



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, 18th January, 2022

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 November 2021 meeting and will be subject to a further review at the County Council Meeting in February 2022.

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 by the Chairman, Introductions and Apologies**
2. **Minutes of Previous Meeting - To agree as an accurate record the Minutes of the meeting held on 16 November 2021** (Pages 3 - 12)

3. Declarations of Interest

4. Public Questions and/or Statements

Members of the public may ask questions or make statements at this meeting if they have given notice (including the text of the question/statement) to Steve Loach of Democratic Services (contact details provided on the Agenda) by midday on Thursday 13th January 2022. 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);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

5. Planning Enforcement and Monitoring Policy - Report of the Corporate Director – Business and Environmental Services (Pages 13 - 40)

6. Items Dealt with under the Scheme of Delegation - Report of the Corporate Director – Business and Environmental Services (Pages 41 - 44)

7. Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)
County Hall
Northallerton

10th January 2022

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

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely, via Microsoft Teams, on 16 November 2021 at 10.00 a.m.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Caroline Goodrick, David Hugill, Mike Jordan, John McCartney, Zoe Metcalfe and Chris 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, six members of the public joined the meeting remotely.

Copies of all documents considered are in the Minute Book

250. Welcome and Introductions

The Chairman welcomed everyone to the meeting and made the following statement:-

You will have seen the statement on the Agenda front sheet about current decision-making arrangements within the Council, following the expiry of the legislation permitting remote committee meetings. I just want to remind everyone, for absolute clarity, that this is an informal meeting of the Committee Members. Any formal decisions required will be taken by the Chief Executive Officer under his emergency delegated decision-making powers after taking into account any the views of the relevant Committee Members and all relevant information. This approach was agreed by full Council at its July meeting following a review, and will be the subject of a further review and consideration at the November meeting of the County Council.

The Chairman advised that apologies for absence had been received from Councillors Robert Heseltine and Clive Pearson.

Members and officers then introduced themselves.

251. Minutes of the meeting held on 28 September 2021

Resolved -

That the Minutes of the meeting held on 28 September 2021, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record at the next available opportunity, subject to the following amendment:-

Towards the very start of the Minutes, amend the third line to read "Minutes of the meeting held at County Hall on 28 September 2021 at 10.30 a.m." (rather than "Minutes of the meeting held remotely, via Microsoft Teams...")

252. Declarations of Interest

There were no declarations of interest.

253. Public Questions or Statements

The Chairman stated that there were no general questions or statements from members of the public, but there were six speakers in relation to the application below – three in favour and three (including the agent for the applicant) against.

254 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 on behalf of the Ryedale Federation

Considered -

The report of the Corporate Director, Business and Environmental Services, requesting Members to determine this matter as set out in the above heading.

This application is subject to 17 objections in total, including 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 and highway matters. Therefore, the application is being reported to this Committee for determination.

Public statements were made by the following:-

- Jonny Pickard
- Steve Peters
- Gillian Ault and Richard Howell
- Mark McCandless
- Alex Strickland
- Phil Keeley

The statements are reproduced below. The first three speakers spoke against the application and the fourth, fifth and sixth speakers spoke in favour of the application:-

Jonny Pickard – joined the meeting remotely and made the following statement:-

I would like to register the strongest possible objection to this proposed development. My property faces southward directly opposite the proposed development. During a lighting test carried out on Wednesday 12th May 2021, the light emitted from just 1 out of the 8 proposed floodlights was so bright that we could not bare to look out of the back of our house. The glare from the light was offensive, and completely unacceptable! You can actually see the photo I took as my background today which was taken from the downstairs of our house and you can see how much glare there is from just one of the floodlights.

With the downstairs lights turned off, the light was projecting shadows all through the inside of our house. I dread to think about the impact of 8 floodlights, and the associated noise until 10pm!

As was said previously, the Principal Landscape Architect has noted his concerns over the proposed lighting, citing the 'lighting overspill', 'significant adverse impact on local character' and 'increased traffic and user noise'.

This proposed development would have a detrimental impact on all the surrounding properties, on the village and surrounding area and would be better suited to a larger town if, indeed, it is required at all.

Steve Peters – joined the meeting remotely and made the following statement:-

Councillors can you see and hear me? Thank you for the opportunity to comment. My name is Steve Peters. I am a resident of Beadlam and I wish to speak against the application.

This proposal is to establish a busy football centre at Ryedale School which is outside the Development Limits of the village of Beadlam, on a narrow country lane that is at risk of flooding. The proposed utilisation would be as a school facility for only one third of the time, the remaining two thirds being as a 'pay- as- you- play' sports centre for clubs of the Football League.

The Planning Officer emphasises the 'community' benefits in her report. The beneficiaries of this facility would not be the local community - they have well established sports facilities to serve their needs at Beckett's Field. The community benefiting here would be the League Football clubs of the County. If they need an all- weather facility they should locate it at the site of Kirkbymoorside Football Club, which already has a flood- free pitch, plentiful support facilities, frequent buses, and is accessible to a much wider community. It is crazy to establish such a facility at Beadlam, where there is neither infrastructure nor frequent public transport. Has an investment appraisal been carried out? It would seem not yet from Condition 17 of the officers report.

On page 64 of the document, we see that Pre-Application Advice wasn't sought either? Why was this? Both of the Parish Councils and many residents are against this proposal and it appears to be only weakly supported by a few businesses.

In my view, the Planning Officer has not given the village of Beadlam's needs sufficient weight in her analysis. To support the Federations proposals would be stretching Policies SP11 and SP16, in that it would establish a new facility outside development limits with no linkage to the real local community.

Most importantly, I strongly endorse the objection by the Council's Principal Landscape Architect that there would be an unacceptable disturbance of local landscape character and thus would contravene Policy SP13. We are located in an area of high landscape value and even with the proposed reduction in operating hours the new facility's visual and noise impact on the village would be deeply intrusive at weekends and in the evenings.

Also, in my view she has not given sufficient weight to the comments of her Principal Landscape Architect. I disagree with her conclusion in 8.2 that 'the proposed facility would not have a material impact on the village amenity'

Councillors, I urge you to vote against this application. The Football League's aspirations should not be realised at Beadlam. Developments of this scale should be confined to the Market Towns. Ryedale School's attention should be totally focused on Covid catch-up schemes at the moment.

Let us not encroach on the countryside unnecessarily; and let's preserve North Yorkshire's beautiful skyline for future generations.

Lastly, there are 3 errors in the Planning Officer's report which need to be corrected for the record - at (paragraphs 7.12, 7.36 and 7.37):

7.12 North Western

7.36 Site 481 is land North of School

7.37 The PLA still objects to the proposal. This was a measure to reduce the impact.

Thank you.

Gillian Ault and Richard Howell – were unable to join the meeting. The Clerk read out their statement, as follows:-

I can't attend the meeting on Tuesday, but I would like my objection read out.

My concerns are about lighting, the use of plastics and rubber particles for the Astro Turf and the high fencing. The village of Beadlam surely shouldn't be considered for such a proposal in the area it is. No matter what has been said, I'm a resident who loves the peacefulness of the surrounding fields, a haven for wildlife.

This pitch surely goes against the schools view on plastic and the environment. In summer the AstroTurf heats up to an extent it can't be played on, the rubber particles can be ingested by people, birds and animals. The floodlight experiment, caused so much confusion for the wildlife and was totally obtrusive for the residents, plus the noise and traffic for the people down Gale Lane.

The area has plenty of surrounding pitches, surely the village of Beadlam is inappropriate for such a plan.

Richard and I strongly oppose the plan.

Kind regards.

Mark McCandless, Ryedale Learning Trust – joined the meeting remotely and made the following statement:-

Thank you for this opportunity to speak.

Firstly, I hope local residents who expressed concerns initially about this project, feel reassured that we have adjusted the original planning application having listened to their feedback.

Ryedale School is a fantastic school and we are incredibly lucky to live and work in such a beautiful rural location. However, the school and community are lacking high quality leisure facilities of this nature that can be used throughout the year.

Aside from playing fields which are generally unplayable from November through to April,

the school's sports facilities comprise a small gym - 1 badminton court size - a small fitness suite and 6 hardcourt tennis courts to provide physical education lessons and extracurricular provision to 740 students.

The lack of indoor or all-weather outdoor facilities mean that our students have greatly restricted opportunities to participate in school clubs over the winter months, and in terms of fixtures our teams have to travel to other schools with all weather pitches and flood lighting - home fixtures cannot take place.

