- 6.78 In relation to planning decisions, the NWMP states: *“All local planning authorities should have regard to both the waste management plan for England and the national waste planning policy when discharging their responsibilities to the extent that they are appropriate to waste management”.*

National Planning Practice Guidance (PPG) (2014)

- 6.79 The NPPG supports the national policy contained within the NPPF and the guidance relevant to the determination of this application is contained within the following:

Air Quality:

- 6.80 The PPG guidance on the assessment of the impact of a proposed development on air quality should be *‘proportionate to the nature and scale of the development proposed and the level of concern about air quality’* and may be considered as part of an Environmental Impact Assessment if one is required. In order to minimise the impacts of a proposed development on air quality for example in controlling dust and emissions this can be secured through the use of conditions as necessary.

Light pollution:

- 6.81 Light intrusion occurs when the light *‘spills’* beyond the boundary of the area being lit. Light spill can impair sleeping, cause annoyance to people, compromise an existing dark landscape and/or affect natural systems (e.g. plants, animals, insects, aquatic life). It can usually be completely avoided with careful lamp design selection and positioning:

- *‘Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow (the brightening of the night sky).*
- *Good design, correct installation and ongoing maintenance are essential to the effectiveness of lighting schemes.’*

- 6.82 Lighting only when the light is required can have a number of benefits, including minimising light pollution, reducing harm to wildlife and improving people’s ability to enjoy the night-sky:

- *‘Lighting schemes could be turned off when not needed (‘part-night lighting’) to reduce any potential adverse effects e.g. when a business is closed or, in outdoor areas, switching-off at quiet times between midnight and 5am or 6am. Planning conditions could potentially require this.*
- *Impact on sensitive wildlife receptors throughout the year, or at particular times (e.g. on migration routes), may be mitigated by the design of the lighting or by turning it off or down at sensitive times’.*

Noise:

- 6.83 This states how noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. Decision taking should take account of the acoustic environment and in doing so consider:
- *‘whether or not a significant adverse effect is occurring or likely to occur;*
 - *whether or not an adverse effect is occurring or likely to occur; and*
 - *whether or not a good standard of amenity can be achieved’.*
- 6.84 It also states *‘neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development’.*
- 6.85 In line with the *Explanatory Note* of the *Noise Policy Statement for England*, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

Waste:

- 6.86 With regard to the *‘waste hierarchy’*, the guidance states:
- ‘Driving waste up the Waste Hierarchy is an integral part of the National Waste Management Plan for England and national planning policy for waste’ and ‘all local planning authorities, to the extent appropriate to their responsibilities, should look to drive waste management up the hierarchy’.*
- 6.87 The guidance states, in respect of the use of unallocated sites for waste management facilities, that applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the *‘waste hierarchy’*. If the proposal is consistent with an up to date Local Plan, there is no need to demonstrate *‘need’*.
- 6.88 The guidance includes advice on the relationship between planning and other regulatory regimes. On this matter it states:
- ‘The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to NPPW. There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes’.*

- 6.89 The guidance states: *'the role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health'*.

7.0 Planning considerations

- 7.1 Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. It is important to bear in mind that the policies that comprise the *Development Plan* need to be considered in the context of the *Development Plan* as a whole. In many cases, more than one policy will be relevant. In some instances, policies may be negatively phrased and this arises where it is clear that demonstrable harm would be caused to an interest of acknowledged importance which cannot be justified by particular development. The proposal is considered against the relevant 'saved' policies of the *North Yorkshire Waste Local Plan (2006) (NYWLP)*; the 'saved' policies of the *Selby District Local Plan (2005) (SDLP)*; the policies of the *Selby District Core Strategy (2013) (SDCS)* (both of which also form part of the *development plan*); together with the draft policies of the emerging *Minerals and Waste Joint Plan (MWJP)*; and those within national policy including the *National Planning Policy Framework (2019) (NPPF)* and the *National Planning Policy for Waste (2014) (NPPW)* together with the *National Waste Management Plan for England (2013) (NWMP)*.

- 7.2 The following assessment draws out the main considerations including the principle of the development; its proposed location and the potential impacts upon interests of acknowledged importance such as landscape and visual impacts; highway and traffic impacts; as well as effects upon local amenity (including the potential impacts of noise, air quality (including dust and lighting); impacts upon ecology; the water environment and drainage; land contamination; and impacts arising as a result of potential fire risk.

Principle of the proposed development and its proposed location

- 7.3 The application proposes a change of use in respect of part of a former coal mine site for the purpose of the operation of a waste transfer station, with associated infrastructure. The proposed waste transfer station would deal with construction, demolition and excavation waste (CD&E), including plasterboard, glass, plastic laminate, waste concrete tiles and blocks. The site is located on the site of the former Stillingfleet Mine between the settlements of Escrick, to the northeast, and Stillingfleet, to the west. Existing buildings and hard standings would be used; thus, the construction of no additional buildings would be required.

- 7.4 The 'basket' of land use planning policies engaged in connection with the assessment of the acceptability of the proposed development, i.e. its 'in principle' acceptability, comprises, in the main, the extant 'saved' NYWLP policies (the focus of which is the delivery of a planning policy framework for waste-related proposals within the county), and the emerging MWJP policies (similarly providing the continuation of the policy framework for waste-related development), as well as those policies specific to the assessment of proposals within the district of Selby; though it is important to note that these have not been written with their application to waste-related development specifically in mind.

Need

- 7.5 The NYWLP is comprised of the extant 'saved' waste-related policies against which to assess the proposal and, in recognising the need to make adequate provision for the

treatment and disposal of waste, provides the framework for the use of land for waste management and its disposal, encouraging the movement of waste away from landfill and toward recovery; while at the same time seeking to ensure a balance between need and the protection of the environment and the quality of life enjoyed by local communities. In order to satisfy the policies of the Plan, proposals are expected to demonstrate that they have carried out an appraisal of the options having regard to the social, environmental, economic, land use and resource impacts and that whatever is put forward represents the best available option.

- 7.6 Furthermore, while acknowledged as being yet to be adopted, the *Publication Draft* of the MWJP, nevertheless, provides the emerging relevant local planning policy context within which to determine waste-related applications such as the one proposed in this instance. **Draft MWJP Policy W01**, which is focussed upon '*moving waste up the hierarchy*', seeks to support proposals that demonstrate that they can, *inter alia*, assist in the minimisation of waste, increase materials re-use and recycling or, indeed, all three; thereby, assisting in the diversion of waste away from landfill. This emerging local policy aligns with the **NPPW** where there is further general support for sustainable waste management facilities, which would move waste up the '*waste hierarchy*', making it preferable to reduce, re-use and recycle waste and, thereby, reducing the need for landfill. This is also supported by national planning practice guidance on waste. Proposals should align with the waste planning strategy of moving waste up the '*waste hierarchy*' and help contribute to the achievement of at least 70% materials recovery in CD&E waste (as striven for within the **Waste Management Plan for England** (2013)).
- 7.7 The emerging MWJP also identifies that there is a lack of capacity to treat CD&E waste within North Yorkshire and York and it forecasts that the capacity for CD&E waste is expected to decline between 2016 and 2030. There is, therefore, a need for additional facilities to deal with this type of waste and, if this proposal were to be granted planning permission, it would contribute towards dealing with the '*capacity gap*' for CD&E waste and would comply with **draft MWJP Policy W05 part 1 i)** which lends support to proposals for recycling CD&E waste provided they are consistent with draft policies W10 and W11 concerning both locational and site identification principles.
- 7.8 The issue of the amount of waste has been raised by those in objection to the proposed development having drawn attention to their concern with regards the applicant's cited throughput of waste at 75,000 tonnes. In order to respond to this point within Stillingfleet Parish Council's consultation response, it has been clarified and confirmed by the applicant that the total of 75,000 tonnes of waste stated on the application form is the total amount of waste which proposed to be processed over the course of any one year. This figure would also be the capped amount of any waste on site at any one time and would be monitored by the Environment Agency for permitting purposes via the total amount received through the weighbridge. The Agent has confirmed that an application would be made to the Environment Agency for a limit of 75,000 tonnes of waste passing through the site per annum. It is on this basis that the proposals are capable of being considered as making a material contribution to additional facilities to deal with the '*capacity gap*' for CD&E waste.
- 7.9 While national guidance (**NPPW Paragraph 7** refers) does not oblige an applicant to demonstrate need for the use proposed, it is considered that a need exists; borne out by the continuing deficiency in capacity during the Plan period within the Joint Plan area to deal with CD&E waste arisings. Furthermore, while national guidance neither obliges an applicant to demonstrate the existence of alternative sites appropriate for the use proposed, it is generally acknowledged that sites of the scale, available existing infrastructure, of sufficient separation distance from sensitive receptors such as residential properties and deliverable are few in number; borne out by the earlier stated deficiency in capacity in the Joint Plan area to deal with CD&E waste arisings and, therefore, this consideration weighs heavy in the balance when assessing the proposed development's degree of compliance against prevailing land use planning policy.

Satisfaction of locational criteria

- 7.10 An element of the CD&E waste that is intended to be recycled at this site would be plasterboard direct from businesses. It is proposed to be recycled into gypsum which can then be reused. The fact that the waste transfer station is dealing with plasterboard as part of its waste stream renders the site to be considered as constituting a 'specialised facility' and, as such, is supported by **draft MWJP Policy W10 3 b)** (concerning the overall location principles for provision of waste capacity). This draft policy recognises the need for 'specialised facilities' provided the overall transportation impacts are minimised and where they are compatible with site identification principles cited within draft MWJP Policy W11. The applicant has stated that it is expected that the CD&E waste to be handled at the site would originate from the York and Selby area. The site is located to the south of the City of York administrative boundary, north of the town of Selby and within the administrative district of Selby. The HGVs visiting the site would link to the A19, which is an arterial road and runs in a north-south alignment through York district and Selby district. Support is lent to the proposed development through **draft MWJP Policy W10 3 b)** as the A19 is one of the key routes which goes through York and Selby and the HGVs using this route will minimise transport impacts as it has the requisite capacity to deal with the additional amount of HGVs anticipated to be generated by this proposal.
- 7.11 Further objections, including those from the Parish Councils, dispute there being no similar facility in the area, stating it is unnecessary for the local population to suffer the impacts of a development, which is not dealing with waste from that area, and that waste should be recycled or disposed of close to its source. However, it would be neither reasonable nor appropriate to seek to restrict the source of input materials through planning controls. The contracts and sources of waste material are commercial matters governed by market forces. Both the costs associated with the transport of the waste (i.e. the shorter the distance, the lower the transport cost) and market forces would regulate the movement of waste such that the facility would, in effect, likely meet 'nearest appropriate installation' ('proximity principle') and 'net self-sufficiency' principle for the treatment of that waste in any event. Notwithstanding that these principles are set down in policy principally in relation to mixed municipal waste, they are, nevertheless, equally applicable to the waste industry at large and the details accompanying the application explaining the general sources of waste arisings have served to demonstrate consistency with these principles.
- 7.12 It is acknowledged that there are existing CD&E recycling facilities and waste transfer stations in both Selby and York; of which the nearest to the proposed site is located south of Escrick (a site which is just over a kilometre (or $\frac{2}{3}$ of a mile) to the east). However, specifically in terms of plasterboard recycling, the only facility in Selby or York, which is known to do this, is British Gypsum near Sherburn-in-Elmet, a plasterboard manufacturer. British Gypsum have clarified that they only recycle plasterboard offcuts of British Gypsum products and do not accept any waste from strip out or demolition operations. This supports the information provided by the applicant that the proposed facility would be the only site specialising in recycling plasterboard in the area. Further afield, the applicant has stated that although there are other recycling facilities in the region, including several in South Yorkshire, this facility would be unique as the only one that would take waste plasterboard direct from the manufacturer and return high quality recycled gypsum, which can then be used to create new plasterboard.
- 7.13 The proposed facility also proposes to receive CD&E waste, including plasterboard, from construction and demolition sites in the Selby and York area. These sites would be local to the waste transfer station and, as such, the proposal is supported by **NPPF Paragraph 84** in meeting local business and community needs of rural areas. Further support may also be found within **part j)** of '**saved** NYWLP Policy 4/1' requiring sites to be '*geographically well located to the source of the waste thereby according with the*

proximity principle. While it is acknowledged that other CD&E recycling centres in the area may be able to take the same waste in the future even if they do not at present, the proposal would, nevertheless, present additional provision, which would help reduce overall impacts from road transport of waste. The application details explain that the types of waste proposed to be handled by the facility are produced at disparate geographic sources and there is a need for a recycling site such as the one currently proposed. The waste would be brought in directly from source sites without the need for intervening waste transfer stations, with waste only being accepted on a contract basis with no individual small loads ensuring quality control and avoiding non-conforming waste.

- 7.14 Additional policy support aligned with the national guidance seeking the location of waste management facilities of the “*right type, in the right place and at the right time*” (NWMP, 2013) can be found within emerging policy which seeks to address the site identification principles for new waste management facilities. The extant policy that can be found within **Part a)** of ‘*saved*’ NYWLP Policy 4/1 supports developments, such as that currently proposed, provided that the siting of the development is ‘*appropriate*’. The appropriateness of the siting of a development rests with a judgement as to its acceptability, or otherwise, in relation to the other expressed criteria of this ‘*saved*’ policy; for instance, that which forms the focus of criterion **b)** which requires the minimisation of impacts through a proposal’s scheme of working and the methods proposed to be employed; criteria **c)** and **d)** which seek respectively to ensure against unacceptable environmental and cumulative impacts and **g)** seeking to ensure a development is served by adequate transport links; elements of the proposed development which are also assessed in further detail later in this section of the report.
- 7.15 **Draft MWJP Policy D02, part 1)** and **draft MWJP Policy W11** align with **Appendix B** of the **NPPW** which requires consideration be given to the suitability of a proposed site, against the locational criteria specified when determining planning applications to ensure the likely impacts of a proposed development are appropriately mitigated. In this instance, the relevant criteria of Appendix B of the **NPPW** include *a) protection of water quality and resources and flood risk management; c) landscape and visual impacts; d) nature conservation; f) traffic and access; g) air emissions, including dust; j) noise, light and vibration; and l) potential land use conflict*. The proposal would be located on land previously used for coal mining purposes. The whole of the former mining site has been cleared of all plant machinery, buildings and ancillary structures save for two large buildings and a compound associated with the generation of electricity from mine gas; the cleared area remains as hardstandings. Whilst the two remaining buildings should have been removed, the hardstandings grubbed up, materials removed and the site restored in accordance with the requirements of the planning permission, the time within which to enforce such has expired. The requirements of the planning condition to require the restoration of the site are no longer enforceable, nor can the site be restored under the provisions of the planning permission for the electricity generating station. The site is regarded as land to which provisions for restoration has been made through development management procedures and cannot therefore be considered to be previously developed land. Draft MWJP Policy W11 requires proposals for new waste management facilities to be consistent with specified principles. Principle 1 requires; ‘*Siting facilities for the preparation for re-use, recycling, transfer and treatment of waste (excluding energy recovery or open composting) on previously developed land, industrial and employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby*’. However, given the previous restoration requirements, the former mining site and therefore the land the subject of the current proposal cannot be considered to be previously developed land. The application must therefore be considered on its merits and against the relevant policies of the development plan. The further assessment of the other

environmental and amenity criteria follows below within each of their respective sub-headings later in this section.

- 7.16 One of the objections in regards to the application cites **'saved' NYWLP Policy 5/2** as a reason to refuse the application, as they believe the proposal does not meet its locational criteria. However, the policy has the caveat of *'proposals outside these areas [i.e. Barnsdale Bar Landfill & Quarry and Jackdaw Crag] will be considered in light of other policies of Chapter 5'*. Therefore, this application must be judged against the other policies in Chapter 5 of the NYWLP (2006); specifically, **'saved' NYWLP Policy 5/7**.
- 7.17 **Parts a) and b) of 'saved' NYWLP Policy 5/7 and part c) of SDCS Policy SP2** both support the re-use of buildings. Insofar as part a) of NYWLP Policy 5/7, it refers to locations within a former industrial area of a character appropriate to the development and part b) within a redundant site or building and, insofar as the **SDCS Policy SP2**, referring to preferably for employment purposes, outside the development limits that *"would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities"*. These policies are considered to be consistent with the NPPF which also gives general support for the conversion of buildings for all types of business in rural areas within **part a) of Paragraph 83**, within **Paragraph 84** which recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and within **part d) of Paragraph 118** which promotes and supports the use of under-utilised land and buildings and making as much use as possible of these and this, therefore, weighs heavy in the planning balance in this instance.
- 7.18 With regards to **criterion a) of 'saved' NYWLP Policy 5/7** and acknowledging the site does not lie within a wider more diverse existing industrial area, the site can reasonably be capable of being regarded as possessing *'a character appropriate to the development'* in the existence of two large steel portal frame pitched roofed industrial type buildings with red brick gables and $\frac{3}{4}$ -height steel profiled sheeting (with lower $\frac{1}{4}$ -height red brick) elevations surrounded by areas of hard standing and this, therefore, also lends further policy support to the proposed development. Similarly, with regards criterion **b) of this 'saved' policy**, the site can also reasonably be capable of being regarded as being *'suitably located within a redundant site or building'*; thereby also satisfying this element of the policy criteria too. Even if the proposed site were to be argued as failing to satisfy these two criteria, which is not the case in this instance, the reasoned justification supporting **'saved' NYWLP Policy 5/7**, nevertheless, recognises that in a predominantly rural area such as North Yorkshire, suitable industrial land may be difficult to find and, as a result, other locations may therefore be necessary to be found provided that suitable access to the highway network, the impact on local amenity and the environment are also taken into account.
- 7.19 Criterion f) of the 'saved' policy require the highway network and site access to be able to satisfactorily accommodate the traffic generated; and e) the proposal not have an unacceptable impact on local amenity or the environment. The capability of the access and highway network of accommodating the proposed development satisfactorily and the absence of any unacceptable amenity or environmental impacts. These are aspects which are considered later within this section of the report, but for the purpose of the consideration of this specific policy are considered to have been satisfied and supported in this instance in light of supporting evidence provided with the application demonstrating that any effects are capable of being mitigated and the absence of objections from experts responding to consultation from those bodies and agencies with whom the Authority has consulted, including the Highway Authority and the District Council's Environmental Health Officer. Thus, in that the proposed development proposes making use of existing and, currently unused, buildings and areas of hardstanding and is capable of satisfying the requisite locational criteria of **'saved' NYWLP Policy 5/7**, it is considered to be compliant.

7.20 With regards **part A (c)** of **SDCS Policy SP2**, the proposed development is similarly compliant in that it proposes to be undertaken within existing buildings and, acknowledging that while, undoubtedly, the proposed development is capable of contributing towards and improving the local economy, it is, notwithstanding, less capable of being regarded as enhancing or maintaining the vitality of the rural community; although, it is important to have due regard to the fact that the Core Strategy policies are not directed toward waste development and the principal reference against which to assess the proposed development rests with the most relevant policies i.e. those extant ‘*saved*’ policies within the North Yorkshire Waste Local Plan.

Large-scale or intensive economic activity

7.21 Notwithstanding that the focus of policies of the Selby District Council applies more upon, *inter alia*, residential, commercial, retail and industrial uses of land than the use to which the land is proposed to be put in the current application, objections have been received from residents, the Parish Councils and other interested parties citing, in their view, that this application conflicts with local planning policy, particularly Policy SP13 of the SDCS. The adviser on landscape matters has also commented upon what are, in his view, conflicts with local planning policy in terms of this proposal.

7.22 As part of providing background, reference has been made to the fact that in 2005 Selby District Council refused an application relating to the wider mine site; the purpose of which was for the ‘*retention and re-use of suitable buildings, car parking, landscaping and infrastructure*’. The intended uses specified were business use (B1), general industrial (B2) and storage and distribution (B8). This was refused by reason of it being deemed to constitute a large-scale, inappropriate car-dependent employment use within an unsustainable location. However, the current proposal is significantly different from the 2005 application, both in terms of intensity of use, and its scale, which at the time would have seen the former mine-related buildings on the site remaining *in situ* as opposed to the position in the current day of only two buildings of any substantial nature being left on site.

7.23 Further regard must also be had to the fact that in the intervening period since 2005, the Selby District Core Strategy has been prepared and finally adopted in 2013. Furthermore, in 2005, there were no criteria in place against which to assess proposals for the re-use of the site other than Policy EMP7 relating to employment development; this was replaced by policies SP2 and SP13 in the Selby Core Strategy Policy. Policy SP13 now provides criteria for the re-use of this site i.e. that proposals should neither be large in scale nor intensive in their economic activities.

7.24 More specifically, **part C** of **SDCS Policy SP13** relates to the rural economy and provides examples of rural employment opportunities through, for instance, the re-use of existing buildings and infrastructure etc. and the redevelopment of former employment sites, provided developments are sustainable, appropriate in both scale and type to the chosen location, safeguard an area’s character and provide “*a good standard of amenity*”; aligning with NPPF Paragraph 118 within the chapter which focusses upon making effective use of land.

7.25 The supporting text accompanying SDCS Policy SP13 recognises the importance of the rural economy and acknowledges the existence of large former employment sites, including the site of the former Stillingfleet Mine. It refers to the Stillingfleet site as being “*remote*” and considered unsuitable for any redevelopment that would involve “*large scale or intensive economic activities*”; though these are not further defined. It also requires that any mining legacy issues would need to be both considered and, where necessary, remediated (paragraphs 6.35-6.36 of the Core Strategy refer); however, in the circumstance of this particular case, the proposal seeks only the use of the two buildings remaining of any material size within the application area and the areas of hard-standing which has not raised any specific issues of remediation. There would

therefore be no public or environmental safety issues arising solely from the re-use of the application site.

- 7.26 With regards the application site being deemed within the *Core Strategy* as “*remote*”, the degree of that remoteness is debatable. While the former Stillingfleet mine site necessitates a road journey of some 3km (or 1.8 miles) to reach the principal road of the A19, the ‘*as the crow flies*’ distance is a kilometre (just over $\frac{2}{3}$ of a mile) shorter. Although acknowledging that remoteness is not confined simply to journey distances, it is nevertheless material to the determination of this current proposal having been cited within representations against the application. The dismissal of proposals solely on the ground of the *Core Strategy* policy justification on the basis that the site was deemed to be ‘*remote*’ is considered unreasonable. When one looks at the common meaning of ‘*remote*’, a site would have to be for instance ‘*situated far from the main centres of population*’ or ‘*having very little connection with or relationship to*’. The former mine site is not considered to be a significant distance from centres of population and its connection to the principal road network is demonstrated by a linking 3km (or 1.8 miles) stretch of public highway more than capable of accommodating heavy traffic and that link connects directly to the major highway of the A19.
- 7.27 Those in objection to the proposed development have also referenced the *Town & Country Planning (Development Management Procedure) Order 2015* (SI 2015, No. 595) (DMPO) offering that the threshold cited with the DMPO of ‘*major*’ development including ‘*waste management*’ and a site area greater than one hectare, in turn and, in their view, lends the development to be deemed to be ‘*large scale*’. However, the purpose of the thresholds within the DMPO are not the same as those to which the policy reference within SDCS Policy SP13 is aimed. If it had been, it would have cited these thresholds in the DMPO had it been the intention. It is not considered that the intention of the policy was to have been quite so prescriptive, but rather it would leave the interpretation of what would be considered ‘*large scale*’ to the decision-takers in respect of each application as they come forward when taking into account their individual merits. Furthermore, if one were to simply regard the site’s spatial extent, the proposal cannot be considered large in scale within the context of the former mine site, the two existing buildings and areas of hardstanding proposed to be used cover an area of just 2.2 hectares; whereas, the overall area of the former mine site is 32 hectares in total so the proposal will cover a much smaller proportion of that area.
- 7.28 The consideration of whether the proposed development should be considered as ‘*large scale*’, is not only confined to its spatial references such as the site area or size of buildings (which, in this particular instance, already exist), but regard should also be had to the wider area, including the effects of the intensity of the intended activities proposed to take place on the site both within and out with the buildings as well as the temporal elements such as the duration that particular activities are proposed to persist.
- 7.29 The proposal would use two of the remaining buildings on the application site, which are of a moderate scale, but which are placed well within the overall site and well screened from viewpoints outside the site. There would be elements of the operations proposed to take place outside, such as sorting and creation of stockpiles of materials, but these would be screened to the south and west by the existing buildings and to the north and east by the existing perimeter bunds and tree screen.
- 7.30 In terms of the intensity of use, the proposed vehicle movements can provide an indication as to the level of intensity at which the site is proposed to be operated. In this case, the maximum number of daily HGV movements would be 25 in and 25 out, but stated by the applicant to be, on average, half of this number over a period of 8.5 hours. Even taking into account the associated car movements, the proposal is not considered to be overly intensive with a maximum of 10 cars entering the site on a daily basis. Similarly, in terms of employment, the facility is proposed to create around 10 jobs and this is another indicator of the proposal being neither large in scale nor intensive in its

economic activity. It is considered this proposal would not give rise to cumulative impacts that would intensify the development to such a level where it could be considered unacceptable on the site as a whole or the local area. The proposed reuse of this relatively small portion of the wider site would not constitute large scale or intensive activity and therefore the proposal is not considered to be contrary to this specific element of SDCS Policy SP13.

- 7.31 Selby District Council, in their response on 30th August 2018 also contest that the rural nature of the site outside development limits is a further reason why this proposal, in their view, is considered large scale and intensive. However, it is considered that this proposal would not significantly alter the existing character of the area as the proposed development comprises the reuse of existing buildings, and is already screened by existing matured tree planting. As earlier referred, it is assessed as acceptable against the stated criteria in SDCS Policy SP13, with regards to development management, environmental and highways criteria and is consistent with the NPPF and, in particular, Paragraph 180 with the development being an appropriate use for the location, whilst mitigating any adverse negative effect on the amenity of the local area. While, at the same time, recognising that the character of traffic movements to and from the site has changed compared to that which was experienced when the Stillingfleet Mine was operational.
- 7.32 **SDCS Policy SP13** also possesses further criteria (part '*D*' refers) i.e. "*.... development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity*". It is acknowledged the Parish Councils and objectors do not wish this application to set a precedent for more development on the former mine site. However, in respect of this particular proposal, this application, seeking the reuse of existing buildings and infrastructure, is of a scale and type of activity appropriate to its proposed location that benefits from existing and appropriate highway access capable of accommodating the proposed vehicle types and numbers and is well screened from views outside of the wider mine site. This renders the site capable of accommodating such a development and one which can be regarded as being sustainable because, in the first instance, it would reuse buildings and infrastructure already in existence and, secondly, it would safeguard the use of other land for the purpose which might be more appropriate for other land use types, without giving rise to harm to the character of the area and is capable of safeguarding against any detriment to the amenity currently enjoyed by residents within the local community. It is important to note that, were any further development on the wider mine site to come forward, the cumulative impacts of the site as a whole would have to be taken into account, judged against policy prevailing at the time, and further development on the site particularly if deemed to be large in scale or an economically intensive activity may not be supported. Each planning application, however, must be judged on its own individual merits and the Authority must assess and determine the proposal as currently presented.
- 7.33 This policy direction to secure development which is sustainable echoes the focus upon the presumption of sustainable development introduced first in the Core Strategy within **SDCS Policy SP1** which in turn echoes **NPPF** achieving sustainable development **Paragraph 8** listing the overarching and mutually dependent objectives of a strong, responsive and competitive economy, a strong, vibrant and healthy society and the protection and enhancement of the environment. Applied to the current application, these are reflected as follows:
- in terms of the economic objective, in that the proposal would bring business and employment to the site;
 - in terms of the societal objective, in that the impacts of the proposed operations have been demonstrated to be capable of being sufficiently mitigated in terms of amenity protection measures; and,

- in terms of the environmental objective, in that the proposed site is well concealed by existing established screening; the haulage is relatively low level with 25 HGV's visiting the site on a daily basis and, to minimise disruption, all HGV's travelling to and from the site would have to follow an agreed Travel Route from the site to the A19 which would be secured through a S106 Agreement; the proposal involves the recycling and reuse of the CD&E waste brought to the site which aligns with moving the waste up the '*waste hierarchy*' supported by Policy W01 in the MWJP; the application proposes the use of existing buildings and infrastructure which will limit the amount of construction required to make the site suitable for use as a waste transfer station.
- 7.34 Furthermore, were planning permission to be forthcoming, this application would not compromise wider sustainable development objectives due to the fact that further restoration of the remainder of the wider former mine site could still take place in the future, or indeed other suitable, sustainable uses could be considered acceptable provided they were able to constitute an effective use of the land, and were considered appropriate. This policy is echoed with the emerging **draft MWJP Policy D01** and they both align with **NPPF Paragraph 11** applying a presumption in favour of development that is able to demonstrate it is sustainable and generally accords with the *development plan*, when read as a whole, and seeking to support development where adverse impacts are not assessed as being significant or so wholly unacceptable as to outweigh the benefits of the proposed development i.e. the movement of materials up the '*waste hierarchy*' being one by way of example.
- 7.35 For the reasons detailed above, it is considered that the principle of the development and location has been established as being in accordance with the principles of both the NPPW and the NPPF following the advice provided within national Planning Practice Guidance and the site suitability elements of '**saved** NYWLP policies 4/1, 5/2 and 5/7; elements of which have been taken forward into **draft MWJP policies W05 and W10** with which the proposal broadly accords with the respective criterion; however, as the proposal is not on previously developed land, industrial and employment land, or is at an existing waste management sites it cannot be considered to accord with Policy W11. Furthermore, **SDCS Policy SP1, SP2 and SP13** are also relevant. Policy SP13 makes provision for the redevelopment of existing and former employment sites and commercial premises subject to development being sustainable and appropriate in scale and type to its location, would not harm the character of the area, and would achieve a good standard of amenity'. For the reasons detailed above, it is considered the proposal complies with these policies, subject to consideration of the suitability of the application site in relation to its impact upon the local environment, character of the local area and upon amenity.
- 7.36 Having established within the paragraphs above that the development, on balance, represents a development which is, '*in principle*', acceptable in land use planning terms, it is also incumbent upon the Authority to assess the development against other material considerations insofar as to whether they would indicate that there are interests of acknowledged importance that would be significantly and/or adversely affected to such a degree that the balance weighs in favour of the proposed development being assessed as being unacceptable in land use planning terms.
- 7.36 Thus, attention must now turn to the remaining policies of the extant *development plan* documents with particular reference to '**saved** NYWLP Policy 4/3 which has as its focus landscape protection (echoing **criterion e**) of NYWLP Policy 4/1), '**saved** NYWLP Policy 4/18 focussed upon traffic impact (echoing **criterion g**) of NYWLP Policy 4/1); and '**saved** NYWLP Policy 4/19 regarding amenity (echoing **criterion h**) of NYWLP Policy 4/1), as well as the policies of the District Council's Core Strategy and Local Plan and the emerging policies of the MWJP and the assessment of the proposed development against these.

Landscape and visual impacts

- 7.37 The extant policies with specific regard to landscape matters comprise **criteria c) and e) of NYWLP Policy 4/1**, **'saved' NYWLP Policy 4/3** and **'saved' NYWLP Policy 4/20**; the thrust of which is carried through into the development management policies of the emerging MWJP in **draft MWJP Policy D02** (in terms of safeguarding local communities from, *inter alia*, unacceptable impacts such as visual intrusion) and **draft MWJP Policy D06** (in terms of landscape protection) and **SDCS Policy SP18** (*'Protecting and enhancing the local environment'*) and part **(e)** of **SDCS Policy SP19** (*'Design quality'*) as well as **part (4)** of **'saved' SDLP Policy ENV1**. As earlier referred, these align with national policy within paragraphs 127 and 170 of the NPPF along with Paragraph 7 of the NPPW, which directs decision-takers toward the list within its Appendix B; amongst which is the seeking of development which respects landscape character (locational criterion c). The assessment of the acceptability of the proposed development in respect of both landscape and visual impacts must, therefore, have regard to these policies.
- 7.38 It is important, for the sake of clarity and understanding, to distinguish that landscape impacts are distinct from visual impacts in that they relate to changes in the fabric, character and quality of the landscape; whereas, visual impacts relate to specific changes in views and the attendant impacts therefrom upon others such as those living in the vicinity of a site or those enjoying the outdoors along public footpaths for instance
- 7.39 With regards landscape impact, the site is located within a predominantly rural location, although there are a number of residential properties situated in the vicinity. It is served by highway access appropriate to the use proposed and the route from the site access eastward connects directly to the principal road network, the A19. While the application site is located within open countryside, it is not situated upon land that has any special landscape designation preventing or limiting development upon it. The application site located on the former mine site proposes the utilisation of the existing buildings and areas of hardstanding which would not be disturbed. The effects of the proposed development on the current character of the site would, therefore, be minimal and would not significantly affect the visual appearance of the site. While the topography of the surrounding area is predominately flat, the site benefits greatly from the screening provided by the mature trees on top of the existing bunding which surrounds the former mine site (as depicted within Appendix H to this report). Beyond the tree screen, the site is separated from neighbouring residences by fields in agricultural use.
- 7.40 The nearest residential property to the proposed development is Mount Pleasant Farm, which is located approximately 400 metres north-west of the application site and 250 metres west of the access road. It is considered that the visual screening provided by the trees and bunding in the intervening distance as well as the separation distance itself between this property and the proposed development are sufficient to mitigate the impacts of the development upon the amenity of the residents. It is noted that Mount Pleasant Farm would be most affected by the vehicles accessing and departing the site, however, there is screening from a mixture of deciduous hedges and intermittent deciduous trees (approximately five metre high) alongside the access to the application site, the retention, maintenance and management of such could be controlled through a Section 106 planning agreement.
- 7.41 In terms of visual impact, public views of the application site do not exist, including from the public right of way to the east of the application site, due to the existing bunding and landscaping thereon along the eastern boundary of the site. Furthermore, the expressed concern of the NYCC Public Rights of Way team was that the routes to the east of the site should be kept open for public use, but as the development would not affect the routes and would not stop the use of the route, they have no concerns in this regard. The addition of stockpiles on the site would not have an effect on the views from the public right of way due to the site being screened from view. These aspects of the application site serve to safeguard against any unacceptable impacts that might

arise in respect of users of the nearby public footpath and bridleway and thereby, in turn, satisfying 'saved' NYWLP Policy 4/20.

- 7.42 Furthermore, the applicant has confirmed that no new lighting provision is proposed; lending additional support to the view that any visual impacts of the proposed development would not be so significant as to be considered unacceptable. Nevertheless, a condition (14) is proposed to require details of any lighting to be erected to be submitted for approval. It is acknowledged the confinement of the application site within the bounds of the former mine site which is well screened, even in winter, preventing views into the site, negated the need for the applicant to undertake any landscape and visual impact assessment in this particular instance.
- 7.43 While the applicant has no plans for the removal of the perimeter woodland, in acknowledging that it has matured and become successfully assimilated into the rural landscape context of the area such that the screening that it provides is vital to mitigating the effects of the proposal in landscape terms. There is, therefore, proposed an undertaking to retain and maintain the boundary trees, hedgerows and vegetation that were planted around 30 years ago and this could be secured through a Section 106 planning agreement; thus, further limiting the visual impact throughout the life of the development
- 7.44 The Council's Landscape Architect has acknowledged that the application site is "*very well screened by landform and planting*" and while, to the east, the mounding is lower, it is not presenting a problem. It is noted that within the responses to consultation the Council's adviser on landscape matters had requested a temporary permission until 2029, so as to match the timescale of the nearby mine gas generation plant. However, it is considered that such a condition in the circumstances of this application would not meet the tests of planning conditions set out in the NPPF and PPG guidance, particularly in regards to the reasonableness and necessity of the condition. Therefore, a temporary permission is not considered appropriate in this instance.
- 7.45 For the reasons detailed above, it is considered that the proposed development would not have an adverse impact upon the character of the area lending support to the view as to the appropriateness of the location of the proposed development. The existing buildings, structures and site layout including stockpiles would be, for the most part, obscured from view by mature screen planting and would therefore be visually compatible within its screened local landscape context in terms of scale, height and massing. The proposal would not result in any unacceptable adverse visual impact or detrimental effect on the character and uniqueness of the landscape. It is however, in the interests of general amenity considered prudent to include a planning condition that removes '*permitted development*' rights for any future change of use, buildings, fixed plant or areas of hardstanding (beyond that provided for in the proposed development) (condition no. 3 within Section 9.0 of this report refers).
- 7.46 Taking the above into account, it is considered that the proposed development has been demonstrated to have satisfied that which would be expected by the relevant *development plan* policies which are engaged in this instance; namely, criteria c) and e) of NYWLP Policy 4/1, in that the environmental impacts would not be unacceptable and the proposed development would be screened from view effectively; 'saved' NYWLP Policy 4/3 in that any unacceptable effects upon local landscape character and uniqueness can be avoided; 'saved' NYWLP Policy 4/20, in that there would be no detriment to the enjoyment of the nearby public rights of way through any visual intrusion; part 4) of 'saved' SDLP Policy ENV1 in that the design of the proposed development has had regard to its surroundings and associated landscaping; part 1 of SDCS Policy SP18, in that the local landscape would be safeguarded; part e) of SDCS Policy SP19 (again having had regard to design in the local context) as well as national policies in respect of design contained within NPPF Paragraph 127 and 170 and NPPW Paragraph 7; all of which are echoed within the emerging draft MWJP Policy D02,

insofar as unacceptable impacts such as visual intrusion in the local community would be safeguarded.

Highway and traffic matters

- 7.47 The extant policies with specific regard to matters relating to the public highway and traffic movements include **criteria g) of NYWLP Policy 4/1**; **'saved' NYWLP Policy 4/18** on traffic impact; **criteria e) of 'saved' NYWLP Policy 5/7**; the thrust of which is carried through into the development management policy of the emerging MWJP in **draft MWJP Policy D03**; and **part 2) of 'saved' SDLP Policy ENV1** and **'saved' SDLP policies T1 and T2**. As earlier referred, these align with national policy expressed within part d) of NPPF Paragraph 102, Paragraph 103, 108 and 109 together with NPPW Paragraph 7.
- 7.48 A number of objections raised within representations received by the County Planning Authority have commented on their concern about the impact of the proposed increase in traffic levels along both the C307 (Escrick Road) and the A19 and B1222 through Naburn and Stillingfleet. Other concerns from residents and the Parish Councils have included concern about the safety of the road junction at the site entrance onto the C307 (Escrick Road) due to the increased traffic levels.
- 7.49 The application has been accompanied by a *Transport Statement*, notwithstanding the absence of any requirement to do so. The NPPF advises these may only be necessary in instances where a development would be likely to generate "significant amounts of movement" (NPPF Paragraph 111 refers). The *Transport Statement* has considered the vehicular traffic impact of the development in light of the likely levels of traffic that would be generated by the proposed development against past collision data, a junction assessment and natural traffic growth.
- 7.50 The applicant details have indicated that the proposal would generate a maximum of 50 (25 in 25 out) HGV movements per day and this number of HGVs travelling to and from the site on the C307 (Escrick Road) travelling towards the A19 would not significantly increase the flow of traffic according to the Highway Authority. Notwithstanding the potential for an increase in vehicle numbers, the HGV traffic would be a new addition to the local highway network. The current and previous baseline for the site was none to very few HGVs arising from the mine site when operational. The current proposal, however, represents a new use on the site and the proposal has to be considered in terms of the impact it would have upon the highway network. It is understood that the Parish Councils and objectors have concerns about the potential cumulative traffic impact that could arise with this site in combination with the sites proposed for allocation in the area within the MWJP; however, it is considered that this development would not significantly increase traffic numbers or affect the capacity of the highway.
- 7.51 Whilst it is noted that objections have been received in relation to the impact of the development on the highway network, it is not considered reasonable to conclude a recommendation of refusal based on highway concerns. The applicant has responded to these objections explaining that the road access is judged to be *'good'* and that the proposal would equate to one HGV movement using the A19 junction every seven minutes and that both the A19 and A64 are primary routes subject to expected traffic volumes for their status; further stating for a material increase to exist, an application would have to give rise to a 5% increase, but the proposed additional average figure of 8 HGV movements per hour would not equate to this and would have a negligible impact being under 1% of overall movements, which accords with paragraph 2.10 of the *Design Manual for Roads and Bridges (TD41/95)*. Furthermore, the applicant explains that the proposed haul route is an existing highway which the Highway Authority considers has the capacity to take these extra vehicles.

