



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, 16th November, 2021
- Time:** 10.00 am
- Venue:** Remote Meeting via Microsoft Teams

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach was reviewed by full Council at its July meeting and will be subject to a further review at the County Council Meeting in November.

The meeting will be available to view once the meeting commences, via the following link - www.northyorks.gov.uk/livemeetings

Recordings of previous live broadcast meetings are also available there.

Business

1. Welcome, introductions and apologies
2. Minutes of the Meeting held on 28th September 2021 (Pages 3 - 24)
3. Declarations of Interest

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

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 11 November 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:-

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. C3/20/00239/CPO - Planning application for the construction of an artificial grass pitch (AGP) 7420 Sq. metres), erection of a 4.5 metre high mesh perimeter ball stop fencing, eight 15 metre high lighting columns, 2 metre high and 1.2 metre high mesh perimeter barrier fencing, 3 metre wide entrance gates, creation of hard standing area and footpath (938 external sq. metres), erection of a steel maintenance equipment storage container (15 sq. metres) and hard and soft land landscaping works on land at Ryedale School, Gale Lane, Nawton, Helmsley, YO62 7SL (Pages 25 - 70)**
- 6. Items dealt with under scheme of delegation (Pages 71 - 74)**
- 7.1 Publication by Local Authorities of information about the handling of planning applications Q1 (Pages 75 - 90)**
- 7.2 Publication by Local Authorities of information about the handling of planning applications Q2 (Pages 91 - 102)**
- 8. Such other business as, in the opinion of the Chairman should, by reason of special circumstances, be considered as a matter of urgency**

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

9th November 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 or patrick.duffy@northyorks.gov.uk or tel. 016094546

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely, via Microsoft Teams, on 28 September 2021 at 10.30 am.

Present:-

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

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

In addition, 8 members of the public were in attendance.

Copies of all documents considered are in the Minute Book

243 Start time of today's meeting

With the agreement of the Chairman, the scheduled start time was put back half an hour to 10.30 a.m. due to technical difficulties.

244. Welcome and Introductions

The Chairman apologised for the delayed start (see minute No. 243, above)

The Chairman added that there is still a need to remain cautious due to infection levels. Therefore, due to limited capacity within the Council Chamber (the venue for today's meeting) it is also being live broadcast.

Members and officers introduced themselves.

245 Pre-determination

With reference to the Item on Went Edge Quarry (Minute No. 249, below), the representative of the Assistant Chief Executive (Legal and Democratic Services) read out the following statement as a reminder on the issue of pre-determination:-

Councillors have already received a detailed letter from Barry Khan (Assistant Chief Executive, Legal and Democratic Services) advising about pre determination. However, I will give a brief overview for the purposes of this meeting.

As Members are aware, the meeting today will involve a full rehearing of the application, however the issue of predetermination could arise as a number of Councillors on the Committee have already considered this application at a previous informal meeting.

The law regarding predetermination provides that if a Councillor has a 'closed mind' on the application, then they cannot take part in the decision on the new application. Having

a closed mind means that a Councillor has already made up his/her mind up on the application and will not listen to any new evidence that is submitted or discussed prior to or at the meeting. If you consider that you have a 'closed mind' and have predetermined the application then you should not take part.

However, if you had taken part in the last debate and vote, but are willing to consider the matter with an 'open mind' (i.e. that you are willing to weigh up the evidence and arguments on both sides and come to a view on the matter based on the evidence at this Committee meeting, including any new evidence), then you can take part in the meeting.

Members can be reassured that if you have an open mind there is no issue arising out of you having commented and actually voted on the application previously as you are entitled to have a view and to have expressed that view. It is lawful for decision makers to be 'predisposed' to particular views (For example having read the papers you may favour/be predisposed to one view, but as long as you are willing to be persuaded the other way and explore the issues at the meeting, you will have an open mind).

Therefore, in terms of the meeting this morning Members must approach the consideration and determination of the application with an open mind.

246. Minutes of the meeting held on 3 August 2021

Resolved -

That the Minutes of the meeting held on 3 August 2021, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

247. Declarations of Interest

Councillor Jordan advised that he knows Councillor Gillian Ivey (of Little Smeaton Parish Council – one of the speakers in attendance) in his capacity as a new member of the Trans Pennine Trail. Whilst they had been communicating on this, he did not consider it an issue at this meeting but wanted to raise it.

Councillor McCartney stated that he knew Councillor Gillian Ivey and most of the other speakers and been lobbied by various organisations over the last year or so on this issue, including two MPs.

248. Public Questions or Statements

The Chairman stated that there were no general questions or statements from members of the public, but there were 7 speakers in opposition to the application below and the applicant would also speak.

249 NY/2019/0002/ENV (C8/2019/0253/CPO) - planning application for a 9.7 hectare quarry extension (Area 8) extending east from the current working (Area 7), with associated screening bunds and landscaping for the extraction of 4.9 million tonnes of Magnesian limestone over a period of eight years; and the progressive low level restoration of the worked out area of the quarry to grassland and planting using quarry limestone fines and reclaimed inert waste materials from the waste recycling facility located within the existing quarry - Land at Went Edge Quarry, Wentedge Road, Kirk Smeaton, Selby

NOTE: There are several references to SSSI. This abbreviation stands for Site of Specific Scientific Interest.

Considered -

The report of the Corporate Director, Business and Environmental Services requesting Members to determine a planning application for a 9.7 hectare quarry extension (Area 8) extending east from the current working (Area 7), with associated screening bunds and landscaping for the extraction of 4.9 million tonnes of Magnesian limestone over a period of eight years; and the progressive low level restoration of the worked out area of the quarry to grassland and planting using quarry limestone fines and reclaimed inert waste materials from the waste recycling facility located within the existing quarry - Land at Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby.

A combined total of 333 representations had been received from individuals objecting to the application as initially submitted, amended and by making further representations, principally because of the:

- adverse impact of the proposal on the landscape;
- impact on the Green Belt;
- visual impact on the surrounding area;
- damage to the historic character of Wentbridge and Kirk Smeaton;
- loss of agricultural land;
- impact of the Brockadale Nature Reserve and Site of Special Scientific Interest;
- impact on the amenities of the area from noise, dust and vibration;
- impact of HGVs using Wentedge Road;
- cumulative impact of quarries in the area;
- there being a sufficient landbank for aggregate and failure of the current quarry operator to abide by planning conditions to the current planning permissions to the site.

Objections had also been received from Natural England; Kirk Smeaton Parish Council; Little Smeaton Parish Council; Yorkshire Wildlife Trust; Brockadale Nature Reserve Supporters Group, Brockadale Action Group; Plantlife, Darrington Parish Council; Wakefield Badger Group; the Ramblers Association; the Woodland Trust; Womersley Parish Council and the Campaign for the Protection of the Rural Environment

Public statements were made by the following:-

- Councillor Gillian Ivey
- Michael Britton
- Chris Toohie
- Professor Alastair Fitter
- Ellen Milner
- Honor Eldridge
- Councillor Professor Tricia Storey Hart

The statements are reproduced below:-

Gillian Ivey, Chair of Little Smeaton Parish Council, attended the meeting in person and made the following statement:-

Much of the Brockadale Nature Reserve north of the river Went, lies in the parish of Little Smeaton.

I am here today representing local residents, many of whom walk the valley regularly and also volunteer in the Brockadale Nature Reserve, both through practical working parties and also monitoring the Highland cattle who graze parts of the reserve in the winter months.

This application proposes to extend quarrying right up to the boundary with the Brockadale reserve; a nationally important SSSI, that spans Little Smeaton, Kirk Smeaton and Wentbridge; and is highly valued by locals and visitors alike. Our residents are asking us "How can a quarry in Green belt, next to an SSSI, with several hundred local objections, plus professional objections on environmental grounds, be recommended for approval?"

You have recently received representations from a number of organisations including other parish councils, CPRE and Selby District Council. "Friends of Brockadale" have produced an excellent booklet detailing some of the rare species on the site, and the speakers who follow me will present the case for refusal –

- *Because of the loss of recreational amenity*
- *Because of the unquantified and unqualified risk to the full range of species on the site.*

You will hear from the Chair of Darrington Parish Council, two experts in Ecology – Chris Toohie and Professor Alastair Fitter - and representatives from Yorkshire Wildlife Trust and Plantlife.

Finally, my colleague Tricia Storey, Chair of Kirk Smeaton Parish Council, will make the closing statement and summarise the reasons why we think the application should be refused.

I would like for a moment to take you back to the site visit in August, and to thank you for being there. To stand on the quarry floor was to immediately appreciate the vast area already quarried; as I understand it, approval of the application will virtually double the size of the quarry.

The low-level restoration resulting in a U-shaped valley was also clearly explained to us all, which was helpful.

Once back on the surface and able to view the area from both sides of the Went Valley, I'm sure that you could appreciate the beauty and the openness of the surrounding countryside.

I put it to you that there is a clear need to assess the visual impact on the Green Belt and where it affects openness. It has already been pointed out by several other bodies that further quarrying would be inappropriate development which then requires "very special circumstances" to be put forward.

We do not believe that "very special circumstances" have been proven.

This is a particularly important planning decision which rests on the relative value placed on biodiversity, the environment and commercial mineral extraction.

I ask for your very careful consideration of points made by all our speakers.

Thank you.

Michael Britton, Chairman of Darrington Parish Council, attended the meeting in person and made the following statement:-

My name is Michael Britton and I am Chairman of Darrington Parish Council.

I am addressing this meeting as a representative of Darrington in West Yorkshire. Many of our residents are regular visitors to Brockadale nature reserve for recreation and enjoyment. To local people this is the equivalent of Fountains Abbey and Studley Royal for the residents of Harrogate and Ripon.

Darrington is in West Yorkshire about 2 miles from the proposed quarry extension.

Darrington is surrounded by the redundant mining areas of West and South Yorkshire. I was brought up in this industrialised area where our world was not green it was grey. Since the mines closed millions of pounds have been spent on restoring the old pit sites. In the middle of this much altered industrial landscape lies the jewel in the crown which is the only truly natural feature – the Brockadale Nature Reserve, with its ancient woodland and meadows.

Though our village is rural it has a surprisingly few public footpaths and for that reason many of our residents use Brockadale for recreation. The nature reserve is frequented in all weathers by people from the surrounding towns and villages. Many of the visitors may not appreciate the finer points of the ecology but they are all in no doubt of the aesthetic beauty and tranquility of the area and they keep coming back because of this.

I am aware that few of you here today will have walked through the nature reserve but I can assure you that the impact of the quarry working up to the very edge of the nature reserve would seriously detract from the pleasure that visitors experience when visiting the river valley and surrounding meadows.

Brockadale's ancient woodland has stood almost untouched since the Norman conquest and the ecology has developed over thousands of years since the deep sided valley was created at the end of the last ice age.

The site is designated as Site of Special Scientific interest for good reason and others are better qualified to speak about this than I am. However I believe that the application should be refused because the extension of the quarry as proposed would result in significant loss of recreational amenity for the surrounding towns and villages.

Thank you for listening, and I hope that you will vote against the application because of the adverse impact on this valuable scientific and recreational site.

Chris Toohie, of Wold Ecology, attended the meeting in person and made the following statement:-

I am the proprietor of Wold Ecology Ltd. I have been an ecological consultant since 2006 and I am part of a team which specialise in protected species and habitat surveys. Peter Cook is a nationally renowned botanist and Peter's contribution to British botany have earned him recognition as Fellow of the Linnean Society. Both Peter and I have reviewed this planning application and I wish to make the following statements on behalf of both of us.

The proposed quarry extension adjacent to the SSSI and subsequent zone of influence from quarrying activities is highly likely to impact upon the flora and fauna of the SSSI

and the following operations are considered by Natural England to cause irreversible damage to the special interest:

- The destruction of any plant.
- The changing of water levels and tables
- Application of lime.

The proposed extension to Went Edge Quarry lies to the south and east of Brockadale SSSI, exposing the reserve to dust borne on the prevailing wind. Dust is a potential stressor to plants and their dependent fauna when precipitated onto leaves and flowers. Farmer (1993) reviewed published research on the physical effects of dust on vegetation. These effects included:

- inhibition of growth, photosynthesis, pollination
- increased transpiration,
- blocked stomata
- reduced seed set
- increased aphid infestation
- increased fungal disease.

These stresses, in particular inhibition of photosynthesis, will change meadow plant distributions by favouring plants that require less light. A dust and air quality assessment in accord with IAQM 2016 has been reported by DustScanAQ. In Table 4.4 of their report, the dust impact risk and the magnitude of dust effects on Brockadale are presented.

For each of the quarrying operations they are assessed as, “low risk” with, “negligible effect”. These conclusions appear to have been developed on the human as receptor and the National Air Quality Objective for 10 micron Particulate Matter (PM10). PM10 particles, being smaller and lighter will be disseminated over a wide area whereas heavier, “disamenity dust” will precipitate over a less wide area, closer to source, with the potentially adverse effects on plants described earlier.

There is no estimate or measure of disamenity dust, an unknown that will be extremely harmful to the ecology of the SSSI and will be challenging to mitigate by screening no matter how high. NB screening would be in place for years and thus impact on the openness of the Green Belt landscape.

Brockadale Nature Reserve and SSSI, demonstrated by the recently circulated booklet, is an excellent example of an assemblage of plants characteristic of magnesian limestone, some of them are very rare in the region. Purple Milk-vetch *Astragalus danicus*, Spring Cinquefoil *Potentilla verna* (syn. *P. neumanniana*) and Hound’s-tongue *Cynoglossum officinale* are examples of plants that are especially at risk. They are light-loving plants rarely found where relative illumination in summer is less than 40%. A coating of dust on their leaves inhibiting transmission of sunlight will reduce their relative illumination.

The proposed quarry extension will have an extremely detrimental impact upon the favourable conservation status of Brockadale SSSI. If permission is granted, the local authority will contradict Section 40 of the Natural Environment and Rural Communities Act which places a duty to conserve biodiversity on public authorities in England. It requires local authorities to have regard to the purposes of conserving biodiversity when decision-making – this must be an important consideration.

Damage to the SSSI will be long-term and irretrievable and in the current biodiversity crisis, this will be exacerbated on a local, regional and national level and by granting permission, the local authority will be contributing to the present biodiversity decline. Reflecting the above points raised, we strongly object to this application and urge the committee members to recommend its refusal.

Professor Alastair Fitter CBE FRS, Emeritus Professor of Ecology at the University of York, joined the meeting via video link and made the following statement:-

I am a trustee of the Yorkshire Wildlife Trust but am making this statement in a personal capacity.

The application to extend Went Edge Quarry involves mining land immediately adjacent to Brockadale Nature Reserve. I wish to emphasise to the Committee the exceptional quality of the habitats and wildlife in this reserve, so that they can take this properly into account in assessing the risk of harm to an irreplaceable set of habitats.

Brockadale lies on magnesian limestone, the rock that is intended to be quarried. Because of the high quality of the soils that develop on this substrate, the vast majority has been converted to arable agriculture. Prior to the Second World War, large areas of grassland remained on the magnesian limestone, notably at Aberford Common and around Micklefield. These were ploughed during the war and remain arable now. Only tiny remnants remain and Brockadale is by some way the finest example in the region, reflected in its designation as an SSSI. Magnesian limestone supports a very distinct form of calcareous grassland with an unique flora, very different from chalk and limestone grasslands elsewhere.

An indication of the richness of this ecosystem is that it hosts 323 plant species, representing 33% of all plant species in Yorkshire, and including a series of rare and threatened species.

*I have recently undertaken an analysis of the species of greatest conservation concern in Yorkshire, using information including the rarity of each species in Britain or England and in Yorkshire; whether the species is declining in abundance or distribution; and the importance of the Yorkshire populations on a national scale. Using this calculation on plant species produces a list of 58 species (out of nearly 1000 in the Yorkshire flora) that are of greatest conservation concern (GCC): three of those are found at Brockadale, namely Mezereon *Daphne mezereum*, Rare spring sedge *Carex ericetorum* and Purple milk-vetch *Astragalus danicus*. There are many other notable plant species in addition to these which, though rare, do not carry the same weight of concern.*

To put that figure in context, I have compared it with that for Askham Bog near York, which is the most species-rich site in Yorkshire for its size. Three GCC species is a large number: Askham Bog has two GCC plant species and yet its national, and indeed international importance, is well recognized. In 2019, York City Council rejected an application to build houses adjacent to the Bog; the developer appealed but the rejection was upheld at a planning inquiry, demonstrating the validity of the original decision, and I applaud York Council for demonstrating its commitment to the conservation of its threatened biodiversity.

Brockadale is a site of equivalent significance to Askham Bog. In addition to its rare plants, it hosts an exceptional invertebrate fauna, including a number of species found nowhere else in Yorkshire

Were there no existing quarry, it would be unthinkable to allow a destructive development such as a quarry immediately adjacent to such a site. It is impossible to tell what damage has already been done to the ecosystem at Brockadale by quarrying, since insufficient baseline data exist, but councillors should bear in mind that we are experiencing a biodiversity crisis, as severe and as threatening to our survival as the climate crisis. I urge you to think very carefully of the likely impacts before you consider permitting this extension; if you do give permission, you will be taking a calculated but unquantified risk that the development will cause irreparable damage, beyond anything that the proposed mitigations, offered without evidence of effectiveness, could achieve.

Ellen Milner, Yorkshire Wildlife Trust, attended the meeting in person and made the following statement:-

Thank you chair and committee for this opportunity to present our objection. I am (Ellen Milner) a planning professional representing Yorkshire Wildlife Trust and our nearly 50,000 members.

Brockadale is one of Yorkshire's most beautiful and beloved nature reserves. Cherished by local people and visitors, providing a natural sanctuary for the community. Any threat to it is taken very seriously, which is why the Trust have objected - a very rare instance for us as we object to less than 5% of over 700 applications we comment on annually.

The Trust request that the committee refuse this application due to the risk of significant irreversible impacts to Brockadale - a nationally designated site. The rare mosaic of ancient woodland and grassland habitats are irreplaceable. We can't recreate them in our lifetime, or even in our great grandchildren's lifetimes. If we lose species from Brockadale, we risk losing them forever.

Please allow me to give six reasons why we object.

One - there is published research that dust generated by limestone quarries can harm plants, including limestone specialists. It can cause local extinction of species, which has knock on effects for other wildlife. The SSSI is a high sensitivity receptor to dust, not low sensitivity as stated in the Air Quality Assessment. There is no long-term monitoring data to prove that dust has not already affected the SSSI - monitoring requires a systematic methodology repeated over time, which has not been undertaken.

Two - the proposed dust mitigation measures are inadequate for the rare and specialised habitats.

Three - in line with national and international commitments, where evidence shows risks of significant harm, the precautionary principle must be applied. We simply cannot risk harming this precious site.

Four - Contrary to the incorrect summary in the Case Officer's report, we do not support the restoration strategy. It has not been proven to be feasible or adequately financed, and no evidence that it can secure Biodiversity Net Gain has been provided. This is not just about the quarry but how the landscape will look and function ecologically for many generations.

Five - National and Local Policy states that development causing the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons. The application does not demonstrate that there are no alternatives, nor provide compensation for its impacts.

Six - the Government has announced world-leading commitments to halt the decline of nature. If we want to see our nature thriving here in Yorkshire and nationally, it starts with protecting wild places like Brockadale, which are the foundations for tackling the climate and biodiversity crises. To be in agreement with the Government's commitments this application must be refused.

These six points show how important it is that this application is rejected. For our generation, future generations and for Yorkshire's nature. We look forward to the planning committee joining us and the people of Yorkshire in protecting this unique and irreplaceable site by refusing this application

Honor Eldridge, from Plantlife, joined the meeting via video link and made the following statement:-

Thank you for the opportunity to give this statement today on behalf of Plantlife. Plantlife is the owner of Thompson Meadow, which is part of the Brockadale SSSI and lies immediately adjacent to the proposed quarry extension on its eastern edge.

Plantlife **objects** to the proposed quarry extension due to the damage that it will cause to rare and important wildlife. We believe that quarrying adjacent to this SSSI is "likely to have an adverse effect". The council has a legal duty to protect SSSI and biodiversity. Fulfilment of this duty is not consistent with approval of this application.

The Thompson Meadow is a rare example of a remaining UK wildflower meadow. Within the grassland, there are four species listed on the Vascular Plant Red List for England and 59 species that are rare and declining in Yorkshire more broadly. This is a site that the Council has a duty to protect.

Rare and vulnerable species found at Thompson's Meadow and other meadow areas of the SSSI include:

- purple milk vetch (Section 41, Endangered*)
- adder's-tongue fern (Vulnerable*)
- moonwort (Vulnerable*)
- summer rock rose (Near Threatened*)
- clustered bellflower
- spring cinquefoil,
- squinancywort.

NOTE: Photographs of some of the species referred to above were displayed at the Committee meeting at the request of Plantlife.

We are deeply concerned that the meadow and its exceptional wildlife will be adversely impacted by dust from the quarry were it to be expanded. While the existing quarry is over 400m from important grassland areas in the SSSI, the proposal states an intention to extract 4.9 million tonnes of limestone from within 10 to 15 metres of the SSSI, with significant levels of dust resulting. We are concerned that the flora of the grassland habitat will be adversely impacted by quarry dust, specifically:

- Reduced photosynthesis, gas exchange and water stress from deposition of dust on leaves, resulting in reduced productivity.
- Direct chemical effects on leaves of individual plants.

- *Increased susceptibility of individual plants to pests and pathogens as a result of stress*
- *A resulting change in vegetation communities through the above impacts on individual plants and from changes to environmental conditions*

Consequently, it is our opinion that, if approved, the development would risk damaging the ecology of the whole habitat. Furthermore, we disagree with the dust and air quality assessment within the planning proposal and the judgement that the SSSI is not 'highly sensitive' to dust effects. Given the likely adverse effect of dust on the adjacent SSSI, consideration should be given to Paragraph 175 of the National Planning Policy Framework.

Plantlife objects to this development and strongly urges that planning permission be refused.

Thank you.

Councillor Professor Tricia Storey Hart, Chair of Kirk Smeaton Parish Council, attended the meeting in person and made the following statement-

I would like to thank you again for listening carefully to our speakers. We believe that the application should be refused in order to

1. *Protect the diverse species on the site from species loss due to the unquantified and unqualified risk caused by extending this quarry and taking quarrying right up to the edge of the SSSI.*
2. *Protect the landscape and outdoor space which supports the local communities' health and social well-being and provides essential recreational amenity for thousands of people living in the surrounding towns and villages.*

How much attention has been given to biodiversity of the site and adjacent habitats? Has a species by species assessment been done – No it hasn't. The risk is unquantified and unqualified. The loss of just one rare species at Brockadale nature reserve is unacceptable, especially when the natural environment is now recognised as being so important to us all and this is being enshrined in the Environment Bill.

The NPPF requires planning authorities to refuse applications where they will result in the loss or deterioration of irreplaceable habitats, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Which there is not. The NPPF also removes the presumption in favour of sustainable development where the proposal is likely to have a significant effect on a habitats site. (Para. 182).

So, in reaching your decision Members, please carefully consider the relative weighting that you give to the short term commercial benefit to a Quarry business versus the risk of permanent loss of species in the locality and the permanent impact on the landscape which is recognised by Selby Council, in their Local Plan as a Locally Important Landscape Area LILA.

Substantial weight should be applied to the environmental and social objectives in the NPPF. This proposal would clearly not benefit the local community, nor would it protect or enhance our important natural environment, or improve biodiversity, or provide any net gains, and so the proposal is simply not sustainable and should be refused.

Four Parish Councils have objected, 8 National Agencies have objected because of the environmental impact of extending the quarry to the edge of the SSSI, surely they cannot all be incorrect in their assessment?

47 conditions have been proposed, if permission is granted. What assurances have you been given that these will be monitored and enforced? That it needs 47 conditions to aim to protect the neighbouring SSSI in itself says that there are problems and concerns with the application.

Humanity stands at a crossroads with regard to the legacy it leaves to future generations, your grandchildren and mine. The proposal is not sustainable. Biodiversity is declining at an unprecedented rate, 97% of ancient meadows have been lost. Please do not intensify this decline in North Yorkshire by approving this application. This is a Locally Important Landscape Area.

The site is a SSSI, we should not be extending quarrying in this location. Please, vote against this proposal.

Thank you

John Carlon, the agent for the applicant, attended the meeting in person.

Mr. Carlon had submitted a statement. It is not being reproduced as Mr. Carlon's presentation contained updated information.

Mr. Carlon thanked the Chair and Committee for allowing him to speak today and the Planning Team for a comprehensive report.

He advised that his presentation would comprise reference to:-

- A video
- Restoration of the site
- Funding for the long-term management of the site
- Dust management
- Letters of support from local businesses and the local workforce
- The Green Belt

Mr. Carlon talked the Committee through a video.