Residents in the local and wider community who wish to play team sports either recreationally or competitively have to travel significant distances over the winter months to gain access to suitable floodlit all weather facilities. The lack of public transport, the cost of transport and the time required for travel mean for many that they simply cannot access these facilities and consequently benefit from the physical and mental health related benefits.

A facility like this has been needed in the area for years, but never more so than now on the back of the pandemic with growing concerns around the population's physical and mental well-being. The recent UN climate change conference, encouraging everyone to act now in terms of more sustainable practice and more sustainable solutions, only serves to add incentive to moving ahead with this project. It is absolutely timely that we should now look to bolster locality-based leisure facilities.

To the schools and communities' benefit, the Football Foundation are supportive of this project and will consider awarding a grant of up to £500k to help make it become a reality, subject to planning permission, and on the proviso that we can deliver their desired outcomes which include increasing access for disability sport, women's football and walking football - all of which are rightly in our plan.

This, I believe, is a once in a lifetime opportunity to help deliver a world-class 3G all-weather facility which will benefit Trust students and residents from the local and wider community for generations to come.

Thank you for your consideration.

Alex Strickland – joined the meeting remotely and made the following statement:-

Good morning, thank you for having me to speak.

I am Kirkbymoorside football club's first team manager and club secretary. Our club is partnering the school to enable them to get grant funding from the football foundation. I am also a committee member for the local Beckett football league, whose 20 teams are all behind the exciting project. There are currently 20 teams in the Beckett League and this facility will enable the league to get games played, where ordinarily they would be cancelled and provide a state of the art facility for training, which will only encourage more players to get involved in the game.

As a club, we have 2 senior men's teams who play in the York Premier Division and Beckett League first division. Our junior section has teams from Under 6 to Under 16. This provides opportunities for over 200 boys and girls to play sport in our area. We are running at capacity with 3 games per week on our main pitch and 2 games a week on our junior pitches which are on the outfield of the cricket pitch which has seen the demise of cricket over the recent years.

As a club, we need this facility. We have been looking for additional land with no luck unfortunately. All the surrounding land has been earmarked for planning or is not for sale as it is valued farmland

During every season we always struggle with keeping the pitches in good condition due to the weather. There will be over 5 games for each age group that get cancelled due to the weather every season.

Because of the weather we also have to hold our training sessions on Pickering and Malton's artificial pitches. As Mark mentioned, this causes problems with transport and running costs for the club.

This proposed facility would enable us to introduce girls football and start an Under 19 team for the boys who aren't quite ready for men's football, walking football and disability football which are all teams we have been asked about in recent years and had to say no.

I went to Ryedale school myself and since leaving in 1997 the improvement to the physical education facilities has been limited, despite the schools increase in pupil numbers. Whilst the school continues to compete at a very high standard in all sports with other schools in the area, the development of much better up to date facilities would improve the pupils experience and skills to a level where they can really excel. The school has been able to provide excellent state of the art facilities for the Performing Arts department and now it is time for the PE department to reach the same standard in their field.

This facility would be a huge asset to the school and the community not only for football but for multi-sports also.

Thank you.

Phil Keeley – joined the meeting remotely and made the following statement:-

I acted as the planning agent for the School/Football Foundation. Labosport entered into a contract with the FA whereby we make applications on behalf of Schools/other Local Authority areas/Clubs etc., for artificial grass pitches.

We have probably done about 60 applications in the past 2/3 years. Although planning has changed over the years and more information is now required, we have adapted our processes to provide this information.

A lot of the time taken to get to Committee is because a lot of planning applications now require information up front rather than conditioning it so we looked at areas such as the following:-

- *Drainage / LLFA*
- *Ecology*
- *Environmental – Light and Noise*
- *Landscape*
- *Highways*

Each of these areas has been looked at in detail and adjustments made to the proposal or reports prepared following site investigations in some areas. These were presented back through planning to their consultees for comment.

An awful lot of my time been spent on this application and we have presented all the information as required over two years in various reports uploaded onto the Planning Portal which are available to the public to look at. Although some issues have been raised we have tried to mitigate these and I don't think any of the consultees have had any further comeback, through Planning, to us regarding the type of mitigation envisaged.

The Design and Access Statement sets out information in respect of the NPPF as well as providing more pertinent local information. The framework sets policies which need to be adopted by authorities to allow a full balance of any proposal. The Design and Access Statement produced for the application looks at the policies in the NPPF and provides the required information, both positive and negative and along with the positive impact on the school and community in terms of health and wellbeing, it also provides information regarding the negative impact and how mitigation has been put in place so that national and international limits on environmental pollution have been met and effects on the local landscape have been minimised.

Thank you.

Following the public statements, 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 representative of the Head of Planning Services gave a verbal update to the Report in respect of Climate Change and informed Members that as part of Ryedale's net zero target by 2050 that developments are encouraged to be as sustainable as possible. The Ryedale Local Plan acknowledges that a multi-functional countryside is an important way in which the rural economy can be diversified and sustained in the longer term, and is increasingly seen as an opportunity to help address and mitigate the effects of climate change. The proposed scheme would reduce the required travelling distances needed to be made to go to similar schemes - reducing carbon emissions and would utilise LED energy efficient lighting and through the proposed mitigation promote and increase biodiversity opportunities.

The report also provided a conclusion and recommendations and detailed plans, photographs and visual information were presented to complement the report.

The Chairman thanked the representative of the Head of Planning Services for her comprehensive report. Members then undertook a detailed discussion of the application with the following points highlighted:-

- Some Members expressed concern about the lighting scheme and the test that had been undertaken. The representative of the Head of Planning Services advised that the effect of the lighting would be mitigated by louvres and correct tilting and that the Conditions will allow monitoring to restrict any impact.
- A Member mentioned that Condition 4 just says that the lights be switched off and suggested that it should be switched off using time clocks. The representative of the Head of Planning Services said that the County Planning Authority would be open to

an amendment to state the lighting will be controlled by time clocks.

- A Member referred to the height of the lighting. The representative of the Head of Planning Services confirmed that altering the height would have other implications. For example, the lighting level for playing, so would not be feasible.
- Councillor Hugill declared a personal interest in the report as a Member of the North Yorkshire Moors National Parks Authority and asked if they had been consulted. The representative of the Head of Planning Services confirmed that the National Park Authority had not been consulted, as the application is not within its area.
- A Member sought confirmation that during the erection of the lighting columns tests would be carried out and discussions would be held with residents. The representative of the Head of Planning Services confirmed that Condition 5 requires that the development achieves the assessment levels and the words "*To the satisfaction of the County Planning Authority*" could be inserted resulting in involvement in terms of ensuring residents are satisfied with the lighting and an expectation is that School Management would take a good neighbour approach and communicate with residents. Further Members discussions resulted in a further proposal that Condition 4 should also state that "*and shall be maintained thereafter, in accordance with the assessment*", The representative of the Head of Planning Services confirmed that Condition 5 is a *Prior to development being brought into use* Condition and the applicant would not be able to utilise the development until the lighting scheme had been agreed.
- In respect of hours of use, the representative of the Head of Planning Services advised that the proposed facility would be funded partially by the Football Association who have requirements on hours of use. In reducing Monday to Friday hours, a compromise was made to have a later start and finish time of 10.00 a.m. to 6.00 p.m. on a Sunday.
- A Member asked whether Condition 12 should be more positive about the size of trees for screening. The representative of the Head of Planning Services confirmed that further advice would have to be sought from the Arboricultural Officer and agreement of the Applicant to any changes as it was a pre-commencement condition and the representative of the Assistant Chief Executive (Legal & Democratic Services) confirmed this and that any proposed changes would mean that the application should be deferred to allow agreement to be sought. The Member concerned said that he was happy to accept that the most appropriate trees will be planted.

The Chairman clarified that Members were asked to vote on the recommendation that had been proposed and seconded, subject to Condition 4 being amended to require time clocks on the lighting being turned off and Condition 5 being amended to add that the lighting system will be to the satisfaction of the County Planning Officer and will be maintained to that condition thereafter and it was:

Resolved: that the following be referred to the Chief Executive Officer for consideration under his emergency delegated powers:-

That the Committee are minded to recommend to the Chief Executive that the application be approved under his delegated decision-making powers in the Officers' Delegation Scheme in the Council's Constitution, for the reasons stated in the Report, subject to the Conditions stated in the report and also subject to Condition 4 being amended to provide

for a clock timer to turn off the lighting, and Condition 5 being amended to provide for the approved lighting levels assessment to be to the satisfaction of the County Planning Authority and to be maintained in strict accordance with the approved assessment thereafter - the wording of such conditions to be agreed by the Committee and confirmed by the Applicant.