- 7.52 It is considered there would not be an unacceptable impact upon the highway network. This is consistent with the NPPF Paragraph 109, which points to the refusal of proposals in circumstances only where it could be demonstrated to result in an unacceptable impact upon highway safety or where the residual cumulative impacts would be severe. The restrictions on HGV vehicle numbers to the site is capable of being secured by way of planning condition to control this (draft condition no. 8 within Section 9.0 of this report refers). Supporting this view is the Highway Authority comment that the traffic flow data revealed a two-way flow of 1550 vehicles and that only 1.4% (21 vehicles) comprised HGVs; thereby increasing the percentage of HGVs by approximately 3% (50 vehicles). This level of increase is acceptable to the Highway Authority. Therefore, the overall traffic flow of HGVs on the road would be 4.4% and this level of HGV movements would not be considered to have a significant material impact on the surrounding area or residential amenity.
- 7.53 In response to comments raised by the Highway Authority during the processing of this application, the applicant commissioned a radar speed survey and this was carried out on the B1222 within the vicinity of the site access with over 100 speed-readings taken in both directions. The results indicated 53.32 mph (travelling towards the A19) and 54.79 mph (travelling from the A19) (85th percentile wet weather traffic speed). Furthermore, the visibility splays of 2.4m x 215m have been assessed is being *“easily...achieved in both directions at the site access which fully accords with the visibility splay requirements within Design Manual for Roads and Bridges for 60mph speed limits roads”*. The visibility splays at the access to the site have, therefore, been considered appropriate.
- 7.54 The assessment concludes that the proposals are acceptable in terms of both highway capacity and safety and are capable of being readily accommodated by the local road network. All of the above together with the conclusions of the *Transport Statement*, run concurrent with the expert view expressed by the local Highway Authority offering no objection in relation to either the proposal or its submitted *Transport Statement*. Nonetheless, a number of conditions are recommended by the Highway Authority to further reduce the impact of the proposed development upon the highway network including a requirement that only the existing access be used, the maintenance of the existing visibility splays free from obstruction, the erection of junction warning signs, the installation of wheel-washing facilities (although, as a result of negotiation, the Highway Authority have confirmed this would not require full wheel washing facilities and that they would accept the vehicles being hosed down but would need a condition to reflect this to be part of any permission, draft condition no. 6 proposes with the cleaning of vehicles before they leave the site), a highway condition survey and a traffic routing agreement. With regard to mitigating the HGVs impacts on the surrounding area, residential amenity and increasing the safety of the highway, a condition is also proposed to ensure HGVs would be securely sheeted in a manner such that no material may spill from such vehicles and is proposed as draft condition no. 11 within Section 9.0 of this report.
- 7.55 With regards the last of these Highway Authority recommendations, a routing agreement, such a proposal is capable of being secured through a S106 legal agreement and this approach finds support within national policy; namely, NPPF paragraphs 54 to 56. It is considered necessary to secure the prohibition of HGVs arising from the development travelling along the B1222 (the C307 (Escrick Road)) in order to protect the amenity of residents and the highways network because, to the east of the site access towards the village of Stillingfleet, the roads are much narrower and include more bends. It is considered that the highway network route directing HGV traffic eastward toward the A19 would be capable of absorbing the proposed traffic levels with the mitigation, which would be set through the stated planning conditions. This is supported by part c) of NPPF Paragraph 108.

- 7.56 The application site cannot be seen from the public highway C307 (Escrick Road) being at the end of a private access road some 650 metres in length. The private access road is a good quality tarmacked two-lane road with enough width for vehicles to pass one another. It has good visibility along the length of the track and passing points are provided. Furthermore, the existing junction with the C307 (Escrick Road) has adequate visibility splays in both directions. HGVs would be directed, upon leaving the site, to turn right and proceed eastward along the C307 (Escrick Road) toward the A19. Escrick Road is a wide two-lane C class road extending to its junction with the A19. It has long straight sections and sweeping bends and cannot be reasonably described as '*narrow and bendy*' as some objections have stated. The A19 itself is a major route with capacity for the proposed levels of HGVs.
- 7.57 The issue of noise arising from HGV traffic has been cited by those objecting to the proposed development; however, having consulted with the expert adviser on the issue of noise impacts, the Selby District Council (SDC-EHO) has returned no issues with the noise report provided with the application and requests conditions to mitigate the impact of the HGVs on the area to ensure the proposal is acceptable in terms of its effects on local residents and which are incorporated in the recommendation.
- 7.58 Further objections have cited unsafe highway access, but, in response, the applicant has explained that HGVs would not have to straddle the road, as the proposed HGV sizes are either eight-metre rigid tippers or nine metre articulated tippers, which would also be used for the removal of skips. This means that with the turn right filter being over 9 metres on the A19 there would be adequate carriageway space, causing no obstructions to north or southbound traffic. It is considered that the access serving the proposed development is capable of accommodating adequate '*sweep lines*'/'*swept paths*' that would need to be undertaken by the HGVs upon entering/egressing the site and would not have a detrimental impact upon the highway network especially with the haul route to the A19 being capable of absorbing these extra movements, as stated by the Highway Authority further supporting the appropriateness of the location of the development.
- 7.59 It has been evidenced above, that the surrounding highway network has been assessed as being capable of accommodating the predicted traffic levels to the site and that the proposed development would not have an adverse impact upon the local highway network or the amenity of local residents. Furthermore, it is considered that the proposed development is consistent the principles within Chapter 9 of the NPPF and, in particular, Paragraph 109 which advises that development should only be prevented on transport grounds where the impacts are '*severe*' and it is considered that there are no reasons to refuse the application on such grounds in light of the proposed legal agreement, highway-related controls and those proposed draft conditions which would all serve to mitigate highway and traffic-related impacts of the proposed development.
- 7.60 It is considered that the proposed HGV movements would not have an unacceptable impact in terms of highway safety or capacity and the traffic generated can be satisfactorily accommodated in compliance with '*saved*' NYWLP policies of 4/1 (criterion *g*), 4/18 and the highway network element (criterion *e*) of '*saved*' Policy 5/7 together with '*saved*' SDLP policies ENV1 (*part 2*), T1 and T2 (and echoed within emerging draft MWJP Policy D03) which all deal with ensuring there is capacity on the local highway network to accommodate any increase in traffic. The local highway would have sufficient capacity and is capable of satisfactorily accommodating the HGV movements likely to be generated together with appropriate access arrangements and highway safety. Therefore, subject to conditions requiring safety warning signs and a highway condition survey in advance of the commencement of development, the proposal is considered to be consistent with the traffic and access principles of the NPPF and NPPW which seek to ensure the existing highways networks are both suitable and able to cope with the pressures placed upon them by proposed

developments, which adds further weight in support of the development and compliant with the earlier cited *development plan* policies.

Local Amenity (including noise, air quality and external lighting)

- 7.61 The extant policies with specific regard to matters concerning the safeguarding of the amenity of the local community include criteria **c)** and **h)** of **'saved' NYWLP Policy 4/1**, **'saved' NYWLP Policy 4/19** (both of which seek to ensure that waste management facilities do not have an unacceptable effect on local amenity) and criterion **f)** of **'saved' Policy 5/7** together with **'saved' SDLP Policy ENV1**, **SDCS Policy SP18** and **SP19** as well as the policy position echoed within emerging policies **draft MWJP Policy D02** and **W11**. As earlier referred, these align with national policy expressed within NPPF Paragraph 170 and Paragraph 180 together with NPPW Paragraph 7.
- 7.62 The potential impact of the development upon the amenity of local residents, other sensitive receptors and the environment is an important material consideration in the determination of any waste application and its significance is addressed in both national and local planning policy, which seek to limit the impact of developments upon local residents, and which must be taken into consideration in the determination of waste planning applications
- 7.63 Concerns have been raised by local residents, in the main, due to the impact that the development could have upon local amenity. The potential adverse effects of noise, air quality (including dust) and external lighting on occupiers of the nearest residential properties are key considerations in the acceptability of the development in the proposed location.

Noise

- 7.64 The application has been accompanied by a *Noise Impact Assessment* (dated 28th December 2016) which found there to be *no observed effect level* of noise (i.e. the level below which no effect can be detected) at all nearby dwellings with one exception; where, in that particular instance, a rating of *lowest observable adverse effect level* (i.e. the level of noise exposure above which adverse effects on health and quality of life) has been detected. The applicant has stated that the *Noise Impact Assessment* has been based on a worst-case scenario principle where all machinery is operating. It was further stated that the assessment incorporated mitigation and concluded that noise levels would be at an acceptable level. Further explanation included that the ambient noise recordings were taken on public land representative of the conditions of the nearby dwellings and the method used (BS) is standard practice for noise monitoring assuming the applicant's anticipated likely continual presence of stockpiles.
- 7.65 Objections to the proposed development have been made on behalf of Parish Councils and the wider community and they have raised concerns regarding the noise to which this proposal could potentially give rise and question how the noise survey was conducted. In response to these concerns, on 29th March 2017 (insofar as information relating to the noise monitoring locations) and 4th April 2017, the applicant provided further information. It was confirmed that the words *'daytime and night'* that had been stated within the application details were incorrect as the measurements were only taken during the day. There were two elements subject to correction. The first that as no night time operations are proposed, reference to nighttime should not have been made and the second that the consultant acting on behalf of the applicant acknowledged the absence of any previous major HGV use of the site was unknown to them. Points of clarification included that the sound predictions rely upon the presence of stockpiles and that the formula that had been employed applies to *'soft' surfaces (i.e. surfaces which are absorbent to sound, e.g. grassland, cultivated fields or plantations'* (*British Standard on Noise (BS 5228)*) and therefore the sound propagating to Mount

Pleasant Farm would be subject to absorption with no significant effects on their residential amenity.

- 7.66 It is understood that, in terms of operational noise sources, it is proposed that activities would be carried out mainly within the waste transfer building and the enclosed buildings would serve to reduce the noise emanating from the site to acceptable levels. The noise survey assesses the proposed mobile plant equipment of the crusher, trommel screener, and shredder (as shown within Appendix H to this report) as capable of achieving acceptable noise levels whilst operational inside the waste processing building. These pieces of plant equipment have not been assessed for noise impacts outside the buildings. As a result of this, this specific aspect of the proposed development, in order to render the development acceptable in land use planning terms, is considered to warrant the imposition of a planning condition to control this i.e. requiring the use of these items of plant only internal within the buildings and prohibiting any external use (draft condition no.17 within Section 9.0 to this report refers). However, there are other pieces of plant and equipment proposed by the applicant for use outside the buildings i.e. wheeled loaders, vibrating screener and other mobile plant which have been assessed as having noise impacts that are acceptable for external use i.e. not exceeding levels to likely to have an effect on residential amenity.
- 7.67 The Selby District Council Environmental Health Officer (SDC-EHO) has been consulted and, in turn, has considered the noise impact at the nearest noise sensitive receptors, which includes Mount Pleasant Farm approximately 400 metres north-west of the application site and 250 metres west of the access road. The SDC-EHO has not objected to the application and acknowledges the conclusion of the applicant's appointed consultant that the *Lowest Observable Adverse Effect Level (LOAEL)* would be anticipated at one dwelling on Kellfield Road (Mount Pleasant Farm) and *No Observed Effect Level (NOEL)* would be expected at all other dwellings. The SDC-EHO further noted that the main source of noise would be generated by vehicles entering and leaving the site, with HGV vehicle movements noted as being a maximum of 50 movements per day (25 into the site and 25 egressing the site). The SDC-EHO has also confirmed that the noise survey was conducted in a satisfactory manner showing acceptable levels of noise and, thus, not warranting an objection.
- 7.68 The SDC-EHO considers the proposed hours of operation (07:00 -19:00 Monday-Friday, 07:30 – 13:00 Saturdays, and at no times Sundays and Bank or Public Holidays) to be appropriate and that the proposed operations undertaken within these operational hours would be acceptable. While acknowledging the nature of the local road of the C307 (Escrick Road) and HGV traffic could give rise to some disturbance in the area, there are no limitations on the use of the public highway by HGVs and this proposal would generate only a relatively low level of HGVs. There are no proposals for night time HGV movements and, should permission be granted, the hours of HGVs accessing the site are capable of being controlled by proposed condition 7 in the interest of local amenity. On this basis, it is considered, notwithstanding the concerns raised in objection relating to potential noise disturbance, the proposed development has been assessed as being able to safeguard against any significant adverse noise impact upon residential amenity and is therefore not a sufficient reason to warrant the refusal of the application.
- 7.69 Although it is acknowledged that the proposal could result in some impact upon the residents of Mount Pleasant Farm, it is considered that the impacts upon the amenity of this property would not be significantly adverse or unacceptable due to the environmental mitigation provided by the tree screening around the site (the long term retention and management of which could be secured through a Section 106 planning agreement), the separation distance that exists from this property to the application site and the proposed planning conditions which are capable of controlling the hours of operation, number of HGV movements and noise level restrictions. As such, it is considered that the impact of the proposed development upon the amenity of any

sensitive receptors would be negligible, which is consistent with NPPF Paragraph 180 in regards to proposals not giving rise to significant adverse impacts on health and quality of life. Further, it is also considered that in regards to any effect on tranquillity of the area, the proposed site is not identified as being a specific tranquil area, nor is it considered that recreational or amenity value would be adversely affected by the development.

- 7.70 The nature of the proposal is therefore such that it would be considered unlikely to result in any significant adverse noise impacts upon residential amenity. The SDC-EHO has confirmed that the proposed development is unlikely to cause nuisance, which would result in a negative impact upon local amenity. The Public Rights of Way team consultation response also states the absence of any issue with the proposal and although a public right of way runs close to the site, the site's boundary treatment to the east in the form of a large bund screens the site effectively and mitigates its impacts. It is therefore considered that this proposal would not have a significant adverse effect on the public right of way in terms of noise or the impact it would have on the landscape, with the boundary treatment being protected and managed through a Section 106 planning agreement.
- 7.71 For the reasons detailed above, it is considered that the proposed development would not have a significant impact upon the amenity of any local receptor in regards to noise. Therefore, there would be no conflict with the national policy of the NPPF **Paragraph 180**, with the NPPW or with Planning Practice Guidance in regards to noise through avoiding any significant adverse effect and achieving a good standard of amenity. Moreover, it is considered to comply 'saved' NYWLP policies 4/1, 4/18, 4/19 and 5/7, 'saved' SDLP Policy ENV1 and SDCS policies SP18 and SP19.

Air quality (including dust and odour)

- 7.72 With regards to air quality and, more specifically, in this particular instance, dust, it is acknowledged that the nature of the operations proposed has a propensity toward the generation of dust through the sorting and processing of mixed construction, demolition and excavation waste materials; however, equally, there are measures that are capable of being implemented to mitigate against the potential for adverse effects arising from dust generation. In the instance of the proposal currently under consideration, the effects of dust are capable of being mitigated by condition such that hauls roads, hardstanding areas and stockpiles could be sprayed with water to 'damp down' or suppress the generation of dust and during periods of dry windy weather (i.e. when local wind speeds exceed 20 metres per second), site operations could be suspended such that fugitive dust emissions beyond the site boundaries can be avoided (draft condition no. 15 within Section 9.0 of this report refers).
- 7.73 It is also important to note that facilities such as the one proposed would be subject to controls that fall under the jurisdiction of other regulatory bodies such as the Environment Agency or, in some instances, the SDC-EHO. The existence of alternative statutory means of controlling pollution through the Environment Agency for example is a material consideration to be taken into account in the determination of applications such as that which is currently under consideration. NPPF Paragraph 183 reminds decision-takers that the question must be one of the acceptability, or otherwise, of the proposed development as a use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) so as to avoid the duplication of environmental controls. In this instance, though, land use planning controls and mitigation such as internalising the activity of waste processing, the minimising of stockpile heights and their dampening to reduce dust generation as well as the sheeting of vehicles are all considered to be appropriate because they would serve to mitigate the amenity issues, visual impacts and highway concerns which can all be justifiably regarded as land use planning matters. If Members were minded to grant planning permission, it is considered that the facility's design and the

mitigation measures proposed would sufficiently control the dust emissions arising from the site.

- 7.74 While it is acknowledged that representations in objection have raised concerns regarding dust and air pollution that could be created by the use of the site, the assessment of the proposed development focusses upon the matter of dust as opposed to odour as the development proposes the handling of waste limited to that arising from construction, demolition and excavation which is not normally associated with giving rise to the issue of odour. Included within the concerns of those objecting is the contention that the operator would not comply with the stated dust mitigation measures, such as the use of a water bowser, misters and spray guns. However, doubts as to the intentions or otherwise of operator compliance is not a reasonable justification upon which to refuse planning permission. A reasonable approach by the decision-taker would be to ask the question, are there conditions that meet the '6 tests' (i.e. the tests of reasonableness, relevance, enforceability, precision and relevant to both planning and the development itself) which are capable of rendering the development acceptable in land use planning terms. Mitigation is capable of being delivered through, *inter alia*, proposed condition no.s 13 (sheeting of HGVs), 18 (dust suppression and cessation of operation during periods of dry windy weather) and 19 (closure of waste processing building doorways) within Section 9.0 of this report. Further mitigation is achieved through the separation distance between the application site and the nearest sensitive receptors (Mount Pleasant Farm), together with the main operations being undertaken within an enclosed building and, in light of this, it is considered that any dust arising from the operations at the site would not give rise to significant harm to residential amenity. This is consistent with Planning Practice Guidance for air quality which states mitigation should be proportionate to the size of the proposal.
- 7.75 It is considered that the development would not give rise to any amenity issues associated with air pollution by reason of being consistent with the general thrust of the aims and objectives with the NPPF (and, in particular, paragraphs 170 and 180) and NPPW (and, in particular, Paragraph 7) and being compliant criteria *c*) and *h*) of 'saved' NYWLP Policy 4/1, 'saved' NYWLP Policy 4/19 and criterion *f*) of 'saved' Policy 5/7 together with 'saved' SDLP Policy ENV1, SDCS Policy SP18 and SP19 as well as the policy position echoed within emerging policies draft MWJP Policy D02 and W11.

External lighting

- 7.76 Concerns raised by those objecting to the proposed development have cited the effects of illumination and spill as a result of the lighting on the site. However, mitigation is offered by ensuring that the lighting associated with the proposed development would be switched off outside of the hours of operation at the site and, as such, the impact of the lighting proposals would be minimal on surrounding properties and highways. The applicant has stated that no lighting is proposed other than the lighting already installed by the operator of the former mine. The applicant's intention is that outdoor activities, other than by road going vehicles, would not take place after hours of darkness for safety.
- 7.77 The SDC-EHO has not raised any concerns in relation to the impact of external lighting and it is considered that, due to the separation distance from residential receptors and the screening of the site by trees, that the on-site lighting would not give rise to unacceptable levels of light pollution or disturbance in the local area. To safeguard this position, such mitigation is capable of being controlled by condition and therefore draft condition 17 within Section 9.0 to this report, establish the site lighting for the proposed development and restrict any proposed new lighting to be subject to subsequent approval in writing by the County Planning Authority. This is consistent with national planning practice guidance in regards to safeguarding against light pollution. As the impacts of the proposal are assessed as being mitigated sufficiently, it is considered that the site would not give rise to any amenity issues associated with light pollution

rendering the development not being in conflict with national policy contained within the NPPF Paragraph 180 and Paragraph 7 of the NPPW. It would also be in compliance with the aims of 'saved' NYWLP policies 4/1 (criteria *c* & *h*), 4/19 and 5/7 (criterion *f*), which seek to ensure that proposed developments are appropriate to their location and would not result in impacts considered significantly detrimental to the local environment. The proposed mitigation measures would also ensure there is no conflict with 'saved' SDLP Policy ENV1 and SDCS policies SP18 and SP19; all policy positions echoed within emerging draft MWJP Policy D021.

Impacts upon ecology

- 7.78 The extant policies with specific regard to matters concerning the safeguarding of interests relating to matters of ecology include criteria *c*) and *h*) of '**saved**' NYWLP Policy 4/1 and criterion *f*) of '**saved**' Policy 5/7 (both of which seek to ensure that waste management facilities do not have an unacceptable effect on the environment) together with '**saved**' SDLP Policy ENV1, SDCS Policy SP18 as well as the policy position echoed within emerging draft MWJP Policy D01. As earlier referred, these align with national policy expressed within NPPF Paragraphs 170, 175 and 180 together with NPPW Paragraph 7.
- 7.79 While the matter of ecology has been cited by those objecting to the proposed development, the County Council's expert on matters of ecology, consulted on this particular application, confirmed that as the proposal is to be located on existing areas of hardstanding, there is no anticipated impact on statutory or locally designated wildlife sites and further confirmed there to be no ecological impacts of the development provided best practice is followed for avoiding pollution of land and water.
- 7.80 During the course of the processing of the application, the applicant has submitted further information, providing a '*Preliminary Ecological Appraisal*' of the site dated 19th January 2019 which included an *extended phase 1 habitat survey* used to describe and map the habitats on the site and to identify the presence or potential presence of any protected or notable species as well as undertaking a '*walkover protected species survey*'. The '*Preliminary Ecological Appraisal*' was subject to consultation and, on 29th January 2019, the expert adviser returned their satisfaction with the extent of the survey, the conclusion provided within it and that no further surveys are recommended.
- 7.81 For the reasons detailed above, it is considered that the proposed development would have a negligible impact upon local biodiversity; further supporting the appropriateness of the site. The development is, therefore, considered to be in keeping with the principles of the NPPF in conserving and enhancing the natural environment as outlined in Chapter 15 of the Framework, specifically Paragraph 175 as the proposal would not cause significant harm to biodiversity and therefore compliant with criteria *c*) and *h*) of 'saved' NYWLP Policy 4/1 and criterion *f*) of 'saved' Policy 5/7 together with 'saved' SDLP Policy ENV1, SDCS Policy SP18 as well as the policy position echoed within emerging draft MWJP Policy D07.

The water environment and drainage

- 7.82 The extant policies with specific regard to matters relating to the water environment and drainage include criteria *c*) and *h*) of '**saved**' NYWLP Policy 4/1 and criterion *f*) of '**saved**' NYWLP Policy 5/7 (both of which seek to ensure that waste management facilities do not have an unacceptable effect on the environment), part 7) of SDCS Policy SP18 and SDCS Policy SP19 and emerging draft MWJP Policies D02 and D09. As earlier referred, these align with national policy expressed within NPPF Paragraph 170 together with NPPW Paragraph 7.
- 7.83 The application is accompanied by a *Flood Risk Assessment* (ref. 157/01/sms/fra/1216, dated December 2016) following a hydrological survey, analysis of available hydrological data sources and flood hazard review. This assessment concluded that

the site lies within Flood Zone 1 and, therefore, at low risk from surface water flooding and further analysis has concluded a low risk exists in respect of flooding from groundwater sources. The proposed surface water drainage scheme for the site has been based upon sustainable urban drainage principles. The Ouse and Derwent Internal Drainage Board, consulted on the application, have noted the content of the submitted *Flood Risk Assessment* which states the development would not increase the impermeable footprint of the site and the IDB are, therefore, satisfied that the current drainage arrangements for the site are adequate.

- 7.84 Those who have raised objections to the proposed development have cited as one of their reasons, the potential for the pollution of watercourses. However, the applicant has confirmed that no connection to the public sewer system would be required. Instead, the applicant has affirmed that foul sewage would be dealt with in a portable system which would be taken off site as and when required to a suitable facility. Furthermore, the application details have explained that the site benefits from existing extensive concrete surfaces provided with surface drainage channels and interceptors, including a large fully drained concrete pad that is capable of being reused without the need for any alteration. In light of this, it is considered that the development would not have an adverse impact upon the drainage of the site.
- 7.85 Notwithstanding the safeguards proposed to be implemented by the applicant, there is considered to be the necessity to ensure that sufficient controls may be applied to the development should planning permission be forthcoming. Therefore, proposed for consideration are draft conditions such as no. 12 within Section 9.0 of this report which seeks to control the types of waste that could be accepted by the proposed development, draft condition no.s 14 and 15 which seek to ensure that both the buildings and the areas of hardstanding are maintained in a good state of repair throughout the life of the development.
- 7.86 For the reasons detailed above, it is considered that the proposed development would have a negligible impact in terms of the existing drainage regime and would provide for sufficient safeguards to prevent any significant adverse impact upon the water environment through the means of the collection and disposal of contaminated water arising from the operations proposed to be undertaken at the site. The proposed development is, therefore, considered to comply with the relevant policies of the '*development plan*' insofar as criteria *c*) and *h*) of '*saved*' NYWLP Policy 4/1 and criterion *f*) of '*saved*' NYWLP Policy 5/7, (part 7) of SDCS Policy SP18 and SDCS Policy SP19 and emerging draft MWJP Policies D02 and D09. As earlier referred, these align with national policy expressed within NPPF Paragraph 170 together with NPPW Paragraph 7.

Land contamination

- 7.87 Since the proposed development is to be located on land formerly used as a deep coal mine, contamination at the site is a factor which needs to be considered (NPPF Paragraphs 178 refers). The proposed development would involve the use of buildings and areas of hardstanding already in existence. In response to concerns about contamination by those objecting to the proposed development, the applicant has stated that the mine surface areas of hardstanding would not be disturbed and all activities would take place within buildings or on extensive existing hard-standing surfaces, negating the need to undertake any assessment of possible existing contamination. It is acknowledged and accepted that in light of the absence of any issues relating to contamination by either the Selby District Council EHO or the Environment Agency that, in relation to this particular matter, the proposed development does not give rise to any conflict with the policies of the '*development plan*' and, in particular, with SDCS Policy SP19.

Cumulative impacts

- 7.88 Bringing all the above elements together is the assessment of the proposed development in terms of its cumulative impacts. Criterion **d)** of '**saved** NYWLP Policy **4/1** requires regard to be had to the cumulative impacts of any proposed development to ensure that they are no unacceptable impacts arising cumulatively within the context of a local area; aligning with NPPF Paragraph 180 and a policy direction echoed within the policies of the emerging MWJP; namely draft policies **D02 and W11**. Having demonstrated within paragraphs preceding that the proposed development is compliant with a number of relevant land use planning policies that comprise the '*development plan*' that pertain in the area in which the development is proposed to be situated in that it is capable of ensuring that significant adverse effects do not arise in respect of landscape and visual impacts, highway and traffic impacts or upon the amenity of the local community (as a result of noise, external lighting or impacts upon air quality through the generation of dust) and, where impacts have been identified, they are capable of being sufficiently mitigated to an acceptable level or capable of being controlled through the imposition of appropriate land use planning conditions.

Town & Country Planning Environmental Impact Assessment Regulations 2011

- 7.93 A further stated objection is in regards to the formal *Screening Opinion* adopted by the County Planning Authority contending the *Opinion* failed to take into account the properties on C307 (Escrick Road). However, within *Schedule 3* of the *Screening Opinion*, in the section *Characteristics of the Development, Pollution and Nuisances*, it is stated "*there is also potential for emissions and noise from increased HGV traffic to and from the site. However, the proposed development is considered unlikely to result in nuisances or pollution that would give rise to significant environmental effects*". This is in line with the regulations and it is considered this application would not have significant environmental effects on the character of the area, local amenity or highways. The proposal was screened in accordance with the EIA regulations, and it was concluded that the proposed development would not give rise to significant environmental effects and therefore the application under consideration does not require to be accompanied by an *Environmental Statement*. There have been no further development proposals on the former mine site, or in the vicinity (the site is located in open countryside) since the *Screening Opinion* was adopted; therefore there are no in combination effects to consider.

Fire risk

- 7.94 Fire risk is a known issue related to the operation of waste transfer stations and this is matter that falls within the jurisdiction of the Environment Agency (and in certain cases the local Building Control team of the District Council). The consultation response from the Fire Service returned no comments with regards fire risk. Acknowledging that fire safety is considered as part of the Environmental Permitting regime, the North Yorkshire Fire and Rescue Service have given no comments at this time stating the Fire and Rescue Service would comment on the proposal when it is submitted through the building control regulations. The application for the Environmental Permit would need to consider how to manage firewater arising from a fire and how the laminate stockpile area would be bunded so as to retain any fire lighting liquids that may be within any material imported onto site. The suitability of proposed fire safety measures would be considered at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority. It is understood that the fire prevention and management plan practices (approved as part of the Environmental Permit) involve stockpile height limits (max five metres) and separation distances between stockpiles and plant and machinery, fire rated concrete dividing walls, regular rotation, temperature monitoring, visual inspections, on site fire engine and firefighting measures and an evacuation plan.

Section 106 Legal Agreement

7.95 If planning permission were to be granted in respect of the development currently under consideration, it is considered necessary, in accordance with the NPPF paragraphs 54-57, to secure the following through a Section 106 Legal Agreement with the following 'Heads of Terms':

- a requirement for HGVs travelling to and from the site to follow the agreed Travel Route from the site to the A19; and
- provision for the retention, maintenance and management of the existing landscaping around the site.

8.0 Conclusion

8.1 Overall, it is considered that the proposed facility would contribute to the delivery of an integrated and adequate network of waste management installations by providing a waste recovery facility. There are a limited number of waste transfer stations in the district, which deal with CD&E waste, and none that specialise in recycling plasterboard. The type of facility proposed is needed in the area as demonstrated by the evidence of a capacity gap for CD&E waste in the emerging MWJP. The proposal is not considered to be large in scale and proposes a low level of usage at the selected location which is available to the market. It requires no extensive construction work to prepare the site for use and the proposed use of the site is acceptable. It offers an opportunity for an additional facility in the District, with good access, to move waste up the 'waste hierarchy' and divert it away from the less sustainable option of disposal to landfill. Given the conclusions on the principle of the development, it is considered that the capacity to be provided by the proposed facility would help ensure that construction waste can be dealt with at the 'nearest appropriate installation' and help ensure its management in accordance with the 'proximity principle' of the NPPW (2014) and 'saved' NYWLP Policy 4/1.

8.2 It is considered that there are no material planning considerations to warrant the refusal of this application for the change of use of part of the former mine site to create a waste transfer station for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces.

8.3 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies, which comprise the *Development Plan* currently in force for the area and all other relevant material considerations. On balance, having established the absence of any demonstrable harm to interests of acknowledged importance and taking into account the development's general compliance with the 'development plan' when taken as a whole, the recommendation is, therefore, one of advising Members that the proposed development, in this particular instance, is capable, with accompanying safeguards by way of conditions, of being acceptable in land use planning terms.

8.4 It is noted that Selby District Council in their consultation response for the application state that they consider that the application does not comply with the *development plan*, specifically SDCS Policy SP13 because the District "*regard the creation of the waste transfer facility to be large scale / intensive due to the rural nature of the application site and the fact it lies beyond the development limits of Stillingfleet in the open countryside*". However, the proposed use would employ only 10 employees, there would be a maximum of 25 in and 25 out daily HGV movements, and the amount of waste received at the site would be limited to 75,000 tonnes per annum. The activity on the site is, therefore, not regarded as being particularly intensive. The site itself is not considered to be large in scale because it forms a relatively small part of the wider former mine site. Overall, the proposed use is therefore considered neither 'large scale' nor would give rise to an '*intensive economic activity*' on the site and therefore the proposal is considered to comply with policy.

8.5 Notwithstanding seeking the satisfaction of the criteria of being neither large in scale or intensive in economic activity, SDCS Policy SP13 does provide support for the re-use of sites stating "... *development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity*". The considered reasoning is that the proposal complies with the '*development plan*' when read as a whole. The proposal would be appropriate in scale and type to its location and would not harm the character of the area and there would be good access to the site. There are no objections from the Highway Authority who state the impacts would not be significant nor are there objections returned by others from whom the County Planning has sought expert advice. It is also considered that there would be no significant impact on the character of the local area, nor would it create significant residential amenity issues. For these reasons and because the proposed use would represent a suitable re-use of currently unused land and buildings it is recommended that planning permission be granted.

Obligations under the Equality Act 2010

8.18 The County Planning Authority in carrying out its duties must have regard to the obligations placed upon it under the *Equality Act* and due regard has, therefore, been had to the requirements of *Section 149 (Public Sector Equality Duty)* to safeguard against unlawful discrimination, harassment, victimisation, and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. It is considered that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with '*protected characteristics*' by virtue that the impacts of the proposal can be mitigated so that they will not have a significant impact on groups with '*protected characteristics*.'

Obligations under the Human Rights Act

8.19 The *Human Rights Act* requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner, which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of *Protocol 1* provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

8.20 Having had due regard to the Human Rights Act, the relevant issues arising from the proposed development have been assessed as the potential effects upon those living within the vicinity of the site namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes, and considering the limited interference with those rights is in accordance with the law, necessary and in the public interest.

9.0 Recommendation

9.1 For the following reasons:

- the proposed development would not have a significant impact upon the local environment and would result in no significant adverse impacts which could not be mitigated;

- the proposed development would not have a significant impact upon the character of the surrounding area;
- the proposed development would not have a significant impact upon the amenity of any local receptor;
- the proposed development would not have a significant adverse impact upon the local highway network;
- the proposed development is consistent with the principles of the NPPW (2014), NPPF (2019), national planning practice guidance and 'saved' Policies 4/1, 4/3, 4/18, 4/19, 5/2 and 5/7 of the NYWLP (2006) together with 'saved' Selby District Local Plan (2005) Policies ENV1, T1 and T2 and Selby District Core Strategy (2013) Policies SP1, SP2, SP13, SP18 and SP19 and emerging policies W01, W05 and W10 of the Minerals and Waste Joint Plan

and that, **subject to the applicant first entering into a S106 planning obligation** to secure the following matters that are considered to be necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development:

- a requirement for HGVs travelling to and from the site to follow the agreed Travel Route from the site to the A19;
- provision for the retention, maintenance and management of the existing landscaping around the site; and
- The establishment of a local liaison meeting.

PLANNING PERMISSION BE GRANTED subject to the following conditions:

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

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

2. The development hereby permitted shall be carried out in strict accordance with the application details dated 9 August 2018 and the following approved documents and drawings;

- Ref. 10131/01A, Location Plan, dated 9 August 2018;
- Ref. 10131/02A, Proposed Site Layout, dated 23 January 2017;
- Ref. 10131/03, Internal Building Layout, dated 22 August 2016;
- Ref. 10131/04, Amenity Cabin Elevation, dated 1 February 2017;
- Ref. ASA/SM/SEPT16-01 Topographical Survey, dated 26 September 2016;
- Ref. 157/01/sms/fra/1216, Flood Risk Assessment, dated December 2016;
- Noise Impact Assessment, dated 28 December 2016;
- Transport Statement, dated September 2016;
- Ref. 1184 A, Addendum no 1 to Transport Statement, dated March 2017;
- Supporting Statement, dated January 2017.
- Agent Correspondence, dated 8 March 2017.
- Agent Further Supporting Information, dated 20 April 2017.

Reason: To ensure the development is carried out in accordance with the application details.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 or any other order revoking or re-enacting the order, no plant or buildings shall be erected within the application site without the prior grant of planning permission by the County Planning Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of protecting local amenity.

4. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway onto the C307 (Escrick Road) as shown on the approved Location Plan Ref. 10131/01A, 2018. The access shall be maintained in a safe manner, which shall include the repair of any damage to the existing adopted highway occurring during construction/implementation of the works.

Reason: In the interests of both vehicle and pedestrian safety and the visual amenity of the area.

5. The existing visibility splays to the access to the C307 (Escrick Road) as measured 2.4m down the centre line of the access and 215m measured along both channel lines of the C307 (Escrick Road) shall be retained and maintained clear of any obstruction as measured to an eye height of 1.05m and object height of 0.6m at all times throughout the operational life of the site.

Reason: In the interests of highway safety.

6. No development shall commence until details for the erection of two warning signs on Escrick Road to Dia Number 506.1 warning of the junction of the access to the site have been submitted to and approved writing by the County Planning Authority. The approved signs shall be erected in the approved locations prior to the commencement of development.

Reason: to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

7. No development shall commence until a survey recording the condition of the public highway for a distance of 500m from the access in an easterly direction along Escrick Road towards the junction with the A19 has been carried out in accordance with a scheme and programme to be first submitted to the County Planning Authority for approval in writing. The survey shall be carried out in accordance with approved scheme and programme prior to the commencement of development and submitted to the County Planning Authority in writing within 14 days of its completion.

Reason: in the interests of highway safety and the general amenity of the area

8. No waste materials shall be imported into the site until details of the location, design, and specification of vehicle wheel washing facilities and any other measures to prevent the tracking out of material or debris onto the access road have been submitted to and approved in writing by the County Planning Authority. Thereafter the approved wheel washing facilities shall be installed and maintained in working order and be used by all heavy goods vehicles leaving the site onto the access road throughout the operational life of the site and any other approved measures employed to prevent material or debris being tracked out onto the public highway.

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

9. There shall be no importation or export of waste or recycled material, recycling of materials, site operations, lighting, or heavy goods vehicle (as defined by this permission) movements to and from the site except between the following hours:

07:00hrs – 19:00hrs Mondays to Friday;
07:30hrs - 13:00hrs on Saturdays

There shall be no importation or export of waste or recycled material, recycling of materials, site operations, lighting, or heavy goods vehicle (as defined by this permission) movements to and from the site on Sundays and Bank (or Public) Holidays.

Reason: In the interests of highway safety and the general amenity of the area.

10. The total number of heavy goods vehicle (as defined by this permission) accessing and leaving the application site shall not exceed 50 per day or more than 6 per hour (25 going into the site and 25 going out).

Reason: In the interests of highway safety and the general amenity of the area.

11. A written record of all heavy goods vehicle movements (as defined by this permission) into and out of the site shall be maintained and retained for a period of six months. The records shall contain the vehicles weight, registration number and the time and date of movement. The record shall be made available for inspection to the County Planning Authority at the site office during permitted working hours or within two days of any written request made by the County Planning Authority.

Reason: To enable the verification of vehicle movements limited under condition no. 9.

12. No waste other than construction and demolition wastes, waste plasterboard, glass wastes, plastic laminate and waste concrete tiles shall be imported into the site for processing.

Reason: For the avoidance of doubt and in the interests of the general amenities of the area,

13. All heavy goods vehicles exporting waste or recycled materials from the site shall be securely sheeted or otherwise enclosed in such a manner that no material will be spilled on the public highway.

Reason: In the interests of highway safety and the general amenity of the area.

14. The existing buildings on site shall be maintained in a good state of repair throughout the operational life of the development.

Reason: To protect the visual amenities of the area.

15. The existing hardstanding and surface of the access road to Escrick Road shall be maintained in a good state of repair and devoid of potholes throughout the operational life of the development.

Reason: To ensure a satisfactory form of development and in the interest of the general amenity of the area.

16. No development shall commence until details of the boundary treatment to the site have been submitted to the County Planning Authority for approval in writing. Thereafter the approved boundary treatment shall be erected prior to the importation of waste materials.