He stated that the video was shot about 4 weeks ago and illustrated the extent of the existing quarry and access into the quarry, with Sales plantation and the field towards Brockadale and the southern flank of the River Went.

The Area 8 extension is a large field. The Brockadale plantation and woodland is along the flank, The Cottage in the woodland and the pasture alongside the River Went. Evidence from maps shows the woodland to be mixed deciduous between 90 and 100 years old, with evidence of former limestone workings and railway along the valley.

The quarry has been worked since 1947, primarily from the surface and then going deeper from 1993.

The Arboriculturists refer to vigorous healthy trees that do not appear to have been affected by dust. This is not a surprise as, from 1993, the control of dust from any workplace has been viewed as paramount by the Health and Safety Executive, with the

aim of controlling it at source to protect human health.

The video showed the existing quarry and access road and its proximity to the woodland, moving onto the existing boundary of the current planning permission. The SSSI was designated after the quarry was granted planning permission in 1947.

The trees on the boundary of the existing quarry are all very healthy according to Ecologists and Arboriculturists who have undertaken surveys on the site.

Towards Area 7 of the quarry, in the north east corner, there has been some spillage onto sapplings within the SSSI. Natural England are aware of this and compensation planting has been agreed with them.

The Area 8 proposed extension area is currently a 9.3 hectare agricultural field which is ploughed, cultivated, harvested, etc. This can be a dusty procedure, over which the Council and Planning Department has no control.

The trees and the vegetation within the SSSI, up to the edge of the existing quarry, are in excellent condition and health.

There is no evidence that the SSSI has been affected by the existing quarry. This has been monitored regularly by the company's Ecologist who has worked on a number of extensions to the quarry since 2006.

The trees are not suffering from water depletion, as limestone drains quickly.

Following the video, Mr, Carlon stated that he had been involved with this quarry for over 20 years and submitted previous applications referred to in the report. To accompany those planning applications, there have been environmental statements to support the applications submitted since 2010 and these included specialist reports on ecology, landscape and visual impact, noise and dust and air quality and the management thereof.

Reports have been submitted to the Council for the purposes of planning conditions to those planning permissions relating to Dust, Noise and Air Quality Management and which were approved by the Council.

The Ecologist and Landscape Architect, who advise the applicant on the management of the site, including part of the Brockadale Plantation, some of which the Director (of the quarry, Mr. Meakin) owns, have not recorded any deterioration to the woodland or the meadows within the SSSI since quarrying started.

Activity on the surface in Area 8 will be over a short period of time in the field to strip soil from each phase and store it on the Wentedge Road side of the site - not the SSSI side.

The weathered limestone will be removed down to the processing area some 30 metres below the surface.

The applicant has commissioned reports on noise, dust, air quality, landscape and visual impact, for the purposes of this application, with reference to reports prepared for previous applications, including a Tree Report from Jonathan Cockin Associates, who have said that the trees are relatively healthy and there should be no damage to the SSSI from excavations within 10 metres from the boundary.

The applicant had reviewed the objections to the proposed extension and received a copy of objection from Yorkshire Wildlife Trust, dated 21st September and had responded to that as they have with previous concerns, including meeting with the Trust on numbers of occasions at County Hall.

Mr. Carlon went through his response to Yorkshire Wildlife Trust, dated 21st September 2021. *(Copies of that letter and the applicant's response are contained on the Council's On-line Planning Register.)*

In summary, he advised that Yorkshire Wildlife Trust had had an input into the schemes for Areas 3 and 4 and for Areas 5, 6 and 7 for the most recent planning permission; Areas 6 and 7 are adjacent to Brockadale Plantation. A number of meetings had taken place with the Yorkshire Wildlife Trust and Friends of Brockadale to discuss the future management of the site and the restoration to calcareous grassland as part of proposals in Areas 2,3 4, 5 and 7, the whole of the current quarry. Section 3.3 of the existing Section 106 Agreement for the current planning permission provides for the long-term management of the restored site, involving the Yorkshire Wildlife Trust and which is similarly proposed as part of the current application. The County Ecologist has previously supported restoration for these purposes and, particularly, the potential use of hay from the SSSI to support seeding and diversity of habitat.

The objections of the Woodland Trust and the Parish Council remain the same and their concerns are understandable, but the SSSI is in excellent health and has probably been assisted by the presence of the quarry over a number of years.

With regard to the Restoration Plan, currently the proposal is on a large arable field which is ploughed, cultivated and seeded and over which the Council has no control.

The Restoration Plans have evolved over a period of two years since Yorkshire Wildlife Trust objected in March and August 2019, with the input of Yorkshire Wildlife Trust, the County's Ecologist and Landscape Architects and those of the applicant. These were discussed on 5th December 2019 and attended by the Yorkshire Wildlife Trust. The Yorkshire Wildlife Trust confirmed that if planning permission were to be granted they were prepared to negotiate terms for the long-term management of the restored area as an extension to Brockadale Nature Reserve, subject to specific provisions as part of a legal agreement.

The current quarry will be restored over the next 3 to 4 years, meaning that it will be possible to see, with Yorkshire Wildlife Trust and other stakeholders, how that restoration proceeds well before Area 8 will be worked and restored. The restoration scheme can be tweaked at any time.

In terms of dust impact, the Air Quality Assessment, dated October 2019, provided a basis for the assessment of specified criteria; with regard to local receptors, it can be considered that where dust deposition levels are below those associated with annoyance, they can be expected to be below levels at which ecological receptors would be affected. The sensitivity of the woodland and undergrowth has been classed as low, as the source of dust is classed as annoyance or disamenity. It is unusual to have PM10s or smaller particles in quarries – it would usually be PM 30 – PM70, which does not travel so far.

Sources of dust can be controlled by good management procedures – one of which, the Dust Management Scheme has already been approved by the Council. Modern machinery, employing systems that capture dust at source to protect human health,

would be used. If possible, dust is contained at source; there are systems in the Management Scheme to control the disamenity dust e.g. through weather reports; weather records; wind speed records; damping down of haul roads in the absence of rain; general inspection of the quarry boundaries and around the woodland. Dust would be monitored on a regular basis for 12 months, using frizbies and collection systems to ascertain what type of dust, if any, is being blown towards the boundary of the site.

The applicant employs 30 staff at present and supports 12 local businesses, all of whom support the reopening of the quarry as there is a massive shortage of construction materials within the Yorkshire region and a number of current projects are on hold at present.

The applicant and their specialists believe that there will be no risk from dust to the SSSI and other issues regarding drainage and water - due to the geology, the plantation is protected.

The company's Ecologist and Landscape Architect, along with Natural England, who have withdrawn their objection, believe the two can live side by side.

The Chairman made the following comments:

The Committee and Planning Service have a duty to fully assess applications - not to try and find reasons to refuse them, but decide if there are reasons not to approve them.

The Committee must take notice of responses from statutory consultees and Planning Officers and fully understand the reasons provided by the applicant and supporters.

It is very important that the Committee take note of objections made and decide if these raise material planning reasons that cannot be dealt with by conditions.

A large number of objections does not mean that an application should automatically be refused

Much also been said about what might or might not happen. There might be dust. There might not be enforcement. Members must decide.

There have been many late representations, which are difficult to deal with at a very late stage. The Chairman urged Members to look at the facts and evidence and judge what is a genuine material planning issue.

Following the public statements and the comments made by the Chairman, 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 reports also provided a conclusion and recommendations. He provided details to address the issues that had been raised during the public questions/statements session, which were also set out in the reports.

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

The presentation highlighted the following primary issues in relation to the proposal to extend the quarry:-

- The principle of the proposed development;
- Need for the mineral;
- Impact on the Green Belt;
- Impact on the landscape;
- Impacts on the biodiversity, habitats, nature conservation and protected species, most particularly associated with Brockadale SSSI;
- Flood risk and drainage, water quality and resources;
- Local amenity (noise, vibration, light pollution) and air quality (emissions, odour and dust);
- Soils and agricultural land use;
- Highways matters - Traffic and transport;
- Public Rights of Way;
- The historic environment;
- Economic and social impacts including employment;
- Restoration and aftercare;
- Issue raised regarding the officer report
- Legal Agreement.

The Planning Officer updated the Committee on the following issues:-

- Since the meeting of 18th May 2021 and the last Committee on 27th July 2021, when the application was deferred for a site visit there had been no significant change in circumstance in the intervening time period since Members of the Committee considered the application and resolved that planning permission be granted and subsequently resolved to visit the site.
- The published Officer Report, together with the Power Point Presentation to be made, would both constitute a refresher for those Members having visited the site and provide a context of the site for those Members who may not have previously visited it.
- There have been no changes to the application, no further information has been submitted, there have been no further representations from statutory consultees and no material change in circumstances or policy.
- Following publication of the report to the 27th July Committee, further representations had been received from Selby District Council and the Yorkshire Wildlife Trust. Representations had also been received from the Woodland Trust and Womersley Parish Council objecting to the proposal. A summary of the further representations made by the District Council and the Wildlife Trust were reported in Section 4 of the report. A summary of the views of the Woodland Trust and Womersley Parish Council was set out in Section 5. All the matters raised in the representations were addressed in Section 7 of the report. Copies of the representations received have been copied to Members and are available to view on the Council's On-line Planning Register.
- The applicant responded to the representations made by Womersley Parish Council and the Woodland Trust, and which are similarly on the On-line Planning Register. These are reported in Section 7 of the report at paragraphs 7.170 – 173.
- The Yorkshire Wildlife Trust subsequently commented on the remarks included in the applicant's response to the Woodland Trust; their comments have been copied to Members are available to view on the Council's On-line Planning Register. The views of the Wildlife Trust were summarised.

- Following the publication of the report a further 12 representations have been received by email objecting to the proposal. The additional representations do not raise anything beyond those reasons for objecting that have already been received and addressed in the report, other than one representation referring to an increase in traffic, including lorry and skip wagons, speeding through Wentbridge causing extra pollution and noise to residents.
- As of 27th September 2021, letters had been received from Yvette Cooper, the MP for Normanton Pontefract and Castleford, referring to the concerns of her constituents, all of which are referred to in the report and from Nigel Adams, MP, reiterating his previous comments regarding the application and which are reported in the report.
- An on-line petition, set up by a member of Kirk Smeaton Parish Council and referred to in paragraph 5.14 of the report, was initially submitted on 17th May 2021 and at the time had 1239 signatories.
- No further submission of the petition has been received to date. It was noted that, as of the morning of the Committee meeting, the on-line petition had 1432 signatories. The reasons for objecting to the proposal set out in the petition have not changed and are reported in paragraph 5.19 and addressed in Section 7 of the report
- The applicant has responded to the further comments made by the Yorkshire Wildlife Trust; the response has been copied to Members and is available to view on the Council's on line planning register. The representative of the Head of Planning Services summarised the response by the Trust.
- Following the publication of the report, a further two representations have been received in support of the proposal. The letters cite reasons for support reflective of those set out in Section 5, paragraph 5, of the report. They emphasise the increasing need and demand for crushed rock and sand for concreting following the pandemic and lifting of restrictions. This had led to a shortage of supply that was not being met by other quarries, particularly for housing schemes. Reference was also made to an increase in demand associated with government-backed schemes including the commencement of enabling works associated with HS2 and the Leeds east orbital link road. Concerns are expressed to the level of objection received to a proposal that is remote from habitation and would make such a positive contribution to the supply of a much needed mineral resource in the area it would supply, minimising travel distance and emissions.
- On 21st July, the Ministry of Housing, Communities and Local Government, (now re titled as the Department for Levelling Up, Housing and Communities – DLUHC) published a revised National Planning Policy Framework (NPPF). The revised document replaces the NPPF published in February 2019 and against which the application was assessed. The relevant policies are set out in Section 6 of the Report and referred to in Section 7. The revised NPPF does not include significant changes and the majority of policies and paragraphs referred to in the report against which the application has been assessed remain the same and are merely renumbered. Additional paragraphs inserted in the revised NPPF are not relevant to this proposal. The paragraphs referred to in Sections 6 and 7 of the report have been updated to the new paragraph numbers of the NPPF and are identified in Appendix 6.

- In updating the report to the 27th July Committee, it was noted a number of the paragraphs of the NPPF, against which the proposal has been assessed in Section 7, were not set out in Section 6. Section 6 has now been updated to include:
 - Paragraph 85 – Supporting a prosperous rural economy
 - Paragraph 100 – Open space and recreation
 - Paragraph 210 – Facilitating the sustainable use of minerals
 - Paragraph 213 – Maintaining supply
- No changes had been made to these paragraphs in the revised NPPF and the inserted paragraphs were not considered relevant to the assessment of this proposal.

The representative of the Head of Planning Services concluded that it is considered there were no material planning considerations to warrant the refusal of this application.

The application, along with the supporting Environmental Statement and additional information, have been assessed; it is considered there is a need for the mineral and there would be no unacceptable adverse environmental impacts resulting from the proposed development.

Furthermore, it is considered, that the proposed development, whilst leading to a change to the landscape, would preserve the openness of the Green Belt and not result in any unacceptable impacts on local amenity, the character of the surrounding area and landscape, the local highway network, ecology, or the water environment. For these reasons, it is considered, that the development in this location is acceptable.

It is, therefore, considered, that the proposed development is acceptable for the purposes of the policies of the Development Plan currently in force for the area, policies in the emerging plans for the area, the NPPF and Planning Practice Guidance and all other relevant material considerations, for the reasons set out in paragraph 9.1 in the report. Subject to the applicant first entering into a Section 106 Agreement to address those matters set out in paragraph 9.2 of the report, it was recommended that planning permission be granted subject to those conditions and informatives set out in Section 9 of the report.

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

- It was asked what would be the start and finish date for the work if approval were granted? The representative of the Head of Planning Services advised that the development could not start until the applicant submitted details in relation to the Grampian Conditions. The County Council would then need to determine whether these were acceptable or not before work could start. Therefore, a specific date could not be confirmed. Once confirmed, the end date would be 8 years from commencement.
- There have been many generic statements from objectors but very few site-specific statements. What weight should Members put on generic statements that could apply to any quarry in the country? The representative of the Assistant Chief

Executive (Legal and Democratic Services) advised that Members must consider this particular application before them. The report set out clearly in Section 7 that there is a justifiable need around this particular quarry.

- A Member mentioned that Professor Fitter had said that if there was no existing quarry in place at Went Edge, it would be unthinkable to allow this destructive development next to the site and that it is vital to protect the final remnants of calcareous grassland supported by Magnesian limestone. The Professor feels it is important that we protect this. Does the Planning Officer agree? The representative of the Head of Planning Services responded that that it is for the Professor to say what he did and for Members to decide what weight they attach to his views. The views of statutory consultees have been taken into account and it was noted that Natural England had withdrawn their objection.
- The same Member asked why the County Council's Ecologist had not been further consulted, having expressed concerns about the restoration and long-term management agreement in June 2020 and stating that she would be happy to comment further on any additional information? The representative of the Assistant Chief Executive (Legal and Democratic Services) said the Ecologist had been involved in the Section 106 Agreement discussions, where she had concerns around restoration. The representative of the Head of Planning Services added that everyone had been re-consulted on the amended proposals for restoration.
- The same Member noted that eight regional and national environmental and ecological organisations strongly oppose the application and asked again why the County Council's Ecologist had not been re-consulted on the issue of dust and the potential impact on the SSSI? The representative of the Assistant Chief Executive (Legal and Democratic Services) reiterated that the County Council's Ecologist had been re-consulted and that she does not have to respond but had been involved in the Section 106 Agreement discussions.
- The same Member asked why Natural England were not re-consulted? The representative of the Head of Planning Services advised that Natural England had been consulted as a statutory consultee. They were consulted, re-consulted and had provided their advice.
- Regarding the impact on the Green Belt, the same Member found the officer's response to Selby District Council's letter odd, as two key sentences had been omitted. Selby did not give a view – they were saying that someone should look at the impact on the Green Belt but that they do not support the view that it is not having an impact on the Green Belt. The representative of the Head of Planning Services responded that the views of Selby District Council were fairly summarised and reported. The further views of the District Council did not add anything further to what they said initially i.e. that the development would not be inappropriate in the Green Belt.
- A question on dust monitoring from the quarry was raised. If approved, would there be an enhanced Dust Management Policy as the quarry moved closer to the nature reserve? The representative of the Head of Planning Services stated that Conditions 24 and 35 address this aspect.
- A Member sought clarification at Appendix 4 of the Report. Why is there only a 10 metre buffer zone between the SSSI and the proposed quarry extension? Why are there different depths of buffer zone, such as the 30 metre buffer zone at the

roadside? If the proposed extension was closer to the SSSI, surely it would have been sensible to move the buffer zone further away? In addition, where will the tree planting be?

The representative of the Head of Planning Services advised that the 30 metre buffer zone to Wentedge Road is to support the highway and within which there would be sub and topsoil bunds, a hedgerow and, in the longer term, a footpath/bridleway. The boundary with Thompson's Field is set back to recognise the proximity of Thompson's Meadow. Therefore, that is set at 20 metres. To the north, the standoff is less because it is the treed part of the SSSI which the applicant feels has not been impacted upon by existing operations. A 25 metre standoff is proposed initially to identify root structures which would progressively reduce over time to a minimum of 10 metres. A 5 metre section of this standoff would be planted with woodland to complement and protect the SSSI along that boundary.

- A Member referred to the report which states there is a need for aggregates in the county. The Member questioned what weight was being attached to the need. He understood that this county has always been an exporter of minerals and has never imported minerals - so where is the need that is not already being met?

The representative of the Head of Planning Services advised that there is a continuing need for minerals. The UK has been an importer of some aggregates, particularly from Scandinavia and a producer for our own purposes, nationally and locally. The Head of Planning Services added that the industry is no different to other industries in terms of ebbs and flows of materials. Part of the County Council's statutory duty as a Mineral Planning Authority is to ensure a steady and adequate supply of aggregate mineral for the period of the Joint Mineral and Waste Plan and beyond. Magnesian Limestone is part of the make up of this.

The representative of the Head of Planning Services added that the County Council is an important player in the supply of aggregates in the county and surrounding region. There is a need to release additional Magnesian limestone reserves. If the Joint Plan is adopted there will need to be a review of the Plan in view of the allocations for Magnesian limestone having already been worked at Went Edge Quarry or being worked at other quarries such as Barnsdale and Jackdaw quarries. There is significant development in and beyond the county, requiring significant amounts of aggregate. There is a ten-year landbank for Magnesian limestone, as a minimum.

- A Member asked about access to the A1. Is it North and South or is it one way? The representative of the Head of Planning Services confirmed that the Southbound carriageway is served to access Wentedge Road from the A1 North and going onto the A1 to travel South. There is direct access to the A1 from the Wentedge Road without the need to use the other local highway network. He also confirmed that HGVs would not pass through Wentbridge Village.
- A Member sought to quantify the amount of dust. Has the applicant submitted information as to how much dust escapes presently; how effective is the plant and are there any predictions? The representative of the Head of Planning Services advised that dust is a variable. The applicant has submitted an assessment of dust, which has been found to be acceptable. The amount generated is subject to other controls employed, seeking to control at source - particularly through the Health and Safety Executive, who require the management of dust. Moreover, there are much more stringent methods now. It is difficult to quantify the amount of

dust as this will depend on the suppression measures employed. The County Council has sought to safeguard and minimise the risk of dust produced by the proposed conditions imposed.

Members summed up their consideration of the report. A range of views and points were made, encapsulated below:-

- It is disappointing that there were not more site-specific statements made by the objectors. There seems to be no damage to the trees. There will be dust, but this is blasting, which is different from hydraulic fraction. The applicant seems to have the dust contained.
- If there was any problem with the existing quarry, damage to the wildlife would have shown up by now.
- The permission sought is for 8 years, which is a relatively short period.
- In terms of the visual impact, the quarry is already in existence, so not too much weight should be put on this.
- There is a delicate balance between the nature reserve and an extension to an existing quarry.
- There is no evidence to say that damage has been done by the existing quarry.
- There is a Route Plan in place for all HGV drivers.
- There is an opportunity for people to work together on this via, for example, the Liaison Committee to be formed.
- The existing quarry has not damaged wildlife.
- This application has a huge number of conditions – 47. This indicates there is a real issue here about something going wrong. This indicates that officers have real concerns.
- We have listened intently and attended the site meetings. The visual impact is not a concern but the effect on nature is.
- The aggregates are required.
- The 47 conditions can be seen as safeguards.
- The biggest concern is the damage to the unique flora.
- This is a beautiful area, but minerals and aggregates need to be quarried where they sit and 8 years will be a long time for the residents.
- The Restoration Programme is substantial but it must be delivered. If it is, the reserve will prosper.
- We have not seen restoration in the current quarry. The answer that there is no idea as to the amount of dust that is produced is a concern. People say there is already a quarry there and so it will not have an impact. The difference is the

extension is going to be right next to Thompson's Meadow.

- Residents are not against quarrying - they are against destruction of the Brockadale site of SSSI.
- There is no proof that these minerals are needed. We should balance unproven need against the potential risk to the Brockadale SSSI.
- Yorkshire Wildlife Trust rarely object to planning applications yet here they are vigorously objecting due to the potential harm that may be caused.
- Dust is the big issue and its effect on the calcareous leaves. Heavy amenity dust will not be blown away. A layer of dust will impact on the flowers.
- As Professor Fitter said, this will impact on the calcareous grassland. Brockadale is the finest example of that in the region.
- The impact on the Green Belt has not been proven in the report. The Principal Architect is concerned at the impact and Selby District Council do not support the view that it will not impact on the Green Belt.
- Brockadale is unique to our area and should be protected.
- The risk to Brockadale is not worth the risk - a view shared by Nigel Adams, MP.
- There is a fine balance between the need for aggregates but there is a responsibility to protect the ecology of an area.
- The recommendation is contrary to NPPF. We would not allow this development today, next to a SSSI.
- The long-term effect on the landscape and Green Belt can be dealt with by the Section 106 and Conditions.
- This is a short-term operation - mitigating factors will minimise the visual impact.
- The importance of the Brockadale site is accepted but the issue is whether the proposed extension will harm the plants. The plants are lime tolerant and there is a robust Dust Management Plan in place.
- The objectors should be congratulated on how they have put their points across in a non-aggressive way.
- The flora surrounding the Craven Limestone quarries have flourished and thrived.
- There are 333 objections to the application, plus 12 other organisations, plus 2 MPs. The objectors include many eminent professionals in their field. We have been told the trees are in good health. Trees are hardy but plants are delicate and will die out because of the effects of dust. A lot of damage can be done in 8 years.

On being proposed and seconded, it was

Resolved:

That after first taking into consideration the environmental information and further information, as defined in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 submitted in connection with this application and for the following reasons:

- the principle of the development is acceptable;
- there will not be an adverse impact upon local amenity, subject to further controls and mitigation secured through condition;
- the impacts upon the local landscape will not be adverse, subject to further controls and mitigation secured through condition;
- there would be no negative impact upon the openness or the purposes of including land within the Green Belt and as such it is considered not to be an inappropriate development;
- there will not be an adverse impact upon the highway network;
- there will not be an adverse impact upon the ecology of the site, subject to further controls and mitigation secured through condition;
- there will be no detrimental impact upon surface or groundwater resources;
- the proposals accord with the National Planning Policy Framework, the Planning Practice Guidance, with 'saved' Policies 3/4, 4/1, 4/6A, 4/10, 4/13, 4/14, 4/17, 4/18 and 4/20 of the North Yorkshire Minerals Local Plan (1997), Policies SP1, SP3, SP13, SP15 and SP19 of the Selby District Core Strategy (2013) and 'saved' Policies ENV1, ENV2, ENV11, ENV15, ENV28, T1, T8 and EMP9 of the Selby District Local Plan (2005), and emerging Policies M05, M06, M09, M10, M15, D01, D02, D03, D05, D06, D07, D08, D09, D10 and D12 of the North Yorkshire Minerals and Waste Joint Plan.

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

- A 10 year after-care period which forms the five year statutory after-care period for all mineral permissions plus an additional five years (as set out in the submitted Plan which stipulates a 10 year Plan of after-care); and,
- A 20-year long-term management plan covering years 11 to 30.
- A liaison committee to be formed with representatives from the operator, Kirk Smeaton Parish Council, North Yorkshire County Council and open to others in the community to meet every 3 months for the duration of the works and 10 year aftercare period to discuss community and amenity matters.
- A Restoration and Management Committee to be formed with representatives from the operator, Natural England, Yorkshire Wildlife Trust, the Council and other bodies as considered suitable to meet through the operational, aftercare and long-term management periods to discuss ecological and landscape provisions.
- That every HGV driver using, accessing or egressing the Land for the purposes of the Development shall be notified by the Owner to use the route shown on Plan B and shall use that route at all times, save in the case of an emergency, provided that if there is any breach of the requirement to use the route shown on Plan B the Company will take appropriate action to prevent any reoccurrence of the breach.
- Development of community assets – and which principally relates to the provision of the proposed footway / bridleway on land within the applicants control as described in the officer report.