255 Items dealt with under the Scheme of Delegation – 4 August 2021 to 14 October 2021, inclusive.

Considered –

A report by the Corporate Director, Business and Environmental Services, which listed Items dealt with under the Scheme of Delegation. The Items had been determined during the period 4th August to 14th October 2021, inclusive.

NOTED.

256 Publication by Local Authorities of Information about the handling of Planning Applications – 1st April to 30th June 2021 – Quarter 1

Considered –

A report by the Corporate Director, Business and Environmental Services, which outlined the County Council's performance in the handling of "County matter" and County Council development planning applications for Quarter 1 (the period 1st March to 30th June 2021).

NOTED.

257 Publication by Local Authorities of Information about the handling of Planning Applications – 1st July to 30th September 2021 – Quarter 2

Considered –

A report by the Corporate Director, Business and Environmental Services, which outlined the County Council's performance in the handling of "County matter" and County Council development planning applications for Quarter 2 (the period 1st July to 30th September 2021).

NOTED.

258 Any other business

There being no other business, the Chairman declared the meeting closed

The meeting concluded at 11.40 a.m.

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North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

18 January 2022

Planning Enforcement and Monitoring Policy

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To receive, consider and comment on a proposed draft Planning Enforcement and Monitoring Policy.

2.0 Background

- 2.1 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.
- 2.2 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 05 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), 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 will be reviewed in February 2022.

3.0 Planning Enforcement and Monitoring of Minerals and Waste Operations

- 3.1 The County Council (the Council), through its Planning Services, is responsible for discharging the development control planning functions associated with minerals extraction, the management of waste, and the Council's own development under the provisions of the *Town & Country Planning General Regulations 1992*. The planning functions relating to mineral and waste matters are often referred to as '*county matters*' and are defined within *Schedule 1* of the *Town & Country Planning Act 1990* and the *Town & Country Planning (Prescription of County Matters) (England) Regulations 2003*. This includes the processing of planning applications, the monitoring of planning permissions and investigations into alleged or identified breaches of planning control.
- 3.2 Planning Services are responsible for determining planning applications for minerals and waste development proposals and for the Council's own development proposals such as roads, schools, nursing homes etc. Planning Services are also responsible for investigating alleged or identified breaches of planning control associated with mineral extraction and processing, the management of waste and the Council's own developments. Enquiries and complaints may relate to development that has been carried out without planning permission or a breach of the terms of a planning permission.

- 3.3 Planning Services are also responsible for monitoring minerals and waste developments for which planning permission has been granted to ensure compliance with the planning permission, planning conditions, plans, approved schemes and programmes and the requirements of S106 Planning Agreements.
- 3.4 Guidance and advice regarding planning enforcement, how to report a suspected breach of planning control, how it would be investigated and types of action that could be taken to rectify a breach of planning control is provided on the Council's web pages under Planning and Development: www.northyorks.gov.uk/planning-enforcement
- 3.5 The Council had adopted its first 'Planning Enforcement Control Service Pledge' in March 2000. Whilst Members of this Committee received an Officer Report on 07 March 2005 conveying a revised version of this Pledge (dated February 2005), which was subsequently adopted, it is clear that an update and refresh to reflect current expectations is necessary and the following paragraphs explain what that entails.

4.0 Proposed Planning Enforcement & Monitoring Policy

- 4.1 A 'Planning Enforcement and Monitoring Policy' has been drafted and is attached as Appendix 1 to this report. The draft policy provides details on:

- The Council's Planning Functions
- Responsibilities
- Objectives
- Commitments
- The Enforcement and monitoring functions
- Investigating unauthorised development
- Identifying a breach of planning control
- Dealing with enquiries and complaints
- Recording and Acknowledging Complaints
- Joint Working
- Time limits for taking enforcement action
- Approach to enforcement
- Breaches remedied by negotiation
- Breaches remedied by a retrospective planning permission
- Where negotiation fails to resolve the breach
- Where enforcement action is not expedient
- Where enforcement action is expedient
- What action can be taken
 - Planning Contravention Notice
 - Breach of Condition Notice
 - Enforcement Notice
 - Temporary Stop Notice
 - Stop Notice
 - Injunction
 - What might happen after serving a notice or injunction
- Compliance
- Prosecution
- Direct action
- Monitoring
- Dissatisfaction with the service
- Policy review

5.0 Consultations, Notifications, Advertisement

- 5.1 At this stage no consultations, notifications or advertisements on the draft policy are required or proposed; although the draft is being reported to the Transport, Economy and Environment Overview and Scrutiny Committee for information / comments. Subject to any comments received from the Planning and Regulatory Functions Committee and the Transport, Economy and Environment Overview and Scrutiny Committee, the draft policy will be reported to the Council's Executive Committee for approval and recommendation to County Council for approval and adoption. The adopted Policy will be published on the Council's website.

6.0 Planning Policy and Guidance

- 6.1 National Planning Policy Framework
Paragraph 59 of the National Planning Policy Framework (July 2021) states:
'Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate'.
- 6.2 Planning Practice Guidance on 'Enforcement and post-permission matters' (July 2019) sets out guidance on responding to suspected breaches of planning control and the tools available to remedy such.
- 6.3 The draft Planning Enforcement and Monitoring Policy has been prepared to comply with paragraph 59 of the National Planning Policy Framework and with reference to the Planning Practice Guidance on Enforcement and post-permission matters.

7.0 Financial Implications

- 7.1 There are no financial implications associated with the draft Policy. Planning enforcement and monitoring is carried out, and will continue to be carried out, by the Council's Planning Services Team within current budget allocations and resources.

8.0 Equalities Implications

- 8.1 Consideration has been given to the potential for any adverse equalities impacts arising from the recommendations of this report. It is the view of officers that the recommendations included in this report do not have any adverse impacts on any of the protected characteristics identified in the Equalities Act 2010 or the Council's additional agreed characteristics. The completed Equalities Impact Assessment screening form is attached as Appendix 2.

9.0 Climate Change Impact Assessment

- 9.1 Consideration has been given to the potential for any adverse impacts on climate change arising from the recommendations of this report. The completed Climate Change Impact Assessment is attached as Appendix 3. It is the view of officers that approval of this report will not have a direct climate change impact.

10.0 Legal Implications

- 10.1 Preparation of these policies and procedure updates is part of the Council's function as the local planning authority. Consideration of whether any legal implications arise will be given as the proposed update to the policy progresses through the Council's formal procedure to adoption.
- 10.2 Proper consideration as outlined in section 8.0 is being given to equalities issues that are pertinent to the policy.

11.0 Recommendations

- 11.1 The Committee is invited to consider and comment on the proposed draft Planning Enforcement and Monitoring Policy.
- 11.2 Subject to any views expressed by the Committee, the draft Planning Enforcement and Monitoring Policy be reported to the Executive for approval and recommendation to County Council for approval and adoption

KARL BATTERSBY
Corporate Director, Business and Environmental Services

Author of report: Stuart Perigo

Background Documents to this Report: None

NORTH YORKSHIRE COUNTY COUNCIL PLANNING ENFORCEMENT & MONITORING POLICY

<u>Contents</u>	<u>Page</u>
1 Guidance	x
2. Information	x
3. The Council's Planning Functions	x
3.1 Responsibilities	x
3.2 Objectives	x
3.3 Commitments	x
3.4 Openness	x
4. The Enforcement and monitoring functions	x
5. Enforcement - Investigating unauthorised development	x
6 Identifying a breach of planning control	x
7. Dealing with enquiries and complaints	x
8. Recording and Acknowledging Complaints	x
9. Joint Working	x
10. Time limits for taking enforcement action	x
11. Approach to enforcement	x
11.1 Breaches remedied by negotiation	x
11.2 Breaches remedied by a retrospective planning permission	x
11.3 Where negotiation fails to resolve the breach	x
11.4. Where enforcement action is not expedient	x
11.5 Where enforcement action is expedient	x
12. What action can be taken?	x
12.1 Planning Contravention Notice	x
12.2 Breach of Condition Notice	x
12.3 Enforcement Notice	x
12.4 Temporary Stop Notice	x
12.5 Stop Notice	x
12.6 Injunction	x
12.7 What might happen after serving a notice or injunction	x
13. Compliance	x
14. Prosecution	x
15. Direct action	x
16. Monitoring	x
17. Dissatisfaction with the service	x
18. Policy review	x

About this Policy

1. Guidance

North Yorkshire County Council's (the 'Council') *Planning Enforcement & Monitoring Policy* (the '*Policy*') provides guidance for members of the public, developers and other interested parties in relation to the principles and standards that the Council will apply in pursuance of its planning enforcement and monitoring responsibilities relating to mineral and waste development and the Council's own developments. The *Policy* will assist the Council in considering the most appropriate action to take specific to enforcement and monitoring matters.

