

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

26 JULY 2022

C8/2021/0443/CPO - PLANNING APPLICATION FOR THE PURPOSES OF THE PROPOSED INFILLING AND RESTORATION OF FORMER MINERAL WORKINGS ON LAND ADJACENT TO EGGBOROUGH SANDPIT ON LAND TO THE WEST OF EGGBOROUGH SANDPIT, WEELAND ROAD, GOOLE HENSALL, DN14 0PT ON BEHALF OF MONE BROS CIVIL ENGINEERING LIMITED (SELBY DISTRICT) (OSGOLDCROSS ELECTORAL DIVISION)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the proposed infilling and restoration of former mineral workings on land adjacent to Eggborough Sandpit on land to the west of Eggborough Sandpit, Weeland Road, Goole Hensall, DN14 0PT on behalf of Mone Bros Civil Engineering Limited.
- 1.2 This application is subject to an objection from Eggborough Parish Council and a further objection from a local resident having been raised in respect of this proposal on the grounds of noise, visual impact and delaying the completion of the Eggborough Sandpit site and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 The site is a former minerals site which has previously been restored to an agricultural field in the early 2000's and is adjacent to the current Eggborough Sandpit site. The site is located approximately midway between the villages of Eggborough to the west, and Hensall to the east. The site is 1.8 miles from junction 35 of the M62 and 0.9 miles from the A19 to the west. The site is 2.2 hectares in size and is currently an agricultural field, to the west of the current minerals and recycling operation. This is shown on Appendix A the committee plan attached to this report. The A645 runs to the north of the site with an active railway line to the south, to the west there is further agricultural land and to the east a previously restored area after minerals extraction. To the north of the A645 is Eggborough Power station.
- 2.2 A number of dwellings and agricultural holdings are sited in proximity of the application site, along the A645 (Weeland Road) itself and along High Eggborough Lane running along the southern boundary of the site. The nearest property along the A645 is Springfield Farm which lies approximately 300 metres to the east of the site and 70 metres to the north of the site entrance and the nearest residential property to the south is Level Crossing House which is approximately 35 metres from the application site on the south side of the level crossing on High Eggborough Lane.
- 2.3 The existing site access is off the A645 (Weeland Road) to serve the Eggborough Sand Pit site. The application site is reached from the highway by a surfaced track across an area worked for sand extraction, now being infilled and restored. The

distance from the site entrance to the infilling site is approximately 500m. The haul road used to get to the site has, in the main been surfaced with hardcore. Strict speed limits on the site are imposed minimising dust from traffic crossing the site. A water bowser is also deployed to damp-down haul routes when necessary. Access to the site is restricted at the gated entrance to the quarry, which is kept locked at all times that the site is not operational. All amenity facilities required by the proposal would be shared with the minerals and recycling provisions, the weighbridge and site offices are at the entrance to the site approximately 300 metres to the north east of this application site.

- 2.4 At present the part of the agricultural field is unable to be used for beneficial use due to flooding, this is caused by the previously completed restoration scheme contours. The site at the lowest point in the south west corner is 5.76 AOD, which then rises to the north west to approximately 11.60 AOD, and north-eastward up the boundary of the quarry site along the hedgerow the site levels rise higher to at the highest point approximately 12.98 AOD. It is considered that the part of the site which floods should be classed as degraded land as it has lost some degree of its natural productivity due to previous operations on the site.
- 2.5 The application site is not within any statutory designated areas such as Green Belt, Area of Outstanding Natural Beauty, Locally Important Landscape Areas or Flood Zones. In terms of landscape the site falls within the National Character Area Profile of Humberhead Levels as stated by Natural England. This Character Area is generally a flat, very open character with occasional rising ground formed by ridges of sand and outcrops of Mercia Mudstone which, in combination with the surface geology of drift deposits, gives rise to local variations in character. The Humberhead Levels are characterised by rich high-quality land which is intensively farmed.

Planning History

- 2.6 Extraction at Eggborough Sandpit was originally granted in 1948 on 15.11 hectares of land to the east of the current application site lying north to the Knottingley to Goole railway on the south of side A645 (Weeland Road) and bounded on the east end by the part of Hazel Old Lane leading to the level crossing at Ings Gate House. New updated planning conditions for working this 1940s permission area were determined in June 1993 (Ref: C8/37/160A/PA) and the majority of that site had been worked and restored by the mid-1990s. Planning permission was also granted in June 1993 for the extraction of sand from a 9.8 hectare extension to the west of the existing Eggborough Sandpit (Ref: C8/37/177/PA). The previous operator ceased sand extraction at the site in 2002.
- 2.7 In January 2009, planning permission was granted for the infilling of the quarry void with inert material to provide for the restoration of the sand pit (Ref: C8/37/160B/PA). The approved scheme involved the partial infilling of the 7.32 hectare site in 3 phases with approximately 250,000 cubic metres (490,000 tonnes) of inert material, such as soil, stones, concrete, bricks, tiles and ceramics and glass. The infilling of the sandpit was expected to take two years with a further year thereafter to complete the restoration.
- 2.8 On the 24 June 2013, planning permission was granted (Ref: C8/2012/1045/CPO) for the use of land for the siting and operation of a mobile crusher and mobile screen with double deck and associated conveyors for the purpose of recycling of inert waste materials at the site. This planning permission permitted such operations until 6 January 2016. The operation of this facility is intrinsically linked to the importation and landfill of material permitted under planning permission C8/2011/0546/DPC, as the imported material is initially processed through the mobile crusher and screen for the purposes of recycling. The recycled material is re-used off site whilst any materials incapable of being recycled are landfilled at the site.

- 2.9 On the 23 January 2014, planning permission was granted (Ref: C8/37/177A/PA) for the variation of condition No. 1 of Planning Permission Ref. C8/37/177/PA for an extension of time for the completion of extraction. This application was for an extension of time to excavate sand from 0.95 hectares of the original C8/37/177/PA planning permission area and no further extraction was proposed in the remaining 8.85 hectares. This 2014 permission was granted until 6 January 2016. The application stated *'the area where extraction is proposed to continue contains approximately 45,000 tonnes of sand'*. This permission to extract in this area was implemented in part, but no application to extend the period of time for extraction was made in 2016 and so, the permission expired.
- 2.10 On the 12 June 2015 a planning application was submitted (ref: C8/2015/0767/CPO) to the County Planning Authority to vary of Condition No.1 of Planning Permission Ref. C8/2012/1045/CPO for an extension of time for the continued use of land for the operation of a mobile crusher and mobile screen with double deck and associated conveyors for the purpose of recycling of inert waste until 6 July 2018. A further planning application was submitted the same day (ref: C8/2015/0769/CPO) to the County Planning Authority to vary of Condition No.1 of Planning Permission Ref. C8/2011/0546/DPC for an extension of time for the continued importation of inert waste materials for the completion of restoration until 6 January 2019. Both these applications were determined by the Planning and Regulatory Functions Committee due to being subject to one objection from a member of the public and were subsequently granted and issued on 15 December 2015.
- 2.11 An application for the extraction of the residual deposit of sand from land west of the sandpit including the removal of trees until 31 December 2020, use of land for the continued siting and operation of a mobile crusher and mobile screen with double deck and associated conveyors for the purpose of recycling of inert waste materials until 30 September 2028 and the infilling and restoration of the site with inert materials Ref. C8/2018/0563/CPO, was granted 21 December 2018. This permission consolidated the previous extant permissions on the site.
- 2.12 A screening opinion was adopted on 25 September 2020 stated that the proposed application would not be EIA development and although this is now two years old there is considered to be no amendments to EIA legislation or significant changes to the locality and therefore this screening opinion is still considered up to date.