PLANNING PERMISSION BE GRANTED subject to the 47 conditions stated in the report:

The meeting concluded at 2.22 p.m.

PD

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

16TH NOVEMBER 2021

**C3/20/00239/CPO - PLANNING APPLICATION FOR THE PURPOSES OF THE CONSTRUCTION OF AN ARTIFICIAL GRASS PITCH (AGP) 7420 SQ. METRES), ERECTION OF A 4.5 METRE HIGH MESH PERIMETER BALL STOP FENCING, EIGHT 15 METRE HIGH LIGHTING COLUMNS, 2 METRE HIGH AND 1.2 METRE HIGH MESH PERIMETER BARRIER FENCING, 3 METRE WIDE ENTRANCE GATES, CREATION OF HARD STANDING AREA AND FOOTPATH (938 EXTERNAL SQ. METRES), ERECTION OF A STEEL MAINTENANCE EQUIPMENT STORAGE CONTAINER (15 SQ. METRES) AND HARD AND SOFT LAND LANDSCAPING WORKS ON LAND AT RYEDALE SCHOOL, GALE LANE, NAWTON, HELMSLEY, YO62 7SL
ON BEHALF OF THE RYEDALE FEDERATION
(RYEDALE DISTRICT) (KIRKBYMOORSIDE 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 construction of an artificial grass pitch (AGP) 7420 Sq. metres), erection of a 4.5 metre high mesh perimeter ball stop fencing, eight 15 metre high lighting columns, 2 metre high and 1.2 metre high mesh perimeter barrier fencing, 3 metre wide entrance gates, creation of hard standing area and footpath (938 external sq. metres), erection of a steel maintenance equipment storage container (15 sq. metres) and hard and soft land landscaping works on land at Ryedale School, Gale Lane, Nawton, Helmsley, YO62 7SL on behalf of The Ryedale Federation.
- 1.2 This application is subject to an objection from the landscape architect in respect of the potential adverse effects on the local landscape character and setting within an Area of High Landscape Value and further objections having been raised in respect of this proposal on the grounds of site suitability, residential amenity in particular lighting and noise impact, impacts on biodiversity, highway matters and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Ryedale School is located on Gale Lane within the village of Beadlam off Gale Lane which is accessed from the A170, the public highway which runs through the centre of the village and connecting the village with Thirsk to the west and Scarborough to the east.
- 2.2 The school opened in 1953 and is a mixed comprehensive school educating pupils aged 11 to 16, currently accommodating 731 pupils on site. The main school complex sits within the north-eastern corner of the school site and playing fields occupying much of the surrounding land. The main school complex is laid out in adjoining two storey blocks that have been constructed from a sand/buff coloured

brick mix. The roof of the blocks is pitched and covered in red concrete tiles. Since the school was originally built extensions have been developed mainly to the west of the complex.

- 2.3 To the north, west and south of the school boundary is arable land, whilst to the east the school site is Gale Lane which separates the school from residential properties by approximately 20 metres. The nearest property to the development is Clyde Cottage which is located approximately 65 metres to the south- east of the proposed extension. The properties on the adjacent side of Gale Lane are largely brick built, two storey cottages. The eastern boundary of the school site is defined by planting that consists largely of mature trees and woody perennial hedging. The boundary is buffered from the highway by a grass verge which, towards the northern end of the eastern boundary creates a mound like formation. Sections of red brick wall sit at either side of the two vehicular access tracks into the site, accessed of Gale Lane, to which metal gates are attached. The more southerly access is lined with coniferous hedging either side and is used for refuse collection, refuse bins sit in front of bollards that prevent vehicles from going any further than halfway down the track.
- 2.4 Much of the school site is located within flood zones two and three although the proposed development area which is to the west of the main school buildings falls outside of this. The site is however, located within an Area of High Landscape Value (Fringe of the Moors) in the Ryedale Local Plan Strategy 2013. There are however no other planning constraints relevant to the determination of this planning application.
- 2.5 A plan showing the application site is attached to this report.

Planning History

- 2.6 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C3/17/01121/CPO, received 18th August 2017 for creation of tarmac hardstanding for tennis and netball courts (810 sq. metres), granted 27th October 2017;
 - C3/17/00979/CPO, received 3rd August 2017 for erection of single storey infill extension to create toilet block and lobby (52 sq. metres), granted 26th September 2017;
 - C3/16/02033/CPO, received 28th November 2016 for erection of two storey extension of main school block with link to existing corridor (921 sq. metres) to provide an additional nine classrooms, re-siting of prefabricated classroom unit (130 sq. metres) with two classrooms to be placed on site until 8th November 2017, the provision for an additional 30 parking spaces, creation of a footpath and associated works, granted 28th March 2017;
 - C3/10/00897/CPO, received 25th June 2010 for the erection of a Portakabin to include 2 parking spaces on existing hardstanding, granted 8th September 2010;
 - C3/08/00099/CPO, received 21st November 2007 for the erection of a music room extension, granted 22nd April 2008;
 - C3/04/01301/CPO, received 20th October 2004 for erection of dining hall extension, granted 29th November 2004;
 - C3/04/01279/CPO, received 13th October 2004 for the erection of a drama studio, granted 29th November 2004;
 - C3/02/01053/CPO received 4th November 2002 for the erection of a two classroom extension, granted 10th January 2003;
 - C3/01/01142/CPO received 18th October 2001 for the erection of a single storey teaching extension, granted 7th January 2002;
 - C3/00/00467/CPO, received 11th April 2000 for an extension granted 27th June 2000.

3.0 The proposal

- 3.1 Planning permission is sought for the construction of an artificial grass pitch (AGP) 7420 Sq. metres), erection of a 4.5 metre high mesh perimeter ball stop fencing, eight 15 metre high lighting columns, 2 metre high and 1.2 metre high mesh perimeter barrier fencing, 3 metre wide entrance gates, creation of hard standing area and footpath (938 external sq. metres), erection of a steel maintenance equipment storage container (15 sq. metres) and hard and soft land landscaping works on land at Ryedale School, Gale Lane, Nawton, Helmsley, YO62 7SL on behalf of The Ryedale Federation.
- 3.2 The proposed site for the development would be to the north- west corner of the school complex with the application site currently being school playing field and includes an artificial grass wicket used for cricket.
- 3.3 The proposed development comprises a playing area capable of supporting a 106 metres x 70 metres pitch or smaller pitches marked within the enclosure, surrounded by a safety margin to all sides of the pitch, which in total creates a development footprint of 7,420 square metres.
- 3.4 The whole of the 3G artificial grass playing surface would comprise of a grass green coloured playing pitch that is consistent with current Football Association (FA) technical requirements to deliver adequate performance characteristics for the intended sporting activities.
- 3.5 The proposed development would include new open steel mesh ball stop fencing and entrance gates around the entire AGP perimeter which would be 4.5 metres in height and is proposed to be polyester powder coated in moss green (RAL6005). The new open steel mesh pitch perimeter barrier and entrance gates internally within the pitch enclosure to segregate the artificial grass pitch surface from adjoining hard standing areas are proposed to be 1.2 metres to 2.0 metres in height and are proposed to be polyester powder coated in moss green (RAL6005).
- 3.6 The proposal includes eight 15 metre high floodlighting columns. The columns would be fitted with minimal aiming angles (as recommended by The Institution of Lighting Professionals (ILP)) to reduce horizontal and vertical overspill and louvres would also be fitted to luminaires to reduce horizontal and vertical overspill. The columns are to be located on the perimeter of the pitch, external to the fence line. Each of these columns supports luminaires which, would be mounted with sixteen luminaires with a 2no. / 2no. / 2no. / 2no. arrangement along Northern and Southern longitudinal sides of the AGP to provide an average horizontal illuminance of 200 lux to the playing surface within the fence line.
- 3.7 The new outdoor steel maintenance / sports equipment store would be 2.59 metres in height, 6.06 metres in length and 2.44 metres in width and is proposed to be coloured moss green (RAL6005) and comprise of high tensile profiled steel. It is proposed to be positioned on the northern elevation with an amenity light that would be operational 15 minutes after floodlights are turned off to ensure safe exiting from the facility.
- 3.8 During normal school hours, the pitches would be for the sole use of Ryedale School to provide improved opportunities for physical education and school sport, to offer greater sports development. However, it should be noted that the facility was proposed to be open to be used by the community on weekdays 09:00 until 22:00 and then on weekends and bank/public holidays between 09:00 and 20:00. However, the agent has now stated that the proposed use from the community would be limited to weekday evenings until 20:00 and then on Saturdays, Sundays and Bank Holidays

between 10:00 and 18:00 with a 15 minute dispel period following review of comments received. The reasoning for the community use is stated by the agent in the Design and Access Statement (LSUK 19-0602 Revision 2) to ensure that the proposal encourages more people to take part in sport and leisure facilities in the local area and ensures that the project aims to be sustainable development. The agent further states that

"Income collected from community access lettings will be used to fund the AGP running costs and this is vital to secure financial sustainability (rather than being a profit-motivated project) including:

- *Electrical power consumption (floodlights)*
- *Regular and periodic maintenance work, staffing and supervision • Spares and repairs (e.g. replacement goals and netting)*
- *Periodic floodlights testing with inspections and maintenance work*
- *Periodic performance testing (to ensure the field of play remains safe for play)*
- *As well and being necessary to build a sinking fund for the refurbishment of the artificial grass pitch surface, fencing, floodlights and other associated works at the end of an initial life cycle (say eight to ten years)."*

- 3.9 The agent has also confirmed that the School have agreed to take on the management of the facility for both their own and the public use and it is envisaged that this will be encompassed within the schools existing community use structure that other sports facilities on site. Implementation of a community use management plan is also proposed to ensure the AGP is correctly operated as proposed..
- 3.10 There is no additional car parking proposed in relation to the proposal however, the School is within walking distance of Nawton and Beadlam which offer a bus route. The School's current car parking arrangements for approximately 68 spaces (3 disabled) can be accessed directly off Gale Lane to the east of the school site and would be made available for the community use of the proposal. Coach and mini bus parking would also be available to be accommodated in the existing hard surfaced areas, and there is already a dedicated sheltered parking for cycles onsite.
- 3.11 Community access to the existing School's facilities, including changing rooms, showers and toilets currently available and would remain accessible from the car park.
- 3.12 A hard standing level approach and footpaths totalling 938 square metres is proposed to be constructed which would provide pedestrian access to the proposed AGP and form a link the AGP to adjacent school facilities including the existing carpark and buildings and would comprise of grey/ black coloured porous asphalt. A grass mound would be formed with recycled soils generated during construction work and located to the area west of the proposed AGP, to be finished in accordance with BS 4428:1989.
- 3.13 The construction of the floodlit 3G artificial grass pitch would require minor earthworks to level the application site.
- 3.14 The location of the proposal would not result in the loss of the school being able to accommodate other sporting activities. Although the playing field would be reduced it would still be able to accommodate playing pitches (rugby and football) and a grass athletics track. Part of the field which is proposed to be used during the construction would be re-levelled and would be reinstated to its original form once any construction phase is completed.
- 3.15 Visual mitigation to complement the existing natural mitigation in place on the site would be provided especially for the northern elevation. The agent has confirmed in writing the agreement to a pre-commencement condition relating to landscaping if any permission were to be granted.

- 3.16 The construction access is proposed to be from one of the existing school entrances which adjoins Gale Lane to the east of the proposed development. It is also proposed that temporary two metre high security fencing would be erected around the entire development area during the construction period, which would act as an additional mitigation measure and protect pupils during term time.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 6th March 2020 and the subsequent re-consultations undertaken on the 11th September 2020, 18th February 2021 and 2nd July 2021 following the receipt of further/amended information relating to landscape issues, drainage, noise assessments and lighting plans.

- 4.1 **Ryedale District Council (Planning)** – confirmed on the 26th March 2020 that *“the Local Planning Authority (Ryedale District Council) has no objection to this proposal. We would seek to ensure that a condition is applied to ensure the flood lighting used is only used when the facility is in operation to minimise its impact on the nocturnal, rural character of the area.”*
- 4.2 **Beadlam Parish Council** – commented on the 3rd April 2020 that the *“Beadlam Parish Council are concerned about the light pollution from the floodlights and more traffic using Gale Lane.”* They comment that Gale Lane is a busy road at school times and currently residents get a breather from it outside of school times at the moment.
- 4.3 **Environmental Health Officer (Ryedale)** sent in correspondence on the 28th July 2021 that they in general terms would have no objections. They note that from the planning portal that a night visit was held to assess the visual impact and that a complainant had sent in a photograph showing glare at their property. They comment that the glare is probably to do with angle of the light array and this could be adjusted at the time of fitting. They note that the light assessment suggests very little light spillage, however, made note that their enforcement powers are limited to light nuisance which has limited scope and only relates to the impact on residents. Due to this they suggest that if that NYCC has planning policies relating to dark skies (or if within North York Moors planning area they may have) which protect wildlife and the night skies from ‘pollution’, that these policies are considered. They also ask that hours of use (curfews) are set as conditions along with a *‘post completion testing to ensure that the light levels are as predicted, and are maintained as such.’*
- 4.4 As no comment was received in relation to noise levels and mitigation further correspondence was sent back to the Senior Environmental Health Officer regarding this and comment was received on the 30th July 2021 on this. They state that *“The distance to neighbouring properties is so great that I don’t believe it will be a problem , especially with the curfews. However I would suggest a condition preventing the use of external tannoy/ loudspeakers systems and playing of amplified music.”* They further expanded to state how they *“would expect the management plan to include ‘regular monitoring of the boundary’ when an event is on to determine that the noise and light levels are not causing disturbance to neighbours, and for a record to be kept of this.”*
- 4.5 **NYCC Heritage – Ecology** - confirmed on the 16th March 2021 following the re consultation that they are satisfied with the submitted revised Ecological Appraisal that states that *“Overall, considering that the light spill onto adjacent vegetated boundaries / commuting and foraging habitat for bats is limited to 1 Lux (equivalent to twilight conditions), it is unlikely that the proposed lighting scheme will act as a barrier*

to commuting bats.” And that, “the proposed lighting scheme is considered to pose a low risk of disturbance to local bat populations”. A recommendation that should NYCC be minded to approve the application, a Condition requiring adherence to the recommendations contained in Section 5 of the ecology report (Ryedale School, Nawton, North Yorkshire – Ecological Appraisal by Bowland Ecology, dated March 2021) be applied.

- 4.6 **NYCC Heritage - Principal Landscape Architect** raised an objection to the proposal stating that there were concerns with the application as the “*Proposed floodlighting scheme has potential to cause significant adverse effects on local landscape character and setting of an Area of High Landscape Value.*” It was noted that the site is located within an Area of High Landscape Value (Fringe of the Moors) which is covered within policy SP13 within Ryedale Local Plan Strategy 2013. It is noted that the pitch and lighting are likely to be visible from Gale Lane to the South East side, and other residential properties and roads at the edge of Beadlam village along A170 to the North West side. The main points of concern listed in the correspondence dated 22 September 2020 included:
- *Night-time visibility of the proposed light units (including direct glare from the units 15m high)*
 - *Illumination of and reflected light from the proposed sport pitch surface (proposed maintained average illuminance >200 lux).*
 - *General reflected light illuminating surrounding trees and buildings.*
 - *Extended hours of proposed lighting use - 09:00 to 22:00 Mon to Fri, 09:00 to 20:00 Sat, Sun and Bank Holidays.*
- 4.7 In summary it is felt that the “*Night-time visibility and impact of the proposed sport pitch floodlighting is likely to cause significant adverse effects on local landscape character and setting within an Area of High Landscape Value This would be contrary to NPPF (paragraph 170 (now 174) (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), Ryedale Local Plan (2013) Policy SP13, Area of High Landscape Value (Fringe of the Moors).*”
- 4.8 Following the lighting test demonstration on the 12th May 2021 further comments from the landscape adviser were received. They stated that although the demonstration was useful in helping understand the scope and context of the scheme, it reaffirmed concerns for visibility of sport lighting in this location as set out in the previous landscape consultation responses. It noted that light spill was also evident across the surrounding field northwards towards properties along Birklands and concerns are raised that this spill would only be amplified by a full scheme. It was noted that “*Beadlam is a quiet rural village and evening use of a floodlit AGP in proximity is likely to have a significant adverse impact on local character and setting due to lighting, increased traffic and user noise.*”
- 4.9 **Environment Agency York** – correspondence was received on the 5th March 2020 confirming that they have no objection to the proposed development but note that the proposed development falls within flood zone 1 and recommend that standard comments for ‘lower risk’ development proposals in which this proposal falls within are viewed before making any decision.
- 4.10 **Sport England** – confirmed on the 18th March 2020 that “*Sport England does not wish to raise an objection to this application as it is considered to meet exception E5 of its Playing Fields Policy. The absence of an objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:*

1. *Use of the development shall not commence [or no development shall commence or such other timescale] until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."*

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

2. *No works shall commence on the Artificial Grass Pitch hereby approved, until details and specification has been submitted, for the relocation of the artificial grass wicket, to the Local Planning Authority for consideration. The artificial cricket wicket shall not be constructed other than in accordance with the approved details and shall be available for use prior to the completion if the Artificial grass Pitch*

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy."

4.11 **Highway Authority** – confirmed on the 03 April 2020 that there are no local highway authority objections to the proposed development.

4.12 Following receipt of representations from members of the public questioning highway subjects the Highway Authority was asked to review those comments. The following was received on the 12th February 2021:

"Notwithstanding comments raised by members of the public regarding the intensification of use on Gale Lane, the local Highway Authority is satisfied that although there is the potential for an increase in numbers of vehicles along Gale Lane, this increase in vehicular activity is unlikely to be at the same time as the usual school pick-up and drop-off times associated with the school but rather, be a smaller number of additional vehicles after the school day has ended. Consideration has been given to the Traffic Assessment which has been provided by the applicant and this is considered to present the highest numbers of vehicular trips which will be generated and does not generate conditions which exceed the current conditions at the busier times of day at this location. I would however recommend a further condition be applied to ensure that the construction phase does not impact users of Gale Lane."

4.13 **NY Police - Designing Out Crime Officer** – correspondence was received on the 18th March 2020. They confirmed that following review of a crime and disorder analysis for a 12 month period (1 March 2019 to 29 February 2020), for the development area that the site is located within a low crime & disorder area and that they have no concerns to raise in relation to Designing Out Crime.

4.14 **NYCC Arboricultural Officer** – Suggested that a prior to commencement condition should be attached to any permission granted requiring that an arboricultural method statement and Tree Protection Plan be submitted. This would be to ensure that any works undertaken are to the satisfaction of the Authority and shall be monitored, and protection remain in place, throughout the duration of the development works, in

order to maintain the contribution of the trees to local landscape character and amenity.

- 4.15 **The Lead Local Flood Authority (SuDS)** – Requested further information on the 29th March 2021 to ensure that they were satisfied with the flood routing plan and requested further information relating to Maintenance Details. Further information relating to Flood Routing was submitted, however, details on maintenance could not be provided at the time. Following further correspondence it was agreed on the 16th June 2021 that the *“LLFA would be happy to set a pre – commencement condition for the maintenance details providing it can be confirmed that the school will be responsible for the drainage and management of the maintenance company.”*
- 4.16 **NYCC Heritage – Archaeology** – corresponded on the 27th March 2020 notifying that the *“proposal is within an area of archaeological potential, particularly for remains of the prehistoric and Roman periods.”* They note that the *“The application details indicate a mean level of ground reduction of 640mm with natural geological deposits at approximately 300mm. The engineering proposed for the scheme would almost certainly destroy any archaeological deposits which would survive as features cut into the surface of the underlying natural.”* Therefore it is recommended that a scheme of archaeological mitigation recording is undertaken in response to ground works associated with this development proposal.
- 4.17 The following three conditions were recommended to be put forward for consideration:
- A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:*
 - B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).*
 - C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured*
- 4.18 **Nawton Parish Council** – commented on the 19th March 2020 that *“ The Council is concerned about the positioning of the artificial grass pitch in that it is where a prospective road would be once planning is approved on fields in Beadlam. The road would solve the problem of safety issues on Gale Lane. Also the 8 x 15 m lighting columns would cause upset around the village and especially to those residents close by. This sort of facility should be located on the recreation ground.”*
- 4.19 **NYCC Electrical Engineering** – Attended the applicant’s illumination test on the 12 May 2021, however, at the time of writing the report no comments have been received.

Notifications

- 4.20 County Cllr. Val Arnold was notified of the application on 04 March 2020.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of three Site Notices posted on 29th March 2020 (responses to which expired on 2nd April 2020). The Site Notices were

posted in the following locations: one off Gale Lane at the School entrance, one on a village notice board near The Green and one on Cliff Cott Road. A Press Notice appeared in the Malton Gazette & Herald on 18 March 2020 (responses to which expired on 1st April 2020).

5.2 As the period of consultation was during a national lockdown it was vital to ensure that members of the community were informed of this application. Along with the press and three site notices it was deemed appropriate to send neighbour notification letters to properties that fall within a minimum 200 metre catchment area to the proposed development site. This is viewed as sufficient notification given the restrictions and ensured that the community were fully informed of the proposal and given the opportunity to comment.

5.3 Neighbour Notification letters were sent on 24th March 2020 and the period in which to make representations expired on 16th April 2020. The following properties received a neighbour notification letter:

- Stoney Lodge, High Lane, Nawton;
- Cliffe Cottage, High Lane, Nawton;
- 4, The Orchards, Nawton;
- 5 The Orchards, Nawton;
- 6 The Orchards, Nawton;
- Gale House, Gale Lane, Nawton;
- Clyde Cottage, Gale Lane, Nawton;
- Four Winds, Gale Lane, Nawton;
- White House, Gale Lane, Nawton;
- Birchfield House, Gale Lane, Nawton;
- Valley View, Gale Lane, Nawton;
- Gale Mount, Gale Lane, Nawton;
- School House, Gale Lane, Nawton
- Canadian Fields, Gale Lane, Nawton;
- Gale Lane Nursery, Gale Lane, Nawton;
- Brighter Sandy, Gale Lane, Nawton.
- Wrens of Ryedale Caravan Site, Gale Lane, Nawton;
- Gale Barn, Gale Lane, Nawton;
- White House Barn, Gale Lane, Nawton;
- Station Lodge, Station Road, Nawton;
- 1 Birklands, Main Road, Nawton;
- 2 Birklands, Main Road, Nawton;
- 3 Birklands, Main Road, Nawton;
- 4 Birklands, Main Road, Nawton;
- 5 Birklands, Main Road Nawton;
- Southfields, Main Road, Nawton;
- Deli Spice Club, Main Road, Nawton;
- Hill Crest, Main Road, Nawton;
- The Vicarage, Main Road, Nawton;
- St Hilda's Cottage, Main Road, Nawton
- Lund Acres, Main Road, Nawton;
- Old Vicarage, The Green, Nawton;
- Old Dairy, The Green, Nawton;
- Byreview, High Lane, Nawton;
- 1 Valley View Lodges, Station Road, Nawton
- 2 Valley View Lodges, Station Road, Nawton;
- 3 Valley View Lodges, Station Road, Nawton;

- 4 Valley View Lodges, Station Road, Nawton;
- 5 Valley View Lodges, Station Road, Nawton;
- Valley View Lodges, Station Road, Nawton;

5.4 A total of fourteen letters of representation have been received raising objections on the grounds of:- highway concerns, intensified use, impact on the landscape, impact on amenity (lighting and noise), impact on quality of life and suitability of site.

5.5 Some of the comments received include:

"In the event that this application is granted in its current location, views, and my privacy will be severely disrupted by this eyesore, not to mention the unwanted noise and light pollution until 10pm during the week and 8pm on a weekend."

"There appears to have been very little or no consultation on this proposal with the local community and parish council?"

"Question whether there is a far more suitable location for this development to the South-East corner of the school field, where it would have little or no impact on local residents through noise and light pollution."

"We are very concerned that proceeding with this development would bring too much light pollution to the village."

"The flood lights will have a detrimental effect on wildlife with light pollution."

"I'm concerned regarding noise levels at the proposed Ryedale School Pitch. Ball games are known to be very loud & the dull thud."

"To add a facility like this to the school is just going to create more traffic on a road that is not geared up for."

5.6 One letter of support has been received raising support on the grounds of:- improving school facilities including the statement:

"It would be amazing if the school built a sports centre and swimming pool so that the public could pay to use, generating income for the school and giving rural communities some easy to access first class fitness facility's nearby and on a major route."