Reason: To ensure a satisfactory form of development and in the interest of the general amenity of the area.

17. No development shall commence until a scheme and programme identifying existing lighting/floodlighting and proposed lighting/floodlighting of the site has been submitted

to the County Planning Authority for approval in writing. The scheme and programme shall include details of:

- a) type and intensity of lights;
- b) types of masking or baffle at head;
- c) type, height and colour of lighting columns;
- d) location, number and size of lighting units per column;
- e) light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties;
- f) phasing of the implementation of the approved scheme relative to the phases of development to ensure the minimum lighting necessary is employed throughout the respective phases.

Thereafter the approved lighting/floodlighting that is erected shall be operated and maintained in accordance with the approved scheme and programme throughout the operational life of the site after which it shall be removed in its entirety in accordance with the approved interim or final restoration plan.

Reason: In the interests of the reduction of light pollution and protecting the amenity of the area.

18. No development shall commence until a detailed dust management plan shall be submitted to the County Planning Authority for approval in writing. The dust management plan shall include details of the equipment to be used, the location of such equipment and details of how the dust is to be monitored to prevent the emission of dust from within the buildings and from stockpiled materials on the site. Dust control measures to minimise the emission of dust from the site shall include but not be limited to the spraying of roadways and stockpiles. During periods of high winds (over 20 metres per second as measured by an onsite anemometer) all external waste operations shall cease.

Reason: In the interests of protecting the amenity of the area.

19. All door openings on the waste transfer station buildings shall be closed during waste sorting, processing and recycling operations.

Reason: In the interests of protecting the general amenity of the area.

20. The jaw crusher, trommel screener and shredder or any other replacement machinery shall only be operated when located within the two existing buildings shown on drawing Ref. 10131/02A, Proposed Site Layout, dated 23 January 2017.

Reason: In the interests of protecting the general amenity of the area.

21. No waste materials shall be stored or deposited to a height exceeding 4 metres for laminate and 5m for any other stockpile at any point within the site area as shown on drawing Ref. 10131/02A 'Proposed Site Layout Plan'.

Reason: In the interests of protecting the general amenity of the area.

22. During the permitted hours of operation noise, as measured from the boundary of the operational area of the site the subject of this planning permission, shall not exceed the background noise level ($L_{A90,1H}$) by more than 10dB(A) and shall not in any event exceed 55dB(A) $L_{Aeq\ 1h}$.

Reason: In the interests of protecting the general amenity of the area.

21. A copy of the planning permission and any agreed variations and approved details and schemes and programmes for the purposes of the conditions, together with all the approved plans shall be kept available at the site office at all times.

Reason: To ensure that site personnel are aware of the terms of the planning permission.

Definitions

Heavy goods vehicle: a vehicle of more than 3.5 tonnes gross weight

Informatives

1. *An explanation of the terms used above in condition 4 (visibility splays) is available from the County Highway Authority.*
2. *An abstraction licence would be needed for the water used for dust suppression, if it is to be taken from local surface water or groundwater or will be needed in volumes greater than 20 cubic metres per day. It also states the development would require an Environmental Permit.*
3. *Public rights of way are to be kept open for public use at all times throughout the operational life of the site and use of the access to Escrick Road.*
4. *The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.*

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

In determining this planning application, the County Planning Authority has worked with the Applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the Applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the Applicant has been informed of the existence of all consultation responses and representations made in a timely manner, which provided the Applicant/Agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the Applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Karl Battersby
Corporate Director, Business and Environmental Services

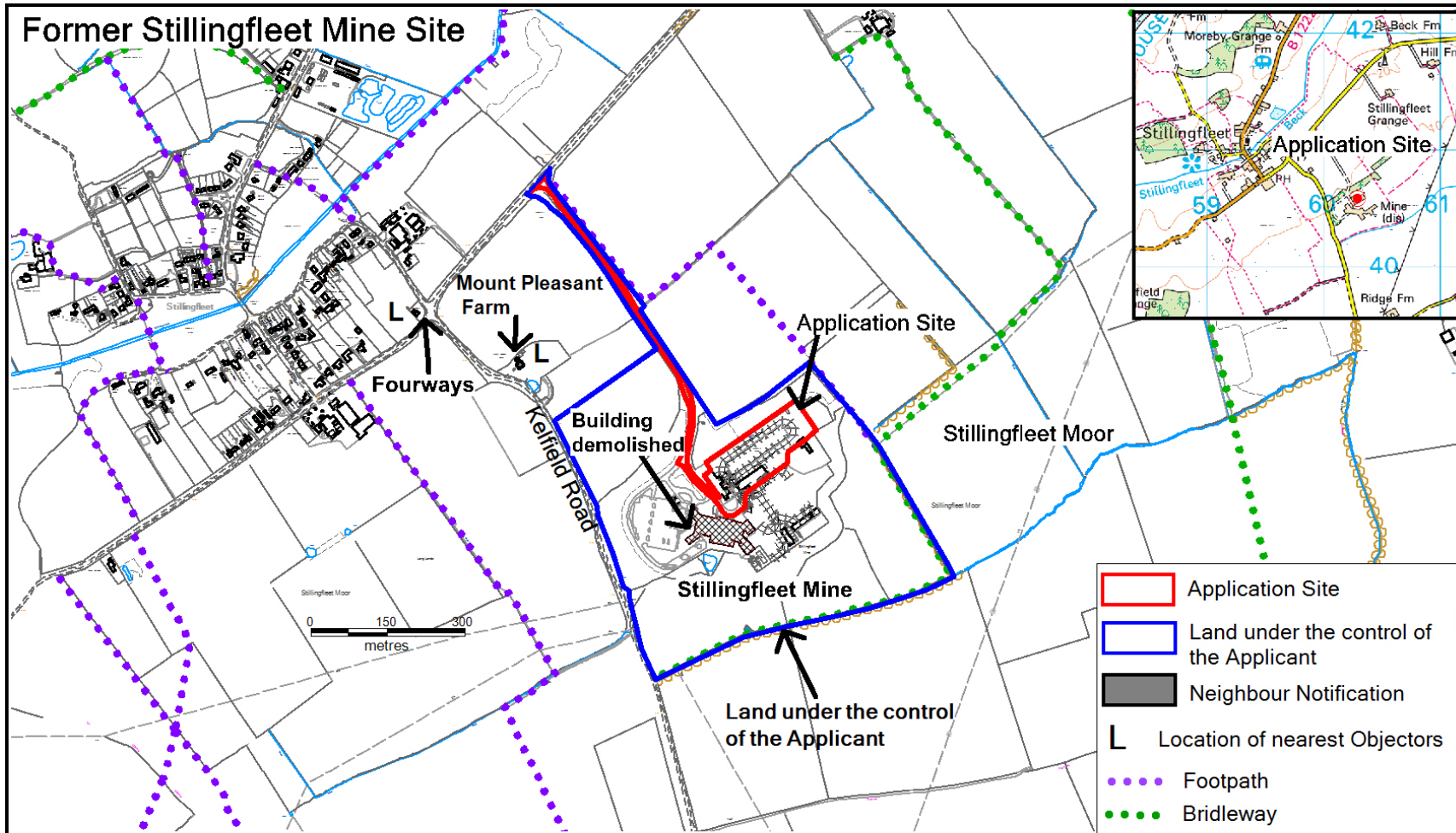
Author of report: Victoria Perkin

Background Documents to this Report:

1. Planning Application Ref Number: C8/999/16U/PA (NY/2016/0251/FUL) registered as valid on 1 February 2017. Application documents can be found on the County Council's Online Planning Register by using the following web link:
<https://onlineplanningregister.northyorks.gov.uk/register/>

2. Consultation responses received.
3. Representations received.

Appendix A – Committee Plan



	Application Site
	Land under the control of the Applicant
	Neighbour Notification
	Location of nearest Objectors
	Footpath
	Bridleway

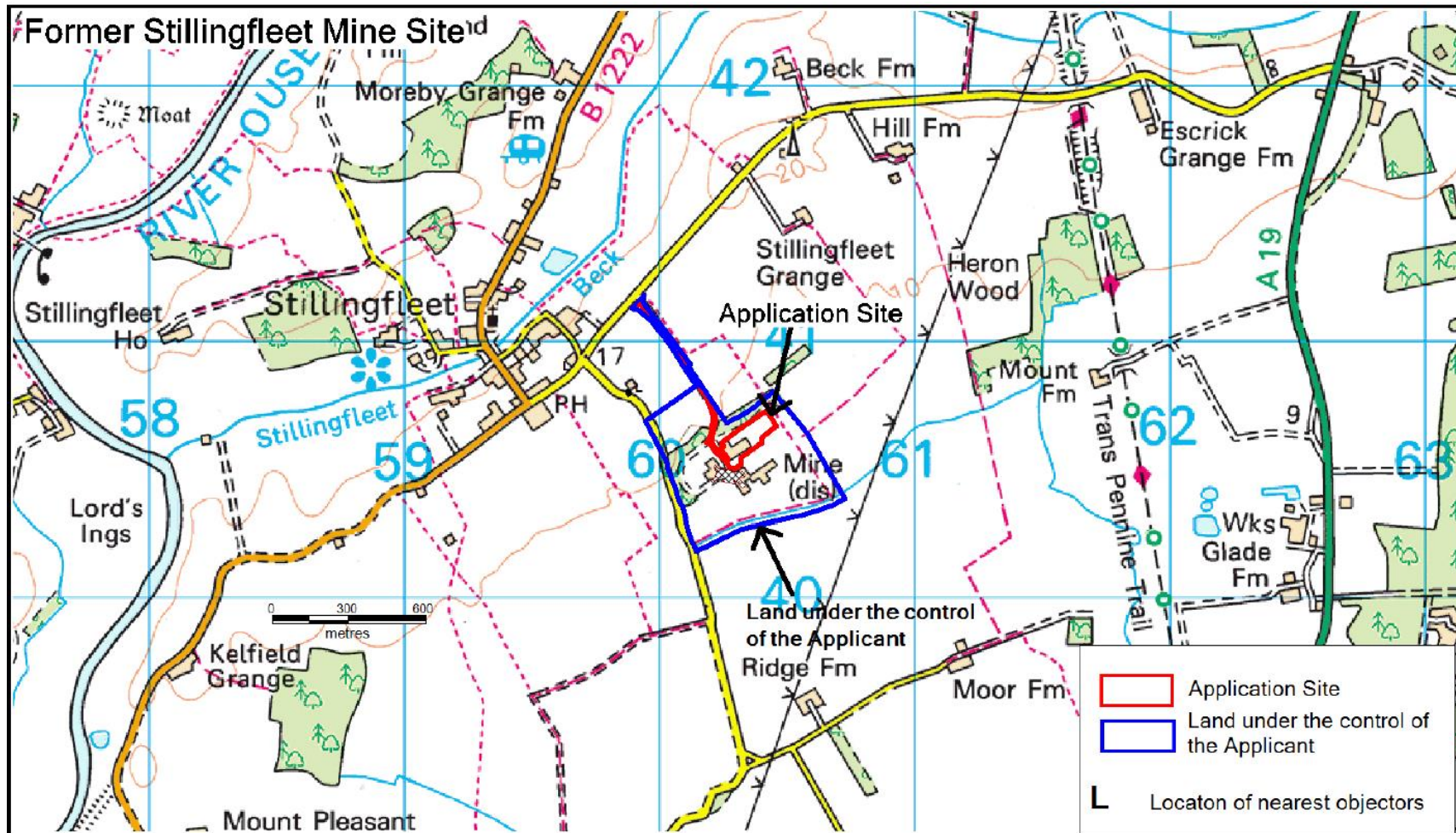
Application No :C8/999/16U/PA

Title: change of use of part of the former coal mine site to create a waste transfer for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces at Former Stillingfleet Mine Site, Escrick Road, Stillingfleet

	Business & Environmental Services, North Yorkshire County Council County Hall, Northallerton, North Yorkshire. DL7 8AH
	Scale: 1:10,000 Date: July 2020 Filename: Stillingfleet Mine Compilation & Analysis: SAT/JB

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Appendix B – Wider Scale Committee Plan



Page 75

Application No :C8/999/16U/PA

Title: change of use of part of the former coal mine site to create a waste transfer for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces at Former Stillingfleet Mine Site, Escrick Road, Stillingfleet

Business & Environmental Services,
North Yorkshire County Council
County Hall, Northallerton,
North Yorkshire. DL7 8AH

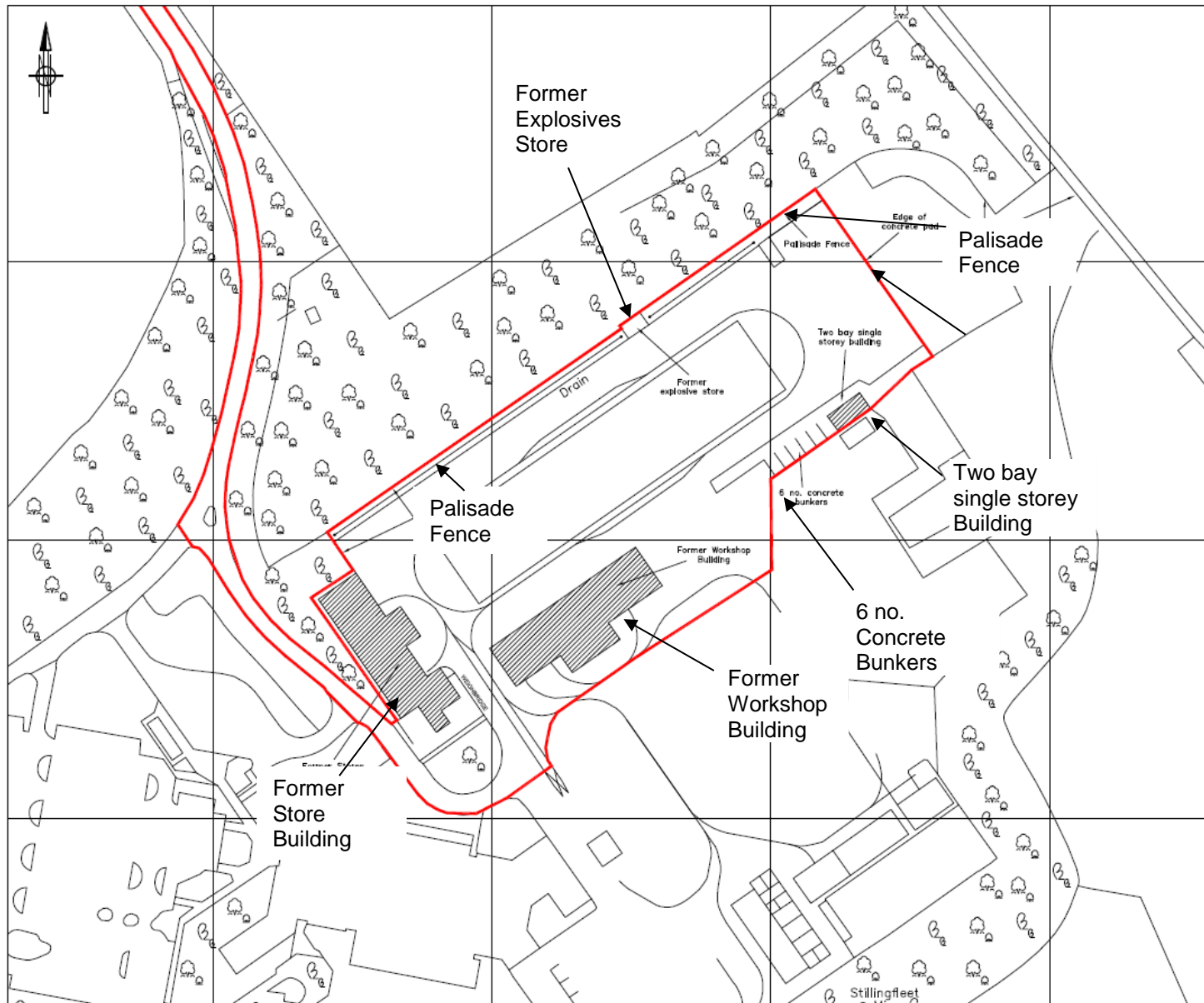
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Date: July 2020
Filename: Stillingfleet Mine
Compilation & Analysis: NR/JB

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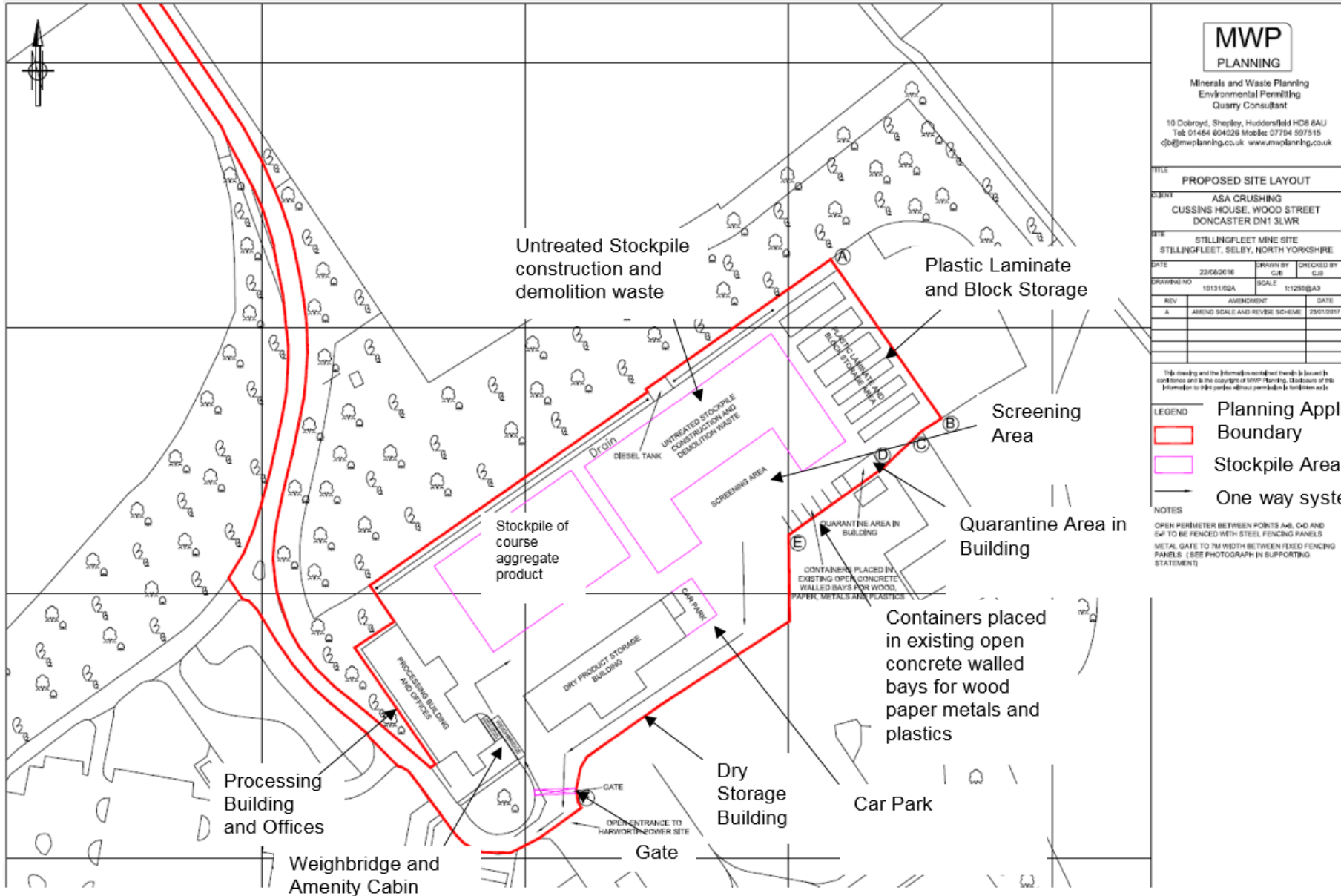
Appendix C – Aerial Photo (source: Google Maps – aerial photo 15th July 2020)



Appendix D - Existing Site Plan



Appendix E – Proposed Site Plan



MWP
PLANNING

Minerals and Waste Planning
Environmental Permitting
Quarry Consultant

10 Dobroyd, Shepley, Huddersfield HD6 8AU
Tel: 01484 604026 Mobile: 07704 597515
cjb@mwpplanning.co.uk www.mwpplanning.co.uk

PROPOSED SITE LAYOUT

CLIENT: ASA CRUSHING
CUSSINS HOUSE, WOOD STREET
DONCASTER DN1 3LWR

SITE: STILLINGFLEET MINE SITE
STILLINGFLEET, SELBY, NORTH YORKSHIRE

DATE: 22/06/2016	DRAWN BY: CJB	CHECKED BY: CJB
DRAWING NO: 10131/02A	SCALE: 1:1250@A3	

REV	AMENDMENT	DATE
A	AMEND SCALE AND REVISE SCHEME	23/01/2017

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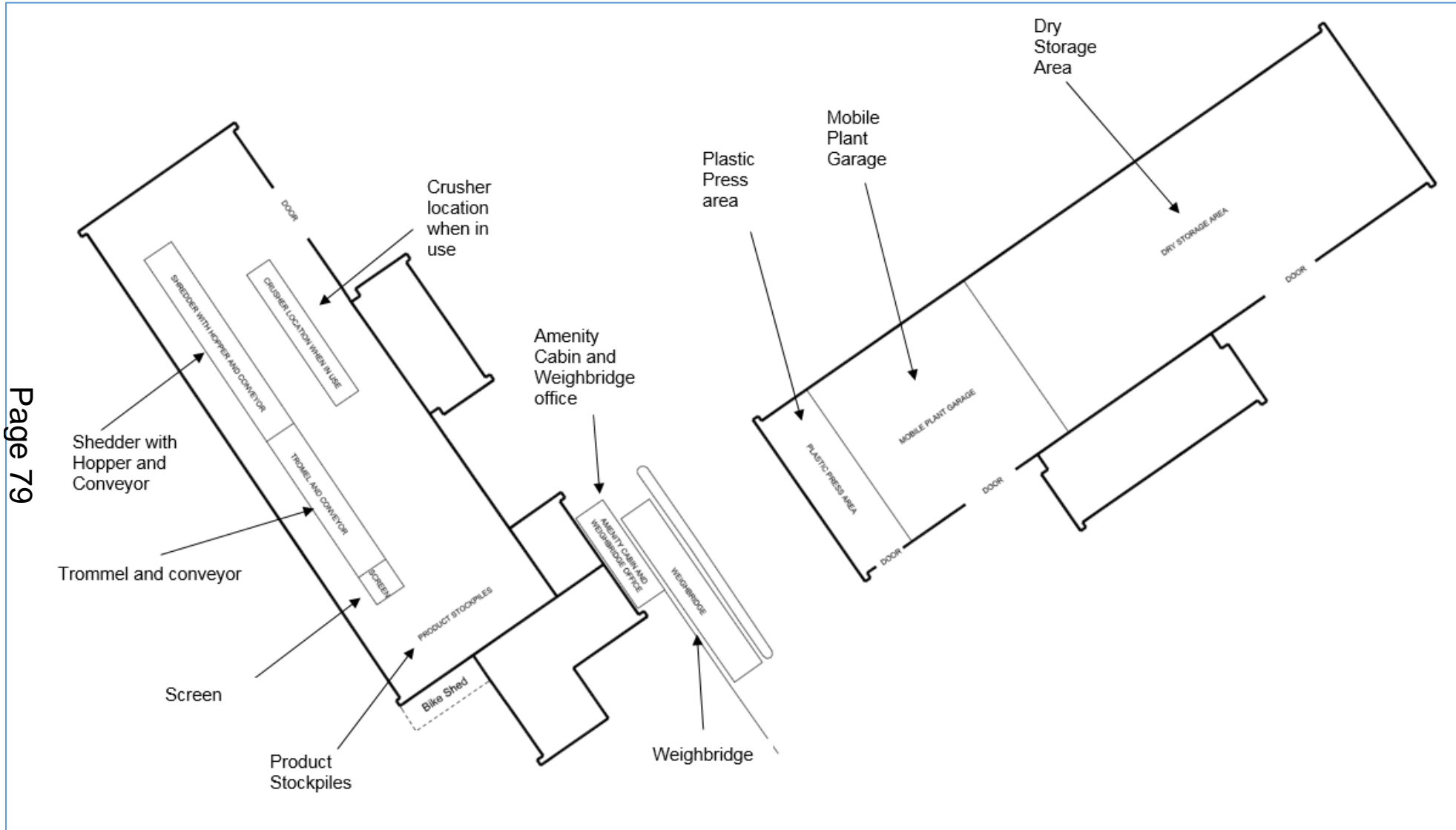
- LEGEND**
- Planning Application Boundary
 - Stockpile Area
 - One way system

NOTES

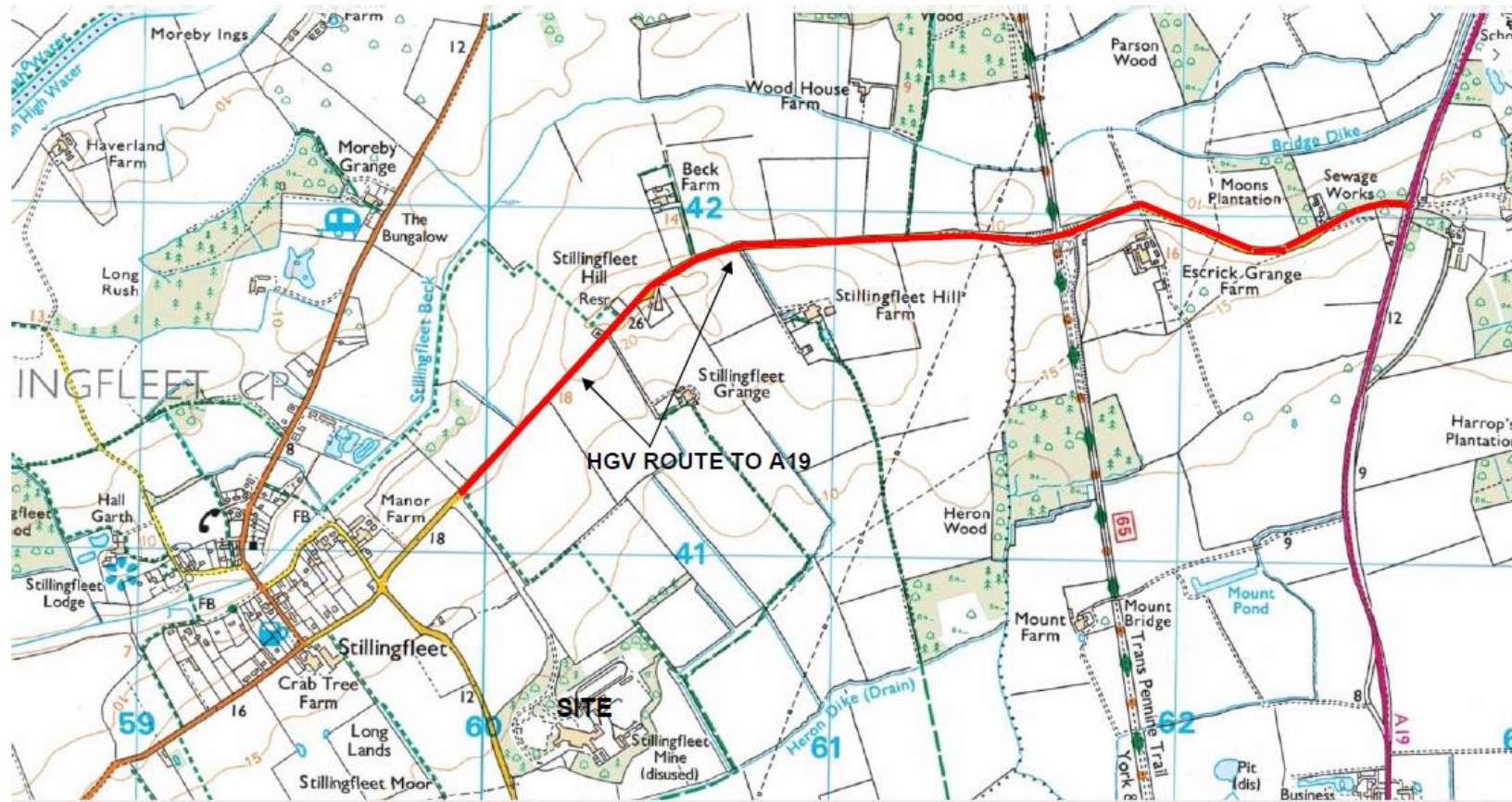
OPEN PERIMETER BETWEEN POINTS A&B, C&D AND E&F TO BE FENCED WITH STEEL FENCING PANELS
METAL GATE TO 7M WIDTH BETWEEN FIXED FENCING PANELS (SEE PHOTOGRAPH IN SUPPORTING STATEMENT)

Appendix F – Internal Layout Plan

Page 79

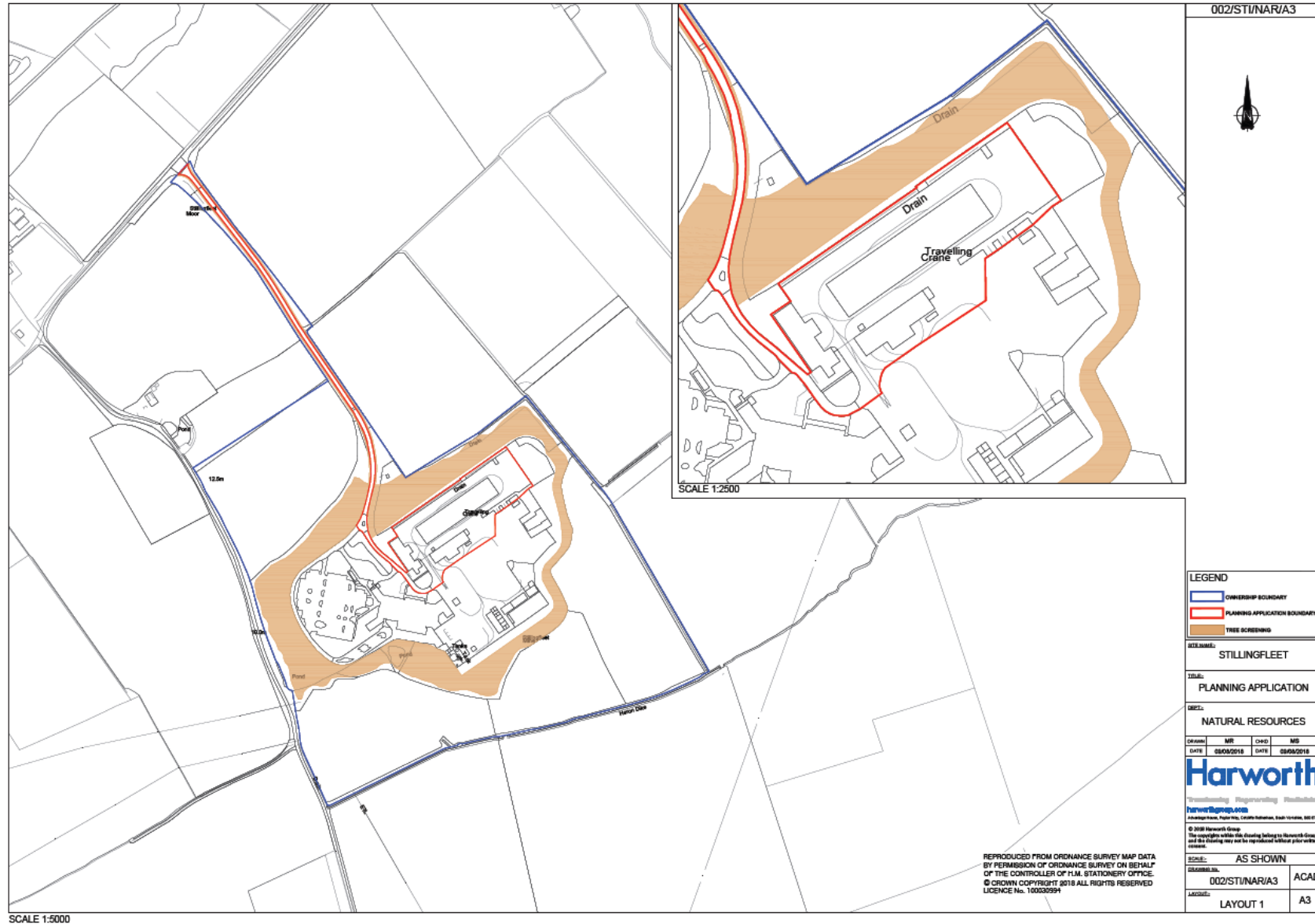


Appendix G – HGV Haul Route



<p>MWP PLANNING 10 Dobroyd, Shepley Huddersfield HD8 8AU Mobile: 07794 597515</p>	<p>PLAN B HGV ROUTE STILLINGFLEET MINE SITE STILLINGFLEET, SELBY</p>	<p>NOT TO SCALE DATE: 19/06/2017</p>
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Appendix H – Screening Management Plan



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North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

23 FEBRUARY 2021

C8/2019/1271/CPO - PLANNING APPLICATION FOR THE PURPOSES OF WASTE RECYCLING AND RESTORATION BY INFILL ON LAND AT NEWTHORPE QUARRY, NEWTHORPE, NORTH YORKSHIRE

ON BEHALF OF NEWTHORPE AGGREGATES LIMITED (SELBY DISTRICT) (SHERBURN IN ELMET ELECTORAL DIVISION)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for waste recycling and restoration by infill on land at Newthorpe Quarry, Newthorpe, North Yorkshire on behalf of Newthorpe Aggregates Limited.
- 1.2 This application is subject to an objection in respect of this proposal from Sherburn in Elmet Parish Council, on the grounds of safety of the existing site access onto the B1222 proposed for use in connection with this development. The application is, reported therefore, to this Committee for determination.

2.0 Background

Site Description

- 2.1 Newthorpe Quarry is a magnesian limestone quarry located approximately 300 metres to the northeast of the A1(M) within the district of Selby. The stone worked is of the Cadeby Formation, formerly known as the Lower Magnesian Limestone. Operations at the quarry originally commenced many years prior to the requirement for planning permission in 1947. Historic maps show a quarry site in existence during the middle of the 19th century and the site had a rail connection from the late 19th century until about the late 1940s/early 1950s. The Applicant's land holding is approximately 15 hectares, of which approximately 13 hectares of land is currently subject to extraction, or has been affected by previous quarrying. Land to the east of that is also a former part of the old quarry; and, as indicated on the Appendix A plan, is the site of a 2.9 hectare restored landfill.
- 2.2 The Quarry is relatively isolated within an area of arable agricultural land at an elevation between 67 and 49m above Ordnance Datum (AOD) and has been worked to a depth of between 18m and 24m, shallowing to the east, with the floor at between 40m and 37m AOD. The topography of the land surrounding the quarry generally slopes northwest to southeast and undulates gently. There is hedgerow along the eastern side of the A1(M) and there are limited lengths of remnant hedges along some field boundaries in the locality. A linear woodland bounds the railway line to the north of the quarry. The north-west corner of the older part of the quarry is well vegetated with mature woodland as shown on the aerial photo in Appendix B. There are a few groups of trees, including on the eastern side of the bridge where the B1222 crosses

over the A1(M) on the north-facing slope between the bridge and the entrance to the quarry and a group about 68 metres long by 12 metres wide approximately 220 metres due north of the site entrance of the B1222 to the east of the access road. Highroyds Wood and Castle Hills is an extensive Ancient Woodland area lying approximately 400 metres to the west of the site on the western (City of Leeds Council) side of the county boundary with North Yorkshire between the A1 (M) and the railway (the county boundary is indicated to the west of the quarry by a dashed line on the aerial photo in Appendix B).

- 2.3 Following mothballing in 2007, the Quarry reopened in 2017 and quarrying is currently taking place in four phases (1 to 4) under the terms of the Planning permission C8/59/43/PA dated 26 February 2019. Production in 2018 amounted to around 120,000 tonnes. Planning permission reference C8/2017/1230/CPO dated 26 February 2019 granted consent for a northern extension of the quarry as Phase 5 of the site. The planning permissions divide the working area into 5 Phases, as shown on the plan in Appendix C. Phase 1 is worked-out and extraction of Phase 2 is currently taking place and Phases 3 and 4 remain in agricultural use. The application details state that reserve figures are calculated on the volume of stone that lies more than 1m above maximum groundwater levels and the supporting statement refers to Phases 3, 4 and 5 as containing 494,400, 612,000 and 390,000 tonnes of reserve respectively and have yet to commence. Conditions attached to both permissions allow mineral production of up to 250,000 tonnes per annum and the permitted mineral reserve at 1 January 2017 was approximately 0.9m³ or 1.8 million tonnes at 2 tonnes/m³, sufficient for 7.2 years at a projected production rate of 250,000 tonnes per annum.
- 2.4 The quarry produces a range of aggregate mineral products and various sizes of crushed rock and dusts. The Quarry currently directly employs six people and a varying number of directly employed lorry drivers, as well as providing work for local hauliers and tradesmen.
- 2.5 The nearest properties to the quarry comprise Brookfield House, 1 Brookfield House, 2 Brookfield House and Dale Cottage that are approximately 135 metres to the north of the railway which forms the northerly boundary of the former quarry workings (and 250m from the current quarry workings). The quarry is approximately 350 metres to the west-south-west of the edge of the small village of Newthorpe where the nearest properties there are on Hall Lane at Hill House Cottage and Farm. The B1222 between the A1(M) and Sherburn in Elmet is a rural two-way single carriageway road with a 60mph speed limit with a number of isolated dwellings and farmsteads fronting on to it, and Squires Café is located on the east side of the B1222 approximately 630m to the east of this application. South Milford is 2.6 kilometres to the east-south-east and Sherburn in Elmet is 2.7 kilometres to the northeast of the site. The county boundary with Leeds City Council is approximately 450 metres west of the edge of the quarry (455 metres from the edge of the land which is the subject of this report), and New Micklefield is the nearest part of the nearest village, Micklefield, at approximately 1 kilometre to the west of the quarry within the Leeds boundary. The Milford Hotel with three adjacent dwellings (including Hazeldene) lies 550m to the south-south-west on the north side of the A63, together with Pointer Farm and an adjacent dwelling at 800m. The A1(M) separates the hotel, farm and dwellings from the land to the west and southwest of the Quarry.
- 2.6 Historically, access was gained to the quarry south-westwards along Hall Lane in Newthorpe from the B1222, but on 13 April 2017 Planning Permission C8/59/41A/PA was granted for a new, purpose built, access road to connect the quarry southwards onto the B1222, subject to 15 planning conditions. The new access road opened in April 2019 and the use of the Hall Lane access has ceased.