The *Policy* provides general guidance on the factors that the Council will take into account when deciding whether to take enforcement action in relation to a breach of planning control. Each individual case will be considered on its own merits against not only the *Policy*, but also the relevant *Development Plan* and Government planning and enforcement guidance before any decision is taken.

The nature of enforcement action taken by the Council in relation to a breach of planning control is within the discretion of the Council and must be in the public interest.

Designated Council Planning and Legal Officers have delegated authority to take enforcement action, or conversely, take decisions not to initiate enforcement action. Enforcement matters are reported quarterly to the Council's *Planning and Regulatory Functions Committee* for information.

The *Policy* also provides general guidance on the Council's approach to pro-active monitoring of mineral and waste management sites.

2. Information

This document is provided as information only. It is not a full and authoritative statement of the law and does not constitute professional and/or legal advice. Any statement in this document does not replace, extend, amend or alter in any way the statutory provisions of the *Town & Country Planning Act 1990 (as amended)* or any statutory guidance issued in relation to it. In addition, any web links provided within this document are correct at the time of publication, but may be subject to change.

3. The Council's Planning Functions

3.1 Responsibilities

The Council is responsible for discharging the development control planning functions associated with minerals extraction, management of waste, and the Council's own development under the provisions of the *Town & Country Planning General Regulations 1992*. The planning functions relating to mineral and waste matters are often referred to as '*county matters*' and are defined by *Schedule 1* of the *Town & Country Planning Act 1990* and the *Town & Country Planning (Prescription of County Matters) (England) Regulations 2003*.

Currently, the District and Borough Councils of North Yorkshire are responsible for all other forms of planning control, including fly tipping, and developments permitted by them; this includes the importation and exportation of materials to develop sites where the materials are an integral part of the development and are necessary for the development to be carried out. However, this division of responsibilities will be subject to change with the advent of local government re-organisation and the introduction of a new authority replacing the County, District and Borough Councils in April 2023 and after which, a review of policies will be undertaken.

Enforcement responsibilities between District and/or Borough Councils and County Councils can be shared for some engineering operations involving inert waste materials. Decisions will be taken on the responsibility for these types of alleged breaches of planning control in consultation with the relevant District/Borough Council Enforcement Teams.

The Council has no responsibility for investigating complaints or taking enforcement action on matters under the respective jurisdictions in District/Borough Council areas, or the Yorkshire Dales National Park and the North York Moors National Park Authority areas.

3.2 Objectives

In line with Government advice, it is the Council's objective to:

- Prevent serious or irremediable harm;
- Bring unauthorised activity under control;
- Remedy the undesirable effects of unauthorised development;
- Ensure breaches of planning permission do not compromise the basis of any original permission.

The Council will always seek to resolve breaches of planning control by negotiation and only pursue formal enforcement action as a last resort where negotiation has failed. Enforcement action is a discretionary power to the Council and the Council reserves the right to use the powers available to it as appropriate. If it chooses not to pursue enforcement action, even if negotiation has failed, the reasons for not doing so will be made clear and conveyed to the complainant.

3.3 Commitments

- The Council is committed to protecting the environment and local amenity and in the majority of cases will seek to remedy breaches of planning control by negotiation.
- The process of dealing with a complaint will be open and transparent and the Council will be accountable for decisions, actions and service on planning enforcement. The Council will be consistent in approach, always working in accordance with agreed procedures.
- A range of formal enforcement powers is available to the Council to remedy the undesirable effects of unauthorised development. The Council will use the powers available in a manner proportionate to the impact or harm resulting from the breach.
- This policy commits the Council to good enforcement and monitoring practices and procedures and provides the means to control unauthorised development effectively for the benefit of the environment in general and to protect local amenity.

This *Policy* complies with the National Planning Policy Framework (NPPF) (July 2021; paragraph 59 of the NPPF states:

'Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate'.

3.4 Openness

Council Officers will advise a complainant and those involved in carrying out unauthorised development of the *Policy* that applies and will keep as much information as is practically possible in the public domain, whilst protecting the confidentiality of a complainant and any sensitive business information. Officers will seek to maintain dialogue with operators and landowners in order to achieve an agreed solution. Where enforcement action is taken through

the issue of a formal notice, it will be reported to the Council's *Planning and Regulatory Functions Committee* (or successor in title).

4. The enforcement and monitoring functions

This *Policy* sets out the Council's approach to achieving planning compliance at mineral and waste management sites within North Yorkshire; it consists of two elements. The first sets out how enquiries/complaints alleging a breach of planning control has occurred will be investigated and remedied where appropriate; the second relates to the proactive monitoring by the Council of authorised mineral and waste management sites.

5. Enforcement - Investigating unauthorised development

Breaches of planning control may be brought to the attention of the Council through complaints made by members of the public, Parish Councils, District or Borough Councils, elected Members, private organisations and/or other regulatory bodies such as Environmental Health, the Environment Agency, the Health and Safety Executive and the Oil and Gas Authority.

Planning breaches identified by Council Officers undertaking monitoring visits are raised with operators and landowners and compliance is sought through a process of informal discussion and encouragement. Where such actions are, or are likely to be, unsuccessful, then formal enforcement action may be taken. This may result in either a negotiated cessation, compliance through the issue of a *Breach of Condition Notice* or an *Enforcement Notice* or potentially the retrospective grant of planning permission, either through a planning application or through an appeal.

6. Identifying a breach of planning control

There are many activities that can take place without the need for planning permission. This may be because they do not constitute development, or because permitted development rights are available. In these circumstances, there may be no breach of planning control.

There are other instances where no breach of planning control would occur. For example:

- The issue is a private legal matter.
- The matter is outside the control of planning law and controlled by other legislation.
- There are no planning conditions on an existing site to control the subject of the complaint.

Where there is no breach of planning control, the Council cannot take further action. Where it may be a breach of other legislation, the Council will refer the matter to the appropriate enforcing body for investigation such as the Environment Agency, the Health and Safety Executive, the District/Borough Council Environmental Health Officer, or the Oil and Gas Authority.

A breach of planning control occurs when:

- Development has commenced without the required planning permission; or
- There is a failure to comply with a condition on a planning permission.

Where breaches of planning control are identified, it is the Council's objective to remedy the breach and any problems caused. The Council will:

- Check the planning register to establish whether planning permission has been granted or is being applied for and that it is not permitted development;

- Establish the facts of the case, visiting the site if necessary, recording findings, and taking a photographic record and liaising with those responsible for generating the complaint and/or complainant;
- Pass on any relevant information to other agencies who may have an interest in the case.

Where information regarding the use of land is required, a *Planning Contravention Notice* (PCN) (see below) may be served on known owners and occupiers of the land. A PCN requires information about the suspected breach of planning control and identify the breach to the person/persons, groups or bodies responsible.

7. Dealing with enquiries and complaints

The Council will investigate alleged or identified breaches of planning control, whether it is the result of a complaint or whether it is found as part of the Council's monitoring procedures.

The Council should be contacted when there are concerns about mineral or waste development or the Council's own developments or it is considered there has been a breach of planning control relating to such. The best way of making an enquiry or a complaint is by email to the following address:

planning.enforcement@northyorks.gov.uk

An enquiry or complaint can also be made in writing to:

*Planning Services,
Growth, Planning & Trading Standards,
Business & Environmental Services,
North Yorkshire County Council,
County Hall,
Racecourse Lane,
Northallerton
North Yorkshire
DL7 8AH*

or by telephone: (01609) 780780.