5.7 Five further letters have been received from businesses and groups supporting the proposal for the following summarised reasons:

- Provide a valuable facility that can be utilised by local and town football teams;
- Provide a facility that can excite, enthuse, encourage and engage more people into getting involved in sport including those of underrepresented groups;
- Provides a facility which could tackle obesity levels within Ryedale(which are above the National Average);
- Provide a facility which could tackle rural deprivation;
- Provide a facility that allows for the school to extend and enhance their sporting timetable, not just limited for football activities.

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 extant policies of the Ryedale Plan- Local Plan Strategy (2013); and the policies most relevant include:

- SP1 – General Location of Development and Settlement Hierarchy
- SP11 – Community Facilities and Services
- SP13 - Landscapes
- SP14 - Biodiversity
- SP16 – Design
- SP17 – Managing Air Quality, Land and Water Resources
- SP19- Presumption in Favour of Sustainable Development
- SP20- Generic Development Management Issues

6.3 Policy SP1 identifies the hierarchy of settlements within Ryedale and ‘Ryedale’s future development requirements will be distributed and accommodated in line with the Spatial Strategy Summary’. The hierarchy is divided by principal towns for primary focus of growth, local service centres as secondary focus for growth, local service centres for tertiary focus for growth. All other villages, hamlets and development within the open countryside should be restricted to that which is necessary to support sustainable, vibrant and healthy rural economy and communities, can be justified to secure significant improvements to environment or heritage assets in accordance with SP12 or which is justified through neighbourhood planning process.

6.4 Policy SP11, states that proposals will be supported in service villages and other villages where, ‘*Expansion and improvements to existing facilities in or outside development limits; provision of new facilities – within development limits, conversion of existing buildings outside of development limits or new provision outside of development limits where the facility is needed to serve the local area and could not be provided with development limits*’. NPPF chapter 8 (Promoting healthy and safe communities) adds weight to this policy and states that planning decisions should aim ‘*to provide the social, recreational and cultural facilities and services the community needs*’.

6.5 The Landscape Character section of Policy SP13 states that proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities. These can include considering the character, distribution and form of individual settlements the pattern and presence of distinctive landscape features, consider visually sensitive skylines and hill and valley sides and review the ambience of the area including factors such as level and type of activity and tranquillity. Policy SP13 accords with the NPPF so full weight should be afforded to this policy.

6.6 Policy SP13 further goes on to state that broad areas of landscape which are valued locally will be carefully considered for the impact a development may have on them. These areas include The Wolds Area of High Landscape Value, The Fringe of the Moors Area of High Landscape Value, The Vale of Pickering and The Yorkshire Wolds and Fringe of the Moors. These areas are valued locally for their natural beauty and scenic qualities and Moors are of significant historic landscape value and loss or

degradation of the elements that are integral to their historic landscape character make these landscapes particularly sensitive to change.

- 6.7 Ryedale School is located within an Area of High Landscape Value (Fringe of the Moors) and therefore this policy has to be given weight during the consideration of this development.
- 6.8 Policy SP14 states biodiversity will be conserved, restored and enhanced, amongst other criteria also listed in the policy, by:
- *Supporting, in principle, proposals for development that aim to conserve and enhance biodiversity and geodiversity through the prevention of loss of habitat or species and the incorporation of beneficial biodiversity features;*
 - *Resisting development proposals that would result in significant loss or harm to biodiversity in Ryedale ...'.*

Paragraph 180 of the NPPF in chapter 15 'Conserving and enhancing the natural environment' states that if significant harm to biodiversity by a development cannot be avoided, mitigated or compensated for then planning permission should be refused, therefore full weight should be given to this policy as it reflects the NPPF.

- 6.9 Policy SP16 states that development proposals are expected to create high quality, durable places that are accessible and be well integrated with their surroundings and which;
- *'Reinforce local distinctiveness;*
 - *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated; and,*
 - *Protect amenity and promote well-being'.*

This follows the objectives listed in the NPPF within chapter 12 (Achieving Well Designed Places) which states in paragraph 134 that development that is not well designed should be refused. *'Conversely, significant weight should be given to:*

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'.*

- 6.10 Policy SP17 of the Ryedale Plan – Local Plan Strategy seeks ensure flood risk is managed and development can be accommodated without an unacceptable impact on water supply. This is considered in line with NPPF and PPG principles in relation to climate change and pollution and therefore due weight can be given to this policy in the determination of this planning application.
- 6.11 Policy SP19 seeks to ensure that development proposals are determined in accord with the NPPF and support sustainable development. In this case, the proposals seek to enhance an existing facility. Paragraphs 93 and 95 of the NPPF support this policy so full weight should be applied.
- 6.12 Policy SP20 provides criteria to which development proposals must adhere. The issues listed in the criteria include: Character, Design, Amenity and Safety and Access, Parking and Servicing.

- 6.13 In relation to Character is expected to respect the character and context of the immediate locality, wider landscape and townscape in terms of physical features and the type and variety of existing uses. It also expects proposals to be compatible with the existing local context and for the cumulative impact of any new development to the character of an area be considered. For Design development is expected to follow the principles of Policy SP16 and for Amenity and Safety is expected that new development should not have a material impact on the amenity of present or future occupants. Policy SP16 states that '*New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.*' In relation to Access, Parking and Servicing it is expected that proposals would require access to be of a standard that allows all to access the proposal unimpeded and comply with relevant standards. All these criteria issues are supported through paragraph 130 within chapter 12 (Achieving well-designed places) of the NPPF, therefore it is considered that substantial weight should be given to this policy

Other policy considerations:

National Planning Policy

- 6.14 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) (revised 2021)

National Planning Policy Framework

- 6.15 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.16 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.'*
- 6.17 Paragraph 11 advises that when making decisions, development 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:
- 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*

i.) *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.*

- 6.18 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.19 Paragraphs 55 - 57 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.
- 6.20 Paragraph 81 within Chapter 6 (Building a strong, competitive economy) states that 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
- 6.21 Paragraph 85 within Chapter 6 states that Planning policies and decisions should 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.
- 6.22 NPPF Paragraph 92 in Chapter 8 (Promoting healthy and safe communities) states that planning decisions should
'aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'
- 6.23 Paragraph 93 within Chapter 8 states social, recreational and cultural facilities decisions should enhance the sustainability of communities and residential environments and take into account and support delivery of local strategies to improve health and social and cultural well-being of all sections of the community and ensure an integrated approach to considering the location of housing, economic uses and community facilities to enhance the sustainability of communities. Planning positively for the provision of community services and facilities to enhance sustainability within community environments is also encouraged.
- 6.24 Paragraph 95 within Chapter 8 states that there is great importance of ensuring sufficient choice of school places are available to meet the needs of a community. Specifying that planning authorities must take "*proactive, positive and collaborative approach*" to meeting this requirement giving great weight to create expand or alter schools through the preparation of plans and decisions on applications.

- 6.25 Paragraph 98 advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 6.26 Paragraph 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality; or the development proposed is for alternative sports and recreational provision in which the benefits clearly outweigh any loss.
- 6.27 Paragraph 104 within Chapter 9 (Promoting sustainable transport) states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that potential impacts of development on transport networks can be addressed, opportunities from existing or proposed transport infrastructure are realised and opportunities to promote walking, cycling and public transport are identified and perused along with acknowledging environmental impacts relating to traffic and transport infrastructure so that they can be take into account.
- 6.28 Paragraph 111 within Chapter 9 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
- 6.29 Paragraphs 126-30 within Chapter 12 (Achieving Well Designed Places) state that local plans should include robust and comprehensive policies setting out a clear design vision and expectations of development. Design guides should also be prepared and carry weight in decision making. As in accordance with paragraph 130 decisions should ensure that developments add to the overall quality of the area throughout the lifetime of the development, ensure that they function well and add to the overall quality of an area, are visually attractive through good landscaping and layout, are sympathetic to the locality and landscape setting and any historic character to the local area, establish a good sense of place, optimise the potential of the site and create places which are safe, inclusive and accessible and do not undermine quality of life.
- 6.30 Paragraphs 134 within Chapter 12 states development which does not reflect local design policies or provide outstanding or innovative designs which promote high levels of sustainability or help raise standards of design in an area (so long as they fit in with overall form and layout of surroundings) should be refused.
- 6.31 Paragraph 154 within Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) states that new development should be planned in ways which avoid increased vulnerability to the range of impacts arising from climate change and can that can help reduce greenhouse emissions through location and design.
- 6.32 Paragraph 158 within Chapter 14 states that authorities should when determining applications for renewable and low carbon development :
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions'.*
- 6.33 Paragraph 174 within Chapter 15 (Conserving and enhancing the natural environment) states that decisions should contribute and enhance natural and local environment by protecting and enhancing valued landscapes, recognise character and beauty of the countryside, minimise impacts and provide net gains for biodiversity and prevent unacceptable risk from development.
- 6.34 Paragraph 176 within Chapter 15 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads

and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.

- 6.35 Paragraph 180 within Chapter 15 note that *'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.'*
- 6.36 Paragraph 185 within Chapter 15 notes that decisions should ensure developments are appropriate for their locations taking into account impacts of pollution on health and the natural environment, as well as the sensitivity of the wider site. Therefore, the NPPF states developments should mitigate and reduce potential adverse impacts resulting from noise and avoid noise being a significant adverse impact on the health and quality of life in the area, furthermore the paragraph also states the impact of light pollution on local amenity should also be limited and mitigated where necessary.

National Planning Practice Guidance (PPG) (2014)

- 6.37 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 sections: -

Design

- 6.38 This states how good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It though must also 'reflect an areas function, history, culture and its potential need for change.' *Ensuring a development can:*
- *Deliver a wide range of planning objectives.*
 - *Enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.*
 - *Address the need for different uses sympathetically'.*
- 6.39 It is noted within the guidance that good quality design is considered to be *'an integral part of sustainable development'*. To assist in the assessment of design of a new development, it is noted that the following considerations be taken into account:
- *'Layout- the way in which buildings and spaces relate to each other;*
 - *Form- the shape of buildings;*
 - *Scale- the size of buildings;*
 - *Detailing- the important small elements of buildings and spaces*
 - *Materials- what a building is made from'*

Health and Wellbeing

- 6.40 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.

Light Pollution

- 6.41 Light intrusion occurs when the light 'spills' beyond the boundary of the area being lit. For example, 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.

6.42 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

6.43 The impact of 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 the need to identify whether the overall effect of noise exposure 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

6.44 Open space should be taken into account in planning for new development includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development.

6.45 It is for local planning authorities to assess the need for open space and opportunities for new provision in their areas. In carrying out this work, they should have regard to the duty to cooperate where open space serves a wider area

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 the principle of the proposed development, need, design, impact on local amenity, impact on landscape, flood risk, highway matters, impact on open space,

sport and recreation, economic and social considerations, impact on biodiversity, archaeological impact and assessment of management, security and fear of crime.

Principle of the proposed development

- 7.2 It is considered that the proposed development can be seen as an additional facility for the school to enhance sport facilities to a higher level as it is considered that the proposed development would provide investment in the outdoor space suitable for the needs of existing pupils and the wider community. Currently the school has access to the grass playing field, a hard surface playground, and an indoor sports hall, however, use of the field can be limited due to the weather and the indoor sports hall is limited in terms of size to make a football pitch so all year round provision is not currently guaranteed. It is also considered that the proposed development would provide the wider community with increased opportunities for sport. The applicant states within their submission that the development of an Artificial Grass Pitch (AGP) would also provide sporting benefits to local organisations and community groups in the surrounding Ryedale area, including local junior and youth football clubs to gain the maximum football developmental outcomes; both during, day, evening and at weekends via pre-arranged and structured community access. The pitch would offer a variety of football pitches and training area within the same enclosed playing space to support development plans into grassroots football and in accordance with The Football Association's (FA) current technical guidance. Therefore the proposed development is in line with Paragraph 93 within Section 8 of the NPPF, due to it advising that Local Planning Authorities "*plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments*".
- 7.3 It is noted that the principle of improving school facilities is promoted within paragraph 95 of the NPPF in both securing sustainable development whilst supporting the needs to alter/enhance schools. Furthermore, it is noted that the proposal receives support within paragraph 98 of the NPPF in seeking to improve health and well-being through improved access to and opportunities for sport and sporting provision. The principle of the development is compliant with Policy SP11 of the Ryedale Plan - Local Plan Strategy (2013) which supports the provision and enhancement of community facilities in relation to sports facilities in communities. It is also further supported due to the health benefits the development would bring to the local community, where it is considered to be in accordance with NPPF and the National Planning Practice Guidance (PPG) (2014) through promoting development which encourages healthier lifestyle opportunities.
- 7.4 In this instance, and, on balance, the creation of a new community facility would provide public benefit and contribute to improving access and sustainability within communities as in accordance with policy SP11 of The Ryedale Local Plan Strategy means that the application should be considered acceptable in principle subject to the consideration of other matters. It is therefore considered that the proposed development is fit for purpose and the principle is in accordance with Policy SP19 of the Ryedale Plan - Local Plan Strategy (2013) as it is considered that the development improves the economic, social and environmental conditions in the area. It is also considered that the proposal is supported by the NPPF Paragraph 92 in its objective of seeking to improve health and well-being through improved access to opportunities for healthy lifestyles and sports facility provision. Further, it is considered that whilst the development concerns an existing sports facility, it does not impact on the playing pitches and is improving provision, therefore in line with Sport England Playing Fields Policy and Policy SP11 in relation to addressing the deficiencies identified in the Ryedale Plan - Local Plan Strategy. The proposal is further supported through the proposed again improvements

to access to sporting facilities in the locality which received support from Paragraph 99 of NPPF.

Need

- 7.5 In terms of the existing local provision and local demand for an outdoor floodlit sports facility in the area in relation to community use, it is noted that objections have been received from members of the public referring to whether there is a need for the facility as prior community consultation before the planning application was submitted was not undertaken and whether this is the best location for such a facility. It is not considered that the facilities are in direct competition with any other facility in the area and the primary aim of the development is to improve school facilities and improve community facilities as supported by policy SP1 which acknowledges that development should be restricted to support communities and rural economy. Therefore the application should be considered as a question as to whether there is a need for the facility and the acceptability of the overall proposal in terms of the potential impacts. It is considered that there is a need for additional and varied sporting facilities within the local community which has been highlighted through letters of support received and which receives support through policy SP11 for proposing to provide a facility which could benefit the school as in accordance with paragraph 95 of the NPPF and the community. It is considered that the proposed development would fulfil a role in terms of the availability of such facilities to not just school pupils during school hours but also to members of the public and teams in this locality in additional hours. During the consultation process, responses from both Nawton and Beadlam Parish Councils were received. Although both had concerns, neither stated an objection to the principle or need for the pitch or improving facilities in the local area. Although the development of the pitch is proposed on existing playing field, it would not remove all available playing field from the site and features such as the 400 metre running track would still be able to be accommodated on site. Development such as this is supported through paragraph 99 of the NPPF which states that playing fields should not be built on unless the development is for alternative sports and recreational provision.
- 7.6 This is endorsed by the Sport England consultation response which states support for the application and is also supported by paragraph 98 of the NPPF which acknowledges that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. The Ryedale Local Plan Strategy policy SP11 offers further support in relation to community facilities through acknowledging that *'Projects which help to improve access to existing services and facilities or involve the creation of new facilities will be supported across the District.'*

Design

- 7.7 In considering design for this proposal relevant development polices include SP1, SP16, SP19 and SP20 of the Ryedale Plan Local Plan Strategy to ensure that consideration is given to local distinctiveness, amenity, connectivity, and context. Through objections received material consideration has been taken into the proposed design and the impact it would have on its setting especially in relation to local residents and according with the local landscape and existing infrastruce.
- 7.8 It is considered that the proposed scale and design of the proposed AGP is sympathetic to existing facilities and the design of the existing school and its building and grounds. The design and scale of the proposed development has been taken into consideration. In regards to the design of the development, consideration is given to the colour finish of the perimeter fence around the 3G artificial grass pitch. The perimeter would comprise welded mesh fencing, in a green colour finish. The ball stop fencing which is 4.5 metres high on all four sides is unlikely to unduly impact on residential amenity and

views of the site because of the distance to the properties on both Gale Lane and Birklands. It is considered that the impact of the mesh fencing would not have a detrimental impact upon the openness of the site as it is lightweight and would appear transparent. The proposed colour finish is considered to be deemed suitable due to its aim to limit the visual impact of the development against the surrounding rural area. The design aspects listed above would accord with policy SP20 through respecting the context of the immediate locality and policy SP16 through ensuring that the proposed addition to the school site is appropriate and sympathetic in design and materials. All of the above features are also in accordance with Planning Practice Guidance for design through enhancing the quality of buildings and spaces and also improving the form and function of the site. The development also does not conflict with the NPPF chapter 12 in terms of the design of the built environment and planning 'positively'.

- 7.9 The proposed height of a new floodlight system is 15 metres high comprising eight (8no.) masts mounted with sixteen luminaires with a 2no. / 2no. / 2no. / 2no. arrangement along northern and southern longitudinal sides of the AGP. The finished appearance includes sectional octagonal base-hinge steel masts finished raw aluminium.
- 7.10 The lighting for the proposal has been designed to ensure that there is minimal glare or light intrusion in accordance with Planning Practice Guidance for lighting (2014), whilst providing the necessary light (lux) levels across the playing surface. The eight lighting columns are to each comprise two floodlight luminaires complete with 2kW lamps and fittings mounted on a 15 metre high column. The lighting units would be finished in raw aluminium. To ensure that overspill and backward light projected outside the AGP does not create unacceptable light impact to residential neighbours, luminaires and louvres will be installed with minimal aiming angles (as recommended by The Institution of Lighting Professionals) to reduce horizontal and vertical overspill. Whilst it could be argued that the lighting columns add further visual clutter, it is considered that when viewed against the backdrop of the adjacent school complex and taking into consideration the existing established trees which would provide screening during daylight hours, overall they would not have a significant impacts on the area. This is supported by Planning Practice Guidance for light pollution and consistent with NPPF paragraph 185 which both state through careful design, correct installation and ongoing maintenance the effects of lighting can be limited.
- 7.11 The proposed steel outdoor maintenance / sports equipment container is proposed to be 2.59 metres in height, 6.06 metres in length and 2.44 metres in width and is proposed to be coloured moss green with steel ramps for easy equipment access and egress. A hard standing level approach totalling 302 square metres is proposed to be constructed which would link the AGP to adjacent school buildings, with 1:24 gradients including level landings for each 500 millimetres rise along the access route Policy SP16 of the Ryedale Local Plan Strategy requires design to respect the context of its surroundings and take into consideration type, texture and colour of materials proposed in applications. The Ryedale Rural design guide (1995) is not formally adopted but provides useful information about detailed historic design context, particularly in how it varies across the different villages of Ryedale. However, neither Nawton or Beadlam are referred within this document and specific design advice within the document focuses on housing design so it offers no further guidance. It is considered that that the proposed scale and design of both the equipment store and hardstanding is sympathetic to the appearance of the existing school building and grounds.
- 7.12 A number of representations received questioned why prior consultation or a pre application advice was not requested. Pre Application advice is a non-statutory requirement and a service that applicants are not required to undertake. Questions were also raised regarding the proposed location and why the south-east corner of the school field was not considered. The proposed development would be located in the

north-eastern corner of the school site and the purpose is stipulated so that the development can be accommodated by existing infrastructure including hardstanding/ car parking and facility access that is situated on the northern side of the school complex, a factor of the proposal which would receive support through policy SP20 through providing access and movement onsite without having a detrimental impact on safety or traffic movement. Additional development would be required for alternative positions and would conflict with policy SP20 and have further impact on the local landscape.

- 7.13 Therefore the design of the proposed facility is in keeping with the existing building and existing infrastructure that the application site currently caters for which therefore complies with SP16 of the Ryedale Plan- Local Plan in relation to extensions to existing buildings being sympathetic and appropriate to host building character. The proposed hardstanding is also considered to be generally in keeping with the existing facilities such as the car park and the outline detailed is considered to be suitable in terms of its scale and design, balancing solutions to issues encountered. It is considered that the proposals would comply with Policy SP19 presumption in favour of sustainable development and SP20 of the Ryedale Plan - Local Plan Strategy in that they follow the design principles of Policy SP16; would not have a material adverse impact on the amenity of present or future occupants; and that subject to the submission of further details in relation planting and landscaping which would be conditioned (condition 12), and inspection of detailed design and materials. The proposed scheme is further supported through Policy SP20 of the Ryedale Plan – Local Plan Strategy which states *“Proposed uses and activity will be compatible with the existing ambience of the immediate locality”*, through the aim of improving existing facilities and further improving the school. Overall it is considered that the proposal is in line with policy for design and is therefore sustainable development.

Local amenity (noise and light)

- 7.14 Local residents have expressed concern over potential light spill/pollution, noise pollution, hours of use/community use, restriction of access for local residents, highway implications and security risks associated with the proposed development. As outlined in paragraph 3.8 of this report, the proposed development would be used by students of Ryedale School during the school day, and it is the applicant’s intention to make the facility available outside of core school hours for school related activities, and wider community use/ hire. Access to the facility would be arranged through the School for use in evenings, weekends, and school holidays for authorised clubs and organisations working in partnership with Ryedale School. The revised proposed hours of use are 09:00-20:00 on weekdays, and 10:00-18:00 on Saturdays, Sundays and Bank Holidays. Currently, the school’s educational hours of use are 08:00-16:00 Monday to Friday, however, additional activities do regularly occur outside of these hours at the school and there is currently no restrictions to the public accessing the playing fields outside of these hours. Beyond use associated with the school, the facility is also proposed to be used for wider community use, within the same hours specified above. Allowing the facility to be hired out to external parties would allow the facility to generate its own cash flow to ensure that it can be self-sufficient and maintained to a high standard. The restriction of hours put forward (conditions 3 and 4) would protect residential amenity, but also allow an opportunity for the facility to accommodate the school and community needs.
- 7.15 The significance of the potential impact a development may have upon local amenity is expressed in the Local Planning Policy including the Ryedale Plan – Local Plan Strategy Policy SP16 – ‘Design’ and Policy SP20 ‘Generic Development Management Issues’ which seek to limit the impact of developments upon local residents, and which must be taken into consideration in the determination of planning applications and which accords with national policy framework paragraph 185 of the NPPF. It is further

noted, that concerns have been raised by objectors to this application in relation to the potential impact of the development upon their amenity in terms of noise and lighting from the proposal, as well as concerns regarding the potential for an increase in vehicle movements around the school site.

- 7.16 The approximate distances to the boundaries of the residential properties on neighbouring residential streets, from the proposed AGP pitch location are as follows:-
- Gale Lane – 215 metres east;
 - Birklands – 180 metres north.
- The boundary treatment of the properties is a mix type of wooden fencing, hedgerows and trees. To the south and east of the school site the topography drops from that of the school site and along and beyond the boundary lie arable fields.
- 7.17 Initially the proposed hours of operation as originally submitted in the application form were to be between the hours of 09:00 to 22:00 Monday through to Friday and 09:00 to 20:00 Saturday, Sunday and Bank Holidays. Objections were received from local residents and the local parish council who feel that this will lead to an increase in noise, light pollution, traffic and security issues within the local area especially on an evening. Some objectors feel the extended use would be unacceptable. The Beadlam Parish Council made note that residents already experience more traffic from the school and are concerned along with the possible light pollution that residents would encounter issues in more extended hours than they currently do and the facility would have an impact on their amenity.
- 7.18 It is acknowledged that the proposal would result in extended times of use of the school site; particularly during winter months, which is resultant from an intensification of use made possible by the enhanced durability of 3G artificial grass pitch surface in comparison to natural turf and therefore the potential impact of noise from the extended hours of use, on the residential properties requires due consideration. There is an absence of policy that relates specifically to schools within the Ryedale Plan Local Plan Strategy, however, policy SP19 acknowledges that permission should be granted unless material consideration indicate otherwise where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits especially when assessed against the policies in the NPPF. In the absence of such a policy paragraph 95 of the NPPF should apply significant weight when assessing the impacts development may have to amenity which states that local authorities should “*give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.*”
- 7.19 It is also considered that whilst acknowledging the proximity of local residential properties in the vicinity, the potential for light and noise pollution would not be detrimental to local amenity due to various mitigation measures which are proposed, including restriction on hours of use, requirement of a *Landscaping and Planting Plan* to be submitted prior to any commencement if planning were to be granted and conditions limiting the use of noise amplifying equipment (condition no.8). This is endorsed by the consultation and re-consultation responses from the Environmental Health Officer at Ryedale District Council who confirmed that the imposition of conditions requiring compliance with proposed mitigation measures, a *Noise Management Plan*, restricted hours of use and a *Floodlight Monitoring Programme* would make the proposal acceptable from an environmental protection viewpoint. Therefore, in relation to mitigating impact to amenity weight can be given to with Policies SP11, SP16 and SP19 and SP20 of the Ryedale Plan - Local Plan Strategy for supporting the proposed development.
- 7.20 On the 12 May 2021 a test event was held on site to replicate one of the eight proposed masts with the proposed luminaries. The direction of the test was set up to face northwards towards the village of Newton, specifically properties on Birklands.