2.7 The following constraints affect the site, and Appendix A constraints plan shows the key ones:

- Agricultural Land Classification – Grade 2;
- Airfield Safeguard Zone - Leeds Bradford Airport – The site is more than 20 kilometres from the airport, and, whilst it lies within a Wind Turbine Development Consultation Area of 30 kilometres radius, this constraint is not relevant to the planning application that is under consideration. The site also lies 7.3 kilometres within the 13 kilometre radius zone for Church Fenton Aerodrome (MOD) which includes a requirement for consultation on any applications involving a refuse tip
- Private Airfields at Garforth and Sherburn in Elmet are approximately 3.0 kilometres and 4.7 kilometres from the site;
- Impact Risk Zones identified by Natural England for two Sites of Special Scientific Interest (SSSI) are relevant for certain types of development and, in this case, this includes all types of landfill. The nearest SSSI is Micklefield Quarry SSSI that is approximately 1.1 kilometres to the north-west, to the west of the A1(M) to the south of the railway through Micklefield. The ‘Madbanks and Ledsham Banks’ SSSI is approximately 1.7 kilometres to the south of the site to the west of the A63, near the village of Ledsham; and, the Sherburn Willows SSSI is approximately 2.4 kilometres to the east-north-east between the villages of Newthorpe and Sherburn in Elmet to the north of the Selby to Leeds railway;
- Environment Agency – the site is located within Flood Zone 1 so is at low risk of fluvial or tidal flooding. Areas of Flood Zones 2 and 3 lie along Newthorpe Beck 215 metres north-east of area of proposed development;
- The Smeaton Ridge Locally Important Landscape Area – includes the application site;
- Nottinghamshire Coalfield consultation area– the application area lies outside the development high risk area identified by the Coal Authority;
- The Newthorpe Quarry Historic Landfill Site – abuts the north-eastern side of the application site and is restored to grassland;
- Green Belt – The application site lies wholly within the West Yorkshire Green Belt
- Site of Importance for Nature Conservation (SINC) – part of the proposed development lies within the Newthorpe Quarry SINC site. The SINC includes established woodland. It is also partly on land indicated as being an historic landfill site. The Newthorpe Farm Grassland and Verge SINC site lies 23 metres north from the proposed development on the north side of the Selby to Leeds railway line;
- Scheduled Ancient Monument (SAM) – The 32.7 hectare Castle Hill ‘Prehistoric settlement, field system & medieval wood banks’ is immediately to the west of the proposed development. Scheduling took place on 2 July 1999. The quarry, including the current area of extraction (Phase 2) therefore lies within the setting of the SAM, and this setting also includes the agricultural land to the south-west of the quarry, as well as the agricultural land to south of Phase 2, which is currently undisturbed, but which is scheduled for stripping (as Phase 3) and which is of potential archaeological significance;
- Public Right of Way outside National Parks – Footpath 35.39/3/1 goes south-west from Newthorpe across the site and a partial diversion is in place round the current Phase 1 of the quarry before continuing west along a track known as Highfield Lane to the southern end of Castle Hills. Appendix A shows the current route of the footpath diversion. A diversion order was confirmed in February 2018 to divert the right of way around Phases 3 and 4 to allow mineral working to take place. The diversion will not be implemented until the preparation stage for working within Phase 3 is reached, and then again, before Phase 4 commences;
- The National Rail Network – the line between Leeds and Selby lies approximately 10 metres from the edge of the overall boundary of Newthorpe Quarry, but is approximately 160 metres to the north of the proposed development;
- Highways Agency – The A1(M) motorway is 190 metres south of the area of proposed development;

- Listed Buildings – Newthorpe Cattle Creep Bridge is the nearest listed building and is Grade II. It is over 250 metres north-west of the area of proposed development;
- Ancient Woodland - Highroyds Wood/Castle Hill Woods is over 400 metres west of the area of proposed development;
- National Grid electricity overhead lines are more than 500 metres from area of proposed development.

- 2.8 Natural England defined National Character Areas profiles (NCA) in 2014, based on a combination of landscape, biodiversity, geodiversity and economic activity and follow natural, rather than administrative, boundaries. The application site is within the NCA Profile 30: *Southern Magnesian Limestone* that is characterised as an elevated ridge with smoothly rolling landform of fertile, intensively farmed arable land creating a generally large-scale, open landscape. In November 2019, Selby District Council published an updated Selby Landscape Character Assessment. Newthorpe Quarry lies within the *West Selby Limestone Ridge Landscape Character Area* that is located along the western boundary of the district. The profile describes this area as being: rolling arable farmland with irregularly shaped large fields, defined by hedgerows and field margin buffers, and mineral sites for limestone extraction from local influences, including at Newthorpe. Major transport links dissect this landscape including the A1(M) and large areas of calcareous woodland occur on the western edge of the area included to the north and west of the quarry. Selby District Council designates much of this landscape character area as a Locally Important Landscape Area (LILA) because the rolling limestone ridge is one of the more scenic landscapes within the district due to its varying landform and tree cover.
- 2.9 The plan attached to this report as Appendix A includes the application site, and it is also shown on Appendix D.

Planning History

- 2.10 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- Certificate No.170 (online application no. MIN2422) permitted on 21 May 1947 a limestone quarry extension under the terms of the Town & Country Planning Acts, 1932, 1943 and 1944 and the Town and Country Planning (General Interim Development) Order, 1945 was implemented and subsequently superseded upon the determination of C8/59/11C/IDO.
 - TA/5849 (online application no. MIN2423) granted on 10 October 1972 was for the use of part of the worked out part of the quarry for a) strictly controlled tipping of domestic refuse, and b) strictly controlled tipping on non-toxic industrial waste was implemented and has been restored.
 - C/8/59/11/PA (online application no. MIN2426) granted on 7 March 1980 was for the tipping of domestic refuse on an area of 3135 square metres was implemented and has been restored.
 - The use of land at the site for waste disposal under permissions TA/5849 and C/8/59/11/PA ceased in the 1980s.
 - C8/59/11B/IDO (online application no. MIN2420) registered the Interim Development Order Consent Certificate No.170 as being valid on 21 February 1992 onto the planning register and related to an area of approximately 6.5 hectares of the southern part of the quarry.
 - C8/59/11C/IDO (online application no. MIN2425) determined that the interim development order consent registered as C8/59/11B/IDO should be subject to new planning conditions, under the provisions of Section 22 and Schedule 2 of the Planning and Compensation Act 1991, which were regarding the review of old mining consents. This permission was implemented and has now been superseded by the implementation of planning permission C8/59/43/PA in 2019.

- C8/59/41A/PA (online application no. NY/2017/0001/FUL) granted on 13 April 2017 the construction and use of a new access road to serve the existing quarry has been completed and is in use.
- C8/59/43/PA (online application no. NY/2017/0266/MRP) determined on 26 February 2019 new planning conditions to apply to the development, following a periodic review of the decision notice C8/59/11C/IDO. Extraction is taking place under the terms of this permission which is authorised only until 21 February 2042.
- C8/2017/1230/CPO (online reference NY/2017/0268/ENV) was granted on 26 February 2019 for the 4 hectare northern extension to the existing limestone quarry, and the erection of site offices/amenity block (74.3 sq. metres), weighbridge, weighbridge office (9.6 sq. metres), generator cabin (6 sq. metres), and mobile processing plant and a stockpile area. The weighbridge office are now in place, but the installation of the other buildings is yet to occur.
- Online reference NY/2019/0144/A27 is an application for the approval of details reserved by condition No's 5, 6, 11, 13 & 25 of Planning Permission Ref. C8/59/43/PA. The details relate to a Protection Plan & Management Plan, Water Protection, a scheme for the monitoring of groundwater levels and a Dust Action Plan and is awaiting determination pending the resolution of an objection raised by the Environment Agency.
- Online reference NY/2019/0145/A27 is an application for the approval of details reserved by condition No's 5, 6, 11, 13 & 25 of Planning Permission Ref. C8/2017/1230/CPO. The details relate to a Protection Plan & Management Plan, water protection, scheme for the monitoring of groundwater levels and Dust Control is awaiting determination pending the resolution of an objection raised by the Environment Agency.

3.0 The proposal

- 3.1 Newthorpe Aggregates Limited is seeking planning permission for waste recycling and restoration by infill on land at Newthorpe Quarry, to the south-west of the village of Newthorpe. The total development site area is 9.7 hectares and includes the development's existing access road to and from the B1222 as outlined in red on the plan attached (Appendix A). The development proposals also includes the erection and installation of an outside crushing, screening and washing plant (approximately 13 metres high), and associated equipment as described in paragraph 3.2 below. Overall the proposals will involve the majority of the quarry area that has planning permission for the extraction of limestone with the exception of the northern part of Phase 5. The excluded Phase 5 area is to remain at quarry floor level and restoration will be in accordance with the existing approved plans to limestone grassland. The process of quarrying within the ROMP permission (C8/59/43/PA) and the permitted extension (C8/2017/1230/CPO) would continue through the quarry Phases 2, 3, 4 and 5. Although the Applicant proposes that Phase 5 would be completed after Phase 2 and before Phase 3. A planning condition in both quarrying permissions limits the production of mineral in connection with that permission, and/or in combination with production permitted by the other planning permission to not exceeding 250,000 tonnes per year and also that at no point shall there be extraction from more than one phase at the site at a time.
- 3.2 The Applicant estimates that the available void space for infilling is 1.1 million m³, or 2 million tonnes. At an input level of 220,000 tonnes per annum, the Applicant expects it would take approximately 9 years to fill. The rate of infill would, however, be dependent upon the rate of extraction from the quarry, because sufficient working space is required on the quarry floor at all times. Therefore, if the rate of excavation slows, the rate of infill would, similarly, have to reduce, or temporarily cease, at times. Infill and recycling would commence with the establishment of a new recycling

compound on the quarry floor. The compound (61 metre by 34 metre) would contain a screen and crusher, together with stockpiles of unprocessed and processed materials. A new washing plant located on a concrete base would be self-contained for water circulation and would not require settlement lagoons. This area would also include a crusher and screening equipment to grade the material into the products for sale and would be capable of providing a range of products including soils with the aim of recycling as much of the imported material as possible. This plant would be in addition to the existing quarry plant (weighbridge, weighbridge office, generator cabin and site offices and amenity blocks) that were permitted as part of the planning permissions granted in 2019. In addition to the existing quarry mobile plant, the proposed operations would require a D6 dozer, a loading shovel, dump truck and an excavator. The operator proposes to use a mobile lighting unit with a telescopic tower (minimum height 2.44 metres and maximum height 8.5 metres) equipped with high efficiency LED floodlights powered by a rechargeable battery pack, which would enable continuous use for up to 8 hours with no carbon dioxide emissions, fuel consumption or noise. The diesel backup generator would only automatically start once the tower had used the stored energy in the battery pack and would power the lamps and recharge the battery pack at the same time, and then the generator would automatically turn off.

- 3.3 Imported waste would be deposited on a stockpile and any waste not containing recyclable materials would be deposited as part of the landfilling. The design for the fill operation is for an annual input of 220,000 tonnes, 175,000 tonnes of which would be imported direct to the areas to be landfilled. However, as much as possible of the imported wastes (primarily construction, demolition and excavation materials), is proposed to be recovered (through crushing, screening and placement in product stockpiles) as aggregate for sale, alongside the primary aggregates produced at the quarry. Skips are to be available for storage of non-aggregate materials such as metals, plastics and wood, as well as quarantined materials. The Applicant anticipates that the recycling facility itself would handle imports of 150,000 tonnes per annum of which 70% would be recycled. However, an expected 30% (unsuitable for recycling) would be deposited as fill material within the landfill.
- 3.4 The majority of the waste accepted would be construction, demolition and excavation (CD&E) wastes, street cleaning residues from road sweepers would also be accepted as well as waste packaging, including glass, and furnace slags. No wastes consisting solely or mainly of dusts, powders or loose fibres, hazardous wastes and wastes in liquid form would be accepted. The fill would not include biodegradable wastes such as wood and vegetation. The residue of this waste would be backfilled into the Quarry to provide for restoration at original ground levels over the southern part of the excavation area. These parts would be subject to the requirements of an Environment Agency Environmental Permit, so are likely to have a liner, with gas and leachate monitoring installed, clay barrier layer, a leachate collection liner and a drainage layer. The proposed SuDS-based surface water drainage scheme would ensure that all surface water is contained within the site boundary and discharged to underground strata, with no increase in flood risk at the site or create flood risk elsewhere.
- 3.5 The rate of mineral production together with the volume of wastes available, the recycling rate and the sales of recycled aggregate are all highly variable depending on the local economy. However, the Applicant proposed that the recycling works would commence in 2020 and end in approximately 2033, prior to the proposed infill being completed. The recycling infrastructure and storage area would be located below ground level within the existing working quarry and therefore not visible in the landscape. Therefore, site restoration would be progressive as mineral extraction proceeds and this would be in a generally west to east direction. Restoration would seek to create a range of limestone grassland habitats extending to approximately 1.73 hectares larger than those proposed to be created within the existing planning permissions.

- 3.6 The current quarry planning permission requires that workings do not extend to groundwater and that there should be a minimum of 1m of unsaturated zone between the quarry floor and the groundwater level in the underlying aquifer in order not to affect the quality of the aquifer. The maximum groundwater levels are currently monitored using 4 boreholes around the quarry perimeter. The excavation floor levels were determined by groundwater levels recorded on 6 occasions between July 2017 and January 2019. The Applicant proposes that groundwater level measurements would continue to be taken, using the existing four boreholes spaced around the quarry, at three monthly intervals during the progress of excavation in order to monitor the maximum groundwater levels to enable monitoring of any potential impact from the quarry operation and the proposed recycling and landfill. Retention of an unsaturated zone precludes the development of direct drainage pathways to groundwater and mitigates risk of direct contaminant migration to groundwater. These levels do vary seasonally and over extended periods, analysis of the boreholes done for the Applicant currently indicates that groundwater in the Cadeby Formation is currently uncontaminated and consistent with drinking water standards. Although a specific contaminated land assessment has not been undertaken in respect of this application, the Applicant is aware of suggestions that there is potentially contaminated ground within the quarry boundary and also of the presence of an adjacent historic landfill site and intends that specification of appropriate mitigation measures would be dependent on further investigation and assessment during quarry development and the Applicant keeps that under review.
- 3.7 Levels would be raised, broadly moving west to east in three phases, with the first infill phase on the western side of the quarry (Appendix E), within Phase 2 of the current quarry phasing (see drawing 10132D/03/1C). As infill progresses eastward in the second infill phase (drawing 10132D/03/2B in Appendix F) the completed surface on the western side would be restored to agriculture. Tree planting is proposed to also gradually take place along the northern flank of the fill. The lower level of the access road would divert to accommodate the fill, as filling progresses. The third infill phase (attached as Appendix G) would commence when excavation of Phase 4 is completed. Infill would start at the eastern end and progress westward, and with progressive restoration to agriculture on the completed surface (10132D/03/3B). The final infilling phase would complete the restoration landform in the centre of the site, prior to the removal of all plant and machinery. Restoration would progress as infill proceeds starting in the northwest part of the site in a south-easterly direction. Restoration would be to agriculture with woodland on the slopes. The northern part of the quarry would remain as limestone grassland at quarry floor level, without any infilling. An access ramp would remain to form an agricultural access onto the northern quarry floor. The profiling of any remaining quarry faces to remain would occur during active extraction to ensure long-term stability and then left to regenerate naturally. Ledges, formed naturally on the faces, would be capable of providing nesting opportunities for Peregrine Falcons. Limestone fine mounds formed on the quarry floor would be capable of providing a nesting resource for Sand Martins.
- 3.8 The objective would be to restore the site to a mix of agricultural use and amenity woodland on the slopes down onto the quarry floor. An aim is to retain and protect important existing habitats including areas of woodland, limestone grassland and limestone grassland/open scrub communities. Where vegetation must be removed to access mineral deposits, topsoil stripped from limestone grassland areas would be stored in low mounds, separate from other materials so that they can be used in the progressive restoration of limestone grassland areas. Marginal areas of limestone grassland and scrub habitat along the northern and eastern site boundaries will be retained and protected where possible particularly along the top of the quarry faces as a seed bank to assist in restoration. The proposal includes that significant areas of limestone grassland would be created to compensate for losses (due to quarrying) and

this would using a range of substrates and suitable wildflower seed mixes to create a diversity of natural re-vegetating and newly created limestone grassland in the final restoration. However, no percentages for the split between agriculture/water/nature conservation/woodland has been submitted and the Applicant originally proposed that a detailed restoration scheme should be submitted within 18 months of a grant of planning permission. However, in the light of the consultation responses a revised restoration scheme (Drawing 10132D/04B Infill & Recycling Restoration Scheme, dated 12 February 2020) was submitted in February 2020.

- 3.9 The area that would be returned to agriculture would be restored via ripping of the fill surface to assist drainage, before loose tipping of subsoils in layers that would be subsoiled with stones exceeding 230 millimetres (mm) in any direction being removed if they are within 250mm of the subsoil surface. Topsoil placement would be similar via loose tipping and stone picking, prior to seeding in accordance with a scheme to be agreed with the County Planning Authority. Soil handing would only occur in suitable weather conditions when soil moisture conditions are suitable and the topsoil is in a dry and friable condition.
- 3.10 The tree planting areas would not receive topsoil (to limit grass growth), but the subsoil would be ripped prior to planting. The planting mix proposed in the supporting statement was for a 30% mix of deciduous trees (oak, field maple, birch and crab apple) and a 70% shrub/understorey (hawthorn, hazel, blackthorn, holly, elder, dog rose, guelder rose and wych elm). Planting would be undertaken at 1.5m centres using a combination of 40-60cm transplants and pot-grown stock that would be notch-planted. All would be protected with rabbit guards. The planting mix along the western boundaries of Phases 2 and 3 would be varied to 15% tree species and 85% shrub/understorey species in order to maintain views out from the Scheduled Monument to the west of the Quarry. Planting and seeding would be undertaken in the first available season following the completion of restoration and would be subject to a 5 year statutory aftercare period,
- 3.11 Agricultural aftercare would involve a low maintenance grass mix, which once established, would be cut for silage or hay twice yearly with sheep grazing afterwards. The maintenance over the 5-year aftercare period would be by the site operator, with subsoiling, removal of large stones and operations occurring when the topsoil is dry & friable. Drainage would rely on vertical percolation into the underlying limestone, but any issues would be rectified. Fertiliser status and pH checks would occur each spring to ensure the nutrient balance of the grass. Weed control would also occur. Annual meetings with the Mineral Planning Authority would discuss proposals for the forthcoming year & review the previous year's results.
- 3.12 Woodland aftercare would include tending for 60 months (the aftercare period) from the date of completion of all works, including replacement of plants that die during the establishment of the planting. Weed control of planting areas would be via use of a suitable herbicide or by regular cultivation. Areas around trees would be hand trimmed. Checking of all plastic shelters, stakes, spiral guards and bamboo supports would occur to ensure they are firmed.
- 3.13 Operational hours would remain as in the existing planning permissions: 07:00 to 18:00 on weekdays and 07:00 to 13:00 hours on Saturdays. No operations would take place on Sundays or Bank/Public Holidays.
- 3.14 The access to be used is from the B1222 to the south of the site which was permitted in 2017 and opened in April 2019 for use as the route in connection with this development. This use would include the exportation of up to 250,000 tonnes of aggregate equating to equating to around 4 loads per hour so up to 48 loads per day. The proposed import of 325,000 tonnes of waste would generate between 39 and 62

loads per day, averaging around 6 loads per hour. The proposed export of 105,000 tonnes of recycled waste would equate to around 1 load per hour so up to 20 loads per day). Without any return loads the site would generate a total of 130 loads per day, and up to around 11 loads per hour. However, the Applicant proposes that the site would operate in such a way that return loads would be carried out and Applicant's experience at other sites is that it is envisaged that 50% loads would be return loads.

- 3.15 Prior to the submission of the application and due to the limited number of properties affected, the applicant notified these through the delivery of an information letter, which contained an invite to contact the quarry manager directly to discuss any concerns. A discussion was also been held with the Newthorpe Parish Council.
- 3.16 An Environmental Statement (ES) accompanies the planning application and the original one submitted in September 2019 was superseded in November 2019 by a revised version. It uses the existing quarry operations as the baseline to assess the impact of future recycling and infill activities. The ES includes chapters relating to the assessments undertaken for various topics, and the Applicant has commissioned technical reports from expert consultants to assess the impact of the proposed activities on the locality around the Quarry including cumulative effects and the assessments' conclusions are set out briefly below.
- i.) Cultural Heritage (Archaeology) – The Heritage Assessment considered the impact on the setting of designated heritage assets including the Scheduled Monument. The proposal is within the existing quarry and includes quarrying areas where archaeological mitigation is already agreed. No direct (physical) effects upon heritage assets would take place, as the development proposed would occur where mineral extraction was already completed and predicted adverse effects previously mitigated. Predicted indirect (visual) effects would be limited to the scheduled site and additional (cumulative) noise from plant and vehicle movements in the quarry and vehicle movements on the access road. No odour impacts are predicted. Although recycling and infill would continue for 5 to 10 years there would be a negligible effect upon the monument's significance as the remains, its preservation and its contribution to further study would not be affected. In the latter stages of the development, plant would be visible and audible during capping and restoration of the landfill and removal of the surrounding bunds. The Assessment considered the impact upon the setting of the eastern part of the monument would be a minor to moderate, but temporary adverse effect (dependent upon distance), with a consequential minor and temporary adverse effect upon the significance of the monument. Following the completion of restoration the trees, shrubs and hedge planted around the margins of the quarry would largely screen the restored landfill. Existing views from the monument further to the east (other than from along the very eastern edge of the scheduled area adjacent to the quarry) would not be obscured due to the low proportion of trees so the change to the existing setting of the monument would be limited. Restoration would result in a larger proportion of the quarry being infilled and returned to agricultural use and a reduction in the extent of former quarry faces remaining exposed. The Assessment concluded that the impact upon the setting of the monument would to be a minor long term beneficial effect (and a negligible beneficial effect upon its significance).
- ii.) Landscape and Visual Impact – The Landscape and Visual Impact Assessment (LVIA) considered the physical characteristics of the site and surroundings; the landscape character, visual context and local receptors. The LVIA concluded that the proposals would preserve the openness and character of the Green Belt by containing the temporary operations and permanent restoration to the application site's footprint. It also considered that the maturing boundary woodland would not inhibit views out to the wider landscape from the existing footpath and that when

viewed from the south the woodland edge would '*become almost indiscernible against the backdrop of existing woodland*'. Adverse effects would decrease after quarrying finished and become insignificant over a longer term. Effects from further afield would be negligible due to distance and the quarry being small within the wider landscape. The prediction was for a cumulative moderate/slight adverse magnitude of effect for the six year period when the waste development proposals and quarry extraction were occurring at the same time, but reduced to slight adverse after 2026.

- iii.) Ecological Impact – The Ecological Impact Assessment included a desk study that reviewed records of any protected or notable species, habitats and designated nature conservation sites within a 2 kilometre radius of the Site and also examined a 10 kilometre radius for International and European conservation sites including Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites. An extended phase 1 habitat survey provided sufficient information on the composition of the vegetation present to enable it to be characterised and assessed. It considered the continued operation of the quarry as three phases have still to occur, and the proposed recycling operation and the partial infill of the quarry void. Much of the current site is bare ground in the active quarry and supports very little vegetation. Woodland has developed in the northwest corner within the SINC boundary and there is a moderately diverse woodland ground flora with some typical limestone woodland vegetation of County value which would be retained. Other areas of calcareous grassland/scrub have developed on areas of former calcareous grassland but are moderately species rich, supporting a range of plants typical of dry calcareous grassland habitats which is also of County Importance, prone to decrease where scrub development shades it out, so should be retained where possible. The Assessment recommended that where habitat was lost, it should be compensated for through creation of new areas of open calcareous grassland in the restoration. It considered that significantly larger areas of calcareous grassland habitat would be created than currently exist on site leading to a positive ecological benefit. The quarry and adjacent woodland/scrub habitats were of potential value to feeding and commuting bats but, no significant impacts upon roosting bats were predicted. Mitigation is suggested to provide new Sand Martin nesting opportunities as part of the restoration scheme.
- iv.) Highways and Traffic – The Transport Assessment noted that concluded that the traffic movements associated with this development should be acceptable in terms of both highway capacity and road safety. It noted that the B1222 is a local distributor road that provides access between the A63 and A1(M) and Sherburn in Elmet and also links to other access roads including those that lead to South Milford and roads leading to residential properties and farmsteads. The proposed increase in traffic was considered to be not perceptible from the daily fluctuations in flows expected on the local network and readily accommodated in this location with suitable links to the wider strategic road network. The assessment took account of the proposed operations and existing operations combined being:
- the export of up to 250,000 tonnes of aggregate per year equating to around 4 loads per hour (up to 48 loads per day);
 - the proposed export of 105,000 tonnes of recycled waste equating to around 1 load per hour (up to 20 loads per day); and,
 - The proposed import of 325,000 tonnes of waste that would generate between 39 and 62 loads per day, averaging around 6 loads per hour.
- Without any return loads the site would generate a total of 130 loads per day, and up to around 11 loads per hour. However, the actual number would depend on the type of HGV used as this may be either a rigid bodied vehicle containing 19 tonnes or an articulated vehicle containing 30 tonnes. There

may also be a degree of return loads, which would reduce the total traffic movements.

- v) Hydrological and Hydrogeological Impact – the Hydrological and Hydrogeological Impact Assessment identified Newthorpe Quarry as being located within the surface water catchment area of Newthorpe Beck, which is a tributary of the River Aire. The quarry is free draining with no off-site discharge of surface water. The site is designated Flood Zone 1 and is at low risk of fluvial flooding. The quarry is developed within the Permian limestone layer called the Cadeby Formation. This is a Principal Aquifer of high regional water resource value. The presence of potentially contaminated ground within the quarry boundary and the presence of an adjacent historic landfill site creates a requirement to adopt development and management practices that mitigate any risk to groundwater quality. The proposed landfill would incorporate an engineered lining system comprising an artificial clay barrier layer with a minimum specification equivalent to 1.0m thickness and 1×10^{-9} m/s permeability. A leachate collection liner would be installed above the clay layer with a leachate drainage layer on top. The engineered containment and leachate drainage system would allow collection and management of any leachate generated from the waste. Groundwater quality control and trigger levels are proposed to enable monitoring of groundwater quality using the existing up-gradient and down-gradient monitoring boreholes.
- vi) Noise Impact – The Noise Impact Assessment recorded background noise levels at five locations around the site: Brookfield House/Dale Cottage to the north, Hill House Cottage on Hall Lane to the north-east, Squires Café on the B1222, Pointer House and Hazeldene on the A63. Short term surface activities such as soil stripping and soil bund formation/removal were likely to have a much higher impact than activities which would be undertaken below ground level and the proposed waste recycling and landfill operations are expected to occur simultaneously alongside extraction operations and so the combined effects of these operations was assessed. The assessment of such activities was also made on using worst case scenarios: a) extraction from Phases 1 – 4 in combination with recycling and landfill operations and b) extraction from Phase 5 in combination with recycling and landfill operations. For scenario a) the predicted worst case site noise levels were 54 dB $L_{Aeq,1h}$ (free-field) at Hill House Cottage and 52 dB $L_{Aeq,1h}$ (free-field) at Hazeldene. For scenario b) the predicted worst case site noise levels were 51 dB $L_{Aeq,1h}$ (free-field) at both Hill House Cottage and Hazeldene. Therefore all predictions calculated at below 55 dB $L_{Aeq,1h}$ (free-field), the level likely to lead to complaints. Guidance allows a temporary daytime noise limit of 70 dB $L_{Aeq,1h}$ (free-field) for periods of up to 8 weeks in a year to facilitate such activities. The Assessment recommended that normal daytime limits for noise generated by the quarry activities should be set at 55 dB $L_{Aeq,1h}$ (free-field) for the properties in respect of 'Normal Operations' (Extraction, Stockpiling, Infilling, Processing and Haulage). Short-Term Operations (e.g. Soil Stripping, Bund Formation/Removal, Restoration) were recommended to not exceed 70 dB $L_{Aeq,1h}$ (free field) at noise-sensitive properties and be limited to a period not exceeding 8 weeks at any one property.
- vii) The Air Quality Assessment primarily considered the potential for dust emissions. Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) "Land-Use Planning and Development Control: Planning for Air Quality 2015" guidance suggests: that exhaust emission assessment is only necessary with a change of HGV traffic flows in excess of 100 movements per day Average Annual Daily Traffic AADT where the site is not within, or adjacent to, a declared Air Quality Management Area (AQMA). There are no AQMA in the vicinity of the

application site and the Assessment considered that the change in HGV traffic flows was not exceeded in the proposal at Newthorpe Quarry and therefore, the exhaust emissions from Site mobile plant, generators and from road transport were considered to be likely to be very small when compared with ambient NO₂ and particulate levels due to the low level of activity. The A1(M) to the west of the Quarry was likely to be to be the primary source of vehicle emissions in this locality. Dust control would concentrate on preventing dust emissions beyond the site boundary and be centred on using water to condition materials and damp down running surfaces. As dry windy circumstances can make effective dust control difficult, when local wind speeds exceed 20 metres per second in dry conditions, all site operations would be suspended that have the potential to give rise to fugitive dust emissions beyond the Site boundaries.

- viii) Socio-economic Impacts - The key aspects of the proposals with regard to local socio-economic effects are as follows. The operation of the recycling and disposal facility alongside current quarrying operations would provide employment for up to 12 people on site plus the proposed transfer of 6 existing employees from the Betteras Hill Quarry offices. There would be benefits to local industry and service suppliers including repairs, servicing and supplies for site mobile plant, equipment hire, haulage and the supply of fencing, site cabins, and other materials; together with expenditure of wages within the local economy.

Proposed Section 106 Agreement

- 3.17 Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal and a draft Section 106 Agreement was submitted by solicitors acting for the Applicant in March 2020 in connection with the proposed development to voluntarily address a concern (objection from Sherburn in Elmet Parish Council) about traffic through Sherburn in Elmet. The Applicant proposes to enter into an obligation with the County Council in relation to the HGV routeing to and from the application site. Thus HGV traffic approaching the site would only approach from the south-west on the B1222 (with the exception of local deliveries) and HGV traffic leaving the site would turn right out of the site and continue south-west to the A63 and thence away from Sherburn in Elmet.

4.0 Consultations

- 4.1 As required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 formal consultation occurred with the following bodies, agencies and organisations. Furthermore, as required by the Regulations, notification of the Secretary of State (National Planning Casework Unit) of the planning application occurred on 3 December 2019. The National Planning Casework Unit confirmed on 31 December 2019 that it had no comments to make on the submitted Environmental Statement.
- 4.2 The consultees responses summarised within this section of the report relate to responses to the consultation on 3 December 2019; with the consultation with Leeds City Council that occurred on 12 December 2019, and the consultation with the Lead Local Flood Authority that occurred on 27 January 2020.
- 4.3 **Selby District Council (Planning)** – confirmed on 17 December 2019 that the Development Management Section had no objections or comments to make on the application. However, it requested that the application be assessed against relevant policies in both the Selby Core Strategy and the Local Plan relating to Green Belt and the site's location within the Local Important Landscape Area. The response also referred to the publication in 2019 of a report commissioned by the District Council and

produced by Land Use Consultants Ltd. It is an updated landscape character assessment (LCA) of the District to inform policy-making, landscape management, and development management decisions and has replaced the previous assessment done in 1999.

- 4.4 The response drew attention to the need for advice from heritage services due to the close proximity to the Ancient Monument ref 1019403 “Castle Hill Prehistoric Settlement / field system and medieval wood banks”. The letter also referred to district council records showing the site as being potentially contaminated because of historic uses relating to waste treatment and disposal and that this may need reviewing with the Applicants.
- 4.5 **Selby District Council (Environmental Health)** – the response on 9 January 2020 noted that the Environmental Statement had considered noise impact on nearby sensitive receptors and that the assessment mostly reflected technical detail provided in respect of a previous application at the site (NY/2019/00268/ENV). Therefore, the Environmental Health Officer (EHO) recommended the imposition of conditions in order to protect residential amenity at nearby sensitive receptors regarding:
- carrying out the development in accordance with the Noise Assessment (ref: R.18.9298/4/AP)
 - noise levels at sensitive receptors to not exceed the background noise level ($\text{dB}_{\text{LA90,1hr}}$) by more than 10 dB(A) subject to a maximum of $55\text{dB}_{\text{LAeq,1hr}}$ during normal operations, and during short-term operations to not exceed $70\text{dB}_{\text{LAeq,1hr}}$ limited to a period not exceeding 8 weeks in a year
 - The use of Hall Lane to be prohibited, and
 - Operating hours to be restricted to those proposed.
- 4.6 **Highway Authority** – initially requested on 18 December 2019 clarification about whether the developer owned the land proposed as part of the visibility splay for this development. After clarification that the Applicant controls the land for use as visibility splays and the Applicant would maintain these, there were no further queries, or comments.
- 4.7 **NYCC Heritage - Ecology** – initially advised on 4 February 2020 that the level of survey work undertaken to support the application was satisfactory and broadly agreed with the conclusions within the Ecological Impact Assessment. However, a revised restoration plan to clarify the proposed end land uses and site contours was requested. Clarification was also requested regarding securing an appropriate long-term management plan of the areas proposed for nature conservation end use as these were part within and part outside of the red line boundary of this development. The Principal Ecologist also wished to discuss the securing of protection and management of the adjacent woodland and the long term management of the calcareous grassland areas.
- 4.8 The Principal Ecologist confirmed on 27 February 2020, having seen the revised restoration plan (10132D/04B, attached as Appendix H) submitted by the Applicant’s agent on 12 February 2020, that the ecological impact of the amended scheme, the mitigation proposed calcareous grassland restoration and management was now clearer. There was satisfaction that the restoration proposed would compensate for the impacts upon the Site of Importance for Nature Conservation (SINC) and that the principles set out in the Newthorpe Quarry Limestone Grassland Creation, Management and Monitoring Framework proposed by RDF Ecology in March 2018 were appropriate for the restoration of this application area. A condition would be required to ensure that the works are undertaken in accordance with recommendations set out in the Ecological Impact Assessment (August 2019) which forms Appendix ES3 of the Environmental Statement. There was also a need to secure the submission of a detailed restoration, management and monitoring scheme for the duration of the

quarrying and for the period of long term management which will expand on the principles set out in the March 2018 Framework.

- 4.9 **NYCC Heritage - Principal Landscape Architect** – initially responded on 31 January 2020, advising that the scheme is located within the Selby District Council Locally Important Landscape Area, and is in the Green Belt and that LVIA assessment had indicated moderate adverse landscape and visual cumulative effects so it is contrary to NPPF and local policy. Furthermore, the Infill & Recycling Restoration Scheme levels and contours were considered to be not clear on the submitted plans. Further information / clarification was requested to explain the landscape and visual effects in relation to the LILA and Green Belt, and what mitigation (primary, secondary, offsetting, compensation) was being proposed to make the submitted scheme acceptable in relation to these designations and to include reference to the recent government guidance on green belt and openness.
- 4.10 On 21 February 2020, the **Principal Landscape Architect** confirmed that, following consideration of the revised restoration plan (10132D/04B) submitted by the Agent for the Applicant on 12 February 2020 there were no objections to the proposed scheme, but the following should be within suitably worded conditions:
- Submission of a detailed landscaping scheme, together with programme for implementation, schedule for maintenance and aftercare for the duration of the quarrying and for 5 years following final restoration.
 - A review every 5 years of working and restoration of working, landscaping, restoration and aftercare by the developer in conjunction with the County Planning Authority.
 - Night lighting should be restricted and controlled.
- 4.11 **NYCC Heritage - Archaeology** – advised on 6 December 2019 that the proposal would take place within the existing quarry (or areas with permission for quarrying where archaeological mitigation had been agreed) and would therefore have no direct physical impact on archaeological remains which have already been removed. The heritage assessment considered the impact of the proposal on the setting of designated heritage assets and so the Principal Archaeologist would defer on that to the opinion of Historic England. There was therefore no objection to the proposal.
- 4.12 **Environment Agency - Leeds Office** – advised on 9 January 2020 that there was no objection to the development. It advised that the proposal would require a permit from the Environment Agency that would require measures to be in place to prevent pollution to ensure that there is no harm to human health, the quality of the environment, or the surrounding amenity and to ensure that there is no offence to a human sense or damage to material property.
- 4.13 **Historic England** – confirmed on 6 December 2019 that based on the information available to date it did not wish to offer any comments.
- 4.14 **Natural England** – advised on 11 December 2019 that based on the plans submitted, Natural England considered that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. However, it provided generic advice to address other natural environment issues with that relating to Sites of Special Scientific Interest, biodiversity, protected species in accordance with standing advice. Local sites, priority habitats and species consideration should be in line with paragraphs 171 and 174 of the NPPF and any relevant development policy. Ancient woodland, ancient and veteran trees consideration in line with Paragraph 175 of the NPPF. Protected landscapes as in NPPF Paragraphs 172. Landscape; best and most versatile agricultural land and soils to apply NPPF Paragraphs 170 and 171. Access and recreation; rights of way/Access land/Coastal access and National Trails as per Paragraphs 98 and 170 of the NPPF

and environmental enhancement as outlined in the NPPF paragraphs 8, 72, 102, 118, 170, 171, 174 and 175.

- 4.15 **NYCC Public Rights of Way Team** – advised on 4 December 2019 that there is a Public Right of Way, or a ‘claimed’ Public Right of Way, within or adjoining the application site boundary. If the proposed development will physically affect the Public Right of Way permanently in any way, an application for a Public Path Order/Diversion Order will need to be required. If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Until a temporary or permanent Order provides an alternative route, the Applicant should protect and kept clear of any obstruction the existing Public Right(s) of Way on the site. It is an offence to obstruct a Public Right of Way and the Highway Authority can take enforcement action to remove any obstruction. If there is a “claimed” Public Right of Way within or adjoining the application site boundary or the route is the subject of a formal application, then it has the same status as a Public Right of Way until the claim application is resolved. Where there is public access during the development period, the landowner should keep it free from obstruction and all persons working on the development site must be aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times. There is an incomplete Diversion Order affecting the route (SEL/2017/02/DO) that is currently awaiting certification and shown on the attached plan. The works required to achieve certification are dependent upon a successful decision concerning this application for planning consent.
- 4.16 The **Coal Authority** – confirmed on 5 December 2019 that the development was not within a defined Development High Risk Area, but was located instead within the defined Development Low Risk Area. Therefore, if the grant of planning permission is proposed, it was necessary for The Coal Authority’s Standing Advice to be included within the Decision notice in the form of an informative note to the applicant in the interests of public health and safety.
- 4.17 No comments have been received in response to the consultation from the following organisations: **Huddleston with Newthorpe Parish Council, Leeds City Council, Ministry of Defence Safeguarding Organisation, Sherburn Aero Club Ltd, or the Yorkshire Wildlife Trust**. The consultation reply from the **Lead Local Flood Authority** is due by 26 February 2020.

Notifications

- 4.18 **County Cllr. Mel Hobson** was notified of the application on 3 December 2019.

5.0 Advertisement and representations

- 5.1 The proposal has been advertised by means of three Site Notices posted on 12 December 2019 (responses to which expired on 11 January 2020). The Site Notices were posted in the following locations: at the current entrance to the site from the B1222 near to the overbridge over the A1(M), next to the Huddleston with Newthorpe Parish Council notice board on Hall Lane, Newthorpe, and at the public footpath sign by the former gateway to the Quarry off Hall Lane. A Press Notice appeared in the Selby Times on 12 December 2019 (responses to which expired on 11 January 2020).
- 5.2 With respect to Neighbour Notification in accordance with the County Council’s adopted Statement of Community Involvement, it is considered that the posting of Site Notices rather than wider neighbour notification has been an effective means of drawing the attention of local residents to the existence of the planning application. The reasons are that the entrance to the quarry is no longer on Hall Lane, so traffic associated with

the development no longer passes through that part of the village of Newthorpe. The site notice at the eastern end of the footpath that leads from Hall Lane south-west past the quarry would be passed by people using the footpath south-west along Highfield Lane or travelling on Hall Lane towards the properties to the north of the quarry (e.g. Brookfield House and Dale Cottage). The other notice posted was on the roadside fence next to the Huddleston with Newthorpe Parish Council notice board on Hall Lane so would be passed by residents such as at Hill House Cottage.