It is important to provide as much information as possible about the issue and include:

- your name, address, telephone number and email address;
- the address or location of the alleged breach (mark on a plan if possible);
- the name and address of the person(s), company, developer carrying out the breach (if known);
- the nature of the complaint and what you believe is the breach of planning control;
- when the problem started or took place;
- an assessment of the 'harm' the alleged breach is causing; and
- whether you would like to be kept informed of the progress of your complaint.

Once a breach of control is confirmed, a complainant may be asked to make a note of observations and keep a log of any relevant activities including for example particular, times, dates, names, addresses, telephone numbers and the registration details of any vehicles.

8. Recording and Acknowledging Complaints

When the Council receives a complaint, it will:

- Treat all complaints as confidential as far as is practicable;
- Record and acknowledge receipt of a complaint within 3 working days of receipt by email or telephone call;

- Make an initial assessment to classify the complaint depending on its nature (see table below);
- Investigate complaints within 21 days;
- Inform the complainant of the outcome of the investigations within 28 days.

Priority	Risk	Examples
Low	Minor breaches of planning conditions	A failure to turn off lights outside permitted hours of working
	Unauthorised development that is complete	Mineral extraction that has ceased Waste management that has ceased
Medium	Major breaches of planning conditions	Failure to install or maintain wheel cleaning equipment Non-compliance with approved plans.
	Unauthorised activities and/or development with the potential to cause harm to the environment or amenities of an area	Unauthorised mineral extraction or waste disposal/management activities
High	Unauthorised activities and/or development posing a significant risk of irreversible harm to the environment and/or public amenity	The disposal / management of mixed waste materials causing the risk of irreversible harm to the environment. Unauthorised mineral extraction causing risk and irreversible harm to the environment.

Should the outcome of Council's investigation fail to meet the complainant's satisfaction, then recourse can be made to the Council's formal Complaint Procedure and, ultimately, the *Local Government Ombudsman* (see '*Dissatisfaction with the service*' section below).

The Council will not disclose a complainant's name or address to anyone as far as is practicable without express consent and subject to *General Data Protection Regulations* where applicable. However, if a site has few neighbours, it is possible a complainant could be identified when we are investigating a complaint or the person causing the complaint may rightly assume who made it. In some cases, a complainant may be invited to provide evidence and give evidence as part of any legal proceedings. However, they would be under no obligation to do so and could decline and retain their anonymity.

Anonymous complaints will only be recorded on file and investigated where it appears there could be significant harm caused to the environment by the alleged breach.

Before considering any possible future action, it is necessary to establish whether there is a breach of planning control. Even if there is a breach of control, it may not be expedient to take enforcement action, for example if the breach is very minor, has ceased or has not caused an unacceptable impact. The Council will decide whether or not what has been carried out is acceptable in principle and if anything needs to be done to bring to make it acceptable. When assessing possible breaches of planning control, the Council will have to find a balance between the rights of a developer, user or owner of land or buildings, and the wider public interest. If it is not acceptable, the Council will decide what action is appropriate to prevent it continuing.

9. Joint Working

Joint working is maintained with authorities within and bordering North Yorkshire and other statutory regulating and enforcing bodies such as the Environment Agency, the Health and Safety Executive, the District/Borough Council Environmental Health Officer, the Oil and Gas Authority, the Police, HM Revenue and Customs, Department of Transport and the Driver and Vehicle Licensing Authority (DVLA). Joint investigations may be carried out or, if not available, the relevant bodies will be informed of our investigations and findings. Breaches of planning control that are not related to '*county matter*' development will be referred to the relevant District/Borough Council or National Park Authority.

Where the Council's planning enforcement function overlaps or runs parallel to the legislative functions of other authorities, any enforcement action pursued will be based on planning considerations only.

10. Time limits for taking enforcement action

In most cases, development becomes immune from enforcement if no action is taken:

- Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed;
- Within 4 years for an unauthorised change of use to a single dwelling house;
- Within 10 years for any other breach of planning control (essentially other changes of use and breaches of conditions).

The time limits do not prevent enforcement action after the relevant dates referred to above in certain circumstances:

- Further enforcement action may be taken in respect of any breach of planning control within 4 years of previous action in respect of the same breach in the event the previous action proved to be defective.
- Where there has been deliberate concealment of a breach of planning control, the Council may apply for a 'planning enforcement order' (from the magistrates' court) to allow action to be taken after the time limits;
- Where a person has deliberately concealed a breach of planning control, the time limits do not engage until the breach has been discovered.

In cases of deliberate concealment, the Council may decide to serve an enforcement notice 'out of time' or apply for a planning enforcement order.

11. Approach to enforcement

11.1 Breaches remedied by negotiation

In most circumstances where a breach of planning has occurred, we will seek to resolve the breach through negotiation to achieve the cessation and remediation of works, for example, the removal of waste that has been deposited to avoid the need for further enforcement action. In these cases, providing the breach has been satisfactorily resolved, the Council will not take enforcement action unless the breach were to persist or recur.

11.2 Breaches remedied by a retrospective planning permission

In other cases, the activity or development that is identified as a breach of planning control may appear to be an acceptable use or development of land or could be made acceptable. In these instances, the Council may invite the developer to submit a retrospective planning

application to regularise the unauthorised development or the use of the land. The fact that the development has gone ahead without planning permission will not influence the consideration or determination of any planning application.

A decision on any planning application will be taken after considering the nature of the proposal, assessing it against the policies in the *Development Plan*, with regard to the comments of other relevant organisations or bodies and the views of individuals. Providing the development is considered an acceptable use of land, planning permission may be granted subject to planning conditions that would control the development. Conversely, if planning permission is refused or a planning application has not been submitted and negotiations have failed to remedy the breach, further appropriate and proportionate enforcement action may be pursued if it is considered expedient to do so. It should be noted that pursuing enforcement action is a discretionary function.

11.3 Where negotiation fails to resolve the breach

In those cases where negotiation does not swiftly secure a remedy, or the development is considered unacceptable in principle and does not cease, then the Council will decide whether to pursue formal enforcement action in accordance with this *Policy*.

The Council's decision on whether it is expedient to pursue further action will be made following a formal assessment of the breach. This assessment could follow consultation with other regulatory bodies and the relevant District/Borough Council and would consider the nature, scale and impact of the development on the environment and on local amenity, the actual harm caused by the breach and against the policies in the *Development Plan*. The Council will have due regard to the Human Rights Act 1998 and will not act in a way which is incompatible with any convention right and will balance the private interests of the person breaching planning control against the wider public interest. The Council's assessment of the breach will conclude what is necessary to prevent the breach continuing, any works required to rectify the breach, and whether or not it is expedient to take further action, setting out reasons in support of that decision. There will be some cases where immediate action (see below for types of action) will be considered appropriate without consultation with other bodies where there is clear evidence that the breach of planning control is detrimental to the environment or the amenities of the area.

11.4. Where enforcement action is not expedient

In some cases where a breach has occurred and an assessment of the breach has concluded that the resulting harm is negligible, or '*de minimis*' (*meaning lacking significance or importance: so minor as to be disregarded*), the Council would be unlikely to take enforcement action, as it would not produce a clear benefit to the environment or local amenity.

In other cases where either limited impact has occurred or the harm is temporary or has already ceased, then there is often little to be gained from taking formal enforcement action. In such cases, the Council may conclude that it is not expedient to take further action.

Some activities that represent a breach of planning control may also be breaches of other legislation, for example in relation to the unauthorised landfilling of waste. In such circumstances, the Council will seek to co-ordinate any action with that taken by other regulators such as Environmental Health, the Environment Agency, the Health and Safety Executive and the Oil and Gas Authority.

11.5 Where enforcement action is expedient

Where breaches of planning control are causing significant harm to the environment or local amenity and we are unable to remedy the situation by negotiation, then the Council may consider it expedient to take appropriate and proportionate formal enforcement action after an assessment of the breach.

The Council will normally only take formal action when there is evidence that a breach of planning control has occurred and that it has caused demonstrable harm to interests of acknowledged importance. In addition, it must be shown that the remedial actions identified are in proportion to the breach and will help to remedy the harm caused.

If there is relevant proof that a breach of planning control has occurred and Council Officers have decided that it is expedient to take any necessary steps to remedy the breach identified, enforcement action may be taken in conjunction with Officers from the Council's Legal and Democratic Services team.

12. What action can be taken?

There are a number of enforcement powers available that can be used against the landowner, the developer or anyone else with an interest in the land.