3.0 The proposal

- 3.1 Planning permission is sought for the proposed infilling and restoration of former mineral workings on land adjacent to Eggborough Sandpit on land to the west of Eggborough Sandpit, Weeland Road, Goole, Hensall, DN14 0PT on behalf of the Mone Bros Civil Engineering Limited.
- 3.2 The proposal is to infill a depression remaining from a historic minerals working within a field adjacent to the current minerals extraction and recycling site, the field the application is in relation to was worked during the late 1990's to the early 2000's and was restored. The proposed works are for the improvement of this agricultural land, which was previously restored. To complete these works there would also require some minor amendments to the restoration profile of the existing quarry sites south west corner. The amendments to the contours of the site would vary from 0.5m to 6.5m at the low point of the depression in the field. The new levels of the site would generally fall in a westerly direction from 13 AOD in the north east to 11.50 AOD on the western boundary of the site. Therefore most of the infilling works will take place close to the current quarry boundary (at the east of the application site) as levels here are currently lowest. The contours are shown on the contours plan attached to this

report as appendix B. The site requires approximately 47,500m³ of inert material to achieve these contours. The existing quarry also requires approximately 40,000m³ of inert material, which is subject to a separate Section 73 application to be determined in conjunction with this application. The infilling works would take place concurrently with the restoration of the sandpit site which currently has an extant permission. The previously approved timescale for the adjacent quarry site which requires all work to be completed by 30 September 2028 would be carried forward to this application also.

- 3.3 The site would continue to be accessed via the existing quarry access from Weeland Road (A645) and would operate with the same previously approved hours of operation 0800 to 1700 Mondays to Fridays only. The proposal would also utilise the existing Eggborough Sandpit site amenities and keep to the maximum permitted number of HGV movements which currently 108 HGV movements is accessing the site each day (54 in and 54 out). The site would also utilise the existing haul road and any existing mitigation measures would be carried forward regarding this. In regards to mud on the road all vehicles leaving the site will be sheeted and must also pass through the wheel wash located within the existing sand quarry.
- 3.4 There is potential for noise from the following operations:
- Soil stripping and replacement;
 - HGV movements associated with the delivery of materials;
 - Mobile plant associated with the handling of materials including soil bund formation;
 - Reversing alarms on mobile plant and HGVs; and
 - Mobile plant associated with the final seeding and landscaping works.
- 3.5 In regards to noise all plant and machinery would have effective silencers and be maintained in accordance with manufacturers requirements, all equipment, when not in regular use would be switched off and white noise warning and reversing alarms would be used on mobile plant and equipment. The conditions of the Eggborough sandpit site in regards to noise are also recommended to be carried forward to this site in regards to noise levels and a higher limit for temporary operations.
- 3.6 The works would be undertaken in conjunction with the existing restoration of the sandpit, however the restoration of this extra area of infilling would be prioritised to ensure that this area is infilled and restored first followed by a general withdrawal back into the sandpit area to complete the restoration profile. The operation would be limited to the proposed working hours stated above in paragraph 3.4 and it is anticipated that the infilling, final grading and seeding of the field would take up to 18 months with landscaping works taking place towards the end of this timescale. The existing soils on site would be removed and stored separately for subsequent reinstatement in bunds screening the site approximately 3.5 metres in height. The screening bunds are shown in regards to appendix C and D with the site cross sections location plan and site cross sections.
- 3.7 In regards to dust activities including HGV driving across the site and haul road, vehicles unloading inert waste and soils, mobile plant manoeuvring on site and levelling, grading and seeding of fill materials could all contribute to dust in the area. A number of mitigation measures are proposed in relation to this including ensuring all HGV's are sheeted arriving to the site, 10mph speed limit on site, good housekeeping measures to promote a clean site, use of mobile sprays to dampen material stockpiles during dry or windy conditions if required and temporary closure of the site during exceptionally windy conditions it deemed necessary.

- 3.8 The proposed works would retain the open mosaic habitat of the area, the development would require the removal of an existing hedgerow of approximately 230 metres in length with a new section of hedgerow along the boundary where the contours would be amended. Whilst the proposal would remove the length of recently planted hedgerow between the sandpit and the adjacent site it is considered that due to the levels of the site and waterlogging this hedgerow may not survive in the long term. The mature oak tree T13 and the hedgerow to the north would be retained and protected during operations. The restored site would allow future agricultural use without becoming flooded for large parts of the year. To mitigate the impact of the proposed development advance planting of a new native hedgerow to supplement the existing along High Eggborough Lane within the red line boundary of the site would be planted.. Other mitigation includes, bunds to be grass seeded and maintained, with a crest height of 15.5 AOD screening internal operations, restoration will be progressive and completed at the earliest opportunity, integration with wider Eggborough Sandpit site will be after completion of this infilling. The agent states upon completion of importation works all boundary screening bunds would be removed and the site returned to a high quality field parcel with an assimilated and locally district land form, confirming that Best and Most versatile land characteristics would be achieved.

4.0 Consultations

- 4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 13 November 2020. A further re-consultation was completed on 15 April 2021.
- 4.2 **Selby District Council (Planning)** – A response was received on 9 December 2020 stating no objections or comments in regards to this application. A further response was received on 20 April 2021 stating no objections or comments.
- 4.3 **Selby District Council (Environmental Health)** – A response received on 20 November 2020 requesting assessments of the impacts from noise and dust are required to be provided. A noise and dust monitoring report were submitted and a further response was received after discussions with the agent on the 11 June 2021 stating noise levels given in section 3.4 of the report should be conditioned as would be the mitigation measures included in section 5.7 of the report. A further response was received on 17th August 2021 stating in response to the dust action plan provided is considered proportionate to the proposal in terms of dust sources, monitoring, records and corrective actions in the event of visible dust emissions. The consultee requests that the plan or dust monitoring condition is updated to give the County Council a mechanism to recall monitoring records upon reasonable request such as a complaint.
- 4.4 **Environment Agency York** – A response was received on 3 December 2020 stating the development is infilling a depression with inert waste and the application indicates that foul drainage is not required, therefore the groundwater and contaminated land team have no objections to the proposal.
- 4.5 **NYCC Landscape Architect** – A response was received on 7 January 2021 stating an objection to the application, as further clarification was required to assess the landscape and visual effects of the proposed development. The landscape architect disagreed with the assessment and summary of landscape and visual effects, which were considered understated and do not follow a recognised assessment format. The landscape architect had concerns due to the proximity of residential receptors, during operational and restoration phases. Stating a landscape and visual assessment (LVIA) was required to be submitted to demonstrate this, which would include: cumulative effects in conjunction with existing sand pit working, the context of the

site, cross sections, suitable separation and screening, a restoration scheme, programme for implementation and phasing, tree survey and protection measures, soil management plan and details of maintenance and aftercare.