- 5.3 No local residents have submitted representations in response to the abovementioned advertisement of the application.
- 5.4 **Sherburn in Elmet Parish Council**, which is a neighbouring parish to the east of the site, submitted comments on 7 January 2020. Initially, the Parish Council objected to the application on the grounds of safety of the site access onto the B1222 two-way single carriageway with a 60mph speed limit, with a '*horrendous safety record*'. The main concern was that many road users, including motor cyclists travel at unsafe speeds for the conditions. Hence, whilst road signage may help alert users of the road to the presence of the site, the HGVs might have to cross or enter the opposing carriageway in order to manoeuvre and also that material might be deposited on the B1222 from lorries, the wheelwash and the access track. The Parish Council considered that that all traffic must route westwards from the site and not through Sherburn in Elmet and South Milford.
- 5.5 The Parish Council were also concerned about noise generated from both the volume of lorries entering/exiting the site, and, the equipment used in the quarrying and the recycling process. The effect of dust, arising from vehicles using the access track and the equipment used in quarrying and the recycling process, on local residents and farming was further concern. The Parish Council considered that any waste material deposited at the site should be inert. It also feared that this might be another industrial activity near to Sherburn. That it would spoil the agricultural nature of the area, create an eyesore, and, set a precedent for other industrial activities to encroach on the Green Belt.
- 5.6 On 3 March 2020, the Parish Council welcomed the constructive engagement by the applicant and noted the points of support presented by the Chair of Newthorpe Parish Council at a Sherburn in Elmet Parish Council meeting. These included that the visibility splays at the new access were good and there had been no incidents. That Newthorpe Parish Council were not aware of any incidents relating to HGVs from the site during the last two years and that experience with quarry traffic using the new access road was that no mud was being left on the road. It noted that Newthorpe Parish Council had confirmed that noise from the quarry had not been an issue. Sherburn in Elmet Parish Council welcomed the applicant's intention to enter into a routing agreement such that only vehicles making deliveries to Sherburn and the local area will turn left out of the site and all other traffic (over 80%) will turn right towards the A63 and the A1. This eased the Sherburn in Elmet Parish Council concerns regarding vehicle routing and it was noted that a planning condition already applies in respect of noise. However, the Parish Council did not formally withdraw the objection.

6.0 Planning policy and guidance

The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations

indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:

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

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

- The 'saved' policies of the North Yorkshire Waste Local Plan (2006), (NYWLP)
- The extant policies of the Selby District Core Strategy Local Plan (2013);
- The 'saved' policies of the Selby District Local Plan (2005).

Paragraphs 6.4 to 6.40 below relate to the policy matters within these Local Plans.

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

- Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority); hereafter referred to as the MWJP.

The policy matters relating to the MWJP are referenced in paragraphs 6.42 to 6.61 below.

6.4 The North Yorkshire Waste Local Plan (adopted 2006) has 'saved' policies of relevance to this application and these are:

- 4/1 Waste Management Proposals
- 4/3 Landscape Protection
- 4/7 Protection of Agricultural Land
- 4/10 Locally important Sites
- 4/16 Archaeological Sites
- 4/18 Traffic impact
- 4/19 Quality of Life
- 4/20 Open space, Recreation and Public Rights of Way
- 4/21 Progressive Restoration
- 4/22 Site Restoration
- 4/23 Aftercare
- 5/7 Facilities for the Recycling of Construction and Demolition Wastes
- 6/1 Landfill Proposals.

The policy matters relating to this Local Plan are referenced in paragraphs 6.5 to 6.22 below in accordance with the compatibility with current national policy.

6.5 'Saved' Policy 4/1 in regards to Waste Management states that proposals for waste management facilities will be permitted provided that the siting and scale of the development is appropriate to the proposal's location, and it is well located to the waste source (criterion a and j). The proposed method and scheme of working would minimise the impact of the proposal and have no environmental impacts that are unacceptable (criterion b and c). There would not be an unacceptable cumulative impact on the local area and adequate transport links (criterion d and g). That mitigation through landscaping/screening and control of other amenity issues would lessen the impact of the proposed development (criterion e and h). That there is provision for the restoration, aftercare and management of the site and is the best practicable environmental option for the site (criterion f and i) and the proposed transport links are adequate to serve the development.

6.6 In accordance with paragraph 213 of the National Planning Policy Framework (NPPF) (2019), an analysis of consistency shows the NPPF does not provide specific waste

policies. The National Planning Policy for Waste (NPPW) (2014) has also been reviewed in relation to the proposed development in terms of compliance with the Policy's criteria a), i), or j). There is nothing specifically related to criteria b) and f) within the NPPW.

- 6.7 With regard to criterion a) and b) in Policy 4/1 these are consistent with the NPPW that sets out locational criteria for waste management facilities and states that the type and scale of the facility should be taken into account when deciding on appropriate locations. In terms of criteria c), d) and h) of 'saved' Policy 4/1, the NPPF paragraphs 170 and 180 state that developments should contribute to and enhance the local environment, not give rise to unacceptable risks from pollution, and that cumulative effects should be taken into account. The wording in 'saved' Policy 4/1 states that there should not be unacceptable impacts and that any safeguards should mitigate the impacts. Although there is a slight difference in emphasis, the provisions of the policy are generally consistent with the NPPF paragraph 180 and should be given moderate weight.
- 6.8 Criterion e) of 'saved' Policy 4/1 requires that landscaping and screening should mitigate the impact of the development, being sympathetic to local landscape character. Therefore, it is considered that the policy is consistent with the relevant policies of the NPPF paragraph 170, but more emphasis should be given to protecting and enhancing valued landscapes. Greater weight should be given therefore to the NPPF in this instance because it goes a step further in protecting and enhancing valued landscapes. Criterion f) in regards to restoration and aftercare requires only appropriate, adequate provision for restoration and aftercare and therefore can only be given limited weight relative to NPPW paragraph 7 bullet point 6 as the NPPW requires that landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.
- 6.9 Criterion g) is consistent with the provisions of the NPPF insofar as supporting the adequacy of transport links, however, there are differences in the objectives that criterion g) states that transport links should be adequate, whereas the NPPF states that improvements to the transport network should be considered. Therefore, the NPPF has more weight in this instance because it goes a step further in supporting those developments comprising improvements to transport links. In terms of criterion i), the Best Practicable Environmental Option (BPEO) is a set of procedures with the goal of managing waste and other environmental concerns. BPEO assessment is a method for identifying the option that provides 'the most environmental benefit' of 'least environmental damage'. The technique is not reflected in the NPPW, or the NPPF, but the principles of putting forward the most sustainable option by movement of waste up the waste hierarchy is set out in NPPW. Therefore, limited weight can be given to criterion i) as most sustainable option in NPPW is a wider consideration that environmental option. NPPW reflects the proximity principle set out in criterion j), and, therefore this point should be given moderate weight.
- 6.10 'Saved' Policy 4/3, Landscape Protection, states proposals for waste management facilities would only be permitted if there would not be an unacceptable impact on the character and uniqueness of the landscape and, wherever possible, proposals should result in an enhancement of the local landscape character. This specific 'saved' policy is considered relevant and full weight can be given to 'saved' Policy 4/3 as the NPPF paragraph 170 makes clear that the effects of development on the landscape, including the potential sensitivity of an area to adverse landscape impacts, should be taken into account.
- 6.11 'Saved' Policy 4/7, Protection of Agricultural Land, relates to waste management facility proposals on the best and most versatile agricultural land only being permitted in

certain circumstances. Notably, where there is an overriding need for the development; there is a lack of development opportunities on non-agricultural land; there is insufficient land available in grades below 3a and, where other sustainability considerations on land below grade 3a outweigh issues of agricultural land quality. Where, in exceptional circumstances, development is permitted on the best and most versatile agricultural land, it will only be permitted where provision is made for a high standard of restoration such that an agricultural afteruse can be achieved or the future potential for high quality agricultural use is safeguarded. The NPPF Paragraph 170 also considers that planning decisions should recognise the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. It is considered that 'saved' Policy 4/7 is therefore consistent with the NPPF and should be afforded full weight in the determination of this application.

- 6.12 'Saved' Policy 4/10, Locally Important Sites, lists the types of locations where waste management facility proposals will only be permitted where there would not be an unacceptable effect on the intrinsic interest and, where appropriate, educational value. These include the following:- (a) Local Nature Reserves; (b) Sites of Importance for Nature Conservation; (c) UK Biodiversity Action Plan priority species or key habitats; (d) other wildlife habitats; (e) the habitat of any animal or plant species protected by law and (f) Regionally Important Geological / Geomorphological Sites (RIGS). It is considered that this policy is consistent with NPPF paragraph 170 principle a) for determining planning applications that enhance the natural environment and NPPF paragraph 180 regarding taking into account the effects of a development, the sensitivity of an area and the proposed mitigations therefore can be given full weight.
- 6.13 'Saved' Policy 4/14, Historic Environment that waste management facility proposals will only be permitted where there would not be an unacceptable effect of listed buildings, registered parks, gardens and historic battlefield, World Heritage Sites or conservation areas, including their settings. Full weight can be afforded to this relevant 'saved' policy because NPPF paragraph 190 requires account taken of the significance of heritage assets, the impact of a proposal on a heritage asset and the need to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.14 'Saved' Policy 4/16, Archaeological Sites, states that waste management facility proposals which would have an unacceptable effect on nationally important archaeological remains, whether scheduled or not, and their settings, will not be permitted. Full weight can be afforded to this relevant 'saved' policy because NPPF paragraph 190 requires account taken of the significance of heritage assets, the impact of a proposal on a heritage asset and the need to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Furthermore, NPPF 194 requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) to be clearly and convincingly justified. That same paragraph also requires that substantial harm to or loss of '*assets of the highest significance, notably scheduled monuments ... should be wholly exceptional*'.
- 6.15 'Saved' Policy 4/18, Traffic Impact, states, waste management facilities would only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway and would not have an unacceptable impact on local communities. This policy does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF states that improvements to the transport network should be considered, therefore, the NPPF guidance should be given more weight in this instance. NPPF paragraph 102 states transport issues should be considered so that potential impacts can be addressed be that impacts on the transport network, or environmental impacts of traffic; and paragraph 109 states applications should only be refused on highways grounds if the highways impacts are

severe. Paragraph 110 states application should give priority to pedestrians and cyclists therefore, the NPPF should be given more weight in this instance. Therefore, limited weight should be given to this policy.

- 6.16 'Saved' Policy 4/19, Quality of Life, seeks to ensure that waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity. The NPPF makes clear in paragraphs 170 and 180 that the cumulative effects of pollution on the natural environment or general amenity including noise, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account, and limited and mitigated where necessary. The NPPF goes into further detail about noise through footnote 60 of NPPF that relates to the Noise Policy Statement for England. In regards to the NPPW paragraph 7 states the likely impact on the environment and amenity should also be considered against the Appendix B criteria and locational principles of the NPPW. Therefore, the NPPW should be given more weight in this instance because it goes into further detail than this policy. Therefore, this policy can be given only limited weight.
- 6.17 'Saved' Policy 4/20, Open space, Recreation and Public Rights of Way, states that waste management facilities will not be permitted where they would have an unacceptable impact on recreational amenity including the enjoyment of the Public Rights of Way network. Proposals for waste management facilities that would interrupt, obstruct or conflict with use of a public right of way will only be permitted where satisfactory provision has been made, in the application, for protecting the existing right of way or for providing acceptable alternative arrangements both during and after working. Whereas, paragraph 98 of the NPPF includes that decisions should protect and enhance public rights of way and access, and take opportunities to provide better facilities such as adding links to existing rights of way networks. Therefore, the NPPF is given more weight in this instance as such opportunities would contribute to the social objective within paragraph 8 of the NPPF of having accessible open spaces.
- 6.18 'Saved' Policy 4/21, Progressive Restoration, states that applications should demonstrate that wherever possible and practicable, progressive restoration will be undertaken to a high standard to achieve a prescribed after-use or combination of after-uses. This policy seeks progressive restoration and does require high quality restoration but, unlike NPPW paragraph 7 bullet point 6, it does not stress this to be at the earliest opportunity and therefore it is considered that this policy should be given only moderate weight.
- 6.19 'Saved' Policy 4/22 'Site Restoration', states waste disposal proposals should demonstrate that the restoration proposals will restore and enhance, where appropriate, the character of the local environment. With regards to the NPPW, bullet point 6 of paragraph 7 states that applications should ensure that land raising sites and landfill are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary. This policy seeks high quality restoration but does not stress this to be at the earliest opportunity, and therefore it is considered that this policy should be given only moderate weight.
- 6.20 'Saved' Policy 4/23, in relation to 'Aftercare' states that "*planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity uses will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified afteruse*". The Policy aims to secure aftercare and is considered to be broadly consistent with the bullet point 6 of paragraph 7 of the NPPW regarding restoration to environmental standards but can only be given moderate weight as it does not stress as in the NPPW the need for that standard to be high.

- 6.21 'Saved' Policy 5/7 in regards to Facilities for the Recycling of Construction and Demolition Wastes includes that recycling facilities for construction and demolition wastes would be permitted provided the facility is suitably located with an existing industrial area of an appropriate character. Alternatively, if it is within or adjacent to a landfill site, and that it does not prejudice the restoration and afteruse of the landfill site. The proposed site must also be able to satisfactorily accommodate the traffic required and would not have an unacceptable impact on the local environment or local amenity. This policy fits with the aims expressed in the Introduction of the NPPW (paragraph 1) that refers to *'the Government's ambition to work towards a more sustainable and efficient approach to resource use and management'* and *'driving waste management up the waste hierarchy'* and to *'helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment'*. It complies with the locational criteria set out in Appendix B of NPPW that are for use when determining proposals for waste facilities, including considerations relating to traffic and amenity. However, whilst the development is proposed to be located within a quarry, it is not located within an industrial area and it is next to a restored landfill and not next to an operational landfill site, and so therefore may be given only limited weight in the consideration of this application.
- 6.22 'Saved' Policy 6/1 relates to Landfill Proposals and includes that proposals for additional landfill capacity for the disposal of waste will be permitted provided that it can be demonstrated that there is an over-riding need for the development and there are no available alternative methods for treating the waste. Alternatively, it is required for the restoration of a former mineral void which cannot be satisfactorily reclaimed in any other way; and where appropriate, provision is made for the selective recycling of waste. The highway network and site access must satisfactorily accommodate the traffic generated and the development would not have an unacceptable impact on local amenity or the environment. This policy fits with the aims expressed in the Introduction of the NPPW (paragraph 1) that refers to *'helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment'*. It also complies with the locational criteria set out in Appendix B of NPPW that are for use when determining proposals for waste facilities, including considerations relating to traffic and amenity, and so therefore may be given full weight in the consideration of this application.
- 6.23 The Selby District Core Strategy Local Plan (2013) is the long-term strategic vision for how the District will be shaped by setting out a number of broad policies to guide development principles for the area. The Core Strategy does not contain any policies specific to mineral development, but there are general development management policies which are applicable to District-scale development and which, in this instance, are also relevant to the determination of this application. The Core Strategy post-dates the 2012 NPPF, as it was adopted in 2013, and it is considered that the Core Strategy can be given full weight as the relevant policies to the determination of this application are still in accordance with the relevant parts of NPPF 2019. Those of relevance to this application are discussed in turn below in paragraphs 6.24 to 6.30 below.
- SP1 – Presumption in Favour of Sustainable Development
 - SP2 – Spatial Development Strategy
 - SP3 – Green Belt
 - SP13 – Scale and Distribution of Economic Growth
 - SP15 – Sustainable Development and Climate Change
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality
- 6.24 Policy SP1 (Presumption in Favour of Sustainable Development) includes that a positive approach will be taken that reflects the NPPF's presumption in favour of sustainable development. All applicants will be worked with proactively to find

solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

- 6.25 Policy SP2 (Spatial Development Strategy) sets out the principles guiding the location of all forms of new development in Selby and includes statements that are relevant to the determination of this application. It states that the location of future development within the District will be based on certain principles. This includes (c) that development in the countryside would be limited to replacing or extending existing buildings, reuse of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, that would contribute to and improve the local economy, in accordance with Policy SP13 or other special circumstances. Paragraph (d) states that in Green Belt, including villages washed over by Green Belt, development must conform to Policy SP3 and national Green Belt policies.
- 6.26 Policy SP3 (Green Belt) states that within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.
- 6.27 Policy SP13 (Scale and Distribution of Economic Growth) states that support will be given to developing and revitalising the local economy in all areas. In rural areas development which brings sustainable economic growth through local employment opportunities or expansion of businesses will be supported, including within part C 2 of the Policy, the redevelopment of existing and former employment sites. However, in part D, it emphasises that in all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.
- 6.28 Policy SP15 (Sustainable Development and Climate Change) is relevant. Specifically Part B Design and Layout of Development which states (inter alia) that to ensure development contributes toward reducing carbon emissions and resilience to the effects of climate change, schemes should, where necessary or appropriate protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise biodiversity to contribute to climate change mitigation and adaptation. Schemes also should include tree planting, and new woodlands and hedgerows in landscaping schemes to create habitats, reduce the 'urban heat island effect' and to offset carbon loss and by minimising traffic growth by providing sustainable travel options through Travel Plans and Transport Assessments.
- 6.29 Policy SP18 (Protecting and Enhancing the Environment) seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. A number of points in the policy are relevant, including that the high quality and local distinctiveness of the natural and man-made environment will be sustained by, as point 1: safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance. Point 3 by promoting effective stewardship of wildlife by safeguarding national and locally protected sites for nature conservation, including SINC's, from inappropriate development; ensuring developments retain, protect and enhance features of biological and geological interest and appropriately manage these features with unavoidable impacts being appropriately mitigated and compensated for, on or off-site. The Policy supports the creation and restoration of habitats that contribute to habitat targets in the biodiversity strategies including a local Biodiversity Action Plan, and, as point 4 takes a strategic approach to increasing the District's Green Infrastructure connectivity via a network of linked open spaces and green corridors. Point 5 refers to protecting and enhancing locally distinctive landscapes, areas of tranquillity, public rights of way and access, open spaces and playing fields. As point 6, it seeks to ensure

that development protects soil, air and water quality from all pollution and that developments minimise their amount of waste.

- 6.30 Policy SP19 (Design Quality) includes that proposals will be expected to have regard to the local character, identity and context of the surroundings and the open countryside and meet key requirements. These include the best, most efficient use of land without compromising local distinctiveness, character and form. The creation of or improvement of rights of way, facilitating of sustainable access. The incorporation of new and existing landscaping as integral parts of any scheme design and the promotion of access to open spaces and green infrastructure to contribute to the health and social well-being of the local community whilst preventing contributions to, or effects by, unacceptable levels of soil, air, water, light or noise pollution or land instability.
- 6.31 Some of the existing Selby District Local Plan policies (adopted in 2005 and saved in 2008 by Direction of the Secretary of State) remain extant. As these policies pre-date the adoption of the NPPF, weight can be afforded to them depending on their consistency with the NPPF. Those of relevance to this application and the weight that can be attached to them are set out in turn below in paragraphs 6.32 to 6.42 below.
- ENV1 – Control of Development
 - ENV2 – Environmental Pollution and Contaminated Land
 - ENV3 – Light pollution
 - ENV9 – Sites of Importance for Nature Conservation
 - ENV15 – Conservation and Enhancement of Locally Important Landscape Areas
 - ENV27 – Scheduled Monuments and Important Archaeological Sites
 - EMP9 – Expansion of existing employment uses in the countryside
 - T1 – Development in Relation to Highway
 - T2 – Access to Roads
- 6.32 “Saved’ Policy ENV1 (Control of Development) includes that: development will be permitted provided a good quality of development would be achieved. The Policy further advises that there are number of points to take account of:
1. The effect upon the character of the area or the amenity of adjoining occupiers;
 2. The relationship of the proposal to the highway network, ... means of access, the need for road/junction improvements in the vicinity of the site, and... arrangements ... made for car parking;
 4. ... to the site and its surroundings and associated landscaping;
 5. The potential loss, or adverse effect upon, ... trees, wildlife habitats, archaeological or other features important to the character of the area;
 8. Any other material considerations’.
- 6.33 It is considered that great weight can be attached to ‘saved’ Policy ENV1 as the NPPF is clear that the effects on the natural environment (NPPF paragraphs 170, 175, 178 and 180) or general amenity (NPPF paragraphs 127 and 180), and the potential sensitivity of an area to adverse effects (NPPF paragraph 180), should be taken into account. With regards to transport, Policy ENV1 is consistent with the provisions of paragraph 102, 103, 108 and 111 of the NPPF which include that improvements to the transport network should be considered; transport proposals should be assessed, be sustainable and safe. However, NPPF paragraph 109 confirms that development should only be prevented or refused on highways grounds, where there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe.
- 6.34 ‘Saved’ Policy ENV2 (Environmental Pollution and Contaminated Land) includes within Part ‘A) that development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution

including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated in the scheme. Such measures should be carried out before the use of the site commences. It is considered that Policy ENV2 A) is consistent with NPPF paragraph 170 principles e) and f) for determining planning applications and NPPF paragraph 180 regarding taking into account the effects of a development, the sensitivity of an area and the proposed mitigations therefore can be given full weight.

- 6.35 'Saved' Policy ENV2 Part B states that where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary. It is considered that Part B is consistent with NPPF paragraph 178 a) which states that planning decisions should ensure that a site is suitable for its proposed use taking account of any risks arising from contamination, and also with part c) which requires adequate site investigation information is available to inform these assessments. This part of the Policy therefore, can be given full weight.
- 6.36 'Saved' Policy ENV3 (Light Pollution) states that proposals using outdoor lighting will only be granted where the lighting schemes represent the minimum level required for security and/or operational purposes. The lighting design should minimise glare and spillage; not create conditions prejudicial to highway safety or that would have a significant adverse effect on local amenity; and should not detract significantly from the character of a rural area. Proposals for development involving outdoor lighting should incorporate details of lighting schemes as part of applications for development. It is considered that Policy ENV3 is consistent with NPPF paragraph 180 regarding taking into account the effects of a development including, as part c) limiting the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The Policy therefore, can be given full weight.
- 6.37 'Saved' Policy ENV9 (Sites of Importance for Nature Conservation) includes that if a development would harm a site of local importance for nature conservation it will not be permitted, unless there are no reasonable alternative means of meeting the need and it can be demonstrated that there are reasons that outweigh the need to safeguard the intrinsic local nature conservation value of the site or feature. It is considered that Policy ENV9 is consistent with NPPF paragraph 170 principles a) and b) for determining planning applications and therefore can be given full weight.
- 6.38 'Saved' Policy ENV15 (Conservation and Enhancement of Locally Important Landscape Areas) states that within locally important landscape areas, as defined on the policies map, priority will be given to the conservation and enhancement of the landscape's character and quality with particular attention paid to the development's design, layout, landscaping and use of materials in order to minimise its impact and to enhance the traditional character of buildings and landscape in the area. This policy is considered to be consistent with NPPF paragraph 170 principles a) and b) for determining planning applications and therefore can be given full weight.
- 6.39 'Saved' Policy ENV27 states that 'Where scheduled monuments ... or their settings are affected by proposed development, there will be a presumption in favour of their physical preservation. In exceptional circumstances where the need for the development is clearly demonstrated, development will only be permitted where archaeological remains are preserved in situ through sympathetic layout or design of the development'. This policy is considered to be consistent with NPPF paragraph 193 regarding in considering a development's impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It is also consistent with NPPF paragraph 196 which states 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’.

- 6.40 ‘Saved’ Policy EMP9 (Expansion of existing employment uses in the countryside) includes that proposals for expansion and/or redevelopment of existing industrial uses outside development limits and established employment areas will be permitted provided proposals would not prejudice highway safety or have a significant adverse effect on local amenity and that the nature and scale would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests. The policy also requires that a proposal should achieve a high standard of design, materials and landscaping and be well related to existing development and well screened and/or landscaped. Therefore, it is considered that this policy is consistent with paragraph 80 of the NPPF as it seeks circumstances in which businesses can invest, expand and adapt and can therefore be given full weight.
- 6.41 ‘Saved’ Policy T1 (Development in Relation to the Highway network) includes that proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer. It is considered that ‘saved’ Policy T1 is consistent with the NPPF and should be given great weight in the determination of this application, because NPPF paragraph 109 confirms 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.
- 6.42 ‘Saved’ Policy T2 (Access to Roads) includes that proposals resulting in the creation of a new access or the intensification of the use of an existing access will be permitted provided:
- 1) There would be no detriment to highway safety; and
 - 2) The access can be created in a location and to a standard acceptable to the highway authority.
- Proposals which would result in the creation of a new access onto a primary road or district distributor road will not be permitted unless no feasible access onto a secondary road and the highway authority is satisfied that the proposal would not create conditions prejudicial to highway safety. It is considered that ‘Saved’ Policy T2 is consistent with NPPF paragraph 108 b) in that it requires a safe and suitable access to the site to be achieved and should be given full weight in the determination of this application.
- 6.43 The Minerals and Waste Joint Plan (MWJP) was published in November 2016 for representations. Consultation took place on an Addendum schedule of proposed changes for an 8-week period over summer 2017. The MWJP was submitted to the Secretary of State for Communities and Local Government on 28 November 2017 and Examination in Public (EIP) hearing sessions took place between 27 February and 13 April 2018. At present the plan is still in the examination phase as the main modifications are still to be consulted upon. Therefore, in accordance with paragraph 48 of the NPPF, weight can be given to the MWJP policies on the basis that it is at examination and the Inspector indicated at the EIP that she accepted that the Addendum formed part of the Joint Plan for examination purposes as it had been subject to consultation. Draft main modifications were discussed during the hearing sessions, notably on 13 April 2018. Two further hearing sessions took place on 24 and 25 January 2019, but as these sessions related to matters to do with fracking and the safeguarding of potash, neither topic is considered to be relevant to the consideration of this application. The weight that is given to the emerging MWJP policies is set out in paragraphs below.

Strategic Policies for Minerals

- M11 Supply of alternatives to land-won aggregates

Strategic Policies for Waste

- W01 Moving waste up the waste hierarchy
- W05 Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste)
- W10 Overall locational principles for provision of waste capacity
- W11 Waste site identification principles

Development management policies

- D01 Presumption in favour of sustainable minerals and waste development
- D02 Local amenity and cumulative impacts
- D03 Transport of minerals and waste and associated traffic impacts
- D05 Minerals and Waste Development in the Green Belt
- D06 Landscape
- D07 Biodiversity and geodiversity
- D08 Historic Environment
- D09 Water Environment
- D10 Reclamation and afteruse
- D11 Sustainable design, construction and operation of development
- D12 Protection of agricultural land and soils

- 6.44 As the Joint Plan has been, and continues to be, produced post-publication of the NPPF, there is no requirement to include herein NPPF-consistency statements in respect of the emerging draft MWJP policies that follow below in paragraphs 6.45-6.62.
- 6.45 Policy M11 relates to the 'Supply of alternatives to land-won aggregates' and refers to within point 4) '*The use of appropriately located aggregates mineral extraction sites, and sites for the transport of minerals, as locations for the ancillary reception, processing and onward sale of recycled aggregate during the associated period of minerals extraction at the site*'. This policy is not subject to objections and therefore can be given full weight.
- 6.46 Policy W01 in regards to 'Moving Waste up the Waste Hierarchy' point one states proposals would be permitted where they contribute by minimising waste or increasing reuse, recycling or composting of waste. This policy is not subject to objections and therefore can be given full weight.
- 6.47 Policy W05 of the Publication Draft Joint Plan deals with 'Construction, Demolition and Excavation waste'. It states net self-sufficiency in capacity for management of construction and demolition waste would be supported through permitting proposals that would increase capacity where it complies with W10 and W11, where the overall impacts from road transport would also be consistent with these policies, as well as Policy W01 point one. This policy is not subject to objections and therefore can be given full weight.
- 6.48 Policy W10 in regards to the 'overall locational principles for provision of waste capacity' includes within Part 3 of the policy support will be given for new sites where the site is compatible with the requirements of Policy W11 and the site is located as close as practicable to the source/s of waste to be dealt with. This policy is not subject to objections and therefore can be given full weight.
- 6.49 Policy W11 regarding 'waste site identification principles' is applicable as it supports siting facilities on employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed use and economic activities nearby. Part

4 refers to siting recycling of CD&E waste at active mineral workings where the main outputs of the process are to be sold or blended with mineral produced at the site. This policy is the subject of objections, including ones to the phrasing of W11 1) regarding the siting of new waste management facilities at existing waste management sites. However, as this application is not proposed on an existing waste management site, it is considered that this policy may be given moderate weight in the consideration of this application.

- 6.50 The relevant parts of emerging Policy D01 in regards to presumption of sustainable development are that in considering proposals a positive approach reflecting the NPPF presumption in favour of sustainable development will be taken and that applicants will be worked with proactively to find solutions that mean that proposals can be approved wherever possible and secure development that improves the economic, social and environmental conditions in the area. This Policy is subject to objections regarding the presumption in favour of sustainable development in particular with reference to climate change and the oil and gas industry. However, as the subject of this report relates to a waste development it is considered that moderate weight can be given to this policy.
- 6.51 Emerging Policy D02 in regards to Local Amenity and Cumulative Impacts includes within Part 1) that proposals for waste development, including ancillary development and transport infrastructure, will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space. Proposals are expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable. In Part 2) Applicants are encouraged to conduct early and meaningful engagement with the local communities and to reflect the outcome of those discussions in the design of proposals as far as practicable. This Policy is subject to objections with regard to the details of the wording, but during the hearing sessions in 2018 it was agreed that Main Modifications would be proposed that would address these. It is considered therefore, that limited weight can be given to this Policy until it is demonstrated through the Main Modifications consultations that the major objections to this policy regarding consistency issues with NPPF are resolved.
- 6.52 Emerging Policy D03 in regards to the transport of waste and associated traffic impacts states that where practicable waste movements should utilise alternatives to road transport including rail, water, pipeline or conveyor. Where road transport is necessary, access and existing road network capacity should be appropriate. The nature, volume and routing of traffic should not have an unacceptable impact on local communities, businesses or other users, or any such impacts can be appropriately mitigated, for example by traffic controls, highway improvements and traffic routing arrangements; and that there is sufficient space for on-site manoeuvring, parking and loading/unloading. Any access infrastructure improvements needed to ensure compliance should have information on the nature, timing and delivery of these included in the proposals. All proposals generating significant levels of road traffic will require a transport assessment and green travel plan to demonstrate the consideration of opportunities for sustainable transport and travel and their implementation where practicable. Whilst this Policy is subject to a specific objection by the oil and gas industry regarding the principle of green travel plans applying to hydrocarbon development, and during the hearing sessions in 2018 it was agreed that Main Modifications would be proposed that would address these. Furthermore, the application that is the subject of this report is not for a hydrocarbon development and NPPF paragraph 111 is clear that developments generating significant movements should provide a travel plan. It is considered therefore, that moderate weight can be given to this Policy until it is demonstrated through the Main Modifications consultations that the objections to this policy are resolved.

- 6.53 Emerging Policy D05 in regards to waste development in the Green Belt includes that waste development proposals in the Green Belt, including new buildings or other forms of development, which would result in an adverse impact on the openness of the Green Belt, or on the purposes of including land within the Green Belt, will be considered inappropriate. The emerging policy identifies that some forms of waste development will be appropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt, including those elements which contribute to the historic character and setting of York. There are relevant two criteria in respect of this application. Firstly, iii) recycling of construction and demolition waste in order to produce recycled aggregate where it would take place in an active quarry linked to the life of the quarry. Secondly, vi) landfill of quarry voids including for the purposes of quarry reclamation and where the site would be restored to an after use compatible with the purposes of Green Belt designation.
- 6.54 However, this Policy is subject to objections regarding the clarity of the wording and during the hearing sessions in 2018 it was agreed that Main Modifications would be proposed that would address these. This included that substantial weight will be given to any harm to the Green Belt and very special circumstances, will need to be demonstrated by the applicant in order to outweigh harm caused by inappropriateness, and any other harm. Therefore, it is considered that limited weight can be given to this Policy until it is demonstrated through the Main Modifications consultations that the major objections to this policy regarding consistency issues with the NPPF are resolved.
- 6.55 The relevant parts in emerging Policy D06 in regards to Landscape are Parts 1) and 4). Part 1 requires demonstration that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. Part 4) requires where any adverse impact on landscape or tranquillity is likely then schemes should provide a high design and mitigation with regard to landscape character, the wider landscape context and setting, and any visual impact and with landscape enhancement where practicable. This Policy is subject to objections regarding perceived inconsistencies and ambiguities in the phrasing. Paragraph 48 of the NPPF 2019 states that local planning authorities may give weight to relevant policies in emerging plans according the stage of preparation of the emerging plan; which in this case is it is advanced through being in the examination stage. With regard to the degree of consistency with the emerging plan to the Framework, footnote 22 states that during the transitional period for emerging plans submitted for examination (being those submitted on or before 24 January 2019, – which includes the MWJP) consistency should be tested against the previous Framework published in March 2012).
- 6.56 NPPF 2012 paragraph 109 included that the planning system should contribute to and enhance the natural and local environment including by protecting and enhancing valued landscapes. This protecting and enhancing of valued landscapes is also within NPPF 2019 paragraph 170, which also refers to recognising the intrinsic character and beauty of the countryside and paragraph 127 requires decisions to ensure that development are *'are sympathetic to local character and history, including the surrounding ... landscape setting'*. NPPF 2012 paragraph 113 required local planning authorities to include criteria based policy against which proposals for any development on landscape areas will be judged. Paragraph 81 advised that planning should be positively to retain and enhance landscapes and this stance is also part of paragraph 141 of the NPPF 2019. It is considered, therefore, that Policy D06 can be given moderate weight in the determination of this application as it requires landscapes to be protected from the harmful effects of development and a high standard of design and mitigation.

- 6.57 The relevant parts of emerging Policy D07 in regards to biodiversity and geodiversity are Parts 1) and 5); with Part 1) requiring proposals to demonstrate that there no unacceptable impacts on biodiversity, including on statutory and non-statutory designated or protected sites and features, local priority habitats, habitat networks and species, having taken into account proposed mitigation measures. Part 5) includes that scheme designs, including any proposed mitigation, should to seek to contribute positively towards delivering agreed biodiversity, including those set out in local Biodiversity Action Plans, and support resilient ecological networks. This Policy is subject to objections regarding the clarity of the wording and during the hearing sessions in 2018 it was agreed that Main Modifications would be proposed that would address these. It is therefore, considered that limited weight can be given to this Policy until it is demonstrated through the Main Modifications consultations that the major objections to this policy regarding consistency issues with NPPF are resolved.
- 6.58 The relevant parts of emerging Policy D08 are that proposals will be permitted where it is demonstrated that they will conserve and, where practicable, enhance the elements that contribute to the significance of the area's heritage assets including their setting including the archaeological resource of the Southern Magnesian Limestone Ridge. In the last paragraph of Policy D08, where proposals affect an archaeological site of less than national importance, permission will be granted where those elements that contribute to its significance are conserved in line with the importance of the remains. When in situ preservation is not justified, adequate provision should be made for excavation and recording and subsequent analysis, publication and archive deposition before or during development. This Policy is subject to objections. However moderate weight may be given to Policy D08, as it does enable consideration of the impacts on the historic environment, including if there will be any potential harm to, or loss of, the significance of any designated heritage assets such as to ensure due consideration of potential impacts occurs in accordance with Paragraphs 193-202 of the NPPF 2019.
- 6.59 Within emerging Policy D09 (Water Environment), the relevant text is within parts 1, 2, and 4. These require waste development proposals to demonstrate that no unacceptable impacts will arise to surface or groundwater quality and/or surface or groundwater supplies and flows. In addition that a very high level of protection will be applied to principal aquifers so development leading to an unacceptable risk of pollution, or harmful disturbance to groundwater flow, will not be permitted. Furthermore that, where necessary or practicable, account is taken of the scale, nature and location of the development and include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures. Policy D09 is subject to objections regarding the phrasing, however it does include amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution as required by NPPF paragraph 170 e) and therefore it is considered that moderate weight can be given to Policy D09.
- 6.60 Within emerging Policy D10 in regards to Reclamation and Aftercare, the relevant parts in Part 1 of the policy are that proposals for restoration and afteruse should demonstrate that they would be carried out to a high standard that is appropriate to the development's scale, location and context. The proposals should also show that they reflect, where possible, the outcome of discussions with local communities and other relevant stakeholders and address impacts, including cumulative impacts and climate change factors, such that potential overall benefits are maximised and adverse ones minimised. Best use of onsite materials should be made. A progressive, phased approach should lead to the site's restoration at the earliest opportunity in accordance with an agreed timescale, with subsequent management of the agreed form of restoration and afteruse.

- 6.61 The relevant parts in Part 2 of the policy are that mineral site restoration and afteruse should be targeted to contribute towards the MWJP objectives. For example, in areas of best and most versatile agricultural land through prioritising the protection and enhancement of soils and long term potential to create areas of best and most versatile land during the site's reclamation. In addition, by promoting delivering significant net gains for biodiversity and a coherent and resilient ecological network that contributes where practicable to creating Biodiversity Action Plan habitats, and seeks to deliver benefits at a landscape scale. Policy D10 is subject to objections regarding the phrasing, however, as no Main Modifications were proposed during the hearings, limited weight can be given to this policy.
- 6.61 Within emerging Policy D11 which relates to Sustainable design, construction and operation of development, Part 1 includes that waste development proposals will be permitted where demonstrated that appropriate and proportionate measures to the development's scale and nature are incorporated in its design, construction and operation in relation to minimisation of greenhouse gas emissions and operational practices including those relating to bulk transport of materials and minimisation of waste generated. This Policy is subject to objections regarding the clarity of the wording and during the hearing sessions in 2018 it was agreed that Main Modifications would be proposed that would address these. It is considered therefore that limited weight can be given to this Policy until it is demonstrated through the Main Modifications consultations that the major objections to this policy regarding consistency issues with NPPF are resolved.
- 6.62 Emerging Policy D12 Protection of agricultural land and soils includes that Best and Most Versatile agricultural land will be protected from unnecessary and irreversible loss and that proposals should protecting soils including via aftercare requirements to ensure that a high standard of restoration can be achieved. It also requires proposals to demonstrate that all practicable steps will be taken to conserve and manage on-site soil resources in a sustainable way. This Policy is subject to objections regarding the clarity of the wording and during the hearing sessions in 2018 it was agreed that Main Modifications would be proposed that would address these. It is considered therefore, that limited weight can be given to this Policy until it is demonstrated through the Main Modifications consultations that the major objections to this policy regarding consistency issues with NPPF are resolved.

Other policy considerations:

National Planning Policy

- 6.63 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published June 2019)
 - National Planning Policy for Waste (NPPW) (published October 2014).

National Planning Policy Framework

- 6.64 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development, in paragraph 8, as that being which fulfils the following three roles: an economic objective; a social objective or an environmental objective.