The Council's action would depend on the amount of harm caused by the breach and the risk of further harm occurring. In general, the greater the impact of the breach on its surroundings and/or the local community, the stronger the Council's action will likely to be and shorter times within which it would be taken. There are a number of enforcement tools available to the Council; these are summarised as follows. More details can be found in the Government's guidance on '*Enforcement and post-permission matters*': [Enforcement and post-permission matters - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/enforcement-and-post-permission-matters).

12.1 Planning Contravention Notice

A *Planning Contravention Notice* (PCN) enables information to be gathered from the owner of land or someone using the land to establish whether a breach has occurred and who has an interest in the land. Details of ownership, activities or uses being undertaken and relevant dates in addition to matters relating to any planning conditions imposed by any planning permissions in respect of the land, can be required to be given. The PCN can be effective in identifying whether a breach of planning control has taken place, those responsible for the breach, who has an interest in the land and provide information that will assist the Council in deciding whether to pursue further enforcement action. The recipient(s) of a PCN are given 21 days to respond.

Non-compliance with the requirements of a PCN is an offence, and on conviction, the offender may be liable to a fine; the Council will reserve the right to pursue prosecution in appropriate cases.

12.2 Breach of Condition Notice

Where a planning condition to a planning permission is being or has been contravened, a *Breach of Condition Notice* (BCN) can be served on all those known parties who have an interest in the land requiring the breach to stop and is not repeated. There is no right of appeal against the serving of a BCN. However, recipients of a BCN are given at least 28 days before the notice takes effect so they can instigate action to remedy the breach.

The BCN will specify the steps that the Council consider need to be taken, or the activities that they consider should cease, to secure compliance with the condition(s) specified in the notice. Non-compliance with the requirements of a BCN is an offence, and on conviction, the offender may be liable to a fine; the Council will reserve the right to pursue prosecution in appropriate cases. Failure to comply with a BCN may result in further enforcement action being pursued.

12.3 Enforcement Notice

An *Enforcement Notice* (EN) can be issued where a breach of planning control has caused or is causing harm to the environment or local amenity and it is expedient to do so having regard to the provisions of the development plan and any other material considerations. An EN is served on all those known to have an interest in the land (and who may be identified by a PCN). The EN specifies exactly what, in the Council's view, constitutes the breach of control and what steps the Council require to be taken, or what activities are required to cease, to remedy the breach and the times within which the steps should be taken. When, or at any time after, an EN is served on a person(s) having an interest in the land on which action is being taken, the Council may provide a letter of assurance stating, that in the circumstances known to the Council, the person(s) on whom the EN has been served, may not be at risk of prosecution in connection with some or all of the matters contained within the EN.

An EN does not take effect for 28 days, during which time those on whom an EN has been served may lodge an appeal with the *Planning Inspectorate*. Any appeal suspends the requirements of the notice until the appeal is determined. However, once the notice takes effect, the remedial works set out in the notice must be carried out within the specified timescale. Failure to comply with the terms of the EN would constitute a criminal offence for which the offender could be prosecuted and subject to a fine on conviction.

12.4 Temporary Stop Notice

A *Temporary Stop Notice* (TSN) can be issued where there has been an identified breach of planning control and when it is expedient that the activity, or any part of the activity that amounts to the breach, should cease immediately. Unlike a 'Stop Notice' (see below), a TSN can be served on its own; there is no requirement for it to be served with an *Enforcement Notice*. Recipients of a TSN may make representations to the Council, but there is no right of appeal against the service of such a notice, although a recipient may challenge its validity by making an application to the High Court for a judicial review. The notice has effect immediately but ceases to have effect after 28 days, unless the Council withdraws it sooner. This allows a period of time (up to the maximum of 28 days) for the Council to decide whether further enforcement action is necessary and what that action should be, without the breach intensifying by being allowed to continue.

The recipient of a TSN is at risk of immediate prosecution for failing to comply with the requirements of a TSN. A person convicted of an offence is liable to a fine. As a TSN prevents an activity from continuing, the recipient has a right to claim compensation against the Council if the notice has not been served properly.

12.5 Stop Notice

Where the Council considers it expedient a breach of planning control should cease before the expiry of the period for compliance specified in an EN, a *Stop Notice* (SN) may be issued. A SN prohibits activities in breach of planning control on land subject to an EN and may only be issued with, or following, the issue of an EN notice. A SN normally takes effect after 3 days of it being served, although if special reasons exist, e.g. if significant or irreversible harm is taking place, a SN can be specified to take immediate effect. Recipients of a SN may make representations to the Council, but there is no right of appeal against the service of such a notice, although a recipient may challenge its validity by making an application to the High Court for a judicial review.

Contravention of a SN is an offence, and if proceedings are taken by the Council at Court on conviction the recipient shall be liable to a fine determined by the Court.

12.6 Injunction

Where the Council consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained, having first considered its other enforcement powers, may apply to the High Court or County Court for an *Injunction*. An application for an *Injunction* can be made whether or not the Council has exercised, or proposes to exercise, any of its other powers to enforce planning control referred to above.

In making a decision to initiate injunctive proceedings, the Council will carefully consider:

- It has sufficient evidence that a breach of planning control has already occurred, or is likely to occur on land in the Council's area;
- That injunctive relief is a proportionate remedy in the circumstances of the particular case.
- Whether all relevant considerations including the personal circumstances of those on whom injunctive proceedings are to be taken have been taken into account.

12.7 What might happen after serving a notice or injunction

All notices and injunctions must set out what is required to rectify the breach of planning control, undertake any remedial works, and specify the time periods within which the breach of planning control must be rectified and any remedial works shall be carried out by. The length of time for compliance depends on the severity of the problem and the type of notice issued.

If the recipient of an EN lodges an appeal, this will suspend the requirements of the EN, unless an accompanying *Stop Notice* has also been issued. Notification of an appeal will be by site notice, press notice and by letter to any known or identified interested parties and bodies. If a notice has been issued following the refusal of a planning application, then all those who made representations on the planning application will also be notified. The *Planning Inspectorate* determines the appeal, so it is outside the control of the Council and this commonly delays the remedial works. The appellant can also make an application for planning permission as part of the appeal process.

If no appeal is lodged within 28 days then the EN comes into force and its requirements must be complied with in the specified timescale.

Failure to comply with an injunction may result in the case being referred back to the High Court or County Court who may impose more severe penalties if the offence continues which could include a custodial sentence.

13. Compliance

Following the serving of a notice, we will visit sites to monitor compliance. If we find that the requirements of the notice are not being complied with, we will inform those identified with an interest in the land of the likely consequences. If those identified with an interest in the land fail to comply with the requirements of the notice, the Council will consider prosecution. If the notice is complied with, it will remain in force, unless withdrawn, but confirmation of compliance can be provided to those identified with an interest in the land if requested.

14. Prosecution

The Council's objective throughout planning enforcement proceedings is to prevent and remedy harm to the environment and local amenity. In cases where those identified with an interest in the land have failed to comply with the requirements of a notice, the only way in which the Council can secure its objectives is to prosecute for non-compliance.

The failure to comply with the requirements of a notice or an injunction is an offence. Whilst the aim of the criminal process is to punish wrongdoing, the Council's decision to prosecute as part of enforcement action, is not to penalise, but to prevent further harm and to act as a deterrent to others.

Prosecution is a serious matter and will only be pursued after consideration of the implications and consequences and the details of the case, including any changed or mitigating circumstances. Decisions about prosecutions will take account of the *Code for Crown Prosecutors*. A prosecution would not be commenced or continued unless there is sufficient, admissible and reliable evidence that the offence has been committed and that there is a realistic prospect of conviction.

In deciding whether or not to prosecute the Council will have due regard to the Human Rights Act 1998 and will not act in a way which is incompatible with any convention right; and will balance the private interests of the person breaching planning control against the wider public interest. The Council will take account of equality and the impact of its action on people who share protected characteristics. When considering the harm caused by the offence, the intent and personal circumstances of the offender, the history of offending and the deterrent effect that the prosecution may have on potential future offenders will be carefully considered and taken into account. Where the likelihood of success is remote, this is likely to deter the Council from pursuing a prosecution.

If the Council prosecute and the Court rules in the Council's favour, the offender will usually be fined. If following conviction, the requirements of a Notice are still not carried out, the Council will consider the need to prosecute again. If convicted, the offender could expect an increased fine and which is unlimited. In determining the amount of any fine, the Court will have regard to any financial benefit, which has been accrued or appears likely to accrue in consequence of the offence. If an injunction were breached, the Council might refer the matter back to the Court that made the order. The Court would decide how to deal with the breach, but in the most serious of cases, it could lead to a custodial sentence.