- 4.5.1 A further response was submitted on the 12 November 2021 after further updates in regards to the LVIA, cross sections and other information. The consultee stated they are now supportive of the proposed mitigation which seems reasonable and proportionate, which includes improvement to existing hedgerows, temporary works to provide 3.5 metre screen bund and early and timely phasing of the works, with stand-off distances protecting the existing boundary hedgerows. The consultee requests land to be improved with a minimum standard ALC 3a minimum since agricultural improvement is the stated aim of the application. The consultee requests suitably worded conditions regarding:
- Advance landscape mitigation; implemented as first operation / planting season, maintained for the duration of the operational development (hedgerow improvement, screen bunding).
 - Detailed landscaping scheme; prior to commencement; min 5 year replacement defects/ management period for planting; proposed planting implemented in first available planting season following completion.
 - Review of agricultural standard and drainage; scheme to be provided as necessary at end of 5 year defects / management period.
 - Control of operational lighting if proposed; to within the limited hours.
 - Soil retention and handling.
- 4.6 **NYCC Arboricultural Officer Response** – No response received to date and was chased for a response on the 1 July 2022.
- 4.7 **NYCC Ecology** – A response was received on 25 November 2020 stating the proposal is supported by a Preliminary Ecological Appraisal (PEA) which concludes that the application site is of low ecological value, being a field of restored agricultural grassland. Stating a small section of recently established hedgerow would be required to be removed but would be compensated for by new hedgerow planting and enhancement of the existing boundary hedge. Therefore requests a condition requiring adherence to the recommendations of Section 7 of the PEA, furthermore stating an ecological mitigation plan should be agreed prior to commencement, setting out details of new hedgerow planting, including a timetable and responsibility for each measure.
- 4.7.1 A further response was received on 22 April 2021 stating the revision to the Restoration, Aftercare and Management Plan (RAMP) document is noted and welcomed and would be satisfied a condition required the ecological mitigation plan to be submitted within 6 months of the determination, which should include details of the mitigation set out in Section 8 of the PEA, timing of implementation and persons responsible for each element of mitigation.
- 4.8 **NYCC Archaeology** – A response was received on 25 November 2020 stating no issues with the proposal and no further comments to make, as there are no known archaeological sites in the area or within the immediate vicinity. A further response was received on 26 April 2021 stating no further comments.
- 4.9 **Network Rail - Minerals & Waste Apps** – A response was received on 4 December 2020 stating no objection in principle to the proposed development. The response states in regards to drainage it is imperative that the revised contours for the restoration scheme do not divert flows of surface water towards railway assets, requesting conditions 23 and 24 be replicated from the previous Eggborough sandpit

permission. In regards to landscape trees/shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Details of the landscaping should be approved and have input from Network Rail, with lists of trees acceptable stated in the consultation response. The security of the railway boundary is required to be maintained at all times, if the works require an amendment to the mutual boundary the applicant must contact Network Rail. Method statements including the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan are required prior to works commencing. A method statement condition would be required to be discussed with the Network Rail Asset Protection Team, with the applicant entering a basic agreement with Network Rail.

- 4.9.1 The consultee further states other comments which could be added as informatives for any decision are all operations of cranes or other mechanical plant working adjacent to network rail's property must not be worked within three metres of the adjacent railway line or overhead electrical equipment. All earthworks must be designed to not interfere with Network Rail property, therefore prior to the commencement of development full details of earthworks near the railway undertakers should be submitted to the planning authority in consultation with the railway undertaker.
- 4.10 **Highway Authority** – A response was received on 19 November 2020 stating the number of highway movements proposed through this application is not to be increased from the currently approved number of 108 movements. A condition is requested in regards to wheel washing facilities to be submitted and implemented throughout the duration of the permission.
- 4.11 **Eggborough Parish Council** – A response was received on 30 January 2021 stating the consultee objects to the planning application stating vehicle movements take place from 7:30am, when they are approved only from 8am and that there is a constant noise of lorry door banging, when loads are tipped, earth movers and grading machines. The Parish Council state these would continue throughout the eight year period. The Parish further state that dust and pollution are an issue especially during dry weather, which blows towards Mount Pleasant Farm. The Parish further state there would be a huge amount of infill 47,500 cubic metres of the proposed site and 40,000 cubic metres on the existing quarry. Finally stating the area is a grass field and existing quarry each have a lake which has been constantly flooded in summer and winter, stating there has been flooding on other areas of land close by in the last two years which would only get worse if the proposal is approved and the area infilled, asking where the flood waters would go.
- 4.12 **Hensall Parish Council** – No response has been received to date a response was chased on 1 July 2022.
- 4.13 **Danvm Drainage Commissioners (Shire Group Internal Drainage Board)** – A response was received on 15 April 2021 stating no objection to the above application and its position is neutral.
- 4.14 **Lead Local Flood Authority** – No response has been received to date to consultations on the 9 December 2020 and re-consultation on 15 April 2021. And chased on the 1 July 2022.
- Notifications
- 4.15 **Cllr John McCartney** – Was notified on 13 November 2020.

5.0 Advertisement and representations

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- 5.1 This application has been advertised by means of 3 Site Notices posted on 25 November 2020 (responses to which expired on 23 December 2020). The Site Notices were posted in the following locations: one on the site entrance, one on High Eggborough Lane south of the site and one east of the site. A Press Notice appeared in the Selby Times/Post on 3 December 2020 (responses to which expired on 17 December 2020).
- 5.2 Neighbour Notification letters were sent on 13 November 2020 and the period in which to make representations expired on 4 December 2020. The following properties received a neighbour notification letter:
- Alsuno, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
 - Springfield Farm, Weeland Road, Selby, North Yorkshire, DN14 0RL;
 - Sandway, Weeland Road, Selby, North Yorkshire, DN14 0RL;
 - The Willows, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
 - Arlyn, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
 - The Bungalow, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
 - Hazel Grove Farm, Weeland Road, Selby, North Yorkshire, DN14 0RL;
 - Hazel Croft, Weeland Road, Selby, North Yorkshire, DN14 0RL;
 - Mount Pleasant Cottage, High Eggborough Lane, Eggborough, Goole, DN14 0PS;
 - Mount Pleasant Farm, High Eggborough Lane, Eggborough, Goole, DN14 0PS;
 - Mayerling, High Eggborough Lane, Eggborough, Goole, DN14 0PS;
 - Mount Pleasant House, High Eggborough Lane, Eggborough, Goole, DN14 0PS;
 - Level Crossing House, High Eggborough Ln, Eggborough, Goole, DN14 0PT;
 - Darley House, Hazel Old Lane, DN14 0QA;
 - The Granary, Mount Pleasant Farm, High Eggborough Lane, DN14 0FR;
 - The Fold, Mount Pleasant Farm, High Eggborough Lane, Eggborough, Goole, North Yorkshire, DN14 0FR.
- 5.3 A letter of representation has been received raising objections on the grounds of:-
- Out of hours working at 7:30am in the morning outside the approved hours of operation.
 - Noise Impact - which would be increased due to the time to complete the development.
 - Visual Impact - the proposal would move the working closer to the residential properties.
 - Dust Pollution – In dry conditions dust would be blown towards the residential properties south of the site.
 - Flooding – If the area is infilled this could potentially cause flooding on land south of High Eggborough Lane which has started to flood in the last two years.
- 5.4 A letter of representation has been received in support on the grounds of:-
- It would be beneficial to return the land to its original level doing away with the steep gradient that exists at present.
 - This would also reduce the ponding of water on the field.