- 6.65 NPPF Paragraph 11 advises that when making decisions, proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless the policies protecting areas or assets of particular importance provide a clear reason for refusal; or adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole. This national policy seeks to ensure that positive improvements in people's quality of life occur including improving the conditions in which people live, work, travel and take leisure.
- 6.66 NPPF Paragraph 47 confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 6.67 NPPF Paragraphs 54-56 regarding 'planning conditions and obligations' requires local planning authorities to consider if development can be made acceptable by using conditions or planning obligations with planning obligations only used where it is not possible to address impacts through planning conditions. Planning conditions should be kept to a minimum and only imposed where they are met the test for condition and likewise planning obligations must only be sought where they meet all the tests for being necessary to make the development acceptable in planning terms; being directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 6.68 Paragraph 80 includes decisions should help create circumstances where businesses can invest, expand and adapt with significant weight placed on supporting economic growth, taking account of local business needs and wider development opportunities. Thereby allowing areas to build on strengths, counter weaknesses and address the challenges of the future.
- 6.69 Within Chapter 9 (Promoting sustainable transport) NPPF 2019 paragraph 102 includes that potential impacts on transport networks should be considered and addressed. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account. Including, any appropriate opportunities for avoiding and mitigating any adverse effects and for net environmental gains. Paragraph 103 refers to focusing on locations that are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 6.70 Paragraph 108 requires ensuring appropriate opportunities to promote sustainable transport modes can be/have been taken up; and that any significant capacity and congestion impacts on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 confirms 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. Paragraph 111 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 6.71 Paragraph 118 of the NPPF includes that planning policies and decisions should, amongst a range of things, encourage multiple benefits from both urban and rural land. Including, through mixed use schemes and taking opportunities to achieve net environmental gains, such as those that enable new habitat creation or improve public access to the countryside; recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.
- 6.72 Within Chapter 12 (achieving well designed places), paragraph 127 includes that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive with appropriate and effective landscaping; are sympathetic to local character and history, including the landscape setting and do not undermine the quality of life or community cohesion and resilience. Paragraph 130 goes on to state permission should be refused for development of poor design.
- 6.73 Under the heading Protecting Green Belt land, NPPF Paragraph 133 attaches great importance to Green Belts and the fundamental aim being to prevent urban sprawl by keeping land permanently open so the essential characteristics of Green Belts are their openness and their permanence.
- 6.74 Paragraph 134 states that Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.75 Paragraph 141 states that once Green Belts have been defined local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- 6.76 NPPF paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*. Paragraph 145 states that authorities should regard the construction of new buildings as inappropriate in the Green Belt, but there are exceptions including c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building; and d) the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces. Paragraph 146 states that some 'forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it' and continues to list 'a) mineral extraction'.
- 6.77 Paragraph 170 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF includes that planning policies and decisions should contribute to and enhance the natural and local environment by:
- 'a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (... commensurate with their statutory status or identified quality in the development plan);*

- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *... character of the undeveloped coast, ... where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate’.*

- 6.78 Paragraph 175 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF includes various principles to be applied when determining planning applications. If significant harm to biodiversity cannot be avoided through locating elsewhere with less harmful impacts, it should be adequately mitigated, or compensated for as a last resort. Otherwise planning permission should be refused and also that development on land outside a Site of Special Scientific Interest 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. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 6.79 Paragraph 178 includes that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and, in Paragraph 179, it states that where contamination, or land stability issues affect a site then responsibility for securing a safe development rests with the developer and/or landowner.
- 6.80 Within paragraph 180 of the Framework decisions should ensure 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 wider area, to impacts that could arise from the development. In doing so, they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. They should also protect tranquil areas that are relatively undisturbed by noise and prized for their recreational and amenity value for this reason; and c) to limit the impact of artificial light pollution on local amenity, intrinsically dark landscapes and nature conservation.
- 6.81 Under the heading ‘Proposals affecting heritage assets’ paragraph 189 includes that local planning authorities should require applicants to describe the significance of heritage assets affected, including any contribution made by their setting with the detail proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 190 includes that local planning authorities should assess the particular significance of any heritage asset that may be affected by a proposal (including where it would affect the setting of a heritage asset and take this into account when considering the impact on a heritage asset, to avoid or minimize any conflict between the heritage asset’s conservation and any aspect of the proposal.

- 6.82 Paragraph 193 includes that in 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). Paragraph 194 states that any harm to, or loss of, a designated heritage asset's significance (from alteration or destruction, or from development within its setting), should be clearly and convincingly justified. Paragraph 196 continues with where a proposal will lead to less than substantial harm on a designated heritage asset's significance, this harm should be weighed against the public benefits of the proposal.
- 6.83 Paragraph 197 states the effect on a non-designated heritage asset's significance should be taken into account in determining an application and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.84 The setting of a heritage asset is defined in the NPPF's Glossary as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Paragraph 197 states the effect on a non-designated heritage asset's significance should be taken into account in determining an application and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

National Planning Policy for Waste (2014)

- 6.85 Paragraph 6 specifies that Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development.
- 6.86 Paragraph 7 regarding determining waste planning applications includes advice to waste planning authorities to:
- only expect applicants to demonstrate the quantitative or market need for new ... waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
 - consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B to the NPPW.
 - ensure that facilities are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
 - concern themselves with implementing the planning strategy in the Local Plan and work on the assumption that the relevant pollution control regime will be properly applied and enforced;
 - ensure that landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.
- 6.87 The locational criteria in Appendix B of the NPPW are: protection of water quality and resources and flood risk management; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions, including dust; odours; vermin and birds; noise, light and vibration; litter and potential land use conflict.

National Planning Practice Guidance (PPG) (2014)

- 6.88 On 6th March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a *Written Ministerial Statement* which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the

national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following paragraphs: -

- Air Quality
- Climate Change
- Environmental Impact Assessment
- Flood Risk
- Green Belt
- Healthy and safe communities
- Historic environment
- Land Contamination
- Land Stability
- Light Pollution
- Minerals
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Waste
- Water supply, wastewater and water quality

Air Quality

- 6.89 This guides how planning can take account of the impact of new development on air quality and the degree of relevance depends on the proposed development and its location, for example does it change vehicle-related emissions in the immediate vicinity or further afield or expose people to harmful concentration of air pollutants, including dust or have a potential adverse effect on biodiversity. Where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment study undertaken by a competent and experienced person/organisation. Mitigation options need to be location specific, relate to the proposed development and need to be proportionate to any likely impact. It is important that local planning authorities work with applicants to consider appropriate mitigation so as to ensure new development is appropriate for its location and unacceptable risks are prevented. Planning conditions and obligations can be used to secure mitigation where the relevant tests are met.

Climate Change

- 6.90 The Climate Change Act 2008 establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. An example of mitigating climate change by reducing emissions is: sustainable transport. Examples of adapting to a changing climate include: considering future climate risks and design responses to flood risk for the lifetime of a development; considering availability of water for the lifetime of the development and design response to protect water quality.

Environmental Impact Assessment

- 6.91 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

Flood Risk

- 6.92 Developers and applicants need to consider flood risk to and from the development site, and it is likely to be in their own best interests to do this as early as possible, in particular, to reduce the risk of subsequent, significant additional costs being incurred. The broad approach of assessing, avoiding, managing and mitigating flood risk should be followed.

Green Belt

- 6.93 When assessing, where it is relevant, the impact of a proposal on Green Belt's openness, a judgment based on the case's circumstances is required. The courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- openness is capable of having both spatial and visual aspects so the visual impact of the proposal may be relevant, as could its volume;
 - the duration of the development, and its remediability taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - the degree of activity likely to be generated, such as traffic generation.

Healthy and safe communities

- 6.94 The design and use of the built and natural environments, including green infrastructure are major determinants of health and wellbeing. Planning and health need to be considered together in two ways: in terms of creating environments that support and encourage healthy lifestyles.

Historic environment

- 6.95 The PPG comments on how heritage assets may be affected by direct physical change, or by change in their setting. Hence being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals. When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.

Land Contamination

- 6.96 To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for development should be considered through the planning process to the extent that it is not addressed by other regimes, such as the Environmental Permitting Regulations. Local planning authorities should be satisfied that a proposed development will be appropriate for its location and not pose an unacceptable risk.

Land Stability

- 6.97 The PPG advises that an appraisal of slope stability should be based on existing information to identify potential hazards to people, property and environmental assets and identify any features which could adversely affect the stability of the working.

Light Pollution

- 6.98 Matters to be considered regarding the effects of light pollution include: will a proposed change be likely to materially alter light levels around the site, and/or, have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces and is a proposal likely to have a significant impact on a protected site or species.

Minerals

- 6.99 This guidance focuses on significant environmental impacts a mineral planning application with environmental statement should address in order to ensure that the mineral planning authority has sufficient information on all environmental matters at the time the planning decision is made. The issues include: noise, dust, air quality, lighting, visual impact on the local and wider landscape, landscape character, archaeological and heritage features, traffic, risk of land contamination, soil resources, geological structure, impact on best and most versatile agricultural land, flood risk, land stability/subsidence, internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks, site restoration and aftercare.

Natural Environment

- 6.100 This reiterates the NPPF encouragement of obtaining biodiversity net gains in decisions by creating or enhancing habitats on-site, off-site or through a combination of on-site and off-site measures including Green Infrastructure this is a natural capital asset that provides multiple benefits, at a range of scales. These benefits can include enhanced wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes, food and energy production, and the management of flood risk. These benefits are also known as ecosystem services and need considering early in development preparation, taking into account existing natural assets and the most suitable locations and types of new provision and that such green infrastructure will require sustainable management and maintenance if it is to provide long term benefits, including appropriate funding of required. Local community engagement can assist with management and tailoring provision to local needs.

Noise

- 6.101 This states how noise needs to be considered when development may create additional noise or would be sensitive to the prevailing acoustic environment. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. Decision taking should take account of the acoustic environment and in doing so consider: whether or not a significant adverse effect is likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved. In addition, it offers guidance on identifying whether the overall effect of noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level (when noise exposure gives rise to detectable adverse effects on health and quality of life) and the lowest observed effect level for the given situation, below which no effect at all on health or quality of life can be detected.

Open space, sports and recreation facilities, public rights of way and local green space

- 6.102 Public rights of way are an important part of sustainable transport links and should be protected or enhanced. The Defra Rights of Way circular (1/09) provides local authorities with advice on managing, maintaining, protecting and changing public rights of way and guidance on considering the effects on rights of way of development.

Waste

- 6.103 With regard to the waste hierarchy, the PPG stresses that the movement of waste up the hierarchy is not just the responsibility of waste planning authorities but all local planning authorities, to the extent appropriate to their responsibilities, should look to drive waste management up the hierarchy. In a section, relating to determining waste planning applications, the PPG advises that waste planning authorities should not assume, because a particular area has hosted waste disposal facilities previously, it is appropriate to add to these. The cumulative effect of previous waste disposal facilities on a community's wellbeing and impacts on environmental quality, social cohesion and inclusion and economic potential should be considerations. Engagement with the local communities affected by previous waste disposal decisions will help in these considerations. The PPG also advises that since it is possible that all sites for the range of waste arisings that need to be catered for will be developed in practice, waste planning authorities should not rigidly cap development proposals at the level that may be put forward through the Local Plan. With regards to unallocated sites the PPG applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy.

Water supply, wastewater and water quality

- 6.104 Water quality is only likely to be a significant planning concern when a proposal would indirectly affect water bodies, for example as a result in runoff into surface water sewers that drain directly, or via combined sewers, into sensitive water bodies with

local, national or international habitat designations, or through a lack of adequate infrastructure to deal with wastewater.

7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies, the main considerations in this instance, are set out below.

Principle of the proposed development

- 7.2 Relevant policies to this topic include within the North Yorkshire Waste Local Plan: 'saved' Policy 4/1 (Waste Management Proposals) in respect of the need for the siting and scale of the development to be appropriate to the proposal's location and the proposed method and scheme of working to minimise the impact of the proposals and not have unacceptable environmental impacts. 'Saved' Policy 5/7 (Facilities for the Recycling of Construction and Demolition Wastes) and 'saved' Policy 6/1 (Landfill Proposals) are relevant because these relate to the type of development facilities being proposed. Emerging policies M11, W01, W05, W10 and W11 of the MWJP are relevant regarding the supply of alternatives to land-won aggregates; moving waste up the waste hierarchy; net self-sufficiency in capacity for management of construction and demolition waste; overall locational principles for waste capacity, and in respect of new waste site identification principles. Policy SP1 of the Selby District Core Strategy Local Plan and Policy D01 of the MWJP regarding the presumption of sustainable development. Selby District Core Strategy Local Plan Policies SP2 (Spatial Development Strategy) and SP13 Scale and Distribution of Economic Growth. Selby District Local Plan 'saved' Policy ENV1 and the Locational principles within Appendix B of NPPW.
- 7.3 Selby District Core Strategy Local Plan Policy SP13 includes that support will be given to developing the local economy in all areas and in rural areas where that is sustainable (part C2) in the redevelopment of existing employment site subject to (part D) being appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity. Emerging MWJP Policy D01 also seeks a positive approach to sustainable development. The site employs 6 staff, together with a varying number of directly employed lorry drivers, in addition to providing work for local hauliers and tradesmen and the application form indicates that this would rise to 12 if the application is permitted. 'Saved' Policy 4/1 of the NYWLP as described in paragraphs 6.5 to 6.9 above identifies that waste management proposals will be permitted provided that certain criteria are met and the relevant parts in that policy to this section of the report are a) siting and scale being appropriate, and j) the location is geographically well located to the source of the waste to accord with the proximity principle. Criteria b) and c) that the proposed method and scheme of working would minimise the impact of the proposal and have no environmental impacts that are unacceptable are also relevant. Although policy matters such as nature conservation and habitat protection, water protection, traffic impact, local environment and amenity, public rights of way, restoration and aftercare are addressed later in this report. Selby District Local Plan 'saved' Policy ENV1 includes that development will be permitted provided a good quality of development would be achieved. Policy M11 envisages the use of appropriately located aggregates mineral extraction sites as locations for the ancillary reception, processing and onward sale of recycled aggregate during the associated period of minerals extraction at the site.

- 7.4 The application's supporting statement referred to the Minerals and Waste Joint Plan's identification of a need for additional capacity for the recycling of CD&E throughout the Plan period to 2030 and that a similar shortfall for landfill capacity for CD&E waste in the later part of the Plan period. The Applicant also referred to there being a current lack of disposal facilities in Selby, West Yorkshire and South Yorkshire and that the proposal would help to meet identified capacity shortfalls. The Planning Statement states that in Selby district, only Barnsdale Bar Quarry is able to receive larger quantities of waste; Brotherton Quarry is expected to reopen for a small quantity of restoration wastes; and Escrick predominately serves the York market via its haulier operator. In West Yorkshire, within the City of Leeds boundary, Peckfield Quarry will soon be full; Skelton Grange is open for restoration materials only; and only Britannia Quarry in Morley is open for larger quantities of construction wastes. In South Yorkshire, Hazel Lane Quarry is a non-hazardous landfill and only accepts limited quantities of construction wastes for restoration materials.
- 7.5 Notwithstanding the statement within MWJP paragraph 6.71 that *'there is no overall gap in transfer capacity for CD&E waste'* the paragraph goes on to state that: *'However, as with other waste streams, policy support for further capacity is justified in order to provide opportunities for enhancement of the geographic network and to help to reduce overall impacts from road transport of waste'*. In January 2019 in the Draft Schedule of main Modifications to the Publication Draft of the MWJP (document reference LPA102), a proposed revision to the paragraph 6.70 of the Publication Draft was published on the County Council's Minerals and Waste Joint Plan Examination webpage to reflect updates to the Waste Arisings and Capacity Assessment (2016) changing the expected capacity gap for recycling under all scenarios considered as following *'up to a maximum of approximately 437,000 tonnes per annum in the highest case scenario, based on available capacity for managing CD&E waste only'*. In addition the first and third sentences of paragraph 6.73 were also to be revised as: *'There is a forecast shortfall in capacity for landfill of non-hazardous CD&E waste, particularly from around 2022, as a result of the expiry of a number of time limited permissions, with a maximum annual gap of around 108,000 tonnes per annum by 2030 in the highest case scenario' and 'if rates of recycling nearer to that modelled in the higher recycling scenario included in the waste arisings and capacity assessment are achieved, then the requirement for capacity for landfill of non-hazardous CD&E waste could be significantly less, reaching a maximum of around 18,000 tonnes per annum by 2030'*. As explained in MWJP paragraph 6.70, CD&E waste management capacity is often *'provided alongside capacity for other waste streams. Whilst this can increase the overall range of management options for these materials, it can also make it difficult to identify definitively the capacity currently available for this specific waste stream and hence the exact size of any potential capacity gap'*.
- 7.6 Part 1i) of Policy W05 of the MWJP, is relevant as it aims to address the meeting of waste capacity for the management of CD&E waste and to support net self-sufficiency of capacity for that CD&E waste management by supporting proposals that would deliver increased capacity for recycling CD&E waste, provided the development is consistent with the site locational and identification principles in Policies W10 and W11. Part 1ii) supports additional transfer station capacity for CD&E waste where it can be demonstrated that additional provision would help reduce overall impacts from road transport of waste and the development would be consistent with the Policy W10 and W11 site locational and identification principles.
- 7.7 Part 2 of Policy W05 sets out that capacity for management of CD&E waste will be achieved via specified site allocations. Of the allocations for recycling CD&E waste in Policy W05 Part 2i) three sites are within Selby District:
- MJP27 Land at Darrington Quarry, Darrington proposed handling an estimated 100,000 tonnes per year and is approximately 11 kilometres from Newthorpe;

- MJP26 Land at Barnsdale Bar Quarry, Kirk Smeaton proposed handling an estimated 100,000 tonnes per year and is approximately 18 kilometres from Newthorpe; and
- WJP10 Land at Went Edge Quarry, Kirk Smeaton proposed handling an estimated 150,000 tonnes per year and is approximately 15 kilometres from Newthorpe.

7.8 Therefore in the light of the position outline in paragraph 7.5 above, although, no applications have been submitted with regards to allocation MJP27 at Darrington Quarry, or MJP26 at Barnsdale Bar to date, it is worth noting that the identification of allocations are intended to cover the period of the MWJP, that is until 2030 and therefore the absence of proposals at the present time for the development of MJP26 and MJP27 should not be taken as an indication that there is sufficient existing developed capacity within the county for the period right through until 2030. With regards to WJP10, although no planning application for the full allocation site area has been submitted to develop it as a site for the recycling of waste, it must be acknowledged that Selby District Council granted planning permission in 2010 for the erection of a waste transfer building in the base of the quarry within the WJP10 area. This was developed, and then subsequently demolished prior to mid-2014, following approval in 2013 by the District Council of further details regarding the 2010 permission to relocate the Waste Transfer Station. In addition an application NY/2014/0113/ENV for minerals extraction that included restoration of the quarry including placing imported inert CD&E waste on slopes against the quarry faces, then mining waste and limestone fines as cover prior to restoration through the creation of grassland and woodland areas. As at 2020 the WJP10 site is now located in the void of the quarry as the limestone has been extracted and a significant proportion of the WJP10 area has been developed as an industrial estate that includes a mix of uses including for waste transfer and recycling.

7.9 The remaining CD&E recycling allocations and their current development status are:

- WJP24 Potgate (former quarry plant site, North Stainley in Harrogate Borough) was a proposed recycling inert CD&E waste at the quarry. However, the site area is currently still part of the active quarry operation. The application site would be more than 45 kilometres from this allocation and therefore it is not considered that if the application were to be permitted it would have a detrimental impact on the future potential of this allocation site to be developed.
- WJP08 (Allerton Park, near Knaresbrough, in in Harrogate Borough) included proposals for a transfer station handling 50,000 tonnes per year and a materials recycling facility for secondary aggregates handling 50,000 tonnes per year. The application site would be more than 26 kilometres from this allocation. In 2020 planning permission was granted for the continuation of waste disposal operations to enable the site to be restored and no recycling operations were part of the application (NY/2018/0280/73) for that development. Therefore, it is not considered that if the application were to be permitted it would have a detrimental impact on the future potential of this allocation site to be developed.
- WJP05 (Land at Duttons Farm, Upper Poppleton in the City of York area) was allocated for recycling CD&E waste and as a landfill site. Policy W05 furthermore specified that WJP05 was only to be permitted as a means of enabling the reclamation of the proposed MJP52 area of clay extraction (located on the same site). In November 2019 the City of York Council issued a scoping opinion in respect of the extraction of clay and restoration of the site through the importation of inert materials this site that lies to the west of Newlands Lane, near to Upper Poppleton. No application has been submitted to date according to the City of York Council's online planning register. However, the linking of the proposed waste use to the clay extraction at the allocation site means that it is not considered that if the application were to be permitted it would have a detrimental impact on the future potential of this allocation site to be developed.

- 7.10 NYWLP 'Saved' Policy 5/7 regarding recycling facilities for construction and demolition wastes would be permitted provided that: c) *'the proposed site is appropriately located within, or adjacent to active or worked out quarries or ...'*. Newthorpe Quarry fulfils that requirement it is an existing active quarry where stone is processed prior to export from the site and is therefore compliant with that part of the Policy. Considerations such as not prejudicing restoration and afteruse of the quarry and the highway network and site access satisfactorily accommodating the traffic and not having an unacceptable impact on local amenity or the environment are dealt with later in this report. Emerging MWJP Policy W01 also encourages moving waste up the waste hierarchy and this is also sort by the NPPW and the proposed facility would provide a new contribution to achieving that goal by the recycling of an estimated 70% of the imported waste material so would be compliant with Policy W01.
- 7.11 Newthorpe Quarry is a non-allocated site because the site was closed between 2007 and 2017 so was not put forward for consideration through the MWJP Call for Sites process. There are no safeguarded sites for recycling CD&E waste within the MWJP Plan Area, however there are existing recycling facilities and transfer stations within Selby District. The PPG refers to demonstrating that an envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy and it is considered that in the light of the status of the allocations Newthorpe Quarry should be considered positively under the principles of MWJP Part 1i) of Policy W05 aim to deliver increased capacity for recycling CD&E waste and, as stated in paragraph 3.3 above, the intention is to handle up to 150,000 tonnes per annum, of which 70% (105,000 tonnes) would be recycled. Therefore, this proposal would deliver increased capacity within Selby District area, but would also be in close proximity to sites including across the boundary in the City of Leeds Council area. Hence it must be considered in the context of Policy W10 and W11 site locational and identification principles.
- 7.12 As stated in paragraph 6.48 above, new facilities, including those for CD&E waste proposals will receive support from emerging MWJP Policy W10 part 3 a) to develop of waste capacity where the site is compatible with the requirements of emerging MWJP Policy W11. Part 4) of emerging Policy W11 specifically refers to siting facilities at active mineral workings where the main outputs of the process are to be sold alongside or blended with mineral produced at the site. The use of the wash plant will enable the processed material to include a range of clean products, including soils. The Applicant considers that Newthorpe Quarry will be a facility for York, Selby and for the West Yorkshire districts of Leeds and Wakefield and is well connected with those areas via the B1222 link to the major road network using the A63 and A1(M). The development would be located within an existing and developing quarry site and the Applicant considers that, by using imported waste as infill, the restoration of the quarry would be improved relative the low-level restoration proposal that was permitted in 2019. On balance, it is therefore considered that the development would comply with the aims principles of MWJP Policy W10 part 3 a) regarding providing additional recycling and landfill waste capacity. It would comply with MWJP Policy W11 Part 4) as the contribution of recycled aggregates to production will assist in achieving recycling targets as well as conserving primary aggregate materials. With regards to 'Saved' Policy 4/1 of the NYWLP the siting of the development would be in accordance with part a) in terms of the site and scale being appropriate in principle to the proposed location and part j being geographically well located to the proposed sources of waste identified by the Application, subject to consideration of other factors including the location being within the Green Belt.
- 7.13 With regard to the proposal's provision of additional inert waste landfill capacity, MWJP Policy W05 Part 1iii) provides for permitting proposals for additional landfill capacity for CD&E waste where it would be consistent with the principles set out in Policy W01 parts

3) and 4). Policy W01 part 3) is not relevant to the consideration of this proposal as it is not for the landfilling for non-inert waste. Policy W01 part 4 relates to inert waste landfill and identifies that landfill of inert waste will be permitted to facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives. Paragraph 6.21 of the MWJP acknowledges that landfill represents the bottom of the hierarchy but *'may be able to play an important role in the reclamation of mineral workings in the Plan area'* and paragraph 6.22 of the MWJP advises that it is appropriate in some circumstances to provide policy support for this method of waste management. It is in the Applicant's interest to maximise the export of any suitable recyclable material as this will move that material up the waste hierarchy. Therefore, the role of the proposed imported material in the reclamation of the site needs to be considered further in the context of that role, before concluding whether the development as a whole is compliant with Policy W01 Part 4 and this is discussed later in paragraph 7.15.

- 7.14 NYWLP 'saved' Policy 6/1 (Landfill Proposals) is structured in a series of linked parts that indicate proposals for additional landfill capacity for the disposal of waste will be permitted provided that part a) it can be demonstrated that there is an over-riding need for the development and that there are no available alternative methods for treating the waste; or b) it is required for the restoration of a former mineral void which cannot be satisfactorily reclaimed in any other way; and c) where appropriate, provision is made for the selective recycling of waste; and d) the highway network can satisfactorily accommodate the traffic generated (which is addressed later in the report); and e) the proposal will not have an unacceptable impact on local amenity or the environment (which is also addressed later in the report). The Applicant has not indicated that the development's landfill purpose is to enable the restoration of a former mineral void which cannot be satisfactorily reclaimed in any other way. Instead, the recycling and infill operations are proposed to contribute to building a strong, responsive and competitive economy by providing an additional source of recycled construction materials into a competitive market place which would be compliant with 'saved' Policy 6/1 part c, through provision being made for the selective recycling of waste, but with the addition of an on-site waste disposal facility for any non-hazardous wastes that cannot be recycled. The NYWLP was adopted in 2006 and, as indicated in paragraphs 3.10 and 3.11, due to the recycling of 70% of the material imported to the site would contribute towards moving waste up the hierarchy and therefore, on balance it would be compliant with NYWLP 'Saved' 6/1 part c) through that provision for the selective recycling of waste. However, it is not considered that it has been demonstrated that there is an overriding need for the landfill element of the proposal.
- 7.15 Emerging MWJP Policy W01, indicates that landfill of inert waste will be permitted where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, and the proposal would potentially do this through the restoration and landscaping of the site, which in principle, subject to the considerations outlined further in this report, is acceptable. If permitted, it would not undermine the potential management of waste further up the waste hierarchy as sought within the Waste Hierarchy in Appendix A of the NPPW, because the proposal is that 70% of the imported material would be recycled and sent for use off site. Furthermore, NPPW paragraph 7 is clear that when determining waste planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan.
- 7.16 It is considered that, in accordance with Selby District Core Strategy Local Plan Policy SP1 a positive approach has, and is being taken in considering the proposal, that reflects the NPPF's presumption in favour of sustainable development and the applicant has been worked with proactively to find solutions and to secure development that improves the economic, social and environmental conditions in the area as sought

by Policy SP13 and emerging Policy D01. The development in this location would also contribute to the aims of Policy SP2 (c) by contributing to and improving the local economy. However, this position is on the basis that the development conforms to Policy SP3 and national Green Belt policies, which is discussed in paragraphs 7.17 - 7.29 below. The development also accords with Selby District Local Plan 'saved' Policy ENV1 provided that the matters within parts 1, 2, 4, 5 and 8 (that are dealt with later in the report) are acceptable. It accords with emerging MWJP Policy W05, as the recycling capacity is not being proposed as an alternative to the development of the allocation sites within that policy, rather as a site that would provide additional capacity to that provided at the allocation sites.

Green Belt

- 7.17 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The relevant development plan policies with regard to the proposed development's location at Newthorpe Quarry lying within the West Yorkshire Green Belt are: Selby District Core Strategy Local Plan Policies SP2 part (d), and SP3, and Policy D05 of the emerging MWJP.
- 7.18 There are 19,240 hectares of the West Yorkshire Green Belt identified on Figure 5 of the Selby District Core Strategy Local Plan as a 'Key Asset' and amongst the Core Strategy's objectives are 'safeguarding the open character of the Green Belt and preventing coalescence of settlements'. Section 3 of the Selby District Council Local Plan (2005) states that this Green Belt was established in the 1960s with the principal objective of checking further growth of the West Yorkshire Conurbation. A quarry has existed at the Newthorpe since in the 19th century. Landfilling of part of the quarry, to the east and north of the current proposal, was permitted in 1972 and in 1980 and ceased in the 1980s. Quarrying at the site has continued and is now controlled by planning permissions granted in February 2019.
- 7.19 As stated in paragraph 6.73 above, NPPF paragraph 134 states that Green Belt serves five purposes. With regard to these, the development would not contribute to, and therefore will not conflict with purpose a) regarding any sprawl of any built-up area, or purpose b) regarding merging of towns, it does not represent a sprawl of a large built-up area, and would not result in towns or villages merging into one. Whilst the site is close to the dispersed settlement that makes up Newthorpe, the nearest town is Garforth, within the metropolitan borough of Leeds, approximately 3.8 kilometres to the west of the site. The villages of Sherburn in Elmet are approximately 2.7 kilometres to the northeast, South Milford 2.6 kilometres east-south-east, Ledsham 2.2 kilometres south-west and Micklefield 1 kilometre west. Consequently, it is considered that there is unlikely to be a significant impact on any special character or setting of any historic town that would conflict with NPPF Paragraph 134 d) with the purposes of the land being within the Green Belt. NPPF paragraph 134 e) regarding assisting in urban regeneration through the recycling of derelict and other urban land is not relevant to the consideration of this application as the land is not derelict, nor urban, and therefore the proposal does not undermine the inclusion of any land within the Green Belt in terms of that purpose.
- 7.20 However, as paragraph 6.76 above states, the NPPF paragraph 143 position is that inappropriate development is by definition harmful to the Green Belt. Such development should not be approved except in very special circumstances and that substantial weight is given to any harm to the Green Belt and that these circumstances 'will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. Whilst, as stated in paragraph 6.76 above, minerals extraction is not inappropriate development, as a waste proposal the

development does not fall within the exceptions in NPPF paragraph 146. Therefore, as inappropriate development this waste-related application is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances, it is necessary therefore to consider whether 'very special circumstances' for this development actually do exist. These special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 7.21 As described in Section 2 of this report the current 10.5 hectare quarry area is based on the two extant planning permissions (references C8/59/43/PA and C8/2017/1230/CPO) that were granted on 26 February 2019, and the application site proposed overlaps parts of these two permission areas as shown in Appendices C & D below). The site is acknowledged in the updated Selby Landscape Character Assessment as being one of the Magnesian limestone mineral extraction sites recurrent throughout the landscape and concentrated in the west of Selby District in the slopes of the limestone ridge. Small/limited glimpses of the quarry occur from the B1222 between the A1(M) and Newthorpe, however, these are predominantly parts of existing quarry faces which would be covered if the development were to go ahead. Although the restored former landfill is visible from the B1222, it is not immediately evident at first sight that it was a former quarry and domestic landfill, because it is rough grassland and the landform is blended into the surrounding landscape.
- 7.22 The broad policy concept of 'openness' is the state of being free from built development or urban sprawl, as distinct from there being an absence of impact. When the Green Belt was designated in the 1960s, quarrying in the Newthorpe area had already occurred and was still taking place. Thereafter, quarrying has continued, although with a 10 year break between 2007 and 2017. The existing quarry area has not yet been restored to any specific use with the exception of the land where landfill operations occurred during the 1970s and 1980s. This site therefore currently forms part of the existing openness within the Green Belt. Therefore built development in the form of huts and structures associated with the manufacture of lime or associated with quarrying at the site has been present since well before the 1950s. The proposed recycling and infill within the quarry will also be contained within the footprint of the permitted quarry boundary and no activities would be carried out above original ground level except for final restoration works. The creation of screening bunds around the quarry is in progress around part of the quarry and will continue round the southern edge of the site as part of the already permitted operations within Planning Permission C8/59/43/PA. Furthermore, the built development associated with the quarry is required to be removed at the end of quarrying development.
- 7.23 With regard to the consideration of openness of the Green Belt, Newthorpe Quarry lies on a Magnesian limestone ridge and the Core Strategy refers in paragraph 2.49 to that ridge as providing '*an attractive undulating landscape, in contrast to the remainder of the District which is generally flat. The villages in this area are set against the backdrop of the designated Locally Important Landscape Area, and the designated West Riding Green Belt*'. Although paragraph 2.49 does not refer to it, there are within that existing open undulating landscape character of the Green Belt a number of old and currently active quarries which form part of that landscape character of the ridge (and therefore the openness context in this particular part of the Green Belt), including sites which existed when the Green Belt was designated in the 1960s and are still operating, from sites in the vicinity of Tadcaster in the northern part of the District, to those such as the former Micklefield Quarry mentioned in paragraph 2.7 above and Newthorpe Quarry to the west of Sherburn in Elmet that are located in the middle part of the ridge, and to the south there are the Darrington, Kirk Smeaton and Barnsdale Bar quarry areas at the southern end of the ridge within Selby District.

- 7.24 Furthermore, the area within which Newthorpe Quarry lies between Aberford in the north, Garforth to the west and Sherburn in Elmet to the east and Ledsham to the south, is characterised by a number of woodlands and tree blocks, of a variety of different sizes, that also form part of the landscape character of the area, and break up the openness from a visual perspective. Indeed the Castle Hills area immediately to the west of the quarry is wooded (which includes the western part of the area of the Scheduled Ancient Monument), as is Hartly Wood immediately to the north of there. In the immediate vicinity is the woodland along the railway and within the north-west corner of the quarry. Together these all form the openness context to the existing quarry and proposed development site.
- 7.25 The current landfilling and recycling proposals, would be a new chapter in the life of Newthorpe Quarry. Although a proposal may not conflict with the purposes of including land in the Green Belt, it could still represent inappropriate development if it was deemed to have a greater impact on the openness of the Green Belt than the site does at present. It is necessary to consider the visual effect of the proposed development upon the openness of the Green Belt. However, whilst a new washing plant is proposed that plant will be ancillary to the development and being in the quarry void is not considered to affect openness and it would be temporary being removed prior to restoration of the site and would thus have no permanent impact on the overall openness of the Green Belt in the area. No addition buildings are proposed as part of this development, although a temporary washing plant does form part of the proposal. Sherburn-in-Elmet is the nearest larger village settlement to the site and lying more than two kilometres away it is outside the zone of theoretical visibility. Therefore, due to the distance and local variations in topography, it is not considered that the development will have any impact on the setting or any special character of that settlement and it is similarly the case for the settlement of Newthorpe as visibility is curtailed by the quarry woodland, and embankments of the Leeds to Selby railway, so there is no conflict with the purposes of the Green Belt in terms of NPPF paragraph 134 d). No objections have been raised by Natural England or the County Council's Principal Landscape Officer.
- 7.26 Consequently in terms of Selby District Core Strategy Local Plan Policy SP2 part (d), it is not considered that the proposed development, including the installation of the washing plant in the quarry void to assist the recycling process, and it will not have a greater impact on the openness of the Green Belt than the existing quarry development as the washing plant is not to be located within a building, and will not be a permanent structure at the site. Furthermore, its crusher and screening equipment will assist with grading the material into the products for sale, and so it will not be contrary to NPPF paragraph 145. It will enable the site to contribute further to the local economy through the recycling activity and the provision of the landfill facility and would not involve a disproportionate increase in the scale of the on-site built development, to that associated with the quarry operation. The development will not further open the site up visually to views as it will be located (with the exception of the final restoration) in the quarry void. Therefore, with regards to emerging Policy M11, as indicated within paragraph 5.58 of the policy justification text, it is considered that appropriately scaled recycling activity at operational minerals extraction sites in the Green Belt can be supported in principle under this policy, provided that it would preserve the openness of the Green Belt and be consistent with the purposes of the Green Belt.
- 7.27 Although only limited weight can be given to Policy D05 of the emerging MWJP, as stated in paragraph 6.53 above until further progress towards adoption of the MWJP occurs, it does nonetheless support certain activities as being appropriate where the openness of the Green Belt would be preserved and that do not conflict with the purposes of including land in the Green Belt. Firstly, the development would effectively be in accordance with Policy D05 Part 2) iii) by recycling C&D waste in order to produce recycled aggregate within an active quarry within the permitted life of the quarry, which

is February 2042 under the terms of Planning permissions C8/59/43/PA and C8/2017/1230/CPO. Indeed, the intention, to be secured by the proposed condition 3, is that the site would be completed within 12 years of commencement, so by approximately 2036. This earlier completion would be beneficial in that the removal of the buildings currently permitted would be achieved earlier. The restoration proposals within this application would, as is required by the current planning permission, result in the built development (cabins and weighbridge) that was permitted by the Planning permissions C8/59/43/PA and C8/2017/1230/CPO, being removed from the site. Secondly, the development would achieve with regards to Policy D05 Part 2) vi) the landfilling of parts of the quarry void for the purposes of quarry reclamation and restoration to an after use compatible with the purposes of Green Belt designation. therefore it is considered that, although waste development is 'inappropriate' in the Green Belt there will not be an adverse impact on or harm to the openness of the Green Belt as the development would wholly be contained within the quarry.

- 7.28 Selby District Core Strategy Local Plan Policy SP3 requires planning permission to not be granted for inappropriate development unless very special circumstances exist. The Supporting Statement for the application sets out the benefits of siting waste recycling at the site and for using waste that cannot be recycled to infill the quarry in order to restore it close to original ground levels. The co-location of the recycling operation with disposal reduces lorry traffic on the road network, since otherwise the wastes would have to be transported from the recycling facility to the point of disposal. The siting of the operation on the floor of a quarry also reduces the environmental impacts when compared with a surface location, since the quarry itself provides an effective screen for noise and dust generation as well as visual impact. For some products there is also advantage to be gained by blending the quarry products with recycled wastes, enabling more waste to be recycled. The larger tonnage of materials handled also would enable more return trips to be organised, further reducing traffic impacts.
- 7.29 In the light of these benefits and the earlier completion of the minerals operation at the site it is considered that very special circumstances do exist for the development as proposed. These circumstances are that as the emerging MWJP identifies a potential capacity gap for the recycling and landfill of CD&E waste towards the later part of the Plan period within Policy W05, and the proposed development would contribute in the latter part of the Plan period through to 2030 to meeting that gap as set out in paragraph 7.x above with the washing plant assisting in enabling the best use, through recycling, of the material imported to the site. It is considered also that the proposed washing plant does not conflict with NPPF paragraph 145, as whilst it would be a structure on site within the recycling compound, it would be temporary and located in the base of the quarry, and although there would be changes to the shape of the landform, the land would essentially remain open. Therefore, the development would not conflict with Selby District Core Strategy Local Plan Policy SP2 part (d), or Policy SP3, nor with emerging MWJP Policy D05 Part 2) iii) and vi)..

Local amenity (noise, light pollution) and air quality (emissions and dust)

- 7.30 Relevant policies to this section include Policy SP19 of the Selby District Core Strategy Local Plan regarding the health and social well-being of the local community whilst preventing contributions to, or effects by, unacceptable levels of air, light or noise pollution. The North Yorkshire Waste Local Plan: 'saved' Policy 4/1 (Waste Management Proposals) in respect of the facility being permitted provided method and scheme of working would minimise the impact of the proposal (Criterion b) such that amenity issues are controlled, and, 'saved' Policy 4/19 (Quality of Life) to ensure there will not be an unacceptable impact on residential amenity. Selby District Local Plan Policies ENV2 A) and ENV3 (light pollution) and Policy D02 are relevant in respect of local amenity and cumulative effects of the emerging Minerals and Waste Joint Plan.