15. Direct or default action

In certain circumstances, direct or default action involving the Council going onto the land to do the works required as part of an EN may be taken to ensure compliance. It is an offence to wilfully obstruct the Council, or anyone exercising the powers on behalf of the Council. Default action will only be pursued when all other methods have failed to achieve the steps required by an EN. The Council can recover from the person who is then the owner of the land any expenses reasonably incurred in undertaking the work or a charge may be placed on the land to cover the costs of completing the work. In deciding whether to pursue such action, the Council will have regard to the up to date circumstances and the provisions of the Human Rights Act to ensure that any action is in the public interest and that it is proportionate to the breach of planning control, and the rights and circumstances of those that are in breach. The decision to initiate such action will be taken by the Council following the completion of a cost/benefit audit.

16. Monitoring

For all dormant and operational minerals sites and operational waste sites with planning permissions granted by the Council, Officers will undertake periodic routine monitoring visits in accordance with a prescribed schedule to ensure sites comply with planning conditions, approved schemes, plans and documents and requirements of legal agreements and to identify any non-compliance with planning conditions, approved schemes, plans and documents and requirements of legal agreements and any unauthorised development that requires addressing or action.

The monitoring process involves an assessment of all current planning permissions pertaining to a site; a site may be operating with the benefit of one or more planning permissions. Monitoring is carried out on a periodic basis, the frequency of which will be determined by the nature of the site and how it is understood to be operating. Monitoring is usually carried out as part of a prearranged visit to the site with the operator, although unannounced visits may be carried out, particularly if there is a need to investigate reported alleged breaches of planning control.

The visit involves a comprehensive inspection of all those areas with planning permission and an assessment whether the development is being carried out in accordance with the planning permission(s), planning conditions, approved schemes and programmes and plans and the requirements of any legal agreements to each planning permission.

A report will be prepared at the time of the visit that:

- confirms whether the site is operating in accordance with the planning permission(s), planning conditions, approved schemes and programmes and plans or otherwise; and
- what action, if any, is necessary to ensure compliance; and
- the timescales within which action, if any, is to be completed; and
- the date of the next visit to confirm the identified action has been carried out.

A copy of the report will be signed by the Council's Officer, provided to the operator at the time of the visit and the person responsible for the site at the time of the visit be invited to sign. A letter, with a copy of the report, will be sent to the site operator confirming compliance or highlighting areas needing action within 14 days of the visit.

In the event any identified action is not subsequently taken, depending on the scale and nature of any non-compliance, the Council may pursue any of the enforcement options referred to above. The Council will always work with an operator to ensure compliance with the approved planning permission(s), planning conditions, approved schemes, programmes, plans and legal obligations to ensure there is no unacceptable risk to the environment or the amenities of the area or others.

17. Dissatisfaction with the service

Should an individual, group or body not be satisfied with the outcome of a specific investigation into an alleged breach of planning control, they may in the first instance write to the Council expressing their concerns and/or requesting a review of the investigation. If a complainant is concerned about progress at a particular site then they may also speak to their County Councillor who will be able to pursue matters with officers on their behalf: [Councillors information | North Yorkshire County Council](#). A member of public may use the County Council's *Complaints Procedure* if they are concerned about the nature of action taken by the Council where unauthorised development has been alleged: [Complaints, comments or compliments | North Yorkshire County Council](#). If not satisfied with the outcome, the individual may then refer the case to the *Local Government Ombudsman*: [Planning enforcement - Local Government and Social Care Ombudsman](#). The *Local Government Ombudsman* may refuse to investigate a complaint if the complainant has not followed the Council's internal complaints procedure first.

18. Policy review

This *Policy* will be reviewed every year, updated every 3 years and shared with the Council's *Planning & Regulatory Functions Committee* or its successor.

Publication date: day/month/2022

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated April 2019)

Update to the Planning Enforcement and Monitoring policy

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Business and Environmental Services
Lead Officer and contact details	Vicky Perkin Vicky.perkin@northyorks.gov.uk
Names and roles of other people involved in carrying out the EIA	Stuart Perigo – Planning Officer
How will you pay due regard? e.g. working group, individual officer	Individual officer(s)
When did the due regard process start?	13 December 2021

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The EIA is about a review and update of the County Council's '*Planning Enforcement Control Service Pledge*' adopted in March 2000 in respect of minerals and waste planning matters.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The County Council's '*Planning Enforcement Control Service Pledge*' is being reviewed and updated to provide improved advice and guidance on the County Councils approach to the enforcement of planning control, investigations into alleged breaches of planning control and monitoring of minerals and waste operations in the County.

Section 3. What will change? What will be different for customers and/or staff?

The proposed '*Planning Enforcement and Monitoring Policy*' will provide improved and updated advice on the County Councils approach to the enforcement of planning control, investigations into alleged breaches of planning control and the monitoring of minerals and waste operations in the County for the benefit of those who may be adversely affected by

breaches of planning control by the minerals and waste industry. It will also inform the minerals and waste industry in the County how the Council will investigate alleged breaches of planning control, the actions the Council may pursue to rectify an identified breach of planning control and the risks to an operator of non-compliance with any enforcement action that may be taken. It will also inform minerals and waste operations in the County of the Council's approach to monitoring their operations and activities.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The proposed '*Planning Enforcement and Monitoring Policy*' will be reported to the Planning and Regulatory Functions Committee and the Transport, Economy and Environment Overview and Scrutiny Committee for information / comments. Subject to any comments received from the Planning and Regulatory Functions Committee and the Transport, Economy and Environment Overview and Scrutiny Committee, the draft '*Policy*' will be reported to the County Council's Executive Committee for recommendation to Full Council for approval and adoption.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

There are no financial implications associated with the review of the '*Planning Enforcement Control Service Pledge*'. Planning enforcement and monitoring is carried out, and will continue to be carried out, by the Council's Planning Services Team within current budget allocations and resources.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	x			
Disability	x			
Sex	x			
Race	x			
Gender reassignment	x			

Sexual orientation	x			
Religion or belief	x			
Pregnancy or maternity	x			
Marriage or civil partnership	x			

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?		x		Ensure mineral and waste operations in rural areas in the County are properly regulated and proportionate action is taken to rectify any breach of planning that is causing harm or unacceptable impact to the environment and amenities of the area.
...have a low income?	x			
...are carers (unpaid family or friend)?	x			

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)	
North Yorkshire wide	x
Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	
If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.	

Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) **State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

N/A

Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)

	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	x
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	

Explanation of why option has been chosen. (Include any advice given by Legal Services.)

The proposed '*Planning Enforcement and Monitoring Policy*' relates to land use planning. There is no potential for discrimination or adverse impact.

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

The proposed Planning Enforcement and Monitoring Policy relates to land use planning and will be reviewed every year, updated every 3 years and shared with the County Council's *Planning & Regulatory Functions Committee* or its successor.

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Review the Planning Enforcement	Planning Services	Every year		Update every three years

and Monitoring Policy				

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The review and update of the County Council's '*Planning Enforcement Control Service Pledge*' has been carried out in accordance with the requirements of the Governments National Planning Policy Framework 2021 and Planning Practice Guidance – 'Enforcement and post-permission matters'. The regulation and monitoring of minerals and waste developments in the County and investigation of alleged breaches of planning control would ensure developments are carried out or prevented from being carried out in a way that would adversely affect climate change and would protect the environment and amenities of the area.

Section 14. Sign off section

This full EIA was completed by: Planning Services

Name: Vicky Perkin

Job title: Head of Planning Services

Directorate: Business and Environmental Services

Signature: Vicky Perkin

Completion date: 20 December 2021

Authorised by relevant Assistant Director (signature): Matt O'Neill

Date: 21 December 2021



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Update to the Planning Enforcement and Monitoring Policy
Brief description of proposal	A review and update of the County Councils 'Planning Enforcement Control Service Pledge' adopted in March 2000.
Directorate	Business and Environmental Services
Service area	Planning Control
Lead officer	Vicky Perkin
Names and roles of other people involved in carrying out the impact assessment	Stuart Perigo
Date impact assessment started	13 December 2021

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The proposal is a review and update of the County Council's '*Planning Enforcement Control Service Pledge*' adopted in March 2000.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The planning enforcement and monitoring functions of the County Council as local planning authority is, and will continue to be, carried out by Planning Services. There may be an increase in travelling costs due to the need to visit existing minerals and waste sites and investigate alleged breaches of planning control. It is not possible to estimate any increase in travelling costs due to the variable nature of planning enforcement and monitoring practices.

pledge

How will this proposal impact on the environment?