Although the set up did not create the full proposed lighting arrangement, it provided an opportunity to assess the potential visual impact to the local area; however, the time of year with longer hours of natural light available did have to be taken into consideration. Following this test event, two representations were received from members of the public raising concerns regarding their amenity. Comments and photographs were forwarded specifically onto the Environmental Health Officer at Ryedale who stated *“I note from the planning portal that a night visit was held to assess the visual impact and that a complainant has sent a photograph, showing glare at his property. This has probably to do with angle of the light array and could be adjusted at the time of fitting.”*

- 7.21 The Applicant had initially applied for hours of use until 22:00hrs Mondays to Fridays and 20:00 on Saturdays and Sundays. However, following the test event held on site and receipt of objections from local residents and parish councils expressing their concerns, the applicant has revised their proposed hours of use to take those comments into consideration. They have been shortened to 20:00hrs on Mondays to Fridays and 18:00 Saturday, Sunday and Bank Holidays. These proposed changes have subsequently been supported by the Ryedale District Council Environmental Health Officer. It should be noted that the existing school playing field does not have any time constraints attached to it and is mostly used during the school day for sporting activities, P.E. lessons and an area for break time use by students; although it is also noted that currently there is no artificial lighting on site, which restricts the use of the pitches to daylight/summer hours. The proposed development is supported by Sport England who state that the proposal *“helps to meet identified sports development priorities”*. Weight has been given to Policy SP11 of the Ryedale Plan - Local Plan Strategy which supports *‘new or enhanced provision of open space, leisure and recreational facilities.’* Through the proposed restricted hours of use (conditions 3 and 4) Policies SP16 and SP20 both provide further weight as the conditions proposed ensure that amenity and well-being is protected in the locality and impacts on amenity can be reduced.
- 7.22 Notwithstanding the above comments, it is noted that the nearest residential properties may have potential to experience adverse impacts upon their amenity during the construction works associated with the development. For this reason, it is considered appropriate to restrict the permitted hours of construction to avoid any such works taking place during unsociable hours, which would be secured and controlled through condition (conditions 9 and 10) in the event that planning consent is granted for the development. This approach is also considered to be consistent with the principles of the NPPF as outlined within paragraphs 55 and 185 of the Framework, which advocates the use of mitigation against the negative impacts of noise and reduce impacts to a minimum so that impact on health and quality of life is reduced.
- 7.23 The potential for light pollution from the proposed floodlights has been considered and it is noted that the proposed light levels of the floodlights would be a maintained average illumination level which accords with the Football Association requirements that the maintained average illumination level must be greater than ‘200-Lux’ in order for sports to take place. These would vary dependant on the type of activity taking place on the pitch. The timing and duration of the lighting would be restricted so that the floodlights are only used during the hours listed in condition 4 in line with those permitted for the use of the pitch. Such a condition would ensure that the development protects local amenity and receives full support through policies SP16 and SP20 of the Ryedale Plan – Local Plan Strategy through providing mitigation to ensure that the amenity and safety of present and future neighbouring occupants is secured
- 7.24 The Planning Statement which accompanies the application concludes that the proposed floodlighting system is specifically designed to fulfil sports lighting requirements and is particularly suited to applications where low light pollution is

essential. The 15 metre high masts provide the most efficient solution and are proposed to have a slim-line profile which should minimise daytime visual impact and the proposed system is an asymmetric down lighting luminaire which while providing the optimum sports lighting solution, will ensure that light reaches the sports surface and limit flood into the sky. Conditions 5 and 6 are proposed to ensure that lighting is mitigated and correctly set to limit any potential impacts. It is also proposed that time clocks should be installed to the floodlights to ensure that they do not remain on any later than the permitted hours of operation, therefore mitigating impact to the surrounding environment. Sub level safety lighting is proposed to be installed to be used for 15 minutes after floodlights have been switched off to ensure that the facility can safely be evacuated whilst limiting lighting impacts on local amenity. This is consistent with national Planning Practice Guidance for light pollution because of the use of conditions to minimise the effect the lighting columns would have.

- 7.25 The proposed lighting associated with the development has been raised as a concern in letters of representation from members of the public and the NYCC Landscape Architect. However, it is noted that the Ryedale District Council Environmental Health Officer (EHO) has raised no concerns in relation to the proposed lighting and as such, in light of the advice received, the necessity to condition further shielding on the proposed lighting is not considered to be warranted. The EHO is pleased with the proposed curfew suggestions, but has asked that periodic lighting checks and assessments be undertaken by the operator to ensure the installation continues to satisfy the requirements, particularly to ensure the floodlights do not give rise to light intrusion at relevant light sensitive receptors. This is proposed to be controlled by condition (6) should planning permission be granted and would be in line with guidance from the Football Association that requires lighting used on football pitches to be checked every 'two seasons' which equates to every two years.
- 7.26 Although the proposed lighting is considered to create a change to the local landscape it is seen to be unlikely to adversely impact upon local amenity if mitigation is applied through conditions. It is considered prudent to restrict the hours of use and operation of the lighting to times when the all-weather sports pitch is in use, to avoid impacting upon local amenity through light disturbance late at night. Such mitigation is proposed to be controlled through the imposition of conditions 4 and 7 requiring all such lighting to be switched off when the facility is not in use and prohibits the use of alternative lighting not approved. This approach is considered to be consistent with the principles of policies SP16 and SP20 of the Ryedale Plan Local Plan Strategy through ensuring local amenity is protected whilst respecting the character and context of the immediate locality and considering impact of the new development to the character of an area and mitigating against the proposed lighting to limit impact. The approach is also considered constant with the NPPF as outlined within paragraph 185 in ensuring that developments limit light pollution upon local amenity, and also advocates the use of conditions to further mitigate against the negative impacts of light pollution.
- 7.27 It is therefore considered that the amenity of neighbouring residents has been given due regard during processing of the application, and amendments have been received to ensure that the proposed development mitigates against adverse lighting, noise and disturbance which may be generated from the proposal. As such, subject to the full implementation of all relevant and appropriate conditions, the proposal would cause no significant detriment to residential amenity, in compliance with policies SP16, SP19 and SP20 of the adopted Local Plan

Landscape impact

- 7.28 A further material consideration in relation to this application is whether the proposal is appropriate in its location within the setting of the Area of High Landscape Value

(Fringe of the Moors). The NPPF and PPG advice is that when determining planning applications, authorities should take account of landscapes and are sympathetic to the surrounding built environment and landscape setting, ensuring that new development makes a positive contribution while not preventing or discouraging appropriate innovation or change.

- 7.29 SP13 of the Ryedale Local Plan Strategy states proposals will be supported where they do not detract from the natural beauty and special qualities of protected landscapes or their settings and are considered appropriate for the economic, social and environmental well-being of the area or are desirable to support the understanding and enjoyment of the area.
- 7.30 The objections from both members of the public and from the County Council's Principal Landscape Architect concerns the impact of the proposed sport pitch floodlighting which in the consultation response from NYCC Principal Landscape Architect states may "*..Cause significant adverse effects on local landscape character and setting within an Area of High Landscape Value.*" However, the Landscape and Visual Impact Assessment (Creative Heritage Consultants Ltd 2020) provided by the applicant states that "*The topography of the landscape and the presence of dense hedges and trees along field boundaries significantly reduces the number of viewpoint locations from which the site can be seen.*"
- 7.31 The Principal Landscape Architect in his consultation response objecting to the application, states that the Night-time visibility and impact of the proposed sport pitch floodlighting is likely to cause significant adverse effects on local landscape character and setting within an Area of High Landscape Value. He states that this would be contrary to NPPF (paragraph 174 previously 170) (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), Ryedale Local Plan (2013) Policy SP13, Area of High Landscape Value (Fringe of the Moors).
- 7.32 The proposal aims to improve facilities at the school which would benefit the local community. It is acknowledged that any development in this are may detract from the natural beauty of the local landscape and therefore the proposal is in conflict with SP13 in this requirement. However, the scale of the proposed development and the purpose of the development would ensure that the development is deemed appropriate to the area and continues to contribute to the existing enjoyment of the area in accordance with SP13 and on balance supports the proposal being put forward especially when considering that the purpose for development is to improve existing facilities and for use of the site to remain the same . The NPPF also notes in Paragraph 85 that '*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.*'
- 7.33 It is noted that the night-time visual impact is potentially the greatest harm to the local environment and landscape. Policy SP13 of the Ryedale Local Plan states that "*The Yorkshire Wolds and Fringe of the Moors are valued locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield. The Vale of Pickering, the Wolds and the Fringe of the Moors are of significant historic landscape value and loss or degradation of the elements that are integral to their historic landscape character make these landscapes particularly sensitive to change*". The Development Policy says the Council will consider carefully the impact of development proposals in the Fringe of the moors. Nawton and Beadlam are allocated and 'twinned'

as a designated Service Village and named in SP1 as a one of these villages. The Ryedale Local Plan strategy summary states that service villages should protect and enhance local community facilities and describe service village as Local Service Centres – Limited small-scale growth to address employment, housing and community requirements. In which the proposal would fall under the classification of enhancing local community facilities to be in accordance with policy SP1 and is able to balance some of the negative impacts the scheme would have on the landscape with the need to improve community facilities in service villages.

- 7.34 The Principal Landscape Architect also notes concerns relating to the potential of light overspill due to minimal screening. To the north of the site, there is already an established treeline which is considered to provide a level of screening and this boundary treatment is not proposed to be removed. However, it is acknowledged that due to the species of trees during the winter months, views of development would be more prominent primarily for properties on Birklands which are situated to the north of the proposal site and due to the topography of the local area do have views looking down, overlooking the proposal area.
- 7.35 However, Policy SP13 of the Ryedale Local Plan also acknowledges that development which may have an adverse impact on the natural beauty can be approved when they can demonstrate *“that the benefits of the proposal clearly outweigh any adverse impact.”* Through this balance, it is viewed that any harm caused by the development to the alteration of the landscape and views over the development site is outweighed by the benefit of providing additional improved facilities at the school. It is also consistent with NPPF Paragraph 95 because the need to expand and alter schools is given great weight and opportunities to support economic productivity is also supported through Paragraph 81 of the NPPF. Through the proposed mitigation the level of interference for light spill would be reduced which would also reduce the impact on neighbouring properties and detraction from the skyline, which would aid the development to accord with policy SP13 of The Ryedale Local Plan Strategy.
- 7.36 Nawton and Beadlam are listed as service villages in policy SP1 of the Local Plan Strategy. In the Nawton and Beadlam Background Paper Local Plan Sites Document (dated October 2017) compiled by Ryedale District Council listed site 481 which covered a large spatial area which included Ryedale School and the development site was proposed as an area for residential development. At stage 2 a key consideration for this site was the landscape impact. It was considered that the impacts for that proposal would result to harm to the character and setting be harmful to the Fringe of the Moors Area of High Landscape Value, so designated for the visual sensitivities of the land in this part of the District. The report identified the Local Landscape Character type as "Riverside Wooded Farmland", but, the area had characteristics which are more akin to "Sloping Wooded Farmland" which includes elevated and sloping limestone plateau, with medium sized, regular and linear shaped arable fields, and that there is strong linearity in the landscape features and form. In relation to the application being considered here, the sloping limestone plateau and arable fields listed in the Ryedale site 481 review would not be developed upon and therefore would have a reduced impact to the visual detraction identified in the Nawton and Beadlam Background Paper Local Plan Sites Document.
- 7.37 In order to try to further plan positively the applicant has agreed to a condition (12) that requires a planting scheme to be submitted in order to try to mitigate against some of the visual impact. The provision of such a condition would be deemed acceptable by the Principal Landscape Architect as stated in his response dated 22nd September 2020 This proposed condition would also engage support from Policy SP13 as it would help to contribute to the protection and enhancement of distinctive elements of landscape character which, in this case, would ensure that the pattern and presence of the existing field boundary feature is maintained and improved.

- 7.38 Through the design elements proposed specifically using colours which would try to minimise visual impact to the landscape during the day/ when not in use and through conditions 12 and 18 to ensure that the facility is maintained and kept to a high standard throughout its use as suggested below, the proposed design of the 3G Pitch and floodlighting can be mitigated to ensure that it complies with the distinct identity and character of the local landscape and development, as referenced in Policies SP16, SP19 and SP20 of the Ryedale Plan-Local Plan. The mitigation measures would also limit any level of harm caused by the design to any nearby properties, which is in compliance with paragraphs 130 and 134 of the NPPF through ensuring that the standard of design is raised in an area to fit in with the overall form and layout of existing surroundings and ensuring that the design is sympathetic to the local landscape and built environment.
- 7.39 It is considered that any impact upon the landscape by the proposed development is, on balance, outweighed by the improvement of school and leisure facilities which can promote wellbeing. The loss in relation to the views across the landscape which has been acknowledged to conflict with SP13 is viewed in the opinion of the applicants heritage consultant who produced the landscape and visual impact assessment as minimal to the area especially considering that development including school buildings and hard surfaces such as playground exist on the site already and the *“small size of the proposed pitch in the context of the patchwork of fields.”* Here, it can be demonstrated that the benefits relating to supporting sustainable, healthy rural economies and communities (SP1) and improving community facilities and services (SP11) that relate to proposal outweigh the adverse impact upon the landscape, and therefore as SP13 states demonstrate that the benefits outweigh the adverse impact the development would have on the landscape. The School already has a positive impact on the local and wider area and would significantly screen the development from road views from the east (Gale Lane). The proposed reduction in hours of use would also help to address the concerns relating to the impact lighting would have on local ambiance, character and setting of the village and the Area of High Landscape Value as it would be hoped in summer months the need for floodlighting would be limited.
- 7.40 While Paragraph 174 of the NPPF states that decisions should protect and enhance valued landscapes, Paragraph 93 states that in order *“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”* Although it is acknowledged that the proposed scheme does conflict with criterion A) of paragraph 174 of the NPPF, the Scheme is not wholly in conflict with Paragraph 174. Criterion D) states that schemes should minimise impacts on and provide net gains for biodiversity. Through the proposed design including that of the lighting, restricted hours of use and the proposed requirement for a *Landscape Plan* to be submitted for the County Planning Authority to review (condition 12), the mitigation proposed would meet the requirement of criterion D) of Paragraph 174 and the proposal would receive support. Policies SP13 and SP16 of the Ryedale Local Plan Strategy focus on the proposed development contributing to the distinctiveness of the area and Policy SP20 of that Strategy also states that the proposed development should consider the local context and type and variety of existing uses. It is acknowledged that while the proposed development would not enhance the landscape character of the area or reinforce its local distinctiveness, it is nevertheless, given its proposed function and potential benefits, considered acceptable in terms of design, landscape and visual impact.

- 7.41 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty, however, this is specified as listing National Parks, the Broads and Areas of Outstanding Natural Beauty only which have the highest status of protection in relation to these issues. Areas of High Landscape Value are not included in this paragraph and therefore significant weight cannot be applied with this paragraph reference. Policy SP19 offers support to balance the points raised in relation to landscape impact in the absence of a policy relating specifically to schools when there is such weight given in paragraph 95 of the NPPF for schools as it acknowledges that schemes which would create adverse impacts should significantly and demonstrably outweigh those impacts with the benefits it would create. Further support is also received through policy SP11 of the Ryedale Plan- Local Plan through expanding and improving existing facilities, along with paragraphs 93 and 99 of the NPPF which supports development for recreational provision is positive and in which the benefits clearly outweigh any loss. In this case, there is clear justification of providing a development which offers public benefit to the community through providing new facilities which will improve the local school as well as the local community in hours outside of school uses. This benefit of providing additional and improved facilities for the school, which would also be available for the community to access outweighs the minor adverse landscape impact caused by the development in relation to the setting of being within an area identified as high landscape value.
- 7.42 As previously referred, an agreement has been made in writing for a *Landscape and Planting Scheme* to be submitted and approved by the Authority before any works could commence. The purpose of this condition would also be to incorporate bunds between the northern fence line of the pitch and trees adjacent to the school site boundary to provide some reduction in low level visual impact and also some reduction in noise impact. In addition to the bunds, a scheme to incorporate planting of trees of similar type to fill in the gaps that are present along the school boundary tree line is proposed. The aim of condition 12 is to attempt to lessen any visual impact of the pitch and to try to reduce any potential light spill and any detraction from the natural beauty and special qualities of the landscape which were raised as points of concern from the principal architect in relation to the locality. This proposed mitigation would ensure that the development does not conflict with Policy SP13 of the Ryedale Plan through trying to contribute to the existing pattern of field boundary) and natural elements already onsite..

Flood risk and drainage

- 7.43 SP17 of the Ryedale Local Plan Strategy requires that flood risk is managed by ensuring new development does not exacerbate existing problems to the wider drainage system, is undertaken in a risk based sequential approach to guide development to areas with lowest probability of flooding and does not prevent maintenance of flood defences. The area proposed for development is located within Flood Zone 1 with a low annual probability of flooding and is at no risk of flooding from rivers. A *Surface Water Drainage Strategy* has been proposed to ensure the proposal would not present a risk of any offsite flooding. The 3G AGP drainage design (drawing 19-0602 BM25583 0535 07 AGP SURFACE WATER DRAINAGE) shows how the proposed development is able to connect to an existing combined sewer.
- 7.44 The proposals show that any excess surface water would be diverted to a pumping station positioned to the south east corner or able to run off on existing green field. The Lead Local Flood Authority has raised no objections to the proposal. However, they did request further information at the time of consultation regarding management and maintenance. As this information could not be provided, the applicant has agreed to a pre commencement condition (listed as condition 16) requiring the submission of a drainage management and maintenance plan that covers those specific elements. This

would ensure that the proposal complies with Paragraph 154 of the NPPF through ensuring that the development does not increase vulnerability or risk to the site. It is considered that the application would also comply with local planning policy SP17 in this regard and that it will not lead to increased flooding elsewhere and ensure flood risk is managed at the site by ensuring that effective design is incorporated to reduce flood risk.

Highway matters

- 7.45 It is acknowledged that objections have been raised against the proposal due to the increase of highway pressures around the school site. Consideration has been given to the impact of the proposed development upon the public highway. While it is noted that any additional hours outside of existing school hours for community use would likely increase car numbers in the area during the proposed hours, the facilities within the existing school complex already accommodate car parking which could facilitate visitors arriving in cars or buses. Currently, there are seven bays for buses and over thirty formal car parking spaces, plus additional hardstanding (which is currently unmarked) to the east of the proposed development. The existing school and car parking are accessed directly off Gale Lane to the east of the school site and it is considered to be sufficient in providing for this increase in community use in addition to the other community facilities provided within the school site. It should be noted that when used by the community at evenings, weekends and holidays, the School's own needs for parking (for staff, visitors, deliveries, etc.) would be limited, thus allowing community users ample space to park.
- 7.46 The Highway Authority reported on the 8th April 2020 no objection to the proposal on first consultation. Re-consultation was undertaken following comments received from members of the public highlighting concerns regarding the intensification of use on Gale Lane through the proposed development. Comment was received back on the 12th February 2021 and stated “...*the local Highway Authority is satisfied that although there is the potential for an increase in numbers of vehicles along Gale Lane, this increase in vehicular activity is unlikely to be at the same time as the usual school pick-up and drop-off times associated with the school but rather, be a smaller number of additional vehicles after the school day has ended.*” Re-evaluating the potential impacts of traffic is supported through Paragraph 104 of the NPPF. The confirmation from the Highway Authority that cumulative impacts on the road network would not be severe is in accordance with Paragraph 111 of the NPPF.
- 7.47 It is noted that the access to the highway will remain the same and within capacity and that the slight increase in vehicle numbers is acceptable and catered for by the existing onsite parking facilities. It is therefore considered that with the inclusion of the suggested conditions in relation to a *Construction Phase Management Plan* (Condition 10) the proposal would accord with the NPPF and PPG in relation to highways matters, and is in line with Policy SP20 of the Ryedale Plan - Local Plan Strategy in terms of suitable and safe access and parking and policy SP1 as the proposal is deemed to satisfactorily address highway capacity and support access on foot. This is in line with paragraphs 11 and 104 of NPPF. A pre-commencement condition in relation to a *Construction Phase Management Plan* (condition no.10) is considered appropriate in this case in order to protect the amenity of the area and safety within the local community.

Open space, sport and recreation

- 7.48 Consideration has been given to the impacts of the development upon open space, sport and recreation including consultation with Sport England response, dated 18th March 2020 states that ‘*Sport England raises no objection to this application which is*

considered to meet exception E5 of our adopted Playing Fields Policy.’ It is acknowledged that the proposed development would result in the loss of part of a single grass playing field and the removal of the artificial grass wicket that currently is *in situ*. However, it is also considered that the development would provide an enhanced facility through providing a floodlit 3G artificial grass pitch, which sees support through policy SP11 of the Ryedale Plan - Local Plan Strategy through improving available facilities at sites and paragraphs 98 and 99 of the NPPF. Any loss of playing field through the change to the landscape as outlined in policies SP11 and SP13 of the Ryedale Local Plan Strategy is outweighed by the social, economic and health benefits the proposal offers along with the proposal to improve facilities in service villages. This is also supported through policy SP1 through providing additional facilities which are compatible with neighbouring land uses, policy SP20 through proposing development which is compatible with the immediate locality via improving existing facilities at the school.

- 7.49 The floodlit 3G artificial grass pitch and associated fencing would allow for the pitch to be used all year round by students and the public regardless of the weather conditions and increasing the usability of facilities at the site. A letter of support received by The Friends of Ryedale School note that school activities have previously been cancelled due to the turf ground being too wet. It is likely that the proposed development would increase enthusiasm for sport which is then likely to create a healthy lifestyle, prevent illness and promote social inclusion and community cohesion. Paragraph 98 of the NPPF states “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.” The proposed development is also in accordance with the PPG in relation to Health and Wellbeing and Open Space guidance which states the public value of the open space should be taken into account. In this instance, the added value of the improved sports facilities gives benefits to the community, in turn giving the opportunity for health and wellbeing benefits.
- 7.50 Therefore, it is considered that the proposed development would have limited impact upon the open space, sport and recreation facilities within the local community. The proposal receives support with policies SP11 and SP19 of the Ryedale Plan – Local Plan due to the proposed development providing the additional and enhanced provision for outdoor sports facilities, which would be of sufficient benefit to the development of sport and outdoor space to outweigh the detriment caused by the loss of the playing fields. It is also compliant within Chapter 8 of the NPPF in particular within paragraphs 92, 93, 98 and 99. This is further endorsed by the consultation response letter received from Sport England, who confirmed no objection to the proposed development subject to conditions (17 and 19) being placed that require a *Community Use Scheme* being submitted and reinstatement of an artificial grass wicket run to ensure that school can continue to offer a variety of activities and opportunities for sport on site. Consideration has been taken to these proposed conditions and it is deemed that their inclusion would ensure that community use is correctly implemented onsite and would comply with policy SP11

Economic and social considerations

- 7.51 Although the principal function of the development is to improve school facilities, offering the facility for outside use would provide both the local community and grass-root level clubs a new facility within Ryedale. Policy SP11 notes the importance of protecting existing local retail, community, cultural, leisure and recreational services and facilities that contribute to the vitality of the towns and villages and consideration of this policy is demonstrated here.
- 7.52 Within the *Design and Access Statement* (LSUK-19-0602 dated 28/02/2020) the applicant has stated that the proposals economic objective is “*providing a self-funding*

facility for use by community visitors to Ryedale School” and the social objective is to provide a “modern facility that will encourage physical activity and engagement with the benefits to health and wellbeing associated with this.” SP11 states that leisure and recreational facilities should be protected unless they are no longer suitable or economically viable to provide the facility. The applicant along with the above has also stated that in some months of the year the existing grass pitch is not fit for use. The proposed development would ensure that a pitch for recreation and leisure uses would be available all year round and therefore full weight of policy SP11 can be applied to supporting the proposal. The objectives of both these statements are also supported through the NPPF. Paragraph 81 states that “Significant weight should be placed on the need to support economic growth and productivity”, whilst paragraph 85 of the NPPF acknowledges the importance of businesses meeting community needs and providing services in areas not well served by public transport. It further expands to acknowledge that “sites which are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.” As the site is already an established facility, close to existing settlements, it would therefore receive support from the NPPF through chapter 6 Building a strong, competitive economy.