6.0 Planning policy and guidance

The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of

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

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

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

- Minerals and Waste Joint Plan (North Yorkshire County Council, the City of York Council and North York Moors National Park Authority) (2022).
- The extant policies of the Selby District Core Strategy Local Plan (2013); and
- The 'saved' policies of the Selby District Local Plan (2005).

6.3 Weight in the determination process may also be afforded to emerging local policies, depending on their progress through consultation and adoption. In this respect, there are emerging local policies in the Selby District Council Local Plan Preferred Options Consultation 2021. Policies are afforded an increasing amount of weight as the Plans progress through their stages to adoption. The NPPF Paragraph 48 permits authorities to give weight to policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*

6.4 The degree of weight to be attached to the Selby District Council Local Plan Preferred Options Consultation 2021 must have regard to the fact that this Plan is at a very formative stage as an initial consultation document and to which changes may be made. It is therefore considered little weight can be attached to the Preferred Options proposals and proposed policies at this stage. Nevertheless, consideration has been given to such as part of the assessment of the application in Section 7.0 to this report.

Minerals and Waste Joint Plan (adopted 2022)

6.5 The plan was adopted on the 16th February 2022 and is relevant to the determination of this application. The document is a joint local plan between North Yorkshire County Council, the City of York Council and North York Moors National Park Authority. As the Joint Plan has been produced post-publication of the NPPF, there is no requirement to include herein NPPF-consistency statements in respect of the MWJP policies that follow below. The relevant policies are listed below.

Strategic Policies for waste

- W01 Moving waste up the waste hierarchy;
- W02 Strategic role of the plan area in the management of waste;
- W05 Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste);
- W10 Overall locational principles for provision of waste management capacity;
- W11 Site Identification Principles.

Development Management Policies

- D01 Presumption in favour of sustainable minerals and waste development;
- D02 Local amenity and cumulative impacts;

- D03 Transport of minerals and waste and associated traffic impacts;
- D06 Landscape;
- D07 Biodiversity and geodiversity;
- D09 Water Environment;
- D10 Reclamation and afteruse;
- D12 Protection of agricultural land and soils;
- D14 Air Quality.

6.6 **MWJP Policy W01** – Moving waste up the waste hierarchy states proposals would be permitted where they would contribute to moving waste up the hierarchy through the minimisation of waste, increased re-use, recycling or provision of waste treatment capacity. Point 2 states further capacity for large scale energy from waste would only be permitted in line with policy W04. Point 3 states the provision of new capacity for the landfill of residual non-inert waste would be permitted where it can be demonstrated it is the only practicable option and sufficient permitted capacity within the plan area is not available. Point 4 states landfill of inert waste will be permitted where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives or the substantial improvement of derelict or degraded land where it can be demonstrated that the import of waste is essential to bring the derelict or degraded land back into beneficial use and the scale of the importation would not undermine the potential to manage waste further up the hierarchy.

6.7 **MWJP Policy W02** – Strategic role of the plan area in the management of waste states:

- 1) *“Support will be given through the allocation of sites and the grant of planning permission for the additional waste management capacity needed to help achieve net self-sufficiency in capacity at a level equivalent to expected arisings in the Plan area, by 31 December 2030.*
- 2) *Provision of capacity within the Plan area shall include provision for waste arising in the Yorkshire Dales National Park, with the exception of mining and quarrying waste and small scale waste arisings which can be appropriately managed at facilities within the National Park.*
- 3) *Except as provided for in 2) above, where a facility is proposed specifically to manage waste arising outside the Plan area, including specialist facilities such as those accommodating hazardous waste, will not be permitted unless it can be demonstrated that the facility would represent the nearest appropriate installation for the waste to be managed.*
- 4) *Proposals which would help meet unforeseen needs for the management of specific waste streams arising in the Plan area but not specifically identified or provided for in the Joint Plan, will be permitted where they would be in line with the requirements of Policies W10 and W11.”*

6.8 **MWJP Policy W05** of the Joint Plan Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste) which states:

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

- 6.9 **MWJP Policy W10** of the Joint Plan Overall locational principles for provision of waste management capacity which states: *“The allocation of sites and determination of planning applications should be consistent with the following principles:*
- 1) *Providing new waste management capacity within those parts of the Plan area outside the North York Moors National Park and the Areas of Outstanding Natural Beauty, unless the facility to be provided is appropriately scaled to meet waste management needs arising in the designated area and can be provided without causing unacceptable harm to the designated area.*
 - 2) *Maximising the potential of the existing facility network by supporting the continuation of activity at existing time limited sites with permission, the grant of permission for additional capacity and/or appropriate additional or alternative waste uses within the footprint of existing sites and, the extension to the footprint of existing sites.”*
- 6.10 **MWJP Policy W11** of the Joint Plan Waste site identification principles states: *“The allocation of sites and determination of planning applications should be consistent with the following principles:*
- 4) *Siting facilities to support the re-use and recycling of CD&E waste at the point of arising (for temporary facilities linked to the life of the associated construction project) and at active mineral workings where the main outputs of the process are to be sold alongside or blended with mineral produced at the site; as well as at the types of sites identified in 1) above, where these are well related to the sources of arising’s and/or markets for the end product;*
 - 6) *Providing any additional capacity required for landfill of waste through preferring the infill of quarry voids for mineral site reclamation purposes, giving preference to proposals where a need for infill has been identified as part of an agreed quarry reclamation scheme and where any pollution control concerns can be mitigated to an acceptable level.*
- In all cases sites will need to be suitable when considered in relation to physical, environmental, amenity and infrastructure constraints including existing and proposed neighbouring land uses, the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities, in line with national policy.”*
- 6.11 **MWJP Policy D01** - Presumption of sustainable development. The policy states there is a presumption in favour of sustainable minerals development and that the authorities will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 6.12 **MWJP Policy D02** - Local amenity and cumulative impacts. The policy seeks to safeguard communities from any unacceptable impacts on the amenity of local communities and residents, businesses and users of the public rights of way network as a result of:
- *“noise,*
 - *dust,*
 - *vibration,*
 - *odour,*
 - *emissions to air, land or water,*
 - *visual intrusion,*
 - *public health and safety,*
 - *disruption to the public rights of way network,*
 - *cumulative effects arising from one or more of the above at a single site and/or as a result of a number of sites operating in the locality.”*
- Part 2) states applicants are encouraged to conduct early and meaningful engagement with local communities and to reflect the outcome of those discussions in the design of proposals as far as practicable.
- 6.13 **MWJP Policy D03** - Transport of mineral and associated traffic impacts encourages the use of alternatives to road transport where practicable. It permits proposals where road transport is necessary, where there is capacity within the existing network for the level of traffic, and there would not be an unacceptable impact on local

communities, businesses or other users of the network or any such impacts can be appropriately mitigated. It also requires suitable access and on-site parking and manoeuvring, and requires a transport assessment or green travel plan where significant levels of traffic are created.