N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.

	Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Emissions from travel			x	Potential increase in vehicular journeys	Minimise the number of journeys required	Ensure mineral and waste operations in the

How will this proposal impact on the environment?		Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.							County are properly regulated to protect the environment and amenities of the area
	Emissions from construction						
	Emissions from running of buildings						
	Other						
Minimise waste : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		x			Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations	Regulate existing minerals and waste operations and take appropriate action	Ensure mineral and waste operations in the County are properly regulated to protect the

How will this proposal impact on the environment? N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.	Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Reduce water consumption					against alleged unauthorised operations	environment and amenities of the area
Minimise pollution (including air, land, water, light and noise)	x			Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations	Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations	Ensure mineral and waste operations in the County are properly regulated to protect the environment and amenities of the area
Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers						
Enhance conservation and wildlife	x			Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations	Regulate existing minerals and waste operations and take appropriate action	Ensure mineral and waste operations in the County are properly regulated to protect the

How will this proposal impact on the environment?	Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
					against alleged unauthorised operations	environment and amenities of the area
Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape	x			Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations	Regulate existing minerals and waste operations and take appropriate action against alleged unauthorised operations	Ensure mineral and waste operations in the County are properly regulated to protect the environment and amenities of the area
Other (please state below)						

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

The review and update of the County Council's '*Planning Enforcement Control Service Pledge*' has been carried out in accordance with the requirements of the Governments National Planning Policy Framework 2021 and Planning Practice Guidance – 'Enforcement and post-permission matters'.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The review and update of the County Council's '*Planning Enforcement Control Service Pledge*' has been carried out in accordance with the requirements of the Governments National Planning Policy Framework 2021 and Planning Practice Guidance – 'Enforcement and post-permission matters'. The regulation and monitoring of minerals and waste developments and investigation of alleged breaches of planning control would ensure developments are carried out or prevented from being carried out in a way that would adversely affect climate change and would protect the environment and amenities of the area.

Sign off section

This climate change impact assessment was completed by:

Name	Vicky Perkin
Job title	Head of Planning Services
Service area	Planning Services
Directorate	Business and Environmental Services
Signature	<i>Vicky Perkin</i>
Completion date	20 December 2021

Authorised by relevant Assistant Director (signature): Matt O'Neill

Date: 21 December 2021

North Yorkshire County Council

Planning and Regulatory Functions Committee

18 January 2022

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:
15 Oct 2021 to 14 Dec 2021 Inclusive

A. County Council Development

NY/2021/0256/A27

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

Decision Notice: 20 Oct 2021

Application for the approval of details reserved by condition no. 4 of Planning Permission Ref. C2/21/01845/CCC which relates to an Aborticultural Method Statement.

Details APPROVED

NY/2021/0254/PAA

**Thirsk Community Primary School,
Hambleton Place, Thirsk. YO7 1SL**

Decision Notice: 06 Dec 2021

Request for Prior Approval under Part 11 of the General Permitted Development Order 2015 (as amended) for the demolition of an existing temporary classroom unit.

PRIOR APPROVAL GRANTED

NY/2021/0252/PAA

**Sleights Church Of England Primary
School, 2 Ingham Close, Sleights,
Whitby, YO22 5DN**

Decision Notice: 10 Dec 2021

Request for Prior Approval under Part 11 of the General Permitted Development Order 2015 for the Demolition of northern temporary classroom units and timber canopy.

PRIOR APPROVAL GRANTED

NY/2021/0243/FUL (C4/21/02386/CC)

**Sleights C of E Primary School, 2
Ingham Close, Sleights, Whitby, YO22
5DN**

Decision Notice: 23 Nov 2021

Creation of a tarmac play area (141 sq. metres) and footpath (86 sq. metres).

PLANNING PERMISSION GRANTED subject conditions

NY/2021/0188/FUL (C6/21/04441/CMA)

Killinghall Church Of England Primary School, Crag Lane, Killinghall, HG3 2DW

Decision Notice: 23 Nov 2021

Installation of Multi -Use Game Area (240 sq.metres), erection of 2m high perimeter mesh fencing, 1 no. 2 metre high double gate and erection of canopy (16 sq. metres).

PLANNING PERMISSION GRANTED subject conditions

NY/2021/0166/FUL (C5/21/23362/NYCC)

Snaygill Centre, Keighley Road, Skipton, BD23 2QS

Decision Notice: 11 Nov 2021

Erection of 2.4m high green mesh boundary fencing.

PLANNING PERMISSION GRANTED subject conditions

NY/2021/0161/FUL (C1/21/00731/CM)

Richmond Methodist Primary School, The Lodge, Darlington Road, Richmond, DL10 7BH

Decision Notice: 12 Nov 2021

The refurbishment and change of use of existing caretakers bungalow to stand alone nursery unit with associated external works.

PLANNING PERMISSION GRANTED subject conditions

NY/2021/0158/FUL (C6/2021/03284/CMA)

Oakbeck Bridge, Skipton Road, Jennyfield, Harrogate, North Yorkshire, HG1 3HG

Decision Notice: 02 Nov 2021

Dismantle existing masonry arch bridge (7.3m span) and concrete footbridge (29m span) including abutments, piers, footings, spandrel walls, parapet and coping stones to preform excavation works. Install temporary arch supports and install a new reinforced cast in-situ concrete structure - 8.6m wide and 18.23m long in 2 sections. Erection of new stone clad reinforced concrete and mass fill walls and associated works including dewatering works, backfill works and road surfacing works and removal of trees.

PLANNING PERMISSION GRANTED subject conditions

B. County Matter Development

NY/2021/0237/FUL (C3/21/01378/CPO)

Malton Waste Water Treatment Works Rye Close Malton YO17 6YD

Decision Notice: 06 Dec 2021

Installation of single GRP MCC Kiosk to upgrade equipment on site.

PLANNING PERMISSION GRANTED subject conditions

NY/2021/0226/FUL (C3/21/01379/CPO)

**Harome Waste Water Treatment Works,
Common Lane, Harome, Helmsley, YO62
7RY**

Decision Notice: 01 Dec 2021

Demolition of existing storage building, erection of 1 No. Glass Reinforced Plastic ('GRP') chemical dosing kiosk, emergency shower unit and associated hardstanding.

PLANNING PERMISSION GRANTED subject conditions

NY/2021/0222/SCR

**Shawl Quarry, Shawl Quarry Lane,
Leyburn**

Decision Notice: 27 Oct 2021

Request for a formal Screening Opinion in respect of a Planning Application for the proposed continuation of restoration operations through the importation and deposition of further inert materials using the existing site access and ancillary facilities, and the ongoing enhancement of the approved restoration landform.

Under the powers delegated to the Head of Planning Services, this letter therefore confirms that the County Council is of the opinion that the proposed development is not EIA development and need not be accompanied by an Environmental Statement.

NY/2021/0219/A27

**Washfold Farm, Moor Road, Leyburn.
DL8 5JZ**

Decision Notice: 04 Nov 2021

Application for the approval of details reserved by Condition no's 20 & 23 of planning Permission Ref. C1/78/412/MR which relates to noise and vibration.
Details APPROVED

NY/2021/0200/A27

**Land To The South Of Knapton Quarry
Landfill Site, Village Street, East
Knapton, Malton, YO17 8JA**

Decision Notice: 01 Nov 2021

Application for the approval of details reserved by condition no's 6, 7, 18 & 23 of Planning Application Ref. C3/19/01184/CPO which relates to a Construction Environmental Management Plan, a Construction Traffic Management Plan a Soil Management Plan & a Badger Survey.

Details APPROVED

NY/2021/0125/73 (C2/21/01533/CCC)

**Alne Materials Recycling Facility, Forest
Lane, Alne, YO61 1TU**

Decision Notice: 10 Dec 2021

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.

PLANNING PERMISSION GRANTED subject conditions

Decision Notice: 18 Nov 2021

Submission of Hydrology Works Conditions Report to fulfil completion of works required in Schedule 2 Part 2 of Section 106 Agreement for permission C6/500/63/Q/CMA.

Awaiting delegated letter clearance

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