- 7.53 Improving access to services and facilities in local communities is supported through Policy SP11 which aims to improve access to services and facilities by supporting in principle the reconfiguration and co-location of facilities to improve service delivery in local areas. Also promoting health and well-receives support through Paragraph 130 of the NPPF and therefore consideration into the social and economic benefits has been given. Support for such a facility has also been received from North Yorkshire Sport, Middlesbrough Football Club, Kirbymoorside Town Council and a local GP Surgery who states that *“Obesity levels within the Ryedale area are above the national average and rural deprivation, particularly with regard to the lack of public transport, means that our community does not have access to local sporting facilities. We believe that such a facility would encourage the participation in sports of not only your students but also the wider community within our rural area.”* . .

Biodiversity, habitats, nature conservation and protected species

- 7.54 Policy SP14 of the Ryedale Local Plan Strategy states that biodiversity in Ryedale will be conserved, restored and enhanced through supporting in principle, proposals for development that aim to conserve or enhance biodiversity and geodiversity through the prevention of loss of habitat and the incorporation of beneficial biodiversity,
- 7.55 Consideration of the impact of the proposed development upon biodiversity, habitats, nature conservation and protected species has been undertaken and it is noted that objections have been raised in relation to the impact of the proposed development upon local wildlife. The potential impacts upon species such as bats, badgers, birds and small mammals in particular have been considered due to the proposed floodlighting. The application was subject to consultation with NYCC Ecology and their response dated 16th March 2021 raised no objection to the proposal stating that they were satisfied with the revised *Ecological Appraisal* that concluded that *“..the light spill onto adjacent vegetated boundaries / commuting and foraging habitat for bats is limited to 1 Lux (equivalent to twilight conditions), it is unlikely that the proposed lighting scheme will act as a barrier to commuting bats.”* and that, *“the proposed lighting scheme is considered to pose a low risk of disturbance to local bat populations”*.
- 7.56 It is considered that the proposed hours of use of the pitch (until 20:00 on week nights and 18:00 on weekend and bank holidays) and the fact that the floodlights would only be in use when natural light is insufficient would limit the impact of the proposed development upon biodiversity. SP14 states that proposal which would result in a significant harm will only be permitted where it can be demonstrated that there is a

need for the development in that location and that the benefit of the development outweighs the loss and harm. Where the loss and harm cannot be prevented or adequately mitigated, compensation for the loss/harm should be sought. Following the Ecologists views that the lighting impact would have a low risk and balancing this against the need to improve school and community facilities as supported in SP11 and protect amenity and promote good design as in accordance with SP16 it is deemed that the proposed development would accord with SP14. To ensure that it does fully accord, it is considered that a condition for a lighting assessment as advised by the Ryedale Environmental Health Officer (condition 6) is appropriate to ensure no adverse impacts affect species within the surrounding area and follow the advice given through NYCC Ecology.

- 7.57 Therefore, it is considered that with the inclusion of a condition to ensure a lighting assessment is carried out and adhered to, the proposed development is in accordance with Policy SP14 of The Ryedale Plan – Local Plan Strategy due to the limited impact the proposed development would have upon the biodiversity, habitats, nature conservation and protected species and Paragraph 180 of the NPPF.
- 7.58 The application does not necessitate the removal of any trees on site. However, it is imperative that boundary trees and planting is retained and protected throughout the duration of construction works. Should permission be granted, it is considered appropriate to impose a condition (no.11) to ensure an *Arboricultural Method Statement* and *Tree Protection Plan* be submitted as suggested by NYCC Arboricultural Officer to protect existing trees and habitats on site that are to be retained prior to, and during, the construction works. This condition would also complement conditions relating to landscaping as previously mentioned above.

Archaeology

- 7.59 The County Archaeologist has concluded that in order to secure the appropriate level of evaluation and mitigation of archaeological potential at the site, conditions of consent should be imposed. The settlements of Beadlam and Nawton are both mentioned within the Domesday Book of 1086AD and dispersed settlements may have preceded the current linear arrangement along the A170 to the north of the proposal area, so archaeological presence may be likely in the area. Following this information it is requested a condition is applied to any permission that ensures that no development takes place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written specification and timetable which should be submitted for approval has been requested. As works would be undertaken upon existing undeveloped land, it is considered that the requested conditions are appropriate requirements in ensuring an acceptable level of evaluation and mitigation of the archaeological potential of the site. This level of mitigation is supported through policy SP12 of the Ryedale Local Plan Strategy through ensuring that any potential historic assets or features are protected in the district and any level of potential material harm to archaeology is carefully assessed. Policy SP12 also acknowledges that *“Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset.”* The balance in this instance is that the benefits of providing improved community facilities with health benefits would outweigh and archaeological harm.
- 7.60 The proposed conditions would ensure that the development would comply with SP12 of the Ryedale Local Plan Strategy and would ensure that development proposed can be accommodated without material harm to the local character and any archaeological potential that may reside within the site. The inclusion of such conditions receive support through paragraphs 55 and 56 of the NPPF and SP20 of the Local Plan Strategy through ensuring that impact of new development respects physical features

and would also comply with section 16 of the NPPF. Therefore, subject to the imposition of the required conditions (condition no's: 14 and 15), it is not considered that this proposal would have a detrimental impact on any potential archaeological remains that may be in situ in this development area.

Management, Security and fear of crime

- 7.61 It is acknowledged that objections have been raised in relation to the community use of the proposed development and it is considered that Ryedale School would continue to manage the facility. Further consideration has been given to security and the fear of crime as an impact and the application was subject to consultation with the Police Designing Out Crime Officer, who noted that they had no concerns to raise in relation to the proposed development. It is further noted that there has been no request for any further information from the Police Designing Out Crime Officer with regard to the security and management of the school site or proposed new pitch.
- 7.62 Policy SP16 of the Ryedale Local plan Strategy states that new development is expected to reduce crime and fear of crime through design. Through the proposed design of the facility incorporating fencing around the perimeter of the pitch and through conditions 3 and 4 the facility would have limited hours of use and provide deterrents to crime. Conditions 17 and 18 would also ensure that the development is maintained and monitored so that the risk for the facility attracting crime or anti-social behaviour is minimised.
- 7.63 Paragraph 130 of the NPPF states that developments should “*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.*” Therefore, it is considered that the development is consistent with both policy SP16 and paragraph 130 of the NPPF and further endorsed by the commendation of the security plan by North Yorkshire Police.
- 7.64 A maintenance scheme has also been requested from EHO and Sport England within the consultation responses. It is considered that such a scheme would ensure the development is maintained to an acceptable level and would further ensure the proposed development is managed by the school to appropriate standards.
- 7.65 Further to the considerations and comments above, it is considered that a *Management Plan and Maintenance Scheme* for the proposed development should be secured. Therefore, with the inclusion of conditions relating to an appropriate *Management Plan and Maintenance Scheme*, which is to be approved in writing by the County Planning Authority prior to commencement, the proposed development is deemed acceptable and in accordance with policy SP16 and the principles of the NPPF due to the consideration that there are no adverse impacts in relation to the management, community use of the development or the security in relation to crime.

8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the construction of an artificial grass pitch (AGP) 7,420 sq. m²), erection of a 4.5 metre high mesh perimeter ball stop fencing, eight 15 metre high lighting columns, 2 metre high and 1.2 metre high mesh perimeter barrier fencing, 3 metre wide entrance gates, creation of hard standing area and footpath (938 external sq. metres), erection

of a steel maintenance equipment storage container (15 sq. metres) and hard and soft land landscaping works.

- 8.2 It is considered that the proposed development has the potential to impact upon local amenity, however this impact is not considered to be significantly adverse due to the mitigation measures that are proposed to be implemented. Any potential impact to the local landscape is balanced by the positive benefits the facility would provide to the school and local community.
- 8.3 Very rarely are developments entirely without harm, or entirely without benefit. The question has to be one of balancing the important considerations and consequential areas of policy conflict against those arguments that weigh in favour of the proposed development and whether any of the identified harms, together or individually, warrant a determination that the proposed development is either in conflict or compliant with the 'development plan' as a whole.
- 8.4 The arguments for improvements to the school which are seen as a public benefit are considered to be sufficiently persuasive. The construction of facilities which have the opportunity to improve the existing teaching establishments whilst also having the potential to encourage healthy lifestyles in communities is acknowledged and is seen as an important consideration. Provided any potential benefits of the proposal are maximised and any harms are minimised, mitigated or compensated for, the proposal is considered to be acceptable 'in principle' and, moreover, one of sufficient importance to materially outweigh other considerations which have been referred to in the paragraphs in Section 7.0 above; so much so that a decision in favour of its acceptability can be recommended in this particular instance.
- 8.5 Furthermore, it is considered that the scale, design and appearance of the proposal is in-keeping with the character of the existing school building, would not significantly impact upon the surroundings streets and as such, the proposed development would not result in an adverse impact upon the character of the school site or surrounding area. The proposed development is in compliance with policies SP11, SP14, SP16, SP19 and SP20 of the Ryedale Plan – Local Plan Strategy and is consistent with the principles of the NPPF and PPG.
- 8.6 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.
- 8.7 Obligations under the Equality Act 2010
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'.
- 8.8 Obligations under the Human Rights Act
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.

8.9 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 has the potential to have an impact upon local amenity; however this impact is not considered to be adverse because of the mitigation measures such as the proposed hours of use, landscape and planting plan and annual lighting checks.
- the proposed development would have a limited impact upon the character of the school site and the wider surrounding area and landscape because of the mitigation proposed in the proposal and its scale in consideration to the existing site;
- the proposed development would have a minimal impact the local highways network, the traffic from the proposed development would not have an adverse effect on capacity or highways safety;
- the proposed development would not result in an adverse impact upon open space, sport and recreation; and

the proposed development accords with the policies of the extant policies SP11, SP13, SP14, SP16, SP17, SP19 and SP20 of the Ryedale Local Plan Strategy which comprise the Development Plan currently in force for the area and the PPF and NPPG That, **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

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 accordance with the application details dated 10 February 2020 and the following approved documents and drawings:

Ref.	Date	Title
19-0602 BM25583 0535 01	28.02.2020	Location Plan

19-0602 BM25583 0535 03	28.02.2020	Existing Site Plan
19-0602 BM25583 0535 04	28.02.2020	Proposed Site Plan
19-0602 BM25583 0535 02	28.02.2020	Site Plan
19-0602 BM25583 0535 05	28.02.2020	AGP Plan
19-0602 BM25583 0535 12	28.02.2020	AGP Elevations
19-0602 BM25583 0535 11	28.02.2020	AGP Elevations (southern, northern, western and eastern lateral)
19-0602 BM25583 0535 06	28.02.2020	AGP Layout
19-0602 BM25583 0535 13	07.02.2020	AGP Features
19-0602 BM25583 0535 07	23.01.2020	AGP Surface Water Drainage
Ryedale School LSUK0012	20.12.2019	Artificial Turf Pitch
19-0602 BM25583 0535 08	19.02.2020	AGP Floodlights
19-0602 BM25583 0535 10	07.02.2020	AGP Construction Area and Access
X/RSRyedale.1 V2	January 2020	Transport Statement
S191114	December 2019	Phase 2 Site Investigation
LSUK 19 -0602 Rev. 2	28.02.2020	Design and Access Statement with Planning Statement
BOW17/1102 V4	March 2021	Ecological Appraisal
Ryedale School Artificial Grass Pitch. Creative Heritage Consultant Ltd	August 2020	Landscape and Visual Impact Assessment
LSUK 19-0602_C2 Addendum #2	20.08.2021	Planning /Statement additional information addendum
21452 drawing no: 1010	February 2021	Flood Routing Plan and Drainage maintenance schedules
9092/DO	July 2021	Noise Impact Assessment

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

3. No part of the development hereby permitted shall be used outside of the following hours;
- Monday to Friday 09.00 – 20.00
 - Saturday 09.00 – 18.00; and
 - Sunday and Bank and Public Holidays 10.00 – 18.00.

Reason: In the general interest of residential amenity

4. The floodlights associated with the use of the AGP shall be switched off outside of following hours.
- Monday to Friday 09:00 – 20:00
 - Saturday, Sunday and Bank and Public Holidays 10:00 – 18:00.

Lower level amenity lights are permitted for a 15 minute period after floodlights are switched off to ensure all visitors and safely exit the facility.

Reason: In the interests of public amenity.

5. Prior to the development being brought into use the lighting levels for the floodlighting hereby permitted shall be assessed and verified to demonstrate that the pre-development assessment levels shown on LSUK0012 dated 20-12-2019 have been achieved. The Assessment shall be submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of public amenity.

6. During the operational life cycle of the approved floodlighting system, lighting checks and assessments will be undertaken bi-annually by the operator to ensure the installation continues to satisfy the requirements hereby approved, particularly to ensure the floodlights do not give rise to light intrusion at relevant light sensitive receptors. The results of such assessments shall be submitted in writing to the County Planning Authority for information.

Reason: In the interests of maintaining standards and protecting residential amenity and visual amenity.

7. No external lighting equipment other than in accordance with details approved in writing by the County Planning Authority shall be used in association with the development hereby approved.

Reason: In the interests of public amenity.

8. No amplifying sound systems or equipment shall be used in association with the development hereby approved without details being assessed and approved in writing by the County Planning Authority.

Reason: To protect residential amenity.

9. No construction works shall take place except between the following times:
0800 – 1900hrs Monday to Friday;
0800 – 1300hrs Saturdays
And no construction operations on Sundays or Bank/Public Holidays.

Reason: In the interests of public amenity.

10. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- details of site working hours;

- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: This is a pre-commencement condition required in the interest of public safety and amenity

11. Prior to the commencement of development, an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved Method Statement and Plan unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt, the statement shall include the following;
- Details of site access, compound and contractor parking for the construction phase of the development;
 - Details of measures to prevent damage to the root protection areas of nearby trees.

Reason: This is a pre-commencement condition required to protect the interests of minimising the potential for environmental harm and in the interests of local amenity.

12. Prior to commencement of the development, full details of soft landscape works must be submitted to and approved in writing by the County Planning Authority, which shall include a scheme for the creation of natural bunding to the northern and western elevations of the AGP and a scheme for tree and shrub planting to increase density along the northern elevation.

The scheme as approved shall be carried out in the first planting season following completion of the development. Any trees, shrubs or plants that die within a period of five years from completion of the development, or are removed and / or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of a similar size and species, unless the County Planning Authority gives prior permission for any variation.

Soft landscape works shall include:-

- planting plans
- written specifications (including soil depths, proposed dimensions for bunding, cultivation and other operations associated with plant and grass establishment) and
- schedules of plants noting species, planting sizes and proposed numbers/densities, means of support and protection.
- details of maintenance and aftercare

Reason: This is a pre-commencement condition required to protect the interest of public amenity

13. Throughout the construction period adherence to the recommendations contained in Section 5 of the ecology report (Ryedale School, Nawton, North Yorkshire – Ecological Appraisal by Bowland Ecology, dated March 2021) should be followed.

Reason: In the interests of protecting wildlife and their habitats

14. No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: This is a pre-commencement condition required to protect the archaeological heritage of the area.

15. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 14 to this permission or any subsequent documents produced for successive phases of extraction.

Reason: In order to ensure the archaeological resources at the site are adequately investigated, understood, and where necessary safeguarded.

16. Prior to the development being brought into use a drainage management and maintenance plan for the lifetime of the development should be submitted to and approved in writing by the County Planning Authority to ensure that the sustainable drainage system (SuDS) will not pose a future flood risk as a result of poor maintenance. As a minimum this should include details of the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by the School/ Academy Management Company, arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components, ongoing inspections, operation costs, regular maintenance, remedial works and irregular maintenance) to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

17. Prior to the development being brought into use, a Community Use Scheme including a facility management plan shall be submitted to and approved in writing by the County Planning Authority, after consultation with Sport England and the Police Architectural Liaison Officer. The Scheme shall include details of pricing policy, access by non-school users/non-members, management responsibilities for the facility and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development and adhered to throughout the life of the development.

Reason: In the interests of public amenity.

18. Prior to the development being brought into use, a Maintenance Scheme for the artificial grass pitch including a maintenance schedule, measures to ensure the replacement of the surface of the Artificial Grass Pitch within a specified period and a mechanism for review shall be submitted to and approved in writing by the County Planning Authority, after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the artificial grass pitches.

Reason: In the interests of public amenity.

19. No works shall commence on the Artificial Grass Pitch hereby approved, until details and specification has been submitted, for the relocation of the artificial grass wicket, to the Local Planning Authority for consideration. The artificial cricket wicket shall not be constructed other than in accordance with the approved details and shall be available for use prior to the completion if the Artificial grass Pitch

Reason: This is a pre-commencement condition required to ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy

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: C3/20/00239/CPO (NY/2020/0032/FUL) registered as valid on 03.03.2020. 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: Emma Coverdale

LOCATION PLAN ILLUSTRATING APPLICATION SITE AREA, PERMANENT VEHICLE PARKING AREAS FOR COMMUNITY VISITORS, CONSTRUCTION ACCESS ROUTE AND APPLICANTS OWNERSHIP BOUNDARY ONTO ORDNANCE SURVEY MAP



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APPLICATION SITE AREA REQUIRED FOR PROJECT INSTALLATION (7 AJ 18A) WITH CONSTRUCTION ACCESS ROUTE ADJOINING GOLF LINK

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LABOSPORT

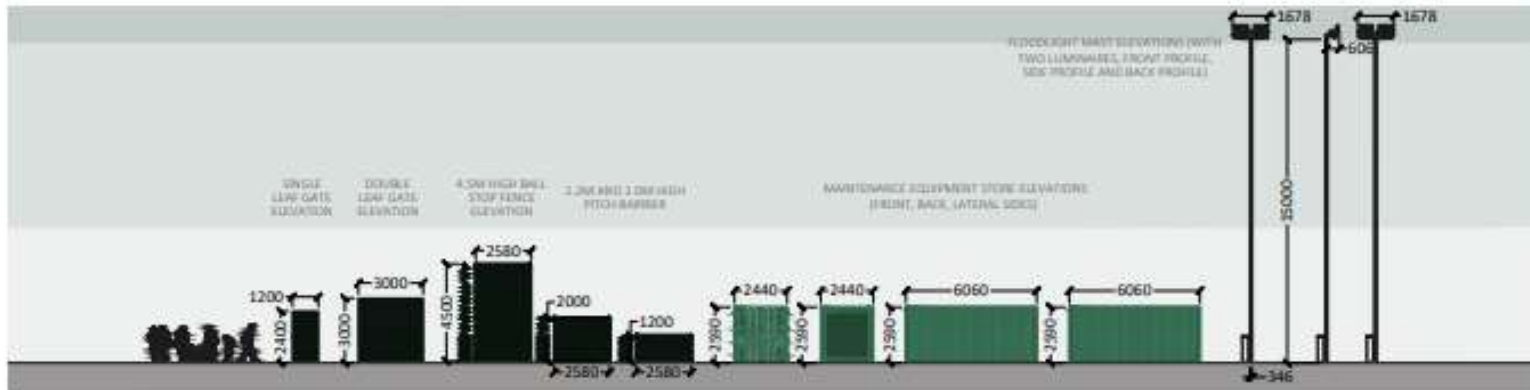
RYEDALE SCHOOL

ARTIFICIAL GRASS PITCH (AGP)

LOCATION PLAN

10-0000 8AM5583 0535 01

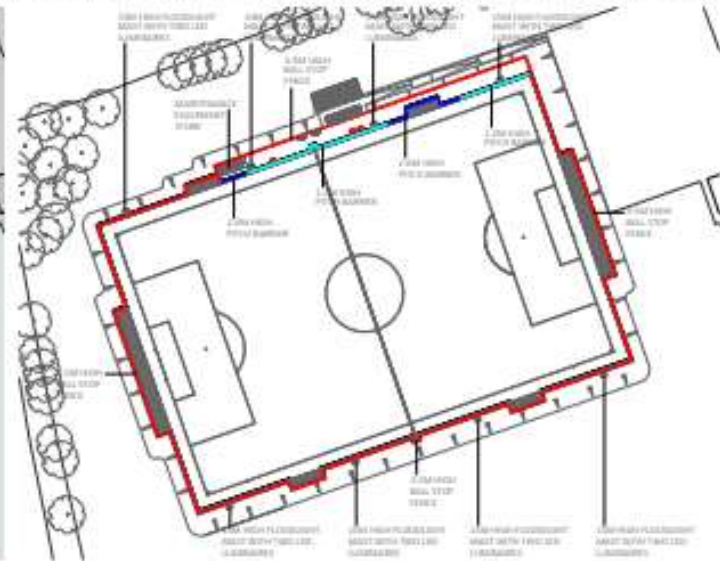
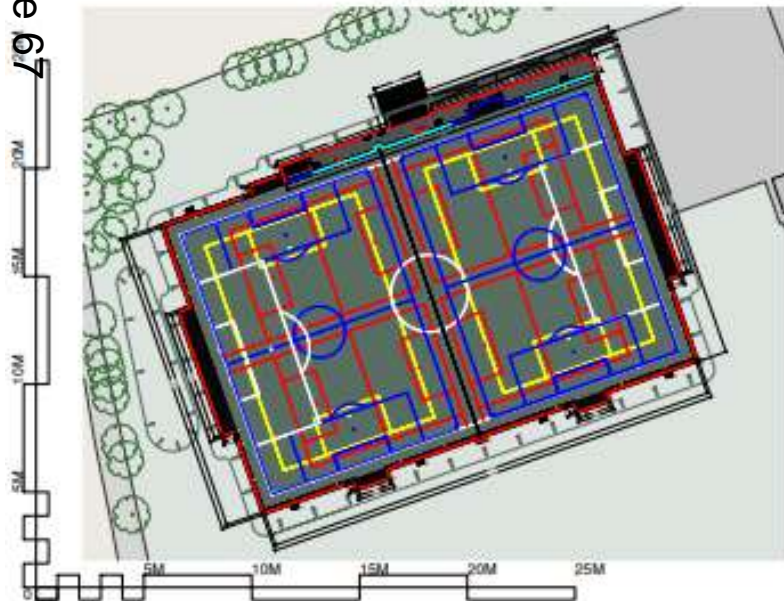
2.4M HIGH SINGLE LEAF GATE / 3.0M HIGH DOUBLE LEAF GATE / 4.5M HIGH BALL STOP FENCE / 1.2M AND 2.0M HIGH PITCH BARRIER / 2.59M HIGH MAINTENANCE EQUIPMENT STORE / 15.0M HIGH FLOODLIGHT MAST ELEVATIONS.