- 6.14 **MWJP Policy D06** – Landscape states proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any mitigation measures. Where proposals may have an adverse effect on landscape, a high standard of design, mitigation and landscape enhancement should be provided.
- 6.15 **MWJP Policy D07** - Biodiversity and Geodiversity permits proposals where it can be demonstrated, having taken into account mitigation measures, that there will be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites and features, Sites of Importance for Nature Conservation, Sites of Local Interest and Local Nature Reserves, local priority habitats, habitat networks and species, having taken into account any mitigation measures proposed. Further stating development would not be permitted that would result in an unacceptable impact to locally important sites and assets unless it can be demonstrated that the benefits clearly outweigh the nature conservation value or scientific interest and the proposed mitigation or compensatory measure are equivalent to the value of the site. The proposal must also consider cumulative impacts in combination with individual impacts from the same development as well as in conjunction with other development and proposals should only be permitted where there would not have unacceptable cumulative impacts.
- 6.16 **MWJP Policy D09:** Water environment states:
“1) Proposals for minerals and waste development will be permitted where it can be demonstrated that no unacceptable impacts will arise, taking into account any proposed mitigation, on surface or groundwater quality and/or surface or groundwater supplies and flows.
2) In relation to surface and groundwater quality and flows, a very high level of protection will be applied to principal aquifers and groundwater Source Protection Zones. Development which would lead to an unacceptable risk of pollution, or harmful disturbance to groundwater flow, will not be permitted.
3) Permission for minerals and waste development on sites not allocated in the Joint Plan will, where relevant, be determined in accordance with the Sequential Test and Exception Test for flood risk set out in national policy. Development which would lead to an unacceptable risk of, or be at an unacceptable risk from, all sources of flooding (i.e. surface and groundwater flooding and flooding from rivers and coastal waters) will not be permitted.
4) Proposals for minerals and waste development should, where necessary or practicable taking into account the scale, nature and location of the development proposed, include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures including use of sustainable drainage systems.”
- 6.17 **MWJP Policy D10** - Reclamation and Aftercare states: *“Part 1) Proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and, where appropriate to the scale and location of the development”.* The policy requires proposals to include community engagement, taken into account the context of the site and its environmental infrastructure, give rise to benefits to the area after restoration and aftercare, taken into account climate change, provided for progressive, phased restoration and provided a longer term implementation of management of the site. In addition to this the policy requires in Part 2 that *“proposals will be permitted which deliver a more targeted approach to minerals site restoration and afteruse by contributing towards objectives, appropriate to the nature, scale and location of the site”* stating where relevant in BMV land area prioritising the protection and enhancement of soils and long term potential to create further BMV land during restoration and requires the promotion of significant net gains for biodiversity and creating biodiversity benefits.

6.18 **MWJP Policy D12** - Protection of agricultural land and soils seeks to protect Best and Most Versatile agricultural land from unnecessary and irreversible loss. Aftercare to a high standard of agricultural restoration should be achieved and developments are required to demonstrate that all practicable steps will be taken to conserve and manage soil resources in a sustainable way.

6.19 **MWJP Policy D14:** Air Quality stating “Proposals for mineral and waste development will be permitted provided that:
 (a) there are no unacceptable impacts on the intrinsic quality of air; and,
 (b) there are no unacceptable impacts on the management and protection of air quality, including any unacceptable impacts on Air Quality Management Areas.”

Selby District Core Strategy Local Plan (2013)

6.20 The Selby District Core Strategy is the long-term strategic vision for how the District will be shaped by setting out a number of broad policies to guide development. The policies relevant to the determination of this application are:

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

6.21 The Selby District Core Strategy Local Plan (2013) does not contain any policies specific to mineral-related development (‘County Matters’) but the policies above are general development management policies which would usually be applicable to District-scale development which, in this instance, are relevant to the determination of this application.

6.22 Furthermore, it should be noted that due to the age of the policies referred to above, they have to be assessed against the more up to date National Planning Policy Framework 2021 (NPPF) to determine whether they are consistent with the NPPF and what weight should be attached to them.

6.23 **Policy SP1** of the Selby District Core Strategy states that a positive approach that reflects the presumption in favour of sustainable development should be taken when considering development proposals in line with the NPPF. Planning applications that accord with policies in the Local Plan should be approved without delay, unless material considerations indicate otherwise.

6.24 This policy is in line with paragraph 11 within Chapter 2 (Achieving Sustainable Development) of the NPPF which deals with the presumption in favour of sustainable development and as such full weight can be given to this policy in the determination of this application.

6.25 **Policy SP18** of the Selby District Core Strategy seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. The policy sets out that safeguarding and enhancing the historic and natural environment is important in the determination of any planning application acknowledging the importance of the landscape character and setting of the area. The policy states this also includes promoting stewardship of wildlife safeguarding protected sites and ensuring developments retain and protect features of biological importance, seeking to produce a net gain and encouraging positive biodiversity actions as defined by the local biodiversity action plan. This policy is generally considered to be consistent with paragraphs 174 and 185 within Chapter 15 (Conserving and Enhancing the Natural Environment) of the NPPF and therefore substantial weight can be given to this policy in the determination of this application.

- 6.26 **Policy SP19** of the Selby District Core Strategy states development would be required to enhance community cohesion by way of high quality designs with regard to local character, identity and context of its surroundings, including historic townscapes, settlement patterns and the open countryside. Proposals where appropriate should consider design codes and Neighbourhood Plans to achieve good design. The policy also sets out the principles to achieve design quality for both residential and non-residential development. Additionally, it promotes open spaces and green infrastructure that contribute to the health and social well-being of the local community. It also seeks to prevent development from contributing to unacceptable levels of light or noise pollution.
- 6.27 This policy is in line with paragraph 130 within Chapter 12 (Achieving Well Designed Places) of the NPPF which also states that proposed developments must have the ability to *'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the developments.'* National Planning Practice Guidance for Design states that development should *'Enhance the quality of buildings and spaces, by considering amongst other things form and function.'* Therefore, it is considered that full weight can be given to this policy in the determination of this application.