- 7.31 *Noise* – The noise impact assessment undertaken and submitted as an appendix to the Environmental Statement is considered to be in accordance with the PPG. The acoustic environment in the vicinity of the site predominantly comprises sound from continuous road traffic using the A1(M) along with more intermittent traffic movements on local links such as the B1222. Other notable sound sources included regular train movements, frequent birdsong and occasional overhead aircraft. The noise impact assessment also took account of the type and frequency of use (movements/hour or percentage of the time) and the Sound Power Level dB(A) likely to be generated on site such as by tracked excavator, wheeled loading shovel, dump truck, dozer, tracked mobile drilling rig, wash plant, diesel generator, processing plant for use in regards to quarry operation and with regards to the recycling operations. Neither Selby District Council (Planning), the Parish Council, nor the Environmental Health Officer of Selby District Council (subject to planning conditions in order to protect residential amenity at nearby sensitive receptors including hours of operation and noise levels) have objected to the development. No representations regarding noise concerns have been received from local residents. Conditions 8 to 10 in Section 9.0 below would achieve these objectives. It is therefore considered that, subject to the conditions 8 to 10 proposed being imposed regarding undertaking the development in accordance with the noise assessment, the control of noise levels and the control of hours of operation there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network or on ecological interests as a result of noise arising from the development. This therefore accords with the elements regarding noise set out within Policy SP19 of the Selby District Core Strategy Local Plan and within Policy D02 of the emerging MWJP. In addition the development, would not create an unacceptable impact on local amenity in terms noise within ‘saved’ Policy ENV2 of the Selby District Local Plan and ‘saved’ Policies 4/1 part h) and 4/19 of the North Yorkshire Waste Local Plan and would therefore be in accordance with those policies and NPPF paragraphs 170 and 180 and the noise element of the locational criteria within the NPPW Appendix B.
- 7.32 *Lighting* - The landscape assessment undertaken for the period when the proposed recycling and infill operations and restoration works taking place from 2020 until 2035 and that extraction will be ongoing in quarry during this time up until around 2026. This includes the potential lighting of the recycling plant on the quarry floor at night for safety/security purposes. Potential landscape effects from lighting of the quarry at night have been considered in respect of the landscape resource, however no night-time recycling or infill working is proposed and any lighting in the cabin and facilities area during the late afternoon during the winter months would be approximately 20 metres down within the quarry void and therefore would have negligible impacts on the wider landscape. Details of a potential lighting specification have been provided and and the approval details of the lighting can be controlled via the proposed condition 11 to limit impact on local amenity and nature conservation as requested by the Principal Landscape Architect. Therefore, in respect of ‘Saved’ Policy ENV3 (Light Pollution) any outdoor lighting will be in accordance with that policy by being the minimum level required for security and/or operational purposes and would not have a significant adverse effect on local amenity or detract significantly from the character of a rural area. It would also accord with ‘saved’ Policies 4/1 part h) and 4/19 of the North Yorkshire Waste Local Plan; emerging Policy D02 of the MWJP and also the principle within the NPPF paragraph 180 c) concerning the limiting of the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation and the locational criterion j) within the NPPW requiring the potential for light pollution to be considered.
- 7.33 *Air Quality and airborne emissions including dust* – As described in Section 2.0 dust sensitive receptors in the locality are limited to a small number of dwellings on and in the vicinity of Hall Lane and are largely screened by topography and woodland. Other dwellings to the east, west and south are further away, more than 500 metres from the

nearest part of the development. The surrounding agricultural land is a low sensitivity receptor. The prevailing wind is from the south and west, potentially resulting in the highest dust impacts being for houses on Hall Lane. Quarrying impacts were taken into consideration in the determination of the two applications in 2019 and following the cessation of the use of Hall Lane as the access route to the site, no complaints regarding dust from the site have been received.

- 7.34 Operations and activities during recycling and landfilling also, have potential to generate dust for example through the movement of mobile plant around the site and lorries leaving and entering the site; the placement of backfill materials and the placement of soils as part of the restoration process of vehicles. However, in addition to not accepting wastes consisting solely or mainly of dusts, etc., (as described in paragraph 3.4), the Applicant proposes that dust control will concentrate on preventing dust emissions beyond the site boundary and will centre on using water to condition materials and to damp down running surfaces. A specific dust action plan has not been requested by the EHO. However, the application details include an assessment of the potential dust impacts and it is considered that the control of any dust relating to this new development proposal will be adequately secured by proposed Condition 3.
- 7.35 Exhaust emissions from mobile plant, generators and from road transport are likely to be small when considered relative to the primary source of emissions being the A1(M) to the west of the site. The Applicant proposed that wherever possible, road going vehicles and plant will be selected on the basis of the most up-to-date emissions standards. The cessation of the use of Hall Lane has removed emissions arising from the site from being in proximity with the properties on that road and lessened the potential impact on Squires Café on the B1222 near Newthorpe. The proposed routing, via the Section 106 will further assist in taking HGVs away from Newthorpe and, although the proposed routing would take vehicles past properties to the south-west of the A1(M) lying adjacent to the former Great North Road (now a dual carriageway section of the A63) such as those in the vicinity of the Milford Hotel, and 2 properties at Pointer Farm, it is not considered that these properties will be significantly affected by the traffic associated with this development.
- 7.36 This therefore accords with the elements regarding air quality set out within Policy SP19 of the Selby District Core Strategy Local Plan and within Policy D02 of the emerging MWJP. In addition the development, would not create an unacceptable impact on residential amenity in terms of within 'saved' Policy ENV2 A) of the Selby District Local Plan and 'saved' Policies 4/1 part h) and 4/19 of the North Yorkshire Waste Local Plan and would therefore be in accordance with those policies and NPPF paragraphs 170 and 180 and the air emissions element of the locational criteria within the NPPW Appendix B.

Landscape and visual impact

- 7.37 Relevant policies to this section include within the North Yorkshire Waste Local Plan: Policy 4/1 e) effective landscaping and screening sympathetic to local landscape character; 'saved' Policy 4/3 (Landscape Protection) that requires there not be an unacceptable impact on the character and uniqueness of the landscape and, wherever possible, proposals should result in an enhancement of the local landscape character. Selby District Core Strategy Local Plan Policy SP19 Design Quality and Selby District Local Plan 'saved' Policy ENV15 – Conservation and Enhancement of Locally Important Landscape Areas and emerging MWJP Policy D06 (Landscape).
- 7.38 The Selby updated landscape character assessment acknowledges the existence of Magnesian limestone mineral extraction sites including Newthorpe Quarry within the landscape. The planning permission C8/59/43/PA granted on 26 February 2019 permits minerals extraction to occur until 2042, and, as described in this paragraph the developer intends the quarrying to be completed sooner than that date. The

Environmental Statement that accompanied the application concluded that the overall significance of landscape effect would be temporary cumulative minor/moderate adverse effects to both landscape character and visual amenity for the first six years of development (2020 to 2026) when the infilling would be commencing; temporary minor adverse/negligible from 2027 until 2035 and then negligible/minor beneficial in the longer term. This would be due to assimilation being achieved as and through the restoration to agriculture on the infill slopes of the quarry, and with the new woodland planting on the steep slope replicating natural regeneration within the older parts of the quarry, plus the re-establishment of limestone grassland habitat on the quarry floor and the maturing woodland edge planting approximately 15 years after the completion of the proposals (2050).

- 7.39 It is acknowledged that the development would have a temporary impact on the landscape character and visual amenity of the close surroundings of the site. However this impact will be mitigated by the proposed restoration contours. The LVIA for the ROMP and quarry extension concluded that there would be overall minor adverse effects to landscape character and temporary minor/moderate adverse visual effects reduced to no change/negligible in the longer term. The LVIA for the infill and recycling proposals concludes due to the period of concurrent works (quarrying and recycling/landfill that there would be overall temporary cumulative minor/moderate adverse effects to both landscape character and visual amenity for the first six years of development (2020 to 2026) when the proposals would be concurrent with the quarry extraction. The period of six years constitutes approximately a third of the anticipated lifetime of the development. For the remaining nine years, approximately two-thirds of the development life up to 2032, the overall effects to both the landscape and visual amenity is considered to be temporary minor adverse. The effects to landscape are assessed as negligible/minor beneficial in the longer term due to the proposals to restore the landscape in part and the added value arising from the increased onsite biodiversity. Residual effects to visual amenity are considered to be negligible.
- 7.40 Natural England consider that the development will not have significant adverse impacts and the NYCC Principal Landscape Officer has not objected to the development subject to conditions, including the proposed condition 16 that addresses the landscaping of the site. On this basis it is considered that the landscaping and screening has been designed to mitigate the development in a way that is sympathetic to local landscape character of the Magnesian limestone ridge. Furthermore, any cumulative effects are considered to be at 'worst', temporary moderate/minor adverse for the smaller proportion of the development life and is not unacceptable.
- 7.41 Therefore the development is and will be developed in a manner that is in accordance with 'saved' NYWLP Policies 4/1 e) and 4/3, Selby District Core Strategy Local Plan Policy SP19, Selby District Local Plan 'saved' Policy ENV15 and emerging MWJP Policy D06 (Landscape) through, subject to the imposition of conditions 3, 4 and 14, there not being an unacceptable impact on the character and uniqueness of the landscape and also through the proposed use of landscaping and screening sympathetic to and enhancing the landscape character of the West Selby Limestone Ridge Landscape Character Area and the Smeaton Ridge Locally Important Landscape Area.

Biodiversity, habitats, nature conservation and protected species

- 7.42 Policy 4/10 of the NYWLP, Selby District Core Strategy Local Plan Policy SP18 and Selby District Local Plan Policy ENV9 are relevant because a proportion of the application site is a designated SINC site. Emerging Policy D07 of the MWJP in regards to biodiversity can only be given limited weight until it is demonstrated through the Main Modifications consultations that the major objections to this policy regarding consistency issues with NPPF are resolved. However, Paragraph 170 of the NPPF part a) also considers policies should protect and enhance sites of biodiversity

'commensurate with their statutory status' as sought by Part 1 of Policy D07. Paragraph 170 of the NPPF part d) supports the principle of minimising impacts on biodiversity and establishing ecological networks that are more resilient to current and future pressures. Therefore, the inclusion within Policy D07 Part 5) that scheme designs, including any proposed mitigation, should to seek to contribute positively towards delivering agreed biodiversity, including those set out in local Biodiversity Action Plans, and support resilient ecological networks is relevant.

- 7.43 The site is not covered by any national statutory nature conservation designations. However, parts of an area around, and including, parts of the current proposed development site were locally designated as a Site of Interest for Nature Conservation (SINC) in 1998. This was in recognition of the calcareous habitats created by previous quarrying. Some areas of former calcareous grassland remain in small pockets, but some is lost or is vulnerable to scrub/woodland growth shading out the ground flora and the wetland area present on site when the SINC survey was completed in the 2011 has since been lost through alterations of the quarry floor.
- 7.44 With regard to bats, badgers, otters, water vole, amphibians and reptiles no further survey or assessment work was required. Local ornithologists who had been recording birds within the quarry for a number of years prior to its reopening in 2016 were also contacted by the consultant preparing the assessment for the Applicant. The impact on sand martins was assessed in 2017 and condition 34 of decision notice C8/2017/1230/CPO requires the provision of new nesting habitats suitable for use for the sand martins. The Ecological Impact Assessment within the Environmental Statement for this current application has identified some potential locations for the new sand martin bank within quarry phase 5. It is considered that with appropriate mitigation and compensation that there would be no impacts upon breeding sand martin at this site. The Ecological Impact Assessment recommends that further assessment of impacts upon Schedule 1 birds and breeding sand martin is undertaken and that removal of trees, shrubs and surface vegetation within phase 5 should be completed outside of the bird breeding season (March to September inclusive). Where this is not possible a suitably qualified and experienced ecologist should complete survey of the Site immediately prior to completion of the proposed works to search for nesting birds and to advise on exclusion zones or timing of works if nesting birds are recorded.
- 7.45 Many of the habitats identified during the original surveys upon which the SINC designation is based have since been lost through quarrying operations and natural succession of grassland to scrub vegetation. Amended details received in November/December 2020 clarified, to the satisfaction of the Principal Ecologist that the ecological impact of the amended scheme, and the mitigation through the proposed calcareous grassland restoration and its management were clearer. The restoration proposed would compensate for the impacts upon the Site of Importance for Nature Conservation (SINC) and that the principles set out in the Newthorpe Quarry Limestone Grassland Creation, Management and Monitoring Framework (March 2018) were appropriate for the restoration of this application area. It is proposed that this would be secured via proposed condition 15, such that restoration would be undertaken in accordance with the recommendations of the Ecological Impact Assessment and the requirements of Condition 16 would provide for the aftercare of the site.
- 7.46 The generic advice provided by Natural England relating to Sites of Special Scientific Interest; biodiversity, protected species in accordance with standing advice; local sites, priority habitats and species can be attached as an informative in the event of planning permission being granted.
- 7.47 Therefore the development is and will be developed in a manner that is in accordance with 'saved' NYWLP Policy 4/10 Selby District Core Strategy Local Plan Policy SP18,

Selby District Local Plan 'saved' Policy ENV9 and emerging Policy D07 Part 5) and with NPPF paragraph 175. This will be through the restoration proposed compensating for the past and current impacts on calcareous habitats including the calcareous grassland of the previously designated Site of Importance for Nature Conservation (SINC).

The Historic Environment (Cultural Heritage)

- 7.48 Selby District Core Strategy Local Plan Policy SP18 (Protecting and Enhancing the Environment) is the most relevant to this topic, as it is more recent, being adopted in 2013. Policy SP18 includes, as Part 1, the need for the safeguarding, and where possible, enhancing of the historic environment and setting of areas of acknowledged importance. The NYWLP 'saved' Policy 4/16 (Archaeological Sites) requires account be taken of the significance of heritage assets and the impact of a proposal on a heritage asset. Policy ENV27 of the Selby District Local Plan relates to Scheduled Monuments. The relevant aspects of emerging Policy D08 of the MWJP relate to the conserving and, where practicable, enhancing of elements that contribute to the significance of the area's heritage assets including their setting including the archaeological resource of the Southern Magnesian Limestone Ridge.
- 7.49 The area of the Magnesian Limestone ridge where Newthorpe Quarry is located contains extensive evidence of heritage assets of archaeological interest. These include settlement sites, enclosures, and associated trackways and field systems of primarily later Iron Age and Roman date, including the scheduled area immediately to the west of the quarry. As stated in paragraph 2.7 above, the Castle Hill Scheduled Ancient Monument (SAM) is immediately to the west of the development site. Selby District Council's Planning Team consultation response drew particular attention to the need for consideration of the close proximity of the development to the SAM. The Applicant's Environmental Statement cultural heritage section described that the impact upon the setting of the eastern part of the monument would be a minor to moderate but a temporary adverse effect (dependent upon distance), with a consequential minor and temporary adverse effect upon the significance of the monument. The Environmental Statement concluded that whilst the recycling and infill would continue through to 2025-2030 the impacts would have a negligible effect upon the monument's significance as the remains, its preservation and its contribution to further study would not be affected.
- 7.50 Historic England confirmed in its response that it did not wish to comment on the application, and, the NYCC Principal Archaeologist has also not expressed any objection. Hence, no opinions by heritage professions have suggested that the proposed development would have an unacceptable or long-term effect of the nationally important remains, or indeed their settings. Therefore, it is not considered that there is evidence to indicate that there would be any long-term detrimental impact on the Scheduled Ancient Monument (which lies outside the Newthorpe Quarry site area) or indeed on setting of that Scheduled Ancient Monument.
- 7.51 With regards to Listed Buildings the nearest at 250 metres away, is Newthorpe Cattle Creep Bridge. That accommodation underbridge built for the Leeds & Selby Railway in the 1830s was probably to facilitate the movement of livestock. The proposed development will have no impact on that structure.
- 7.52 Subsequent to the completion of the restoration proposals the trees, shrubs and surrounding hedge planted around the margins of the quarry would largely screen the area of restored landfill. The existing views from the monument further to the east (other than from along the very eastern edge of the scheduled area adjacent to the quarry) would not be obscured due to the low proportion of trees. Any change to the existing setting of the monument would therefore be limited. The restoration proposals would result in a greater proportion of the former quarry being infilled and returned to

agricultural use together with a reduction in the extent of the former quarry faces that would remain exposed. The impact upon the setting of the monument is therefore considered to be a minor long term beneficial effect (and a negligible beneficial effect upon its significance).

- 7.53 Consequently, notwithstanding the proximity of the development to the SAM site, it is considered that there will not be an unacceptable effect on that nationally important archaeological remains, or on local historic assets that contribute most to the distinct character of the Selby District. Nor would it have an impact on the setting of areas of acknowledged importance or harm the significance of the designated heritage asset. The Principal Archaeologist has not requested the imposition of any planning conditions. Consequently, it is considered that the development is in accordance with Part 1 of Policy SP18 of the Selby District Core Strategy Local Plan, with 'saved' Policies 4/14 and 4/16 of North Yorkshire Waste Local Plan and with Part 2 of Policy D08 of the emerging MWJP in respect of conserving those elements of the archaeological resource which contribute most to the distinctive character of the Southern Magnesian Limestone Ridge. Furthermore, there are no conflicts with paragraph 193 of the NPPF as no unacceptable adverse impacts on the historic environment are anticipated.

Water quality and resources, flood risk and drainage

- 7.54 The relevant policies for this section are Selby District Core Strategy Local Plan Policy SP18 (Protecting and Enhancing the Environment) in respect of protecting water quality, and Policy SP19 (Design Quality) in respect of preventing contributions to or effects by unacceptable levels of water pollution. Within the North Yorkshire Waste Local Plan Policy 4/1 (Waste Management Proposals) parts b), c), d), and h) are in respect of the method/scheme of working minimising the impact; not having an unacceptable environmental impact or unacceptable cumulative impact on the local area and environmental and amenity safeguards mitigating the proposal; and Policy 6/1 (Landfill Proposals) part e) regarding not having an unacceptable impact on the environment. Selby District Local Plan 'saved' Policy ENV2 (Environmental Pollution and Contaminated Land) Part A regarding development giving rise to unacceptable levels of contamination or other environmental pollution including groundwater pollution not being permitted unless satisfactory remedial or preventative measures are incorporated into the scheme. MWJP emerging Policy D09 (Water Environment) requires demonstration that no unacceptable impacts will arise to surface or groundwater quality and/or surface or groundwater supplies and flows; avoiding of unacceptable risk of pollution and the inclusion of measures to contribute to flood alleviation.
- 7.55 The site is not shown on the Environment Agency Flood Map as being at risk of flooding from any source and is free draining with no off-site discharge of surface water. However, as stated above in Paragraph 3.16 v.) Newthorpe Quarry is located within a limestone layer (Cadeby Formation) and the Hydrological and Hydrogeological Impact Assessment within the Environmental Statement acknowledges that the limestone is a principal aquifer of high regional water resource value. That impact assessment also acknowledges the concern, as expressed by Selby District Council, that there may be potentially contaminated ground within the quarry boundary given the presence of the adjacent historic landfill site. Hence the Applicant proposes that the management practices on site must be effective at mitigating any risk to groundwater quality. This includes compliance with the quarrying planning permissions that condition that workings do not extend to groundwater and this is achieved by maintaining a minimum of 1m of unsaturated zone between the quarry floor and the groundwater level in the underlying aquifer across all areas of the current and future quarry development. The quarrying permissions also require all fuel and oil storage tanks shall be bunded using impervious bunds and floors and there to be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct

or by soakaways. The site already has four existing water monitoring boreholes: located at the north side of quarrying phase 5; midway along the southern edge of quarrying phase 2; at the south-east corner of quarrying phase 1 and at the north-east corner of quarrying phase 4. This is a matter that is already within the control of the Applicant through compliance with the conditions within the two current quarry planning permissions and the excavation floor levels were determined by groundwater levels recorded on six occasions between July 2017 and January 2019. The retention of this unsaturated zone is to prevent the development of direct drainage pathways to groundwater and mitigates risk of direct contaminant migration to groundwater. Paragraph 2.15 of the Revised Supporting Statement includes that 'groundwater levels have been subject to minor variation, with the gas monitoring showing normal results and indicating that there was no gas migration from the closed municipal landfill on the north side of Phase 4. The water analysis results indicate that groundwater in the Cadeby Formation at the site is uncontaminated and consistent with drinking water standards for analytical determinands'.

- 7.56 As is described in Section 3.0 above, the new landfill area would have an engineered lining system to enable collection and management of any leachate generated from the waste. The risk of accidental contaminant spillage or leakage would be reduced through design and implementation of pollution prevention measures in accordance with Environment Agency guidance and industry best practice. For example, through storage in secure locations equipped with bunded containment systems of all potentially polluting substances and an emergency spill response procedure for communication to all site operatives with the aim of identifying, controlling and remediating any accidental spillage of potentially polluting substances as quickly as possible. These are matters that would be controlled by the Environment Agency through the Environmental permitting process and as advised in NPPW paragraph 7 bullet point 5 waste planning authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. In the light of this advice, it is therefore not considered appropriate to duplicate such controls through the imposition of planning conditions.
- 7.57 The Applicant's risk modelling indicates that the proposed landfill would not lead to the release of hazardous substances to groundwater and that any release of non-hazardous substances would not lead to pollution of groundwater or surface water resources. However, achieving the appropriate design for the clay layer and the design performance of the liner is important factor to ensure adequate protection for the groundwater resource. Subject to achievement of design engineering standards, the proposed development would be fully compliant with the requirements of the Groundwater (England & Wales) Regulations 2009 and there would be no significant residual adverse hydrological or hydrogeological effects. The Environment Agency has not objected to the application, although it has indicated that an Environmental Permit will be required before the development can commence.
- 7.58 It is considered that the development as proposed has been designed so as to ensure that it can proceed without creating unacceptable levels of water pollution. The measures include the washing plant being on a self-contained for water circulation and no use of settlement lagoons. Whilst the proposal is for the material deposited in the landfill to be inert, some of the wastes imported will fall into a non-hazardous waste classification. Therefore, as recommended in the Hydrogeological Risk Assessment (Appendix ES5 to the Environmental Statement) an engineered lining containment system for the landfill including a leachate drainage system would allow collection and management of any leachate generated from the waste. A SuDS-based surface water drainage scheme is intended to ensure that all surface water is contained within the site boundary and discharged to underground strata and continued measurement of

groundwater levels and quality will occur via boreholes. Condition 13 is proposed in order to ensure that there is no pollution of ground or surface waters. Furthermore, the Environment Agency will also control the development via the permitting process and this, as set out in paragraph 4.12 above, would ensure that measures to be in place to prevent pollution to ensure that there is no harm to human health, the quality of the environment, or the surrounding amenity.

- 7.59 Therefore, on this basis it is considered that the development would be able to take place in compliance with the relevant water management and pollution control requirements of Selby District Core Strategy Local Plan Policies SP18 and SP19; Selby District Local Plan 'saved' Policy ENV2 and emerging Policy D09 of the MWJP and North Yorkshire Waste Local Plan Policy 4/1 (Waste Management Proposals) parts b), c), d), and h) and Policy 6/1 (Landfill Proposals) part e) in respect of the method/scheme of working minimising the impact such that there is not an unacceptable environmental impact or unacceptable cumulative impact on the local area. It is also considered that the development accords with the requirements of paragraphs 170 d), 178 and 179 of the NPPF regarding avoidance of water pollution and protection of water quality and of Appendix B of the NPPW regarding protection of water quality and resources and flood risk management.

Highways matters- Traffic and transport

- 7.60 The relevant policies for this section are Selby District Core Strategy Local Plan Policy SP15. NYWLP 'Saved' Policy 4/1 (criterion d and g) that there would not be an unacceptable cumulative impact on the local area and adequate transport links; 'saved' Policy 4/18 of the North Yorkshire Waste Local Plan regarding the vehicle movements being satisfactorily accommodated by the local highway and not having an unacceptable impact on local communities. 'Saved' Policies ENV1, T1 and T2 of the Selby District Local Plan. Emerging policy D03 of the MWJP and NPPF paragraph 109.
- 7.61 The Transport Assessment within the Environmental Statement concluded that this development's traffic movements should be acceptable in terms of both highway capacity and road safety. The combined recycling and landfill operation would generate an average of 65 loads per day in and 21 loads out. The recycling and landfill traffic would be in addition to the normal quarry operations (estimated as having a likely maximum of 48 loads per day). There may also be a degree of return loads, which would reduce the total traffic movements. The use of Hall Lane in connection with the quarry has ceased. The sole access permitted in connection with the quarrying planning permissions, and proposed for this new development, is from the south of the quarry directly off the B1222 near to the bridge over the A1(M) and is a designed access with maintained visibility splays. This sole access requirement can be secured (in Condition 5), as requested within EHO's consultation response.
- 7.62 No objections to the application have been raised by the Highway Authority and therefore it is considered that the access onto the B1222 is suitable for the proposed development and B1222 is suitable for the volume of traffic proposed. Huddleston with Newthorpe Parish Council, within whose area the site is located, has not made any representations for, or against, the application. However, an objection by Sherburn in Elmet Parish Council has been raised regarding traffic going to or from the proposed development via Sherburn in Elmet, and, notwithstanding, their objection remains. The Applicant has voluntarily submitted the proposed Section 106 Agreement to specifically address the routing of vehicles to and from the site. Whilst the Section 106 is not necessary to make the development acceptable in planning terms as it is not an express request of the Highway Authority; it is directly related to the development. It is considered to be fair and reasonably relative in scale and kind to the development and it is considered that it will mitigate any potential for a traffic impact on Sherburn in Elmet that may arise from the development.

- 7.63 Therefore, it is considered that there are appropriate transport links to and from the site. The traffic generated will be satisfactorily accommodated by the local highway, and vehicle movements managed subject to the conditions proposed and the completion of the proposed S106 agreement, such that there will not be an unacceptable cumulative impact on the local area or on local communities. Hence the development would accord with Selby District Core Strategy Local Plan Policy SP15 and NYWLP 'Saved' Policy 4/1 (criterion d and g); 'saved' Policy 4/18 of the North Yorkshire Waste Local Plan, 'Saved' Policies ENV1, T1 and T2 of the Selby District Local Plan and emerging policy D03 of the MWJP and NPPF paragraph 109.

Public Access

- 7.64 The relevant policies for this section are Selby District Core Strategy Local Plan Policy SP18 regarding protecting and enhancing public rights of way and access; and, in Policy SP19 the creation of rights of way, facilitating of sustainable access and the promotion of access to open spaces. 'Saved' Policy 4/20 (Open space, Recreation and Public Rights of Way) of the NYWLP requires waste development to not have an unacceptable impact on recreational amenity including the enjoyment of the Public Rights of Way network, whereas NPPF paragraph 98 requires decisions to protect and enhance public rights of way and access and has more weight. Emerging Policy D02 in regards to Local Amenity and Cumulative Impacts includes within Part 1) that proposals for waste development, will be permitted where it can be demonstrated that there will be no unacceptable impacts on users of public rights of way network. Although, as stated in paragraph 6.51 above, limited weight can be given to Policy D02 until the major objections to that policy regarding consistency issues with NPPF are resolved.
- 7.65 As described in Sections 2.0 and 3.0 above a footpath abuts the southern edge of the site and is crossed by the access to the site. Furthermore, as mentioned in paragraph 2.7 above, footpath 35.39/3/1 from Hall Lane, Newthorpe along the southern boundary of the quarry has already been diverted around Phase 1 of the workings, there is a Diversion Order awaiting certification, and as part of phases 3 and 4 of the already permitted quarry development, is already proposed to be formally diverted around the perimeter of the quarry prior to soil stripping and extraction of those respective phases. This is acknowledged by the County Council's Public Rights of Way team response in paragraph 4.15 above.
- 7.66 The soils already stripped from Quarry Phases 1 and 2 are already placed in bunds to the south of those phases and it is proposed to do likewise with the soils from Quarry Phases 3 and 4. Therefore, in terms of this application, the diversion and continued provision of a public right of way around the southern edge of the quarry is not directly affected by the proposals for the recycling and landfill development as the preceding quarry process will need to obtain the requisite diversion orders such that the three infill phases of the quarry (the proposed development) would follow from west to east. These works will have a visual impact on users of the right of way, as well as the noise impact referred to in paragraph 7.31, albeit a temporary one whilst the works take place. Furthermore, a hedgerow with trees is to be planted on the southern boundary of the site as required by Planning Permission C8/59/43/PA and this is included in the drawings submitted in respect of this application and listed to be approved in proposed Condition 3 as Infill Phase 1 to 3 plans 10132D/03/01C, 10132D/03/02B and 10132D/03/03B (dated 15 November 2019) and Restoration Scheme plan 10132D/04B (dated 12 February 2020).
- 7.67 It is therefore considered that the development has, and is making, provision to address the impact on the right of way as the footpath is being diverted rather than stopped up, and the soil bunds will provide screening of the works which will be supplemented by the planting of the hedgerow and ultimately by tree planting such that

there would not be an unacceptable impact in terms of disruption of the right of way during the development. Therefore, it is considered that the design of the development through maintaining the existence of the right of way, notwithstanding the development taking place, would ensure accordance with the principles of Selby District Core Strategy Local Plan Policies SP18 point 5 (protecting and enhancing public rights of way) and Policy SP19 part d) regarding promoting access and part f) by potentially supporting active lifestyles which would contribute to the health and social well-being of the local community. It would also not have an unacceptable impact in terms of disruption of the right of way during the development, thereby being also in accordance with 'Saved' Policy 4/20 (Open space, Recreation and Public Rights of Way) of the NYWLP. However, in order to secure this it is considered that the planning condition 17 to require the protection of the existing public right of way would ensure that the route is kept clear of any obstruction until any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Economic and social impacts, including employment

- 7.68 The relevant policies for this section are Policy SP13 of the Selby District Core Strategy Local Plan and 'saved' Policy EMP9 of the Selby District Local Plan (Expansion of existing employment uses in the countryside) and Policy W11 of the emerging MWJP regarding (new waste site identification principles).
- 7.69 The Quarry currently directly employs six people and up to 6 extra people would be employed if this development were to be permitted. Policy SP13 supports developing the local economy and development that brings sustainable economic growth through local employment opportunities or expansion of businesses in rural areas, including redeveloping existing employment sites, provided the development is sustainable, appropriate in scale and type to its location, not harm the area's character, and give a good standard of amenity. 'Saved' Policy EMP9 also supports expansion provided highway safety is not prejudiced, local amenity and the area's character and appearance not significantly adversely effected of the area, or harm to nature conservation interests. It also supports a high standard of design and landscaping, well related to existing development and well screened and/or landscaped. Policy W11 also gives similar support with regard to this type of location including where it can be demonstrated that co-locational benefits would arise taking into account existing quarry use or proposed use which would be the recycling of waste and the provision of material for use in the restoration of the site.
- 7.70 It is considered that in accordance with NPPF paragraph 80, the development would provide a local employment opportunity and expansion of an existing business in a rural area, and would be sustainable, appropriate in scale and type to the location, not harm the character of the area and be operated such as to provide a good standard of amenity. It would provide co-locational benefits regarding recycling and supply of material for use in restoration. Furthermore, as described in paragraphs 7.54 to 7.56 in respect to highway matters the proposals would not prejudice highway safety. It is therefore in accordance with the economic principles sought within Policy SP13 of the Selby District Core Strategy Local Plan, 'saved' Policy EMP9 of the Selby District Local Plan and Policy W11 of the emerging MWJP.

Soils and agricultural land use

- 7.71 The relevant policies for this section are Policies SP18 (Protecting and Enhancing the Environment) and SP19 (Design Quality) of the Selby District Core Strategy Local Plan regarding protection of soil and preventing of unacceptable levels of soil pollution. NYWLP 'saved' Policies 4/7 Protection of Agricultural Land, 4/22 Site Restoration and 4/23 Aftercare are also relevant together with Policies D10 and D12 of the emerging MWJP as well as NPPF paragraphs 170 and 205.

- 7.72 All these policies involve elements relating to the protection of soil and preventing of unacceptable levels of soil pollution. As identified in Section 2.0, the area of the quarry site is classified as being of Grade 2 agricultural land quality. Therefore, given that parts of the quarry have yet to be extracted and therefore the covering soil removed and placed into storage; plus some soil is already in storage in readiness for use in restoration it is important that the soil is handled appropriately and saved for use in restoration. This is already a requirement of the quarrying planning permissions C8/59/43/PA and C8/2017/1230/CPO. Paragraph 3.1 of the supporting statement states that the scheme of working conditioned within these two quarry permissions will be carried out, with the surface soils stripped and stored within the soil mounds identified on drawings 10132D/03/1C, 10132D/03/2B and 10132D/3/3B. These drawings are specified in Condition 1 below which will meet the soil protection and pollution control requirements of Policies SP18, SP19 and D12 and the proposed development will conserve and manage on-site soil resources in a sustainable way for use in restoration.
- 7.73 Therefore, the consideration of need, alternative opportunities of non-agricultural land or on below grade 3a land with regard to NYWLP 'saved' Policy 4/7 is not applicable as planning permission for development on the best and most versatile land, in the form of quarrying, has already been granted and is in the process of being implemented. Hence the requirements of parts i-iv of Policy 4/7 do not apply as the waste development would not be undertaken on best and most versatile agricultural land that is, or would be, in situ when the development, if permitted, commences. However, Policy 4/7 is relevant insofar as it requires that development will only be permitted where provision is such that an agricultural afteruse will be achieved to a high standard of restoration. It is considered that the proposed conditions 14 and 16 will ensure that the high standard requirement for the development and its long-term use is secured.
- 7.74 It is therefore considered that the development is in accordance with the requirements of Policies SP18 and SP19 of the Selby District Core Strategy Local Plan and NYWLP 'saved' Policies 4/22 and 4/23 and emerging MJWP Policies D10 and D12 as well as NPPF paragraphs 170 and 205.

Restoration and Aftercare

- 7.75 The relevant policies for this section are NYWLP 'saved' Policies: 4/1 (Waste Management Proposals part f), 4/7 (Protection of Agricultural Land), 4/21 (Progressive restoration), 4/22 (Site Restoration) and Policy 4/23 (aftercare). Plus emerging Policy D10 Part 1 and Policy SP18 point 3 of the Selby District Core Strategy Local Plan in regards to reclamation and aftercare.
- 7.76 As described paragraphs 3.9 – 3.12 above, the proposals to promote the restoration and aftercare of the quarry site following the proposed waste development, include works such as ripping the surface to assist drainage, subsoiling and stone picking and seeding/planting in accordance with an agreed aftercare strategy. These are actions that are intended to ensure that the site will be restored to a high quality and receive subsequent aftercare and management to enable the conservation afteruse of the relevant parts of the site to be achieved and likewise a high quality agricultural afteruse to be safeguarded during restoration and achieved. The submission of a detailed restoration and aftercare scheme for the whole quarry would be secured by condition 16.
- 7.77 It is therefore considered that the development is in accordance with the requirements of 'saved' NYWLP Policies 4/1(f) and 4/7 for the future protection of the agricultural potential of the site. It would also be in accordance with 'saved' NYWLP Policies 4/21 and 4/22 and Policy SP18 point 3 of the Selby District Core Strategy Local Plan through the establishment of the limestone grassland which would contribute to habitat targets

in the biodiversity strategies including a local Biodiversity Action Plan and to enhance the character of the local environment. It is also in accordance with the aftercare requirement of 'saved' NYWLP Policy 4/23 and with emerging MWJP Policy D10 Part 1 in regards to reclamation and aftercare.

Consideration of Alternatives, Cumulative impacts and Climate Change

- 7.78 The relevant policies to this section are NYWLP 'Saved' Policy 4/1 (criterion d and j) and emerging MWJP Policies D02 and D11 that there would not be an unacceptable cumulative impact on the local area. Policy SP15 (Sustainable Development and Climate Change) of the Selby District Core Strategy Local Plan, specifically Part B is relevant because it seeks to ensure development contributes towards reducing carbon emissions and is resilient to the effects of climate change, by encouraging the design and layout of a proposal to protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise that adapt to and help mitigate climate change include with habitat creation in landscaping schemes. Paragraph 148 of the NPPF states the planning system should support the transition to a low carbon future in a changing climate, including encouraging the reuse of existing resources.. The NPPF also makes clear in paragraphs 150, 170 and 180 that the cumulative effects of pollution on the natural environment or general amenity including noise, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account, and limited and mitigated where necessary.
- 7.79 As stated in paragraph 7.12 it is considered that the facility would be geographically well located to source of the CD&E waste arising from York, Selby and for the eastern parts of the West Yorkshire districts of Leeds and Wakefield and it would will therefore accord with the proximity principle particularly the recycling element of the development and provide an alternative option to the material being taken to Barnsdale Bar or Went Edge at Kirk Smeaton in accordance with NYWLP 'Saved' Policy 4/1 (criterion j). The proposed high proportion of the waste material delivered to the site to be recycling will contribute to the minimisation of waste being deposit as landfill within the site, which is considered to be in spirit with the aims of emerging MWJP Policy D11 Part 1 ii) and NPPF paragraph 148.
- 7.80 NPPF paragraph 109 confirms that development should only be prevented or refused on highways grounds, where there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe. There are no material considerations that indicate the capacity of the B1222, A63 and the A1(M) cannot adequately accommodate the proposal, including in combination with the quarry operation at the site, that the development should be prevented on highway grounds. The proposed routing via the mechanism of the Section 106 will ensure that residual cumulative impacts of the development in the vicinity of the site such as in the direction of Newthorpe and Sherburn in Elmet are mitigated and are not severe. The development will control and avoid cumulative impacts arising because of the development on the highway in accordance with the requirements of NYWLP 'Saved' Policy 4/1 (criterion d), 'saved' Policy T1 of the Selby District Local Plan and with Part 1 of emerging Policy D02 of the MWJP
- 7.81 Likewise, the site development design, subject to the proposed conditions regarding hours of operation, dust, noise and visual intrusion, has not caused consultees to raise concerns that there would be cumulative impacts on amenity arising as a result of the development. Amenity impacts would be avoided and controlled in accordance with Policy D02 Part 1 and NYWLP 'Saved' Policy 4/1 (criterion d). The creation of the limestone grassland and retention of cliff faces will contribute to the mitigation of climate change as sought by Policy SP15 of the Selby District Core Strategy Local Plan by increasing the availability of these habitats in this location. The inclusion of recycling of waste within the development will contribute to putting that material to a

positive end use rather than it being deposited in landfill which will contribute to the aims of NPPF paragraphs 150, 151, 170 and 180.

- 7.82 The implementation of the sustainable drainage system will minimise flood risk as required by emerging MWJP Policy D11 Part 1 v) and the landscape planting with native species will assist in the site restoration successfully adapt to climate change and included areas of new wildlife habitat that would help improve habitat connectivity in as sought by Policy D11 Part 1 viii).
- 7.83 It is therefore considered that the development is in accordance with the requirements of NYWLP 'Saved' Policy 4/1 (criterion d and j); Policy SP15 of the Selby District Core Strategy Local Plan, 'saved' Policy T1 of the Selby District Local Plan and with Part 1 of emerging Policy D02 and Part 1 v) and viii) of Policy D11 of the emerging MWJP as well as paragraph 148 of the NPPF.