DIMENSIONED AGP LAYOUT 1:500 SCALE

BALL STOP FENCE, PITCH BARRIER AND GATED ENTRANCE, FLOODLIGHT MASTS AND MAINTENANCE EQUIPMENT STORE LOCATIONS 1:500 SCALE

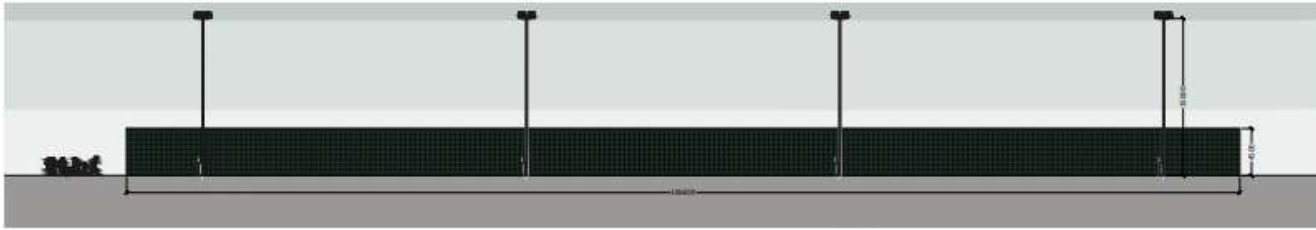
Page 67



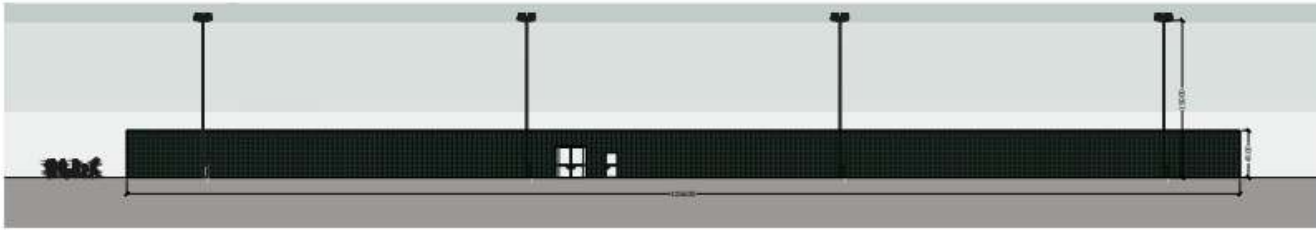
NO.	REVISION	DATE


LABOSPORT
 OFFICIAL ARCHITECTURAL DRAWING
 DATE: 15/05/2018
 PROJECT: STADIUM DEVELOPMENT
 DRAWING NO: STADIUM-01

SOUTHERN LONGITUDINAL ELEVATION VIEWED FROM OUTSIDE AGP



NORTHERN LONGITUDINAL ELEVATION VIEWED FROM OUTSIDE AGP



WESTERN LATERAL ELEVATION VIEWED FROM OUTSIDE AGP



EASTERN LATERAL ELEVATION VIEWED FROM OUTSIDE AGP



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LABOSPORT INC.
10000 104th Avenue, Suite 100
Edmonton, Alberta T5H 1G4
Canada

RYEGATE SCHOOL
ARTIFICIAL GRASS FITCH (AGP)
AGP ELEVATIONS

DATE	11/20/2018	BY	ES
PROJECT	RYEGATE SCHOOL	NO.	20-0007 AMZISAS DEAS 11

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North Yorkshire County Council

Planning and Regulatory Functions Committee

16 November 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:
4 Aug 21 to 14 Oct 21 Inclusive

A. County Council Development

NY/2021/0194/A27

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

Decision Notice: 02 Sept 2021

Application for the approval of details reserved by condition no. 3 of Planning Permission Ref. C3/20/01080/CPO which relates to a Written Scheme of Investigation (part discharge)

PLANNING PERMISSION GRANTED subject conditions

NY/2021/0176/FUL (C/21/01871/CC)

**Eskdale School, Stainsacre Lane,
Whitby, YO22 4HS**

Decision Notice: 17 Sept 2021

Erection of 3 no. single storey modular buildings (total 345.6 sq. metres external) with ramped and stepped accesses

PLANNING PERMISSION GRANTED subject conditions

NY/2021/0163/FUL (C6/21/03012/CMA)

**Great Ouseburn CP School, Main
Street, Great Ouseburn, York**

Decision Notice: 13 Sept 2021

Erection of a temporary single storey modular classroom extension (26 sq. metres) to be placed on site for 2 years

PLANNING PERMISSION GRANTED subject conditions

NY/2021/0129/FUL (C3/21/01124/CPO)

**Land at Atmosphere Youth Support
Centre, Old Court House, Malton Road,
Pickering YO18 7JJ**

Decision Notice: 17 Sept 2021

Replacement of existing double door with double glazed timber framed windows and construction of a cycle shelter (9 sq metres)

PLANNING PERMISSION GRANTED subject conditions

NY/2021/0111/73 (C6/21/03336/CMA)

Holy Trinity CE Junior School, Church Lane, Ripon, North Yorkshire, HG4 2ES

Decision Notice: 21 Sept 2021

Retention of prefabricated classroom unit 3946 for a further 6 years (78 sq. metres).

PLANNING PERMISSION GRANTED subject conditions

NY/2021/0109/LBC (C2/21/01845/CCC)

County Hall, North Yorkshire County Council, Racecourse Lane, Romanby, DL7 8AD

Decision Notice: 21 Sept 2021

Demolition of existing 3 storey East Block building (926m²) and landscaping works

LISTED BUILDING CONSENT GRANTED

NY/2021/0047/A27

Carleton Endowed Church Of England Primary School Lane, Carleton, Skipton, BD23 3DE

Decision Notice: 06 Sept 2021

Application for the approval of details reserved by conditions No's 7 & 8 of Planning Permission Ref. C5/2020/22061/NYCC which relates to soft landscape works and foul and surface water drainage

Details APPROVED

B. County Matter Development

NY/2021/0171/A27

Sutton on The Forest STW, Goose Lane, York, YO61 1ET

Decision Notice: 17 Aug 2021

Application for the approval of details reserved by condition no. 4 of Planning Permission on Ref. C2/21/00390/CCC which relates to a detailed scheme for hedgerow planting and wild flower seeding

Details APPROVED

NY/2021/0170/A27

Stillington STW, off Skeugh Lane, Stillington, YO61 1NQ

Decision Notice: 05 Aug 2021

Application for the approval of details reserved by condition no. 4 of Planning Permission Ref. C2/21/00191/CCC which relates to a detailed scheme for the hedgerow planting

Details APPROVED

NY/2021/0164/PAA

Old Eye Drain Pumping Station, Land off Haddlesey Road, nr. Birkin, Knottingley, North Yorkshire

Decision Notice: 18 Aug 2021

Request for Prior Approval under Part 17 of the General Permitted Development Order 2015 for the erection of a new kiosk to house the electrical equipment

Details APPROVED

NY/2021/0141/A27

Land adjacent to and to the west and north of the current Escrick Quarry to the south west of Escrick, North Yorkshire, YO19 6ED

Decision Notice: 09 Sept 2021

Application for the approval of details reserved by condition no. 46 of Planning Permission Ref. C8/2019/0917/CPO which relates to crossing of any watercourse

Details APPROVED

NY/2021/0126/A27

Electricity Generating Plant, Forest Lane, Alne, YO61 1TU

Decision Notice: 30 Sept 2021

Application for the approval of details reserved by condition No. 11 of Planning Permission C2/20/01936/CCC which relates to landscaping

Details APPROVED

NY/2021/0121/A27

Park Barn Farm, Station Road, Topcliffe, YO7 3SE

Decision Notice: 05 Oct 2021

Application for the approval of details reserved by conditions No's 9, 10, 11, 12 & 13 of Planning Permission Ref. C2/20/02120/CCC which relates to a Traffic and Construction Management Plan, a detailed restoration scheme, Arboricultural Method Statement & Tree Protection plan, details of the temporary site compound layout, removal & restoration at completion and a detailed hard and soft landscaping scheme.

Details APPROVED

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

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North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

16 November 2021

Publication by Local Authorities of Information about the handling of Planning Applications

Report of the Corporate Director – Business and Environmental Services

This report outlines the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 1 (the period 01 March to 30 June 2021).

Information on Enforcement Cases is attached as an Appendix.

Recommendation: That the reported be noted.

KARL BATTERSBY
Corporate Director, Business and Environmental Services

Authors of Report: Jo Brownless

Background Documents to this Report: Application Files

Information on planning applications can be accessed via 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).

County Matter' Planning Applications (i.e. Minerals and Waste related applications)

Table 1: 'County Matter' planning applications determined during quarter 1 (the period 1 April to 30 June 2021).

Total number of applications determined		7	
Number of delegated/committee decisions		Delegated: 2	Committee: 5
Speed of decisions			
Under 13 weeks	13- 16 weeks (if major, 13 and if EIA 16 weeks)	Over 13/16 weeks within agreed Extension of Time (EoT)*	Over 13/16 weeks without or outside of agreed EoT
2	2	2	1

*Article 34 of the Town and Country Planning (Development Procedure Order) 2015 provides for authorities to agree with the applicant to determine the planning application beyond the statutory 8/13/16 week period. This is referred to as an agreement for the extension of time (EoT) for the determination of the planning application. In instances where the application is determined within the agreed period the application is counted as satisfying the timeliness requirement.

Table 1a: Performance on 'County Matter' planning applications
(NYCC Service Plan target - 60%)

2020/21	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	85.7% (No 6/7)			
No. of 'County Matter' applications determined within 13/16 weeks discounting Extension of Time agreements (EoT)	28.6% (No 2/7)			

Table 1b: "Special measures" ** performance on 'County Matter' planning applications

2020/21	Quarter 1	Quarter 2	Quarter 3	Quarter 4
"Special Measures" stat. No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT) over rolling two year period	01/07/19 to 30/06/21 90% (No.36/40)			

** Under section 62A of the TCPA 1990 LPAs making 60% or fewer of decisions on time are at risk of designation ("Special Measures")

County Council's own development' Planning Applications

Table 2: County Council's own development planning applications determined during quarter 1 (the period 1 April to 30 June 2021)

Total number of applications determined		7		
Minor¹/Major²/EIA³		Minor: 6	Major: 0	EIA: 1
Number of delegated/committee decisions		Delegated: 4		Committee: 3
Speed of decisions				
Under 8 weeks	8- 13 weeks (if Major)	13- 16 weeks (if EIA)	Over 8/13/16 weeks within agreed Extension of Time (EoT)	Over 8/13/16 weeks without or outside of agreed EoT
1	0	0	5	1

¹A 'minor' development application is one where the floor space to be built is less than 1,000 square metres or where the site area is less than one hectare.

²A 'major' development application is one where the floor space to be built is more than 1,000 square metres or where the site area is more than one hectare. All minerals and waste related applications fall within the definition of major development.

³An EIA development application is one considered likely to have significant environmental effects and is accompanied by an Environmental Statement.

Table 2a: Performance on County Council's own development minor planning applications (NYCC Service Plan target - 65%)

2020/21	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of County Council's own development minor applications determined within 8 weeks or within agreed Extension of Time (EoT)	85.7% (No.6/7)			
No. of County Council's own development minor applications determined within 8 weeks discounting Extension of Time agreements (EoT)	14.2% (No. 1/7)			

Table 3: List of all 'County Matter' planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q1 i.e. 30 June

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Blubberhouses Quarry, Kex Gill NY/2011/0465/73 (C6/105/6C/CMA)	Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036	06.12.11	Committee	Further environmental information received from Applicant 2 December 2020 and subsequent consultation was completed in April 2021. Consultation responses indicate further information required from Applicant which is expected by mid August.	No –to be requested upon confirmation of being placed on committee agenda.
Ripon Quarry, North Bainley, Ripon, North Yorkshire, HG3 3HT NY/2015/0306/ENV (C6/500/277/CMA)	Planning Application accompanied by an Environmental Statement for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme	11.11.15	Committee	The application was reported to Committee on 10 th September 2019 Members resolved to grant planning permission subject to prior completion of Legal Agreement. The engrossments are now circulating to be signed by the various parties.	No – to be requested upon confirmation of S106
Land to the west of Raincliffe Grange Farm, Main Street, Seamer NY/2017/0267/ENV (C4/17/02418/CC)	Extraction and processing of sand and gravel from new quarry (11.9 hectares) including the construction of a site access road, internal haul road, mobile processing plant, site office, soil storage bunds, lagoons, stockpile area and restoration to agriculture and lake	25.10.17	Committee	Negotiations on conditions have been finalised and the Officer Report is being drafted along with a S106 Legal Agreement. Target Committee date is yet to be confirmed.	No – to be requested upon confirmation of being placed on committee agenda
Pallett Hill Quarry, Catterick Village, Nr Richmond NY/2017/0326/ENV (C1/18/00013/CM)	Variation of condition No's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7th November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for	20.12.17	Committee	Re-consultation complete and committee report in preparation.	No – to be requested upon confirmation of being

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
	completion of all mineral operations from 31st December 2017 to 31st December 2022 and the restoration of the site from 31st December 2018 to 31st December 2023				placed on committee agenda
Old London Road Quarry, Stutton, Tadcaster NY/2018/0009/FUL (C8/2018/0180/CPO)	Extraction of 30,000 tonnes of limestone and importation of 600,000 tonnes of construction waste to complete restoration and export of 300,000 tonnes of secondary aggregate	9.2.18	Committee	ES being prepared by applicant. Expected submission in September	Extension of Time Requested
Whitewall Quarry, Welham Road, Norton on Derwent, North Yorkshire, YO17 9EH NY/2018/0167/FUL (C3/18/00967/CPO)	Retrospective application for a 2.4 hectare extension to an inert and demolition recycling area.	30.8.18	Committee	Agent confirmed, on 21 st January 2021, consideration being given to the submission of a consolidating application which could lead to a withdrawal of this application. Agent confirmed on 13 th May 2021 the intention that the application continue to be progressed to conclusion. Target Committee date is yet to be confirmed.	To be confirmed depending on outcome of consideration of withdrawal.
Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby, WF8 3LU NY/2019/0002/ENV (C8/2019/0253/CPO)	9.7 hectare quarry extension (Area 8) eastward from the current working Area 7 to provide 4.9 million tonnes of magnesian limestone followed by restoration of the land with engineered fill from existing adjacent waste treatment facility	1.3.19	Committee	Application presented to the Committee on 18 May 2021 and 27 July 2021 at which the determination of the application was deferred pending a formal Committee Site Visit; the visit will take place on the 3 September 2021 and the application presented to the Committee on 28 September 2021	Yes - agreed until determination
Pallett Hill Quarry, Leeming Lane North, Catterick Village, DL10 7JX NY/2019/0130/FUL (C1/19/00587/CM)	proposed retention of quarry access until 31st December 2023	14.8.19	Delegated	Application on hold. Awaiting NY/2017/0326/FUL to be determined at committee	No - Extension of Time to be requested

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Land to the rear of Unit 1, Skipton Old Airfield, Sandhutton, Thirsk, North Yorkshire, YO7 4EG NY/2019/0026/FUL (C2/19/02210/CCC)	change of use of land to a roadstone recycling plant, to include the erection of a concrete holding bay 2.4 metres high, erection of a green palisade perimeter fence with a sliding access gate 2.4 metres high, siting of a mobile crushing plant, (14.79) sq. metre portable cabin for office/wc/welfare facilities & the provision of 2 car parking spaces. The erection of an acoustic wall of 5m in height to the south and east boundaries of the development.	21.8.19	Committee	Reported to January Committee 2020, resolved to grant subject to a S106 agreement. Applicant has decided as of September 2020 to complete on the land purchase first and then complete on the Section 106 thereafter. Update as at 16 th April 2021 that sale is in final stages and concerned that it should not be 'finally disposed of' following e-mail of 26 th March 2021.	No, will re-negotiate E o T to coincide with date for issuing decision when S106 is finalised. Ongoing.
Land to the south of Chapton Quarry, East Chapton, Malton, North Yorkshire, YO17 8JA NY/2019/0078/73 (C3/19/01184/CPO)	Variation of Conditions No. 2 and 30 of Planning Permission Ref. C3/16/01918/CPO to increase the tonnage of waste received at the Green Energy Facility to up to 130,000 tonnes per annum (around 120,000 tpa processed) up from the currently granted 80,000 tpa (65,000 tonnes processed), and increase maximum stored waste from 600 tonnes to 1080 tonnes (3 days fuel) at any time. Increase in vehicle movements from 40 48 per day	16.9.19	Committee	Resolved to grant at Planning Committee on 16 March 2021 – decision notice issued on 14 July 2021 following completion of Legal Agreement.	N/A
Washfold Farm, Leyburn, North Yorkshire, DL8 5JZ NY/2020/0168/FUL – (C1/19/00899/CM)	erection of a ready mix concrete plant and associated aggregate storage	18.12.19	Committee	Committee report drafted.	No –to be requested upon confirmation of being placed on committee agenda.
Birdsall Estates Company Ltd, Birdsall to Leavening Brow, Birdsall, Malton, YO17 9NU	Digging of trenches and excavation for the laying of a piped communal waste disposal system including installation of package treatment plant (30 sq. meter) and associated manholes to	11.3.20	Delegated	Awaiting for further information from the applicant, requested on 13 July 2020, in relation to Landscape, Arboricultural and Natural England	No. Previous EoT agreed until 30.09.20

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
NY/2020/0182/FUL) - C3/20/00287/CPO	connect 33 properties, erection of 1.2 metre high fence around the perimeter of proposed treatment plant and formation of access track/hard-standing area (37.5 sq. meters)			consultation responses. Response from Agent received on 19 April 2021, still working on requested information to address consultees response	Further EoT to be requested.
Barton Quarry, Barton, Richmond, DL10 6NF – NY/2020/0051/73 (C1/20/00277/CM)	Variation of Condition No's 2 & 20 of Planning Permission Ref. C1/93/113C/CM to allow a revision of the approved restoration scheme and an associated extension of the area into which it is permitted to place imported inert material	14.4.20	Delegated	Received advice form legal, Applicant provided response back with legal.	No.
Potgate Quarry, Water Lane, North Stainley NY/2020/0079/ENV (C6/20/03082/CMA)	Lateral extension to Potgate Quarry to work 4.25 million tonnes of limestone until 2042 and restoration for a final two years until 2044	4.8.20	Committee	Agent preparing an amended scheme due to veteran trees.	No - to be requested
Munford's Haulage Yard, Tollerton Road, Tollerton, YO61 1RB NY/2020/0105/FUL (C2/20/01935/CCC)	Change of use of land and buildings (Class B8) to form a waste transfer station with the erection of a site office (20.5 sq. metres) and the storage of skips	25.8.20	Committee	Spoke to agent requesting update regarding requested information including noise monitoring information has not been provided. Committee report in progress	Not yet
Seamer Carr Waste Management Site, Dunslow Road, Eastfield, Scarborough, YO12 4QA NY/2020/0101/73	Variation of condition No. 1 of Planning Permission Ref. C4/9/33L/FL to allow for the continuation of composting and recycling after December 2020	6/10/20	Delegated	Awaiting meeting with applicant. Site Notices displayed 31 st March 2021. Meeting due to be convened with the Agent w/c 2 nd August 2021.	Not yet
Seamer Carr Waste Management Site, Dunslow Road, Eastfield, Scarborough, YO12 4QA NY/2020/0102/73)	Variation of condition No. 1 of Planning Permission Ref. C4/02/01477/CM to allow for the continuation of recycling after December 2020	6/10/20	Delegated	Awaiting meeting with applicant. Site Notices displayed 31 st March 2021. Meeting due to be convened with the Agent w/c 2 nd August 2021.	Not yet
Seamer Carr Waste Management Site, Dunslow	Variation of Condition No. 2 of Planning Permission Ref. C4/06/01274/CC to allow for the	6/10/20	Delegated	Awaiting meeting with applicant. Site Notices displayed 31 st March 2021.	Not yet

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Road, Eastfield, Scarborough, YO12 4QA NY/2020/0103/73	permanent retention of the gatehouse and the weighbridge.			Meeting due to be convened with the Agent w/c 2 nd August 2021.	
Former Watergarth Quarry, Rawfield Lane, Fairburn, Selby, WF11 9LD NY/2020/0162/FUL (C8/2020/1204/CPO)	Infilling and restoration of the former Watergarth Quarry with excavated materials, erection of a temporary single storey site cabin, formation of temporary site access, car parking area and associated hardstanding	29/10/20	Committee	Awaiting further information from Applicant, requested on 2 nd June 2021, in relation to Landscape re-consultation response.	No. Previous EoT agreed until 30.06.21. Further EoT to be requested upon confirmation of being placed on committee agenda.
Eggborough Sand Pit, Weeland Road, Hensall, Selby, DN14 0RL NY/2020/0184/73 (C8/2020/1248/CPO)	Variation of condition No's 2, 3 & 22 of Planning Permission C8/2018/0563/CPO to allow for the extraction of sand for a further two years until 31st December 2022, revise the restoration contours and a Restoration Aftercare Management Plan	9/11/20	Delegated	On Hold. Linked to NY/2020/0183/FUL to be determined once this has been to committee	No – to be requested
Land to the west of Eggborough Sandpit, Weeland Road, Goole Hensall, DN14 0PT NY/2020/0183/FUL	Proposed infilling and restoration of former mineral workings on land adjacent to Eggborough Sandpit	9/11/20	Committee	Out for re-consultation which expires 31 August 2021 Committee report in preparation.	No – to be requested
Yorkshire Water Sewage Pumping Station, Main Street, Colton, Tadcaster, LS24 8EP NY/2020/0185/FUL (C8/2020/1338/CPO)	Underground sewerage pumping station to replace and upgrade local infrastructure to reduce impact from local sewerage flooding. To include fenced compound to enclose site, four weatherproof plant enclosures on raised concrete slabs, a vent stack, new access track from highway and change of location of speed limit to allow access track to be within 30 mph zone”	3.12.20	Committee	Approved at Planning Committee 3.8.21, waiting for Chief Executive sign-off	Yes

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Middleton Lodge, Kneeton Lane, Middleton Tyas, DL10 6NJ	Variation of conditions 1,6, 7, 10, 14, 20, 24, 26, 27, 30 of planning permission C1/14/00747/CM which relates to site access arrangements at Middleton Lodge, Kneeton Lane, Middleton Tyas, Richmond, DL10 6NJ	21.1.21	Committee	Committee report in circulation	Yes
Hensall Quarry Inert Waste Landfill Site, off Heck Lane/New Road, Hensall	Variation of condition No's 2, 3 & 22 of Planning Permission Ref. C8/2013/1219/CPO to allow for the continuation of site operations and restoration	10.2.21	Delegated	Awaiting site visit with Applicant and Landscape Architect to discuss further.	No – to be requested.

* The Development Management Procedure Order 2015 (Part 9, Article 40, Paragraph 13) allows for Local Authorities to “*finally dispose*” of applications for which the statutory period for determination has elapsed and the subsequent period for appealing against non-determination has passed.

APPENDIX

Monitoring & Compliance Statistics Report – Quarter 1 (the period 1 April to 30 June 2021) 2021/22

Table 1 – Complaints/alleged breaches of planning control received this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Settrington Quarry (cmp/0438)	Ryedale	1	Complaint about number of vehicles travelling through Settrington Village	07.05.21	Information requested from Applicant on 7.5.21. Applicant provided information to PC on 10.5.21. Awaiting PC response	Ongoing
Land to south of Swinsty Reservoir (cmp/0439)	Harrogate	1	Tipping of material from a building development without planning permission	26.05.21	Matter raised by Environment Agency. . Written explanation requested from developer by 23.7.21. Yorkshire Water contacted 30.7.21 and confirmed material deposited over their wayleave without their consent. Discussion with Yorkshire Water in progress. Environment Agency confirmed site has CL:AIRE declaration. Developer's written response overdue.	Ongoing
Land off Banks Road, Brompton near Northallerton (cmp/0441)	Hambleton	1	Vehicles taking waste to a transfer site	02.06.21	Matter passed to the Environment Agency as site operator potentially in breach of waste carrier /waste exemption. No further action required as no further complaint received by NYCC and matter being handled by Environment Agency	Yes
County Council Development						

Table 2 – Updates on ‘live’ complaints/alleged breaches of planning control received prior to this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Escrick Railway Cutting (cmp/0436)	Selby	3	Unauthorised tipping of sub and top soil on a previously approved site.	23.3.21	Multiple Site visits conducted, landowner to submit application for part of site.	On-going
Newbridge Quarry (cmp/0434)	Ryedale	1	Alleged deposition of mud from Newbridge Quarry along the highway into Pickering	10.3.21	Site operator contacted and a problem with the wheel wash. Wheel wash repaired and highway near site entrance being swept and complainant satisfied with action taken.	Yes.
Womersley Tip (cmp/0433)	Selby	1	Landslip on edge of tip	4.3.21	Repair works due to take place in April when weather improves. Site owner confirmed works done 14 June. Owner to provide map showing location of landslip repairs so can forward to complainant.	Ongoing
Riverside Farm, Bridge Hewick (cmp/0431)	Harrogate	1	Importation & processing of wood waste and alleged making of compost on site	17.2.21	Site owner contacted & replied. Online meeting with Harrogate BC & site owner. Harrogate BC met owner on site, awaiting update from Harrogate BC re meeting with site owner.	Ongoing
Skipton Rock Quarry (cmp/0430)	Craven	1	Light pollution	14.1.21	Quarry manager requested to investigate.	No
Waste Transfer Station Tofts Road, Kirby Misperton (cmp/0416)*	Ryedale	2 (same complainant)	Disgusting odours from site and water being piped from newly formed highway is being piped directly on to our adjacent property	22.12.20 repeating earlier contact	Actioned in March 2020. Ongoing. Waste Section has been contacted to take it up with Yorwaste as the operator in March 2020. Operator claims to	Ongoing

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Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
			causing flooding and introducing contamination	from March	be working within conditions. District Enforcement officer also in touch with site operator from nuisance point of view. Ongoing.	
Went Edge Quarry, Wentedge Road, Kirk Smeaton (cmp/0428)*	Selby	1	Tracking out of material by vehicles leaving the quarry onto the public highway	03.11.20	Actioned in December/January 2020/21. Quarry operator advised of the need for on-site wheel cleaning facilities to be maintained and used by HGVs leaving the site. Operator confirmed this is the case and that in addition, a road sweeper is employed on Went Edge Road from the quarry access to the A1 south junction.	No further complaint received. On-going monitoring
Whitewall Quarry*	Ryedale	7 (2 complaints)	Noise, speed of vehicles and dust on highway Further engineering operations outside of planning permission boundary.	Dates between 06/07/2017 & April 2018	Speed of vehicles on public highway not a planning matter, referred to Police. Operator reminded to keep public highway leading from site access in a clean condition. Investigations ongoing with regard to noise complaints. Investigation ongoing into engineering operation outside of planning permission boundary.	Partially
Stobarts, Great Heck (cmp/0392)*	Selby	1	Alleged unauthorised development: laying of concrete pad	26/06/19	Site visited no action required.	Work relating to concrete in compliance with Planning Permission C8/2016/0008/CPO – However, site in breach of condition 25 for stockpile