'Saved' Policies of the Selby District Local Plan (2005)

- 6.28 Notwithstanding the adoption of the Selby District Core Strategy Local Plan in 2013, referred to above, some of the policies in the existing Selby District Local Plan (adopted in 2005 and saved in 2008 by Direction of the Secretary of State) remain extant. As these policies pre-date the publication of the NPPF, weight can be afforded to them depending on their consistency with the NPPF. The 'saved' policy considered relevant to the determination of this application is:
- ENV1 - Control of Development;
 - ENV2 - Environmental pollution and Contaminated land;
 - T1 - Development in Relation to the Highway network;
 - EMP9 - Expansion of Existing Employment Uses in the Countryside.
- 6.29 Furthermore, it should be noted that due to the age of the " policies referred to above, they have to be assessed against the more up to date National Planning Policy Framework 2021 (NPPF) to determine whether they are consistent with the NPPF and what weight should be attached to them.
- 6.30 **'Saved' Policy ENV1** Control of Development states that *"...development will be permitted provided a good quality of development would be achieved"* and sets out a number of points which the District Council will take account of in considering proposals for development:
1. *The effect upon the character of the area or the amenity of adjoining occupiers;*
 2. *The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking;*
 3. *The capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure;*
 4. *The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping;*
 5. *The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area;*
 6. *The extent to which the needs of disabled and other inconvenienced persons have been taken into account;*
 7. *The need to maximise opportunities for energy conservation through design, orientation and construction; and*
 8. *Any other material considerations".*

- 6.31 The most relevant criterion of **'saved' Policy ENV1** to the proposed development are 1, 2 and 5. The NPPF states the effects on the natural environment (paras 174, 180, 185 and 188) should be taken into account. With regards to transport, the NPPF (paras 110) require improvements to the transport network should be considered and that transport proposals should be assessed, be sustainable and safe. The NPPF (para 111) confirms that development should only be prevented or refused on highways grounds, where there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe. The policy is considered to accord with the NPPF and therefore full weight can be given to it.
- 6.32 **'Saved' Policy ENV2** of the Selby District Local Plan states that *'A) Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences.'* This policy is in line with paragraph 185 of the NPPF which states that decision should *'ensure that new development is appropriate for its location'* and should *'avoid noise giving rise to significant adverse impacts on health and the quality of life.'* Therefore, it is considered that full weight can be given to this policy in the determination of this planning application.
- 6.33 **'Saved' Policy T1** states that development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer. This policy is consistent with the objectives of the NPPF that improvements to the transport network should be considered, and NPPF paragraph 111 states that *'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* Therefore, it is considered that full weight can be given to this policy in the determination of this planning application.
- 6.34 **'Saved' Policy EMP9** states Expansion of Existing Employment Uses in the Countryside states that *"Proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map, will be permitted provided:*
 1) *The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;*
 2) *The nature and scale of the proposal would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests;*
 3) *The proposal would achieve a high standard of design, materials and landscaping which complements existing buildings; and*
 4) *Proposals involving expansion onto adjoining land would not result in the loss of best and most versatile agricultural land and the site would be well related to existing development and well screened and/or landscaped".*
- 6.35 This Policy is generally considered to be compliant with the NPPF paragraph 81 and it is therefore considered that this Policy can be afforded full weight.

Other Considerations

Emerging Selby District Council Local Plan (New Local Plan)

- 6.36 Although not yet part of the statutory *Development Plan*, it is worth noting that the following document contains emerging local policies that are of relevance to this application, a material consideration and to which proportionate weight can be attached:
- Selby District Council Local Plan Preferred Options Consultation 2021.

- 6.37 The Selby District Council 'New Local Plan' (the Plan) is in its formative stages. A public consultation on the 'Selby District Council Local Plan Preferred Options (2021)' was held between 29 January and 12 March 2021. The new Local Plan is described as *'a vision and framework for future growth of the district, identifying where new housing, employment and other development could take place'* and sets out the policies against which planning applications will be considered. It does not include any preferred options or policies relating to minerals or waste development. The new Local Plan is still at the consultation stage and has not been through examination. Therefore, whilst the emerging preferred approaches are acknowledged and those relevant to this proposal set out below, it is considered little weight can be attached to them at this stage in the plan process.
- 6.38 The consultation document *'sets out the Council's preferred approach to development growth in the District up to 2040.'* The list of Preferred Approaches considered most relevant to this proposal are:
- Preferred Approach SG1 - Achieving Sustainable Development;
 - Preferred Approach SG9 - Design of New Development;
 - Preferred Approach NE3 - Protect and Enhance Landscape Character;
 - Preferred Approach NE5 - Biodiversity Net Gain for Ecological Networks;
 - Preferred Approach NE6 - Trees, Woodland and Hedgerows.
- 6.39 **Preferred Approach SG1** states the Council will take a positive approach when considering development that reflects the presumption in favour of sustainable development and will always work positively with applicants to find solutions so a proposal can be approved wherever possible and securing improvements to the locality's social, economic and environmental conditions. It also states that planning applications that accord with the policies in the draft Local Plan (and with policies in neighbourhood plan, where relevant) will be approved without delay, unless material considerations indicate otherwise.
- 6.40 **Preferred Approach SG9** states that all new development should be high quality design which responds positively to the special character and local distinctiveness of the area. The policy lists criteria for proposed development should seek to including:
2. *'Respond to its location in terms of the natural, historic and built environment reflecting important views and landscapes;*
 8. *Seek to protect residential amenity by ensuring proposals do not have adverse impact on overlooking, loss of privacy, light or disturbance from noise, vibration, odour or fumes;*
 10. *Make sure that adequate access and internal roads are provided to ensure safe internal vehicular movements.'*
- 6.41 **Preferred Approach NE3** states *'proposals which protect, enhance or restore the landscape character of Selby District and the setting of settlements for its own intrinsic value and for its benefit to the economic, environmental and social well-being of the District will be supported.'*
- 6.42 **Preferred Approach NE5** seeks to protect the district's wildlife and deliver at least 10% net gain in biodiversity for ecological networks.
- 6.43 **Preferred Approach NE6** seeks to prevent the loss of, and to enhance, trees, woodland and hedgerows, and proposals will be supported where:
1. *'If necessary, there has been a suitable assessment of the woodland, trees and hedgerows, to a recognised professional standard which is able to demonstrate evaluation of these features for realistic long-term retention, and how this has positively informed the design process; and*
 2. *It has been demonstrated how retained features are to be protected during development; and*

3. *There has been an appropriate replacement planting scheme agreed in writing to the Local Planning Authority, where the felling of trees or the removal of hedgerow is proved necessary; and*
5. *Any proposals for the removal of trees, woodland and/or hedgerows should not increase the risk of flooding.'*

Other Policy considerations:

- 6.44 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published 2021)
 - National Planning Policy for Waste (NPPW) (published October 2014)
- 6.45 The relevant NPPF and NPPW paragraphs are appended to this report as appendix F.

7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are principle of the development, local amenity, landscape, visual impact and restoration, highways and climate change and biodiversity.

Principle of the Development

- 7.2 The proposed infilling operation is small scale in nature with 47,000m³ of inert material required. The agent states this infilling is required to improve the site and stop flooding so the field can be brought back into agricultural use. At the time of submission of the planning application, Eggborough Sandpit has an extant planning permission for the extraction of sand, recycling and restoration under reference Ref. C8/2018/0563/CPO, which was granted 21 December 2018. This previous grant of planning permission examined the merits of the development, including the disposal of inert waste, in terms of its land use and assessed that the general impacts on the development were acceptable at that time. This is required to be considered again though in this application as this is a new planning unit on an adjacent site, which is a previously restored minerals site. The proposed application site though would utilise the existing quarry infrastructure and haul road, however is not currently part of the operational Eggborough Sandpit site. The application site in regards to this application is currently an agricultural field, which due to the contours from the previous restoration now floods and is unable at present to be utilised to its fullest potential in terms of agricultural use. This proposal is required to raise the level of the land to stop the ponding/flooding on the application site.
- 7.3 In regards to current the recycling and importing of waste, the quarry site to the east (Eggborough Sandpit) has an extant permission authorising the disposal of inert waste until 30 September 2028 and the restoration of the site by 30 September 2029. This means that the principle of importing waste on the adjoining existing site has been previously established. It should be noted there are objections in regards to the proposal delaying the completion of the site however the applicant is not applying for an extension of time and wishes to complete these works within the same timeframe as previously approved. Therefore it is considered this application is a minor intensification of works in the area. Nevertheless it is not considered that this extra infilling would be a significant intensification of operations on site with no increases in HGV movements or hours of operation (which will be discussed further later in the report). If this proposal were to be approved the extant permission would also be varied raise the level of the existing site to match this proposed site. The variation

application has been submitted and is ref. C8/2020/1248/CPO, which is to be determined in conjunction to this application, however has not received any objections so would not be brought before the committee.