8.0 Conclusion

- 8.1 As referred earlier within this report, under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting position for the determination of this planning application must be the 'Development Plan'. The decision must be made in accordance with the extant policies of that plan, unless there are material considerations, including any impacts upon interests of acknowledged importance that would indicate that planning permission should not be forthcoming. The assessment of material considerations within the overall 'planning balance' has been conveyed within Section 7.0 above.
- 8.2 There are a range of policies in the '*Development Plan*' to which due regard must be had, as well as a number of other material considerations. In considering the relationship of the proposal to the '*Development Plan*', Members should note that proposal should be judged against the '*Development Plan*' as a whole rather than against individual policies in isolation and acknowledge that it is not necessary for proposals to comply with all policies to be found compliant. Members will also need to bear in mind, as set out in Section 6.0, the relative weight to be attached to the policies in the '*Development Plan*' relevant to this proposal against that which is laid down within national planning policy.
- 8.3 Following the considerations set out in Section 7.0 above, it is considered that the proposal complies with the development plan as following:
1. North Yorkshire Waste Local Plan (2006) 'saved' Policies: 4/1 regarding the acceptability of the overall proposal; 4/3 regarding landscape impact; 4/7 regarding protection of the landscape; 4/10 in respect of the local site of importance for nature conservation; 4/16 regarding the impact on archaeological sites; 4/18 traffic impact; 4/19 impact on quality of life (local environment and residential amenity); 4/20 regarding the potential impact on the Public Right of Way; 4/21 progressive restoration; 4/22 site restoration; 4/23 aftercare; 5/7 in respect of facilities for the recycling of construction and demolition wastes; 6/1 landfill of a mineral void.
 2. The emerging Minerals and Waste Joint Plan Policies: M11 supply of alternatives to land-won aggregates; W01 moving waste up the waste hierarchy; W05 waste management capacity requirements for construction, demolition and excavation waste; W10 locational principles for waste capacity provision; W11 waste site identification principles; D01 presumption in favour of sustainable minerals and waste development; D02 local amenity and cumulative impacts; D03 transport of minerals and waste and associated traffic impacts; Policy D05 Part 2) vi) landfill of quarry voids including for the purposes of quarry reclamation and where the site would be restored an afteruse

compatible with the purposes of Green Belt designation; D06 landscape; D07 in respect of biodiversity; D08 historic environment; D09 water environment; D10 reclamation and afteruse; D11 sustainable design, construction and operation of development and D12 protection of agricultural land and soils.

3. Selby District Core Strategy Local Plan (2013) Policies: SP1 presumption in favour of sustainable development; SP2 spatial development strategy; SP3 Green Belt as it is considered that very special circumstances exist that outweigh any harm to the Green Belt; SP13 scale and distribution of economic growth; SP15 sustainable development and climate change; SP18 protecting and enhancing the environment and SP19 design quality
4. Selby District Local Plan (2005) 'saved' Policies: Policy EMP9 of the Selby District Local Plan regarding the expansion of existing employment uses in the countryside; ENV1 regarding control of development; ENV2 environmental pollution and contaminated land; ENV3 light pollution; ENV9 sites of importance for nature conservation; ENV15 conservation and enhancement of locally important landscape area; ENV27 expansion of existing employment uses in the countryside; T1 regarding the highway network and T2 access to roads.

8.4 As described in paragraph 7.20 above a waste development at Newthorpe Quarry is not new as landfilling occurred during the parts of 1970s and 1980s. However, that use has not occurred for more than 25 years and so has been considered in the light of the circumstances of the site and the locality and the current planning policies at the time of making this decision regarding the application. Nonetheless, the development would contribute to the local economy and would come within the scope of the types of development coming within Policy SP13 part C2 of the Selby District Core Strategy Local Plan. Sites located in appropriate locations for the movement of waste up the hierarchy are supported by the NPPW and the proposal intends that the emphasis of the new development will be on the movement of waste up the waste hierarchy through a high percentage of recycling of the imported construction, demolition and engineering material. The use of the residual waste as landfill will be beneficial enabling a restoration of the quarry void and slopes this is an enhancement upon the previously permitted restoration scheme for the quarry and would be sustainable in terms of MWJP Policies W01 and D01.

8.5 There is though a planning balance to judge between the contribution of the development to waste management especially recycling and the following impacts. The site is located within the Green Belt. However, the proposed development does not conflict with the purposes identified in NPPF paragraph 134 a) and b) as it would not represent a sprawl of a large built-up area, and it would not result in towns or villages merging into one. There is unlikely to be a significant impact on any special character or setting of any historic town that would conflict with the purposes of the land being within the Green Belt in terms of NPPF 134 d); and the site does not undermine the inclusion within the Green Belt of any land for urban regeneration. It is also not considered that the development conflicts with NPPF paragraph 133 as whilst change will occur on site, including with changes to the shape of the quarry landform that has been developed over the past over 100 years and that contributes to the present openness of the Green Belt, the proposal is that the development would be completed within a shorter time (2035) than that currently permitted for completion of the quarry (2042), and, subsequently through aftercare of the site the development would blend into and enhance the locality and the Smeaton Ridge Locally Important Landscape Area which would be acceptable in planning terms in respect of 'saved' Policy ENV15 of the Selby District Local Plan because very special circumstances exist as a result of the identification of the potential capacity gap for the recycling and landfill of CD&E waste towards the later part of the Plan period within the emerging MWJP Policy W05. The proposed development would contribute in the relevant period to meeting that gap. Hence, it is considered as these very special circumstances exist, these are such that the built element of this application, which would without that

represent inappropriate development, is through its facilitating of the process of the recycling and landfill therefore not in conflict with Selby District Core Strategy Local Plan Policy SP2 part (d), or Policy SP3, nor with emerging MWJP Policy D05 Part 2) iii) and vi)..

- 8.6 The development will be next to a Scheduled Ancient Monument, but the existing quarry operation with planning permission until 2042 is also adjacent. The enhanced restoration of the quarry through this development will not create an unacceptable adverse impact because it will blend the quarry into the landscape setting of the Scheduled Monument which has not been the case since the early 19th century which would be acceptable in planning terms in respect of emerging MWJP Policy D08. Furthermore, the development would also assist biodiversity through the restoration compensating for the past and current impacts upon calcareous habitats within the quarry including the calcareous grassland of the previously designated Site of Importance for Nature Conservation (SINC) which would be acceptable with respect to Selby District Core Strategy Local Plan Policy SP18, 'saved' NYWLP Policy 4/10, Selby District Local Plan 'saved' Policy ENV9 and emerging MWJP Policy D07 Parts 1 and 5).
- 8.7 The proposal would be acceptable in planning terms with regard to 'saved' Policy 4/18 of the North Yorkshire Waste Local Plan, 'saved' Policy ENV1 part 2, and 'saved' Policies T1 and T2 of the Selby Local Plan and the NPPF, including with regard to highway safety subject to outing of all HGV vehicles exiting the Site to head south on the B1222 (towards the A1 and A63); and subject to the completion of the Section 106 matter as discussed in Section 7 above.
- 8.8 Taking account of all the material considerations it is considered that on balance that the benefits of providing an additional facility within Selby District for the recycling of construction, demolition and excavation waste; and the enhancement to the restoration of the quarry void through the deposition of waste material to aid the landscaping of the site, outweigh the negative aspects associated with the development, and that very special circumstances exist as a result of the identification of the potential capacity gap for the recycling and landfill of CD&E waste towards the later part of the Minerals and Waste Plan period within the emerging Policy W05 .that outweigh the development being inappropriate in the Green Belt. Amenity safeguards can be put in place via planning conditions and an obligation to ensure that the intensity of any impacts, longevity and cumulative impact that the development would have on the amenities of local residents in the vicinity of the site, regarding hours of operation, noise or dust emission, visual impact and regarding traffic are effectively mitigated and controlled.

Obligations under the Equality Act 2010

- 8.9 The County Planning Authority in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. It is considered that the proposed development would not give rise to significant adverse effects upon the communities in the area or socioeconomic factors, particularly those with '*protected characteristics*' by virtue that the impacts of the proposal can be mitigated so that they would not have a significant impact on groups with '*protected characteristics*'.

Obligations under the Human Rights Act

- 8.10 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council

from acting in a manner that is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest. Having had due regard to the Human Rights Act, the relevant issues arising from the proposed development have been assessed as the potential effects upon those living within the vicinity of the site. Namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes, and considering the interference with those rights, it is, on balance, in accordance with the law, necessary and in the public interest.

9.0 Recommendation

9.1 For the following reason(s):

- i.) The development is in accordance with: 'saved' Policies 4/1, 4/3, 4/7, 4/10, 4/16, 4/18, 4/19, 4/20, 4/21, 4/22, 4/23, 5/7 and 6/1 of the North Yorkshire Waste Local Plan (2006); with draft Policies M11, W01, W05, W10, W11, D01, D02, D03, D06, D07, D08, D09, D10, D11 and D12 of the Minerals and Waste Joint Plan; with Policies SP1, SP2, SP3, SP13, SP15, SP18 and SP19 of the Selby District Core Strategy (2013) and with 'saved' policies ENV1, ENV2, ENV3, ENV9, ENV15, ENV27, EMP9, T1 and T2 of the Selby District Local Plan (2005) and is consistent with the NPPF (2019).
- ii.) The proposal does not conflict with the abovementioned policies as it is considered that the highway network is capable of handling the volume of traffic anticipated to be generated by the development, the visual impact of the proposed development can be mitigated through conditions, the environmental impacts of the proposed development can be controlled by conditions; the impact on any neighbouring residential properties can be mitigated and any adverse impacts are outweighed when considered against the provision of a further facility for the recycling of construction, demolition and engineering waste within Selby District and scope to enhance restoration of the site and there are no other material considerations indicating a refusal in the public interest; and
- iii.) The imposition of planning conditions will further limit the impact of the development on the environment, residential amenity, the transport network and restoration and aftercare.

That, subject to the prior completion of a Section 106 Legal Agreement to secure:

- The routing of all HGV vehicles exiting the Site to head south on the B1222 (towards the A1 and A63); and
- That all HGV vehicles entering the Site do so by approaching the Site from the south and turning left into the Site.

PLANNING PERMISSION BE GRANTED subject to the following conditions:

Conditions**COMMENCEMENT OF DEVELOPMENT**

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

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

2. No development shall take place on the application site until written notice has been given to the County Planning Authority of the date proposed for the commencement of the development.

Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out in accordance with the application details dated 13 September 2019 and the following approved documents and drawings, together with the conditions attached to this Decision Notice that shall in all cases take precedence.

Ref.	Date	Title
10132A/Contents/CJB/171119	November 2019	Revised Supporting Statement, Environmental Assessment and Non-Technical Summary
10132D/01B	19 December 2019	Site Location Plan
10132D/02B	17 November 2019	Site Plan
10132D/03/1C	15 November 2019	Infill Phase 1
10132D/03/2B	15 November 2019	Infill Phase 2
10132D/03/3B	15 November 2019	Infill Phase 3
10132D/04B	12 February 2020	Restoration Scheme
10132D/05	14 November 2019	Planning History
10132D/06	17 November 2019	Cross-Sections
DUO18-032	6 December 2018	Wash Plant Layout

Reason: To ensure that the development is carried out in accordance with the application details as amended.

4. The permission hereby granted authorises the disposal of waste only until *12 years from the date of commencement*. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the scheme approved under Condition Number 15 before that date.

Reason: To reserve the right of control by the County Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.

5. Within 8 weeks of the date of this permission the access road shown on Drawing No. 10132D/02B reference, and shall be completed in accordance with the requirements of

planning permission C8/59/41A/PA, including the surfacing of the road and the installation of wheel bath located as shown on Drawing No 10132B/04 dated 8 May 2017, the details of which were approved on 20 September 2017 via the application reference NY/2017/0135/A27. No other access shall be used in connection with this development.

Reason: *In the interests of highway safety and amenity.*

6. The access road from the site to the public highway shall be kept clean and maintained in a good standard or repair, free of potholes for the life of the operations.

Reason: *In the interests of highway safety and amenity.*

7. The visibility splays and areas provided under the terms of drawing ref. 10132A/02C, dated 16 March 2017 shall be maintained clear of any obstruction and retained for their intended purpose at all times throughout the duration of operations at Newthorpe Quarry.

Reason: *In the interests of highway safety and amenity.*

8. No tipping or waste processing or associated operations including the transport of waste to the site or recycling material from the site shall take place except between the hours between 07:00 hours and 18:00 hours on Monday to Friday and 07:00 hours and 13:00 hours on Saturdays. No tipping, processing or associated operations shall take place on Sundays, Bank or Public Holidays.

Reason: *In the interests of amenity.*

9. No plant, machinery or vehicles shall be used on site unless fitted with effective silencers appropriate to their specification.

Reason: *In the interests of amenity.*

10. The proposals hereby approved shall be carried out in accordance with the supporting Noise Assessment (ref: R.18.9298/4/AP) dated 10 October 2018 such that noise levels at sensitive receptors shall not exceed the background noise level ($\text{dB}_{\text{LA}90,1\text{hr}}$) by more than 10 dB(A) subject to a maximum of $55\text{dB}_{\text{LAeq},1\text{hr}}$ during normal operations, and during short-term operation shall not exceed $70\text{dB}_{\text{LAeq},1\text{hr}}$ limited to a period not exceeding 8 weeks in a year.

Reason: *In the interests of amenity.*

11. Throughout the operational use of the application site, all lighting provision shall be detailed to only light those areas required and to minimise the amount of light emitted outside the operational area of the application site.

Reason: *In the interests of amenity and in the interest of openness of the Green Belt.*

12. Notwithstanding the provisions of Part 7 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other Order amending, revoking or re-enacting that Order), no plant or buildings (excluding mobile plant), shall be erected on the site without the prior grant of planning permission.

Reason: *To ensure the development takes place in accordance with the approved plans and conditions in the interest of openness of the Green Belt.*

13. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To ensure that the proposed development does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework 2019 and complies with the Environment Agency guidance 'Protect groundwater and prevent groundwater pollution' published 14 March 2017.

14. Landscaping shall take place on a phased and progressive basis in accordance with the approved details set out in Condition 3 above. Any tree/shrub planted or habitat created in accordance with the approved schemes which dies or becomes diseased within five years of the date of planting or creation shall be replaced or recreated.

Reason: To secure a good standard of progressive restoration in the interests of amenity and the location of the site within the Green Belt.

15. Restoration of the site shall be undertaken in accordance with the recommendations set out in the Ecological Impact Assessment (August 2019) which forms Appendix ES3 of the Environmental Statement.

Reason: To secure a good standard of progressive restoration in the interests of amenity and the location of the site within the Green Belt.

16. Within 12 months of the commencement of tipping, a detailed restoration and aftercare scheme for the whole quarry regarding the proposed agricultural and amenity use shall be submitted for written approval of the County Planning Authority and in particular shall make provision for the enhancement of the nature conservation and landscape interest of the site. Such scheme shall include details of: (i) Proposed final contours, (ii) Phasing of restoration, (iii) Treatment of quarry faces, (iv) the spreading and cultivation of stored soils, (v) Drainage, (vi) Landscaping, fencing and maintenance of the restored site, (vii) Aftercare, (viii) A timetable for the implementation of the scheme, Thereafter, the scheme shall be implemented as approved.

Reason: To secure a good standard of progressive restoration in the interests of amenity and the location of the site within the Green Belt.

17. The existing Public Right of Way shall be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Reason: To protect the route of the Public Right of Way in the interests of, and to protect the general amenity for, all prospective users.

Informative: Standing Advice from the Coal Authority

Development Low Risk Area – Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2019 until 31st December 2020

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

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

K BATTERSBY

Corporate Director, Business and Environmental Services
Growth, Planning and Trading Standards

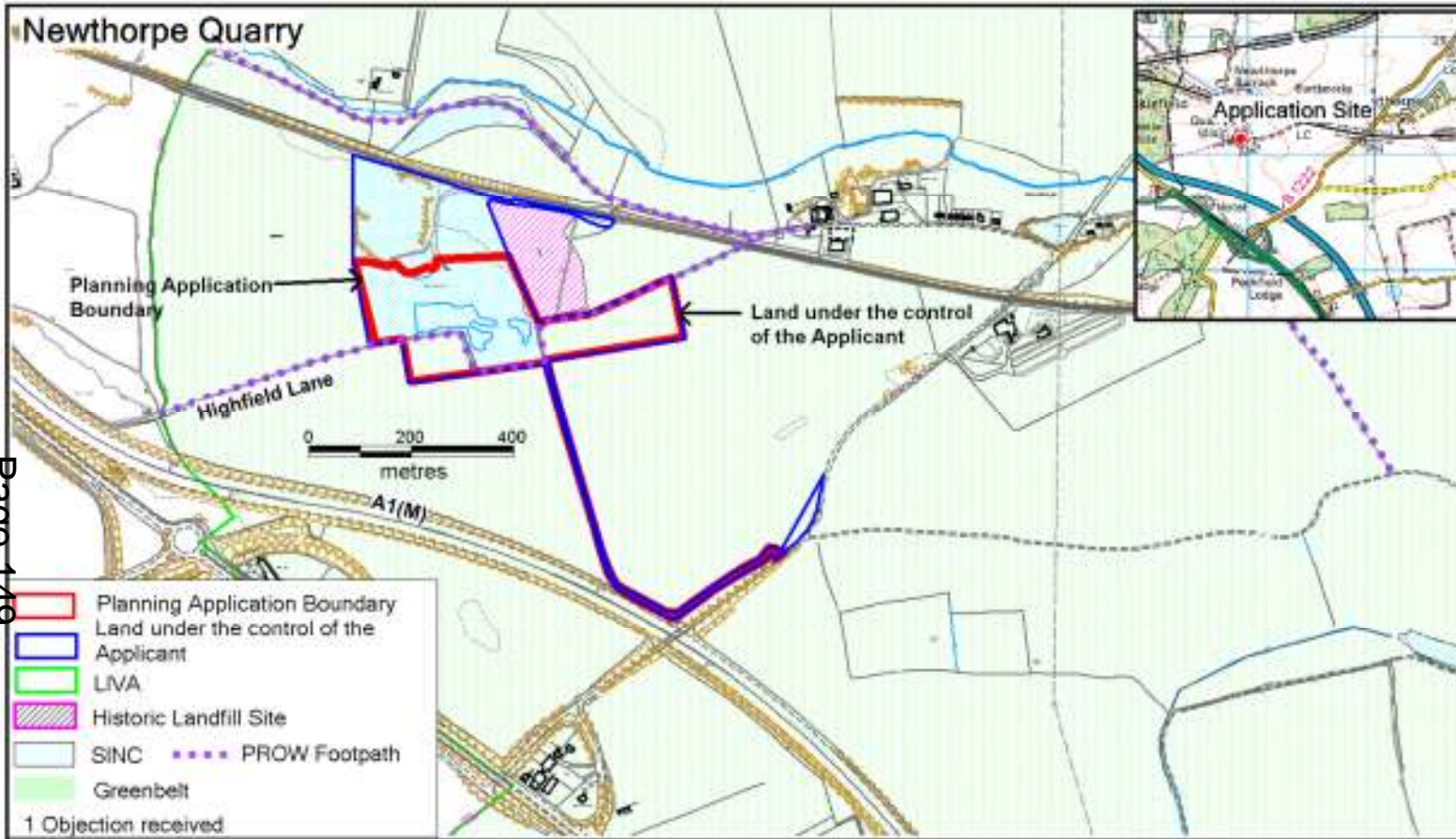
Background Documents to this Report:

1. Planning Application Ref Number: C8/2019/01271/CPO (NY/2019/0165/ENV) registered as valid on 28 November 2019. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Rachel Pillar

APPENDIX A – CONSTRAINTS

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Application No : C8/2019/1271/CPO

Title: Waste recycling and restoration by infill at Newthorpe Quarry, North Yorkshire

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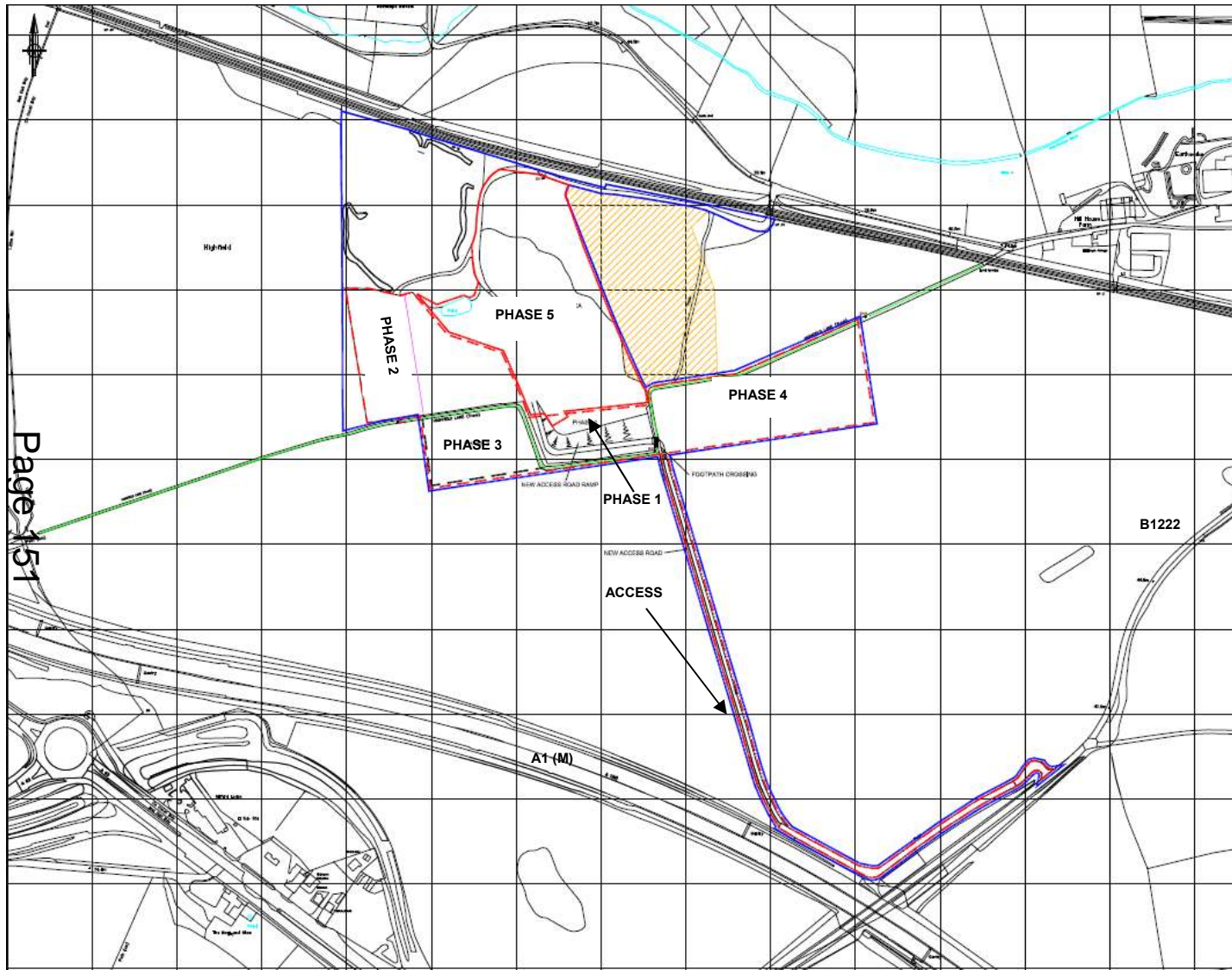
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APPENDIX B – AERIAL PHOTO



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APPENDIX C – EXISTING QUARRY SITE PHASING

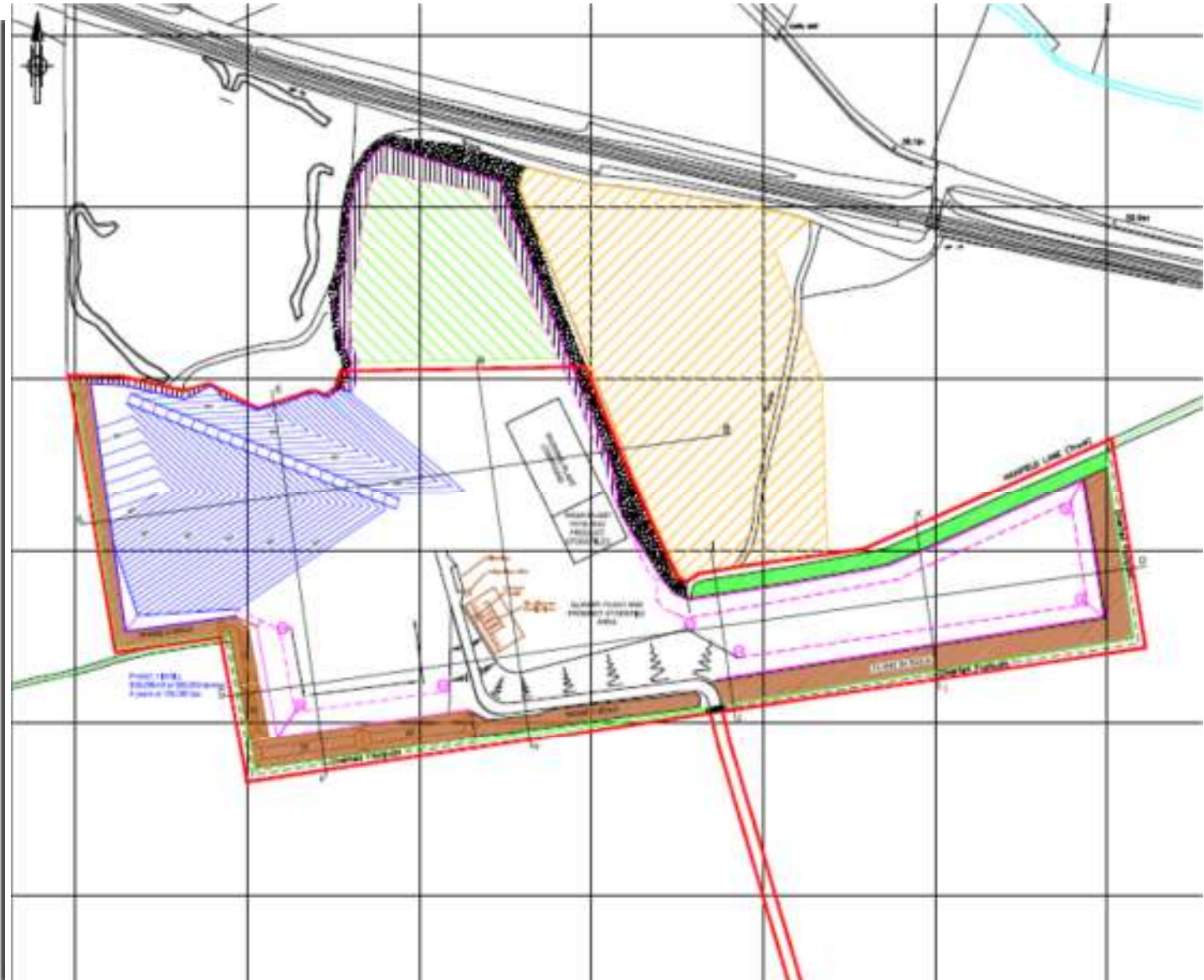
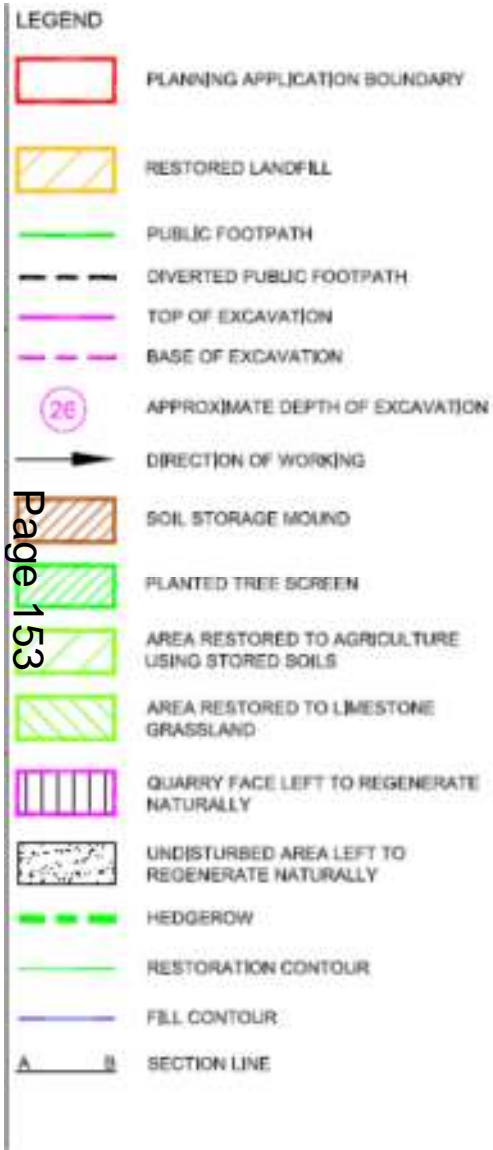


APPENDIX D – APPLICATION SITE



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APPENDIX E – INFILL PHASE 1



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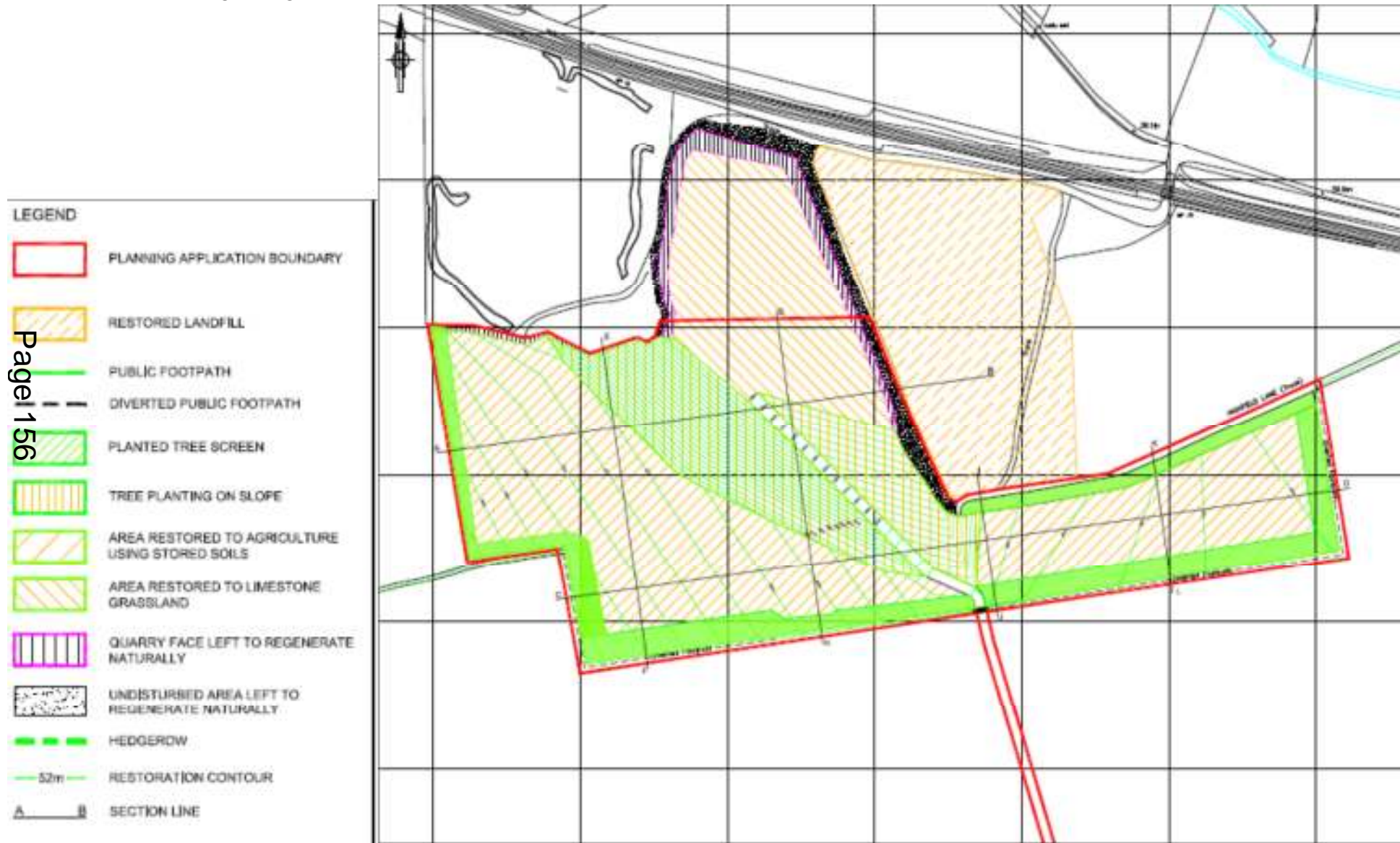
APPENDIX F – INFILL PHASE 2



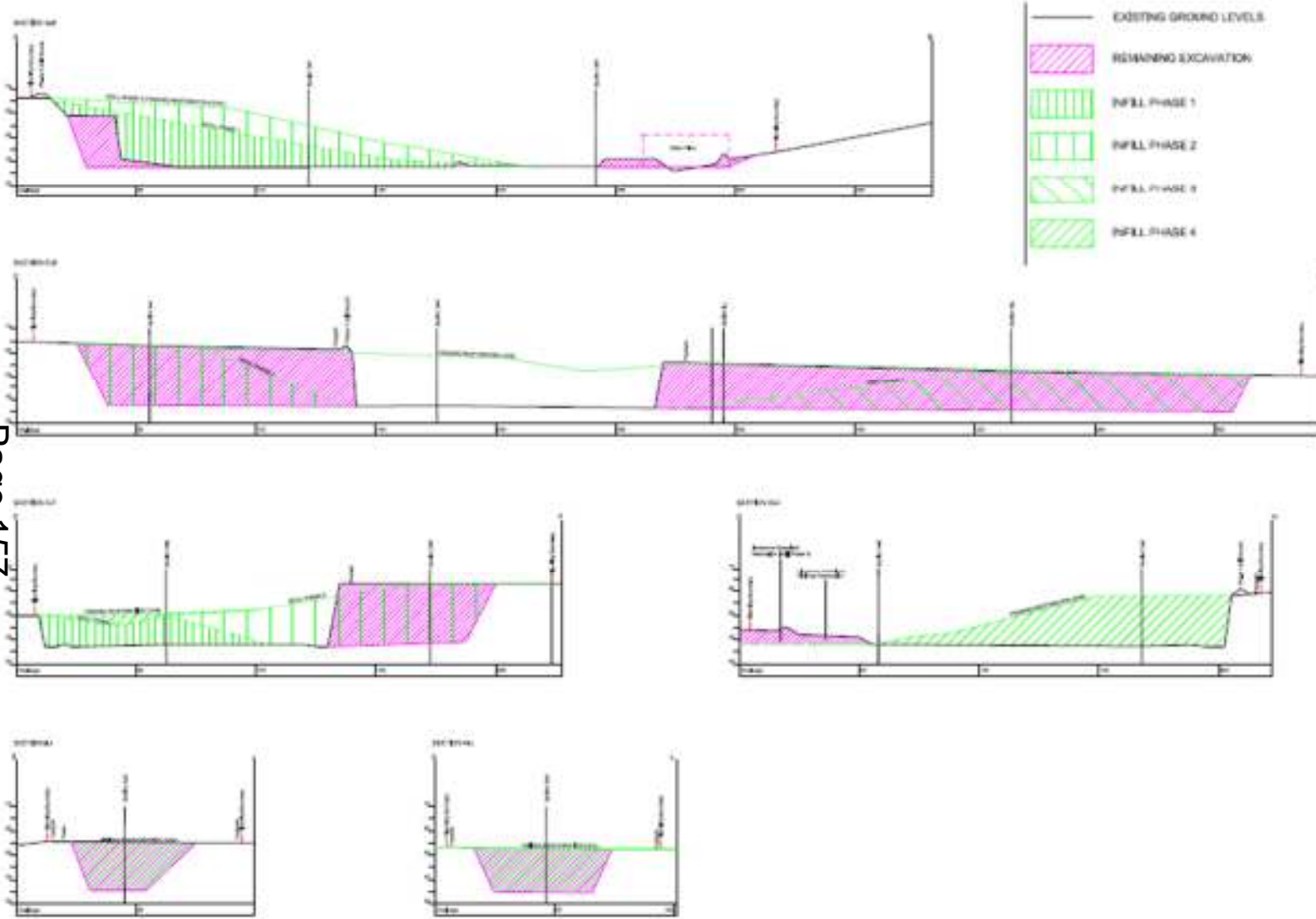
APPENDIX G – INFILL PHASE 3



APPENDIX H – RESTORATION PLAN



APPENDIX I – CROSS-SECTIONS



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North Yorkshire County Council

Planning and Regulatory Functions Committee

23 February 2021

Items Dealt with under the Scheme of Delegation

Report of the Corporate Director – Business and Environmental Services

The Items reported below have been determined between:
07 December 2020 to 24 January 2021 Inclusive

A. County Council Development

NY/2020/0193/CLW (C6/20/04715/CMA)

**Borough Bridge, Boroughbridge,
Harrogate, North Yorkshire**

Decision Notice: 14 Jan 21

Application for a Certificate of Lawfulness for replacement of mortar loosened or removed as a result of removal of vegetation from the spandrel wall of the north arch, the north pier and downstream side north wing wall along with the re-pointing of approximately 16 square metres of the upstream side north wing wall with mortar.

CERTIFICATE ISSUED

NY/2020/0174/A27

**Moorside Infant & Junior School,
Harrogate Road, Ripon, North
Yorkshire, HG4 1SU**

Decision Notice: 12 Jan 2021

Application for the approval of details reserved by condition No. 10 of Planning Permission Ref. C6/19/03583/CMA which relates to a Travel Plan for both schools.

Details APPROVED

NY/2020/0163/FUL (C3/20/01080/CPO)

**Sherburn C Of E Primary School, St
Hildas Street, Sherburn, Malton, YO17
8PG**

Decision Notice: 18 Dec 2020

Demolition of an existing single storey temporary classroom unit (62 sq. m), erection of a single storey (permanent) double pre-fabricated classroom unit (178 sq. m), erection of a canopy (25 sq. m) over tarmac play area (71 sq. m), grass play area (57 sq. m) installation of a 2 metre high weld mesh fence and 2 metre high gate, creation of footpaths, hedge removal, 6 no. wall mounted external lights, fan coil units and hard and soft landscaping works.

PLANNING PERMISSION GRANTED subject conditions

NY/2020/0151/FUL (C1/20/00871/CM)

**Wavell Community Junior School,
Wavell Road, Catterick Garrison, DL9
3BJ**

Decision Notice: 19 Jan 21

Demolition of an existing single storey temporary classroom unit (104.3 sq. metres), erection of a single storey extension, including link corridor (117 sq. metres), roof light, relocation of an existing metal storage container (14 sq. m), re-location of two storage sheds (16.6 sq. metres), perimeter path (48 sq. m), creation of paved area (35 sq. m), wall mounted external wall lights, removal of trees and hard and soft landscaping works.

PLANNING PERMISSION GRANTED subject conditions

B. County Matter Development

NY/2020/0172/SCO

**Nosterfield Quarry (Oaklands
extension), Long Lane, Well, Nosterfield,
Bedale, North Yorkshire, DL8 2QZ**

Decision Notice: 17 Dec 20

Request for an EIA Scoping Opinion for proposed north western extension to Nosterfield Quarry

SCOPING OPINION ISSUED

NY/2020/0127/FUL (C3/20/00900/CPO)

**Sheriff Hutton WwTW, Off Sheriff Hutton
Road, Sheriff Hutton**

Decision Notice: 11 Dec 20

Erection of 1 No. dosing kiosk (23 square metres) and formation of temporary site access off Dale Road.

PLANNING PERMISSION GRANTED subject conditions

To access the planning application details, consultation responses and a copy of the report and decision notice containing any planning conditions relevant to the development please access the County Council's Online Planning Register at the following web address:
<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

KARL BATTERSBY
Corporate Director – Business and Environmental Services

Author of Report: Alice Gill

Background Documents: None