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
						heights. Letter sent, awaiting EA feedback
Whitewall Quarry, Concrete Batching plant*	Ryedale	3 (1 complainant)	Noise from Concrete Batching plant (early morning)	24/07/19 30/08/19 12/09/19	Noise complaints fall within permitted operating hours. Complainant giving consideration to option of using Environmental Health Officer for noise monitoring to establish if noise nuisance. Operator contacted each occurrence and reports no operations out of ordinary.	Partially, but decision to use Environmental Health noise monitoring being given consideration by complainant.
Cattal Station Yard, Station Road, Cattal (cmp/0402)*	Harrogate	1	Non-compliance with conditions 3,4,6,7 and 14.	25/07/19	Case closed August 2021 as no further complaints received during past twelve months.	Yes
Scholla Grange, Bullamoor Road (DL6 3RA) (cmp/0399)*	Hambleton	1	Deposit of waste	16/08/19	Site visited 29/08/19	Partially. Need to speak to District Enforcement Officer. E-mail sent to District 3/4/2021 for update. No reply.
Betteras Hill Quarry*	Selby	1	Deposit of waste on top of closed landfill (Environment Agency complaint followed by complaint via EA from member of public)	21/08/19	Complainant contacted by e-mail. No further contact by them. Case closed August 2021 as no further complaints received during past twelve months.	Partially – site owner has admitted offence and EA taking enforcement action. Waiting for EA to confirm date of meeting with NYCC and District.
Betteras Hill Quarry (cmp/0413)*	Selby	1	Out of hours of working; Lighting issues; Traffic impacts; Noise issues; Over-tipping onto the closed landfill.	10/03/20	Complainant contacted for clarification and further information. Operator contacted for clarification as to what/why occurring. Case closed August 2021 as no further complaints	Yes

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
					received during past twelve months.	
Tofts Road Waste Transfer Station, Kirby Misperton (cmp/0416)*	Ryedale	1	Breach of planning conditions in relation to odour and pumping water onto adjacent property causing flooding and contamination.	19/03/20	Complainant acknowledged and contacted for clarification and further information. NYCC Waste Management contacted. Case closed August 2021 as no further complaints received during past twelve months.	yes
High Austby Farm, Nesfield, Ilkley (cmp/0417)	Harrogate	1	deposition of material on a field arising from excavations associated with a house development	23/03/20	Complainant contacted and confirmed site location. Further clarification awaited from the Agent. Complainant advised that matter is still being pursued. Case closed August 2021 as no further complaints received during past twelve months.	Yes
Field north of B6265, opposite former Toft Gate Lime Kilns, Greenhow Hill, Pateley Bridge (cmp/0420)	Harrogate	1	Alleged unauthorised extraction on land comprised field at 412977 464497, Coldstones Quarry to Red Brae Bank	29.6.20	Site viewed from public highway in July 2020. Further activity reported by complainant & by parish council June 2021. Letter sent 29 July 2021 to registered landowners requesting response to alleged extraction. Awaiting response to letter to owners sent 29 July 2021.	Ongoing
Betteras Hill Quarry (cmp/0432)*	Selby	1	Noise, dust & out of hours working	11.6.20	Case closed August 2021 as no further complaints received during past twelve months.	
Sellite Blocks, The Old Quarry,	Selby	1	Dust and noise issues from the site	29.6.20	Investigated and concluded mainly a Selby District Council	Case closed district matter regarding noise

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
Long Ln, Great Heck, Goole DN14 0BT (cmp/0419)*					issue. Requested site operator to state if there are issues regarding the Old Sand Quarry (Mill Balk). Case closed August 2021 as no further complaints received during past twelve months.	
Low Grange Quarry (cmp/0426)	Richmondshire	1	Out of hours working	22.9.20	Undertaken site monitoring visit and reiterated about working within times of conditions. Last letter sent 14.5.21 asking why working outside permitted hours. Further complaint received about Sunday working making concrete panels being dealt with under cmp/0445.	Ongoing
County Council Development						
Sherburn High School (cmp/0387)*	Selby	1	Traffic at school drop off and pick up times	25/03/19	School contacted for travel plan awaiting response.	Case Closed 11.4.19

*Cases to be removed from table as a result of a case review meeting on 4th August 2021

Table 3 – Number of complaints/alleged breaches of planning control received by quarter

2021/22	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of complaints/alleged breaches of planning control received	4	Cumulative total no.	Cumulative total no.	Cumulative total no.

Table 4 – Number of complaints/alleged breaches of planning control resolved by quarter

2021/22	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of complaints of the total number of 'live' complaints resolved	100% (3/3)	% (no. /) Cumulative total % (no. /)	% (no. /) Cumulative total % (no. /)	0% (no.0/) Cumulative total % (no. /)

Table 5 – Number of complaints/alleged breaches of planning control resolved by quarter

2021/22	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of resolved complaints resolved within 20 days of receipt	33.3% (1/3)	% (no. /) Cumulative total % (no. /)	% (no./) Cumulative total % (no /)	0% (no./) Cumulative total % (no. /)

Existing Enforcement Issues

Formal Enforcement notices served by the County Council

No notices were served during this period.

Table 6- Monitoring and Compliance Visits undertaken in Quarter 1 (Minerals and Waste Sites only)

Site	District	Date Visited
Hemingbrough Clay Pit	Selby	11 th May 2021
Wath Quarry	Ryedale	19 th May 2021

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

16 November 2021

Publication by Local Authorities of Information about the handling of Planning Applications

Report of the Corporate Director – Business and Environmental Services

This report outlines the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 2 (the period 01 July to 30 September 2021).

Information on Enforcement Cases is attached as an Appendix.

Recommendation: That the reported be noted.

KARL BATTERSBY
Corporate Director, Business and Environmental Services

Authors of Report: Jo Brownless

Background Documents to this Report: Application Files

Information on planning applications can be accessed via 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).

County Matter' Planning Applications (i.e. Minerals and Waste related applications)

Table 1: 'County Matter' planning applications determined during quarter 2 (the period 1 July to 30 September 2021).

Total number of applications determined		2	
Number of delegated/committee decisions		Delegated: 0	Committee: 2
Speed of decisions			
Under 13 weeks	13- 16 weeks (if major, 13 and if EIA 16 weeks)	Over 13/16 weeks within agreed Extension of Time (EoT)*	Over 13/16 weeks without or outside of agreed EoT
0	0	1	1

*Article 34 of the Town and Country Planning (Development Procedure Order) 2015 provides for authorities to agree with the applicant to determine the planning application beyond the statutory 8/13/16 week period. This is referred to as an agreement for the extension of time (EoT) for the determination of the planning application. In instances where the application is determined within the agreed period the application is counted as satisfying the timeliness requirement.

Table 1a: Performance on 'County Matter' planning applications (NYCC Service Plan target - 60%)

2020/21	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	85.7% (No 6/7)	50% (No 1/2)		
No. of 'County Matter' applications determined within 13/16 weeks discounting Extension of Time agreements (EoT)	28.6% (No 2/7)	0% (No 0/2)		

Table 1b: "Special measures" ** performance on 'County Matter' planning applications

2020/21	Quarter 1	Quarter 2	Quarter 3	Quarter 4
"Special Measures" stat. No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT) over rolling two year period	01/07/19 to 30/06/21 90% (No.36/40)	01/10/19 To 30/09/21 89.7% (No. 35/39)		

** Under section 62A of the TCPA 1990 LPAs making 60% or fewer of decisions on time are at risk of designation ("Special Measures") **County Council's own development' Planning Applications**

Table 2: County Council’s own development planning applications determined during quarter 2 (the period 1 July to 30 September 2021)

Total number of applications determined		7		
Minor¹/Major²/EIA³		Minor: 7	Major: 0	EIA: 0
Number of delegated/committee decisions		Delegated: 6		Committee: 1
Speed of decisions				
Under 8 weeks	8- 13 weeks (if Major)	13- 16 weeks (if EIA)	Over 8/13/16 weeks within agreed Extension of Time (EoT)	Over 8/13/16 weeks without or outside of agreed EoT
3	0	0	4	0

¹A 'minor' development application is one where the floor space to be built is less than 1,000 square metres or where the site area is less than one hectare.

²A 'major' development application is one where the floor space to be built is more than 1,000 square metres or where the site area is more than one hectare. All minerals and waste related applications fall within the definition of major development.

³An EIA development application is one considered likely to have significant environmental effects and is accompanied by an Environmental Statement.

Table 2a: Performance on County Council’s own development minor planning applications (NYCC Service Plan target - 65%)

2020/21	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of County Council’s own development minor applications determined within 8 weeks or within agreed Extension of Time (EoT)	85.7% (No.6/7)	100% (No. 7/7)		
No. of County Council’s own development minor applications determined within 8 weeks discounting Extension of Time agreements (EoT)	14.2% (No. 1/7)	42.8% (No. 3/7)		

Table 3: List of all 'County Matter' planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q1 i.e. 30 September

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Blubberhouses Quarry, Kex Gill NY/2011/0465/73 (C6/105/6C/CMA)	Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036	06.12.11	Committee	Further environmental information received from the applicant on 7 September 2021 and is currently being consulted upon with an expiry date of 30 th November 2021. .	No
Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT P 309 94 NY/2015/0306/ENV (C6/500/277/CMA)	Planning Application accompanied by an Environmental Statement for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme	11.11.15	Committee	The application was reported to Committee on 10 th September 2019 Members resolved to grant planning permission subject to prior completion of Legal Agreement. The engrossments have been received and application will be issued once S106 sealed	No – to be requested on confirmation of S106
Land to the west of Raincliffe Grange Farm, Main Street, Seamer NY/2017/0267/ENV (C4/17/02418/CC)	Extraction and processing of sand and gravel from new quarry (11.9 hectares) including the construction of a site access road, internal haul road, mobile processing plant, site office, soil storage bunds, lagoons, stockpile area and restoration to agriculture and lake	25.10.17	Committee	Negotiations on conditions have been finalised and the Officer Report is being drafted along with a S106 Legal Agreement. Target Committee date is yet to be confirmed.	No
Pallett Hill Quarry, Catterick Village, Nr Richmond NY/2017/0326/ENV (C1/18/00013/CM)	Variation of condition No's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7th November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for completion of all mineral operations from 31st December 2017 to 31st December 2022 and the restoration of the site from 31st December 2018 to 31st December 2023	20.12.17	Committee	Committee date to be confirmed.	No – to be requested upon confirmation of being placed on committee agenda

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Old London Road Quarry, Stutton, Tadcaster NY/2018/0009/FUL (C8/2018/0180/CPO)	Extraction of 30,000 tonnes of limestone and importation of 600,000 tonnes of construction waste to complete restoration and export of 300,000 tonnes of secondary aggregate	9.2.18	Committee	ES being prepared by applicant. Expected submission in October	Extension of Time Requested
Whitewall Quarry, Welham Road, Norton on Derwent, North Yorkshire, YO17 9EH NY/2018/0167/FUL (C3/18/00967/CPO)	Retrospective application for a 2.4 hectare extension to an inert and demolition recycling area.	30.8.18	Committee	Agent confirmed, on 21 st January 2021, consideration being given to the submission of a consolidating application which could lead to a withdrawal of this application. Agent confirmed on 13 th May 2021 the intention that the application continue to be progressed to conclusion. Target Committee date is yet to be confirmed.	No
Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby, WF8 3LU NY/2019/0002/ENV (C8/2019/0253/CPO)	9.7 hectare quarry extension (Area 8) eastward from the current working Area 7 to provide 4.9 million tonnes of Magnesian limestone followed by restoration of the land with engineered fill from existing adjacent waste treatment facility	1.3.19	Committee	At the meeting of 28 September 2021 the Committee resolved that planning permission be granted subject to conditions and the applicant first entering into a Section 106 legal planning agreement. On completion of the legal agreement, the decision notice was issued on 13 th October 2021.	Yes - agreed until determination
Pallett Hill Quarry, Leeming Lane North, Catterick Village, DL10 7JX NY/2019/0130/FUL (C1/19/00587/CM)	proposed retention of quarry access until 31st December 2023	14.8.19	Delegated	Application on hold. Awaiting NY/2017/0326/FUL to be determined at committee	No - Extension of Time to be requested
Land to the rear of Unit 1, Skipton Old Airfield, Sandhutton, Thirsk, North Yorkshire, YO7 4EG NY/2019/0026/FUL	change of use of land to a roadstone recycling plant, to include the erection of a concrete holding bay 2.4 metres high, erection of a green palisade perimeter fence with a sliding access gate 2.4 metres high, siting of a mobile crushing plant,	21.8.19	Committee	Reported to January Committee 2020, resolved to grant subject to a S106 agreement. Applicant has decided as of September 2020 to complete on the land purchase first	No

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
(C2/19/02210/CCC)	(14.79) sq. metre portable cabin for office/wc/welfare facilities & the provision of 2 car parking spaces. The erection of an acoustic wall of 5m in height to the south and east boundaries of the development.			and then complete on the Section 106 thereafter. The completion of the Agreement remains pending.	
Washfold Farm, Leyburn, North Yorkshire, DL8 5JZ NY/2020/0168/FUL – (C1/19/00899/CM)	erection of a ready mix concrete plant and associated aggregate storage	18.12.19	Committee	Committee report drafted and under review.	No
Birdsall Estates Company Ltd, Birdsall to Leavening Row, Birdsall, Malton, YO17 9NU NY/2020/0182/FUL) - (C3/20/00287/CPO)	Digging of trenches and excavation for the laying of a piped communal waste disposal system including installation of package treatment plant (30 sq. meter) and associated manholes to connect 33 properties, erection of 1.2 metre high fence around the perimeter of proposed treatment plant and formation of access track/hard-standing area (37.5 sq. meters)	11.3.20	Delegated	Awaiting for further information from the applicant, requested on 13 July 2020, in relation to Landscape, Arboricultural and Natural England consultation responses. Response from Agent received on 19 April 2021, still working on requested information to address consultees response. Chased applicant for further information, awaiting response	No. Previous EoT agreed until 30.09.20 Further EoT to be requested.
Barton Quarry, Barton, Richmond, DL10 6NF – NY/2020/0051/73 (C1/20/00277/CM)	Variation of Condition No's 2 & 20 of Planning Permission Ref. C1/93/113C/CM to allow a revision of the approved restoration scheme and an associated extension of the area into which it is permitted to place imported inert material	14.4.20	Delegated	Received advice form legal, sent advice to applicant, awaiting applicants response	No.
Potgate Quarry, Water Lane, North Stainley NY/2020/0079/ENV (C6/20/03082/CMA)	Lateral extension to Potgate Quarry to work 3.3 million tonnes of limestone until 2042 and restoration for a final two years until 2044	4.8.20	Delegated	Amended scheme submitted and out for consultation, objections to the scheme have been removed.	No - to be requested
Munford's Haulage Yard, Tollerton Road, Tollerton, YO61 1RB	Change of use of land and buildings (Class B8) to form a waste transfer station with the erection of a site office (20.5 sq. metres) and the storage of skips	25.8.20	Committee	Requested update on the status of obtaining the additional information including noise monitoring. Committee report in progress	Not yet

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
NY/2020/0105/FUL (C2/20/01935/CCC)					
Seamer Carr Waste Management Site, Dunslow Road, Eastfield, Scarborough, YO12 4QA NY/2020/0101/73	Variation of condition No. 1 of Planning Permission Ref. C4/9/33L/FL to allow for the continuation of composting and recycling after December 2020	6/10/20	Delegated	Awaiting meeting with applicant. Site Notices displayed 31 st March 2021. Meeting due to be convened with the Agent w/c 2 nd August 2021. Meeting convened on 6 th August 2021 to discuss ways to move forward on the applications.	No.
Seamer Carr Waste Management Site, Dunslow Road, Eastfield, Scarborough, YO12 4QA NY/2020/0102/73	Variation of condition No. 1 of Planning Permission Ref. C4/02/01477/CM to allow for the continuation of recycling after December 2020	6/10/20	Delegated	Awaiting meeting with applicant. Site Notices displayed 31 st March 2021. Meeting due to be convened with the Agent w/c 2 nd August 2021. Meeting convened on 6 th August 2021 to discuss ways to move forward on the applications. Consideration being given to the withdrawal of this particular application.	No.
Seamer Carr Waste Management Site, Dunslow Road, Eastfield, Scarborough, YO12 4QA NY/2020/0103/73	Variation of Condition No. 2 of Planning Permission Ref. C4/06/01274/CC to allow for the permanent retention of the gatehouse and the weighbridge.	6/10/20	Delegated	Awaiting meeting with applicant. Site Notices displayed 31 st March 2021. Meeting due to be convened with the Agent w/c 2 nd August 2021. Meeting convened on 6 th August 2021 to discuss ways to move forward on the applications.	No.
Former Watergarth Quarry, Rawfield Lane, Fairburn, Selby, WF11 9LD NY/2020/0162/FUL (C8/2020/1204/CPO)	Infilling and restoration of the former Watergarth Quarry with excavated materials, erection of a temporary single storey site cabin, formation of temporary site access, car parking area and associated hardstanding	29/10/20	Committee	Awaiting further information from Applicant, requested on 2 nd June 2021, in relation to Landscape re- consultation response. Agent still working on further information. Committee report in preparation	Yes-EoT agreed until 19.11.2021

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Eggborough Sand Pit, Weeland Road, Hensall, Selby, DN14 0RL NY/2020/0184/73 (C8/2020/1248/CPO)	Variation of condition No's 2, 3 & 22 of Planning Permission C8/2018/0563/CPO to allow for the extraction of sand for a further two years until 31st December 2022, revise the restoration contours and a Restoration Aftercare Management Plan	9/11/20	Delegated	On Hold. Linked to NY/2020/0183/FUL to be determined once this has been to committee	No – to be requested
Land to the west of Eggborough Sandpit, Weeland Road, Goole Hensall, DN14 0PT NY/2020/0183/FUL	Proposed infilling and restoration of former mineral workings on land adjacent to Eggborough Sandpit	9/11/20	Committee	Committee report being prepared.	No – to be requested
Middleton Lodge, Kneeton Lane, Middleton Tyas, DL10 6NJ NY/2021/0012/73 C1/21/00118/PLANYC	Variation of conditions 1,6, 7, 10, 14, 20, 24, 26, 27, 30 of planning permission C1/14/00747/CM which relates to site access arrangements at Middleton Lodge, Kneeton Lane, Middleton Tyas, Richmond, DL10 6NJ	21.1.21	Committee	Committee report in circulation	No
Hensall Quarry Inert Waste Landfill Site, off Heck Lane/New Road, Hensall NY/2021/0050/73 C8/2021/0345/CPO	Variation of condition No's 2, 3 & 22 of Planning Permission Ref. C8/2013/1219/CPO to allow for the continuation of site operations and restoration	10.2.21	Delegated	Delegated report now in preparation following site meeting and further landscape information.	No – to be requested.
Low Grange Quarry, West Lane, Melsonby, DL10 5PN NY/202/0059/73	Variation of condition No. 9 of Planning Permission Ref. C1/15/00326/CM to increase the vehicle movements from 24 per day up to 60 vehicle movements per day (30 in and 30 out)	7.4.21	Committee	Meeting convened with the Agent on 24 th August 2021 to discuss the two applications and in particular highway-related matters which concluded with the applicant proposing the drafting of a S106 legal agreement regarding lorry routing.	EoT agreement in place until 30.9.21 to be subject to a request to extend due to receipt of draft legal agreement pending.
Low Grange Quarry, West Lane, Melsonby, DL10 5PN	Variation of condition No. 47 of Planning Permission Ref. C1/32/153-/CM to increase the	7.4.21	Committee	Meeting convened with the Agent on 24 th August 2021 to discuss the two	EoT agreement in

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
NY/2021/0060/73	vehicle movements from 24 per day up to 60 vehicle movements per day (30 in and 30 out)			applications and in particular highway-related matters which concluded with the applicant proposing the drafting of a S106 legal agreement regarding lorry routing.	place until 30.9.21 to be subject to a request to extend due to receipt of draft legal agreement pending
Alne Materials Recycling Facility, Forest Lane, Alne, YO61 1TU NY/2021/0125/73 (C2/21/012533/CCC)	Variation of condition No. 9 of Planning Permission Ref. C2/03/006/0187D to allow for the permanent retention and use of the building, hardstanding and associated infrastructure to continue sustainable waste management activities undertaken at the site since 2003	25.5.21	Delegated		EoT agreement in place til 30 th September 2021
Electricity Generating Plant, Forest Lane, Alne, YO61 1TU NY/2021/0127/FUL (C2/21/01528/CCC)	Relocation and permanent retention and use of existing single storey site office	11.6.21	Delegated		EoT agreement in place til 30 th September 2021
Gebdykes Quarry (and land to the north), Gebdykes Farm, Burton-on-Yore, Harrogate, North Yorkshire, HG4 4BT NY/2021/0124/ENV	northern extension to the quarry to extract 5.3 million tonnes of limestone by 2037 and restoration of the site by 2039	11.6.21	Delegated	Awaiting further comment from Landscape Architect following submission of requested landscape information. S106 also to be completed.	Not yet – to be requested.

* The Development Management Procedure Order 2015 (Part 9, Article 40, Paragraph 13) allows for Local Authorities to “*finally dispose*” of applications for which the statutory period for determination has elapsed and the subsequent period for appealing against non-determination has passed.

APPENDIX

Monitoring & Compliance Statistics Report – Quarter 2 (the period 1 July to 30 September 2021) 2021/22

Table 1 – Complaints/alleged breaches of planning control received this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Womersley Quarry Cmp/0447	Selby	1	Womersley Quarry Conditions	9.8.21	Damage to fence and quad bikes using it as access to quarry. Site Operator stated going to repair fence and increase security. Waiting for confirmation that fence has been repaired.	Ongoing
Low Grange Quarry (cmp/0445)	Richmonds hire	1	Breach of condition 8 – Sunday Workings	30/07/21	Operator contacted and reminded of terms of conditions regarding hours of working permitted. Response received stating they understand and the batching plant will not operate on Sundays.	Case Closed 01/09/2021
Jackdaw Crag Quarry Cmp/0443	Selby	1	Vehicles not following routing plan.	14/7/21	Resident contacted and confirmed vehicles were following routing plan but Highways were to cut down hedge line to make signs more visible.	Yes
County Council Development						

Table 2 – Updates on ‘live’ complaints/alleged breaches of planning control received prior to this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Land to south of Swinsty Reservoir (cmp/0439)	Harrogate	1	Tipping of material from a building development without planning permission	26.05.21	Written explanation requested from developer by 17.10.21 Yorkshire Water contacted 17.10.21 and confirmed material deposited over their wayleave without their consent. Discussion with Yorkshire Water in progress.	Ongoing
Escrick Railway Cutting (cmp/0436)	Selby	3	Unauthorised tipping of sub and top soil on a previously approved site.	23.3.21	Multiple Site visits conducted, landowner to submit application for part of site October 2021.	On-going
Riverside Farm, Bridge Hewick (cmp/0431)	Harrogate	1	Importation & processing of wood waste and alleged making of compost on site	17.2.21	Site owner contacted & replied. Online meeting with Harrogate BC & site owner. Harrogate BC met owner on site, awaiting update from Harrogate BC re meeting with site owner.	Ongoing
Skipton Rock Quarry (cmp/0430)	Craven	1	Light pollution	14.1.21	Quarry manager requested to investigate.	Resolved 8.7.21– operator contacted complainant directly.
Field north of B6265, opposite former Toft Gate Lime Kilns, Greenhow Hill, Pateley Bridge (cmp/0420)	Harrogate	1	Alleged unauthorised extraction on land comprised field at 412977 464497, Coldstones Quarry to Red Brae Bank	29.6.20	Site viewed from public highway in July 2020. Further activity reported by complainant & by parish council June 2021. Letter sent 29 July 2021 to registered landowners requesting response to alleged extraction. Awaiting response to letter to owners sent 29 July 2021.	Ongoing
County Council Development						

Existing Enforcement Issues

Formal Enforcement notices served by the County Council

No notices were served during this period.

Table 3 - Monitoring and Compliance Visits undertaken in Quarter 2 (Minerals and Waste Sites only)

Site	District	Date Visited

Team meeting took place on 20.10.21 to simplify the report on enforcement matters (tables 3, 4 and 5 were removed).