- 7.4 In relation to the 'proximity principle', as set out at national level in the NPPW this aims to direct waste management facilities close to the sources of the waste. The Applicant states material comes to the site from local housing and construction projects which would continue into the future whilst the main site is restored and the field hollow infilled if permission is granted. The applicant is also currently providing materials and taking in inert waste from local Environment Agency projects at Chapel Haddlesey and Ings Lane EA project in Hensall. The contracts and source of waste material is a commercial matter and the costs associated with the transport of the waste and market forces would regulate the waste movement such that the facility would be likely to represent the 'Nearest Appropriate Installation' (in respect of the 'proximity principle') for the treatment of that waste. The transport of inert materials by HGV on the public highway is the most appropriate mode of transport with the site being in proximity to major highways including the A19 and the M62. The site is situated in relative close proximity to the source of the inert infill material and therefore material would be transported along well-suited roads. The suitability of the highway network that in terms of traffic movements and distances travelled by HGVs that this proposal represents a sustainable solution for the disposal of the inert waste and complies with the proximity principle. Overall, it is considered that the capacity to be provided by the facility would help ensure that waste can be dealt with at the 'Nearest Appropriate Installation' and help ensure its management in accordance with the 'proximity principle' of the NPPW (2014).
- 7.5 In terms of the Minerals and Waste Joint Plan the relevant policies are W01 in regards to moving waste up the hierarchy, W05 in regards to construction and demolition waste capacity and D01 in regards to the presumption for sustainable development. In regards to Policy W01 this states in point 4 that inert landfill would be permitted in 'derelict' or 'degraded' land where it has been demonstrated that it is essential to bring the land back into beneficial use. In the appendix of the minerals and waste joint plan it gives a definition of derelict land as "*Land so damaged by development that it is incapable of beneficial use without treatment*" however there is no definition of degraded land. It is considered due to the levels completed by the restoration in the early 2000's part of the site is incapable of beneficial use due to flooding. Under the MWJP definition the site could be classed as derelict land, however also fits into the classification of degraded land as is land which has lost some degree of natural productivity due to previous operations on site. It is considered that the proposed infilling is required to bring the land back into beneficial use and without the infilling the land would continue to flood and therefore is in compliance with the policy wording of Policy W01 of the MWJP. Policy W01 also states the scale of the importation should not undermine the potential to manage waste further up the hierarchy in this instance it is considered due to its small scale nature and the recycling operation already on the adjacent site this would not undermine the waste hierarchy. This is also consistent with paragraph 174 (point f) of the NPPF which states decisions should remediate and mitigate "*despoiled, degraded, derelict, contaminated and unstable land, where appropriate*".
- 7.6 The MWJP plan policies W10 and W11 require the proposed infilling to be considered in relation to physical environment, amenity and infrastructure constraints including existing neighbouring land uses and the capacity of transport infrastructure, which will be further considered in this report. It is though considered that the proposed development meets the location and site identification criteria stated in policies W10 and W11 of the MWJP as it would maximise the use of the existing facility of Eggborough Sandpit quarry within its existing time limit and would utilise site facilities for the recycling of CD&E waste on a minerals site in an area outside

Areas of Outstanding Natural Beauty and out of the national park. This is also an extension to an existing site which is in compliance with W10 point 2.

- 7.7 The site in its current use is of value to the agricultural economy and this infilling work would temporarily remove it from agricultural production. However, after completion of the works the site would be of more agricultural value due to the amended raised contours which would cease the ponding/flooding of the site. The site would also be required to be restored to Grade 3a agricultural land to improve the quality of the agricultural site. It is considered the wider economic benefits of the proposed development should also be given weight and consideration, with the benefits of the continued use of an existing waste recycling facility, the opportunity to create a more productive agricultural field and increase biodiversity through further hedgerow planting being relevant in the consideration of this application. Therefore the proposal is considered in compliance with policy SP1 and SP19 of the Selby District Core Strategy Local Plan as the development would be of a good quality, would not affect the character of the area and has good access links, through the existing Eggborough Sandpit site. It is also in compliance with 'saved' policy EMP9 of the Selby District Local Plan as would not create conditions prejudicial to highways safety, would not have a significant adverse effect local amenity or the character and appearance of the area, while not causing harm on nature conservation interests and would not lead to the permanent loss of best and most versatile agricultural land. It is also in compliance with the general direction of the emerging Selby District Local Plan policy SG1 in regards to sustainable development. Furthermore one letter of support has been received in regards to reducing the ponding of the site and the proposal being beneficial in terms of returning the land closer to its original levels without the current steep gradient.
- 7.8 Therefore overall the principle of the proposed development is considered in compliance with MWJP Policies W01, W05, W10, W11 and D01 and the Selby Local plan policies stated above as it would not have a negative effect on the economic, social or environmental conditions of the area. It is also consistent with the NPPF paragraph 81 because of the benefits of the land improvements from the application improving the productivity of the site. However, any potential adverse impacts on the environment and amenity arising from the proposed extension need to be considered in detail and the main considerations are addressed in the subsequent sections of this report.

Local Amenity

- 7.9 The proposed infilling works have the potential to cause noise and dust amenity issues for the surrounding area. The application site location moves the working further west towards properties on High Eggborough Lane, one of which it should be noted has objected to this application in regards to the impact of noise on their property. The existing quarry has significant mitigation measures in place to limit the impact on residential amenity and it is required to be considered whether these measures would sufficiently mitigate the impact of this further development. The proposed development seeks to mirror the existing sites approved hours of operation, maximum noise levels and all other operational processes/practices. In relation to noise, the imposition of a maximum noise level and restricted hours of operation would ensure that the site operates so as not to result in environmental harm. The relevant proposed conditions in regards to this are condition 4 (hours of operation), condition 5 (noise levels), condition 6 (temporary operations noise levels) and condition 7 (noise monitoring). The quarrying operation has permission until 2028 and this previous proposal was assessed as acceptable with the mitigation provided by condition. Assessing this application in terms of residential amenity and the cumulative effects is focussed on whether extending the works west toward the properties on High Eggborough Lane would have a significant negative effect, as the

proposal would not extend the time period for working in the area, so would not increase the impact on properties to the north on the A645 (Weeland Road).

- 7.10 There are a number of residential properties located in proximity to the site. These properties include those on the western edge of Hensall village approximately 70 metres north of the site entrance and approximately 300 metres to the east of the infilling site. To the south the nearest residential property is Level Crossing House on High Eggborough Lane, which is approximately 35 metres from the application site and the second closest property on High Eggborough Lane would be Mount Pleasant. There are a number of properties adjacent to Mount Pleasant House further north on High Eggborough Lane, however the noise assessment has focussed on the nearest two properties. The two properties are shown on Appendix E the noise receptors plan attached to this report. There have been no known housing developments in proximity to the area since the grant of planning permission C8/37/177A/PA and C8/2017/0516/CPO, on 27 August 2017. In regards to the properties on Weeland Road (A645) as there is no change to hours of operation, HGV movements or timescale and this infilling is further from these properties than the approved development, it is not considered the proposal would have any increased impact on these properties. The noise assessment from the applicant gives the closest receptors as Level Crossing House and Mount Pleasant House as shown in table 5.2 and 5.3 below from the noise assessment report.

Receptor	Contribution. (values are dBL _{Aeq,1hr,free-field})			
	Site Preparation	Infilling	Restoration (subsoils/topsoil)	Restoration (bund removal/top soils)
R1. Level Crossing House Predicted Levels:	68	54	54	68
Limit:	70	55	70	70
Compliance expected:	yes	yes	yes	yes

Receptor	Contribution. (values are dBL _{Aeq,1hr,free-field})			
	Site Preparation	Infilling	Restoration (subsoils/topsoil)	Restoration (bund removal/top soils)
R2. Mount Pleasant House Predicted Levels:	64	50	50	64
Limit:	70	55	70	70
Compliance expected:	yes	yes	yes	yes

- 7.11 The noise assessment shows that the proposed development would be within the higher limit for temporary operations such as soil stripping for site preparation and would also be within the thresholds for routine workings in regards to national guidance thresholds for both of the closest properties. Due to the fall of the depression to be filled most of the infilling works would take place at the boundary to the quarry site with the western boundary closest to the residential properties on High Eggborough Lane not requiring a significant amount of infilling compared to the 6.5 metres at the eastern quarry boundary. The report also states that to minimise further impacts all plant and machinery would have effective silences and be maintained as required. All plant and equipment would also utilise white noise warning and reversing alarms.

- 7.12 The initial response from the Environmental Health Officer (EHO) stated that the application did not include the required noise assessments. Once this further information was submitted the EHO stated they were satisfied with the application and requested conditions limiting noise levels to match the previous permission with an 8 week temporary higher threshold of 70 dBLAeq,1hr,free-field and 55 dBLAeq,1hr,free-field for general operations. Although there are objections to the application in regards to noise, as the works are minor in nature and impacts can be mitigated to stop any unacceptable impacts on local amenity in regards to noise the proposal is in compliance with MWJP Policy D02 in regards to residential amenity. The cumulative impacts of the development are also relevant in the determination of this application with consideration of MWJP policy D02 which states communities should be safeguarded from cumulative effects arising from one or more of sites operating in the locality. In this instance although the site is moving closer to the residential properties it would be integrated into the existing site and use existing site infrastructure to minimise its impact. It is also considered that there are no further sites in the area which would mean that this proposal is significant enough to produce unacceptable impacts, therefore the proposal is in compliance with Policy D02. It is considered that the mitigation provided with the application would also mean that the application is acceptable in regards to 'saved' policies ENV1 and ENV2 as it would take into account the amenity of adjoining occupiers, due to the mitigation provided. It is also considered consistent with NPPF paragraphs 55-56, 174 and 185 on the basis that such mitigation and controls are secured by the imposition of planning conditions and that the proposed development would not result in adverse noise impacts upon any local residential property or nature conservation interest. The proposal is also considered to be in compliance with the general direction of the emerging Selby District Council Local Plan in regards to Policy SG9 point 8 in regards to protecting residential amenity.
- 7.13 In relation to dust emissions, the existing site operates dust monitoring as part of the previously approved conditions. This dust monitoring scheme has been updated in relation to this application after the initial response from the EHO requested this. The updated dust action plan states the control of dust is completed by a road sweeper, water bowser, wheel wash/bath and crusher with water suppression system. It states dust would be monitored at six locations on the site including at the site entrance, haul road, recycling area, infilling field and southern site boundary. After the receipt of dust assessment report and dust action plan the EHO requested the dust action plan be conditioned with a mechanism to recall monitoring records upon reasonable request. It is therefore considered appropriate for the conditions relating to dust to be brought forward from the previous planning permission with this additional mechanism, which is condition 8 (dust action plan) and condition 10 (wheel washing facilities) of the draft schedule. Furthermore the Highway Authority have not objected or stated any issues regarding the site or mud on the road. It is therefore considered that the current wheel wash facilities in place on the site are satisfactory and would be adequately controlled through the conditions in regards to this application.
- 7.14 On the basis that such measures are secured through condition and continue to be implemented at the site, it is considered that the impact of dust upon local amenity is likely to be minimal. It is considered the proposal is in compliance with MWJP Policy D02 and D14 in regards to residential amenity and air quality as there would be no unacceptable impacts in regards to dust and air quality. It is considered that in terms of air quality the proposed development is in accordance with 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan, which seek to ensure that there are no significant effects upon amenity arising from developments, adding further weight in support of this application. This is consistent with the guidance on dust control contained within the NPPF Paragraph 185 in relation to the protection of local amenity. The proposal is also considered to be in compliance with the general

direction of the emerging Selby District Council Local Plan in regards to Policy SG9 point 8 in regards to protecting residential amenity.

- 7.15 Specifically in regards to the infilling this would be restricted to inert waste and given that inert waste is neither biologically or chemically reactive and does not decompose it is considered it would not give rise to any odours. This is in compliance with MWJP policies W01 and W10, due to being suitably located adjacent to a worked quarry, where the highways network is acceptable and is facilitating an improved restoration of a degraded previously restored site. This is considered to be consistent with the principles of the NPPF Paragraph 185 in relation to amenity protection and 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan, which seek to ensure that there are no significant effects upon amenity arising from developments, adding further weight in support of this application.
- 7.16 For the reasons detailed above, whilst the objection in regards to noise and the impacts of infilling located closer to the residential properties is noted, it is considered that the proposed development would not result in any adverse impacts upon residential amenity. Therefore with unavoidable noise from the site being able to be controlled and mitigated to minimise the impact and the dust being controlled through the dust control scheme and noise mitigation, it is consistent with Paragraph 185 of the NPPF in regards to residential amenity. It is therefore considered that the proposed development is in compliance with Policy D02 of the MWJP in relation to local amenity and cumulative impacts as the proposed scheme would not have unacceptable impact on local amenity with the effects being mitigated against and conditions imposed to regulate noise and dust generated at the site. Therefore, the proposed development is also in compliance with the principles of Policy SP1 and SP19 of the Selby District Core Strategy Local Plan and 'saved' Policies ENV1, ENV2 and EMP9 of the Selby District Local Plan.

Landscape, Visual Impact and Restoration

- 7.17 The proposed infilling and restoration scheme for this application would amend the levels of the site filling a depression created in a previous quarrying restoration scheme from the 1990's. At present the lowest point of the site is on the quarry boundary in the south west corner of the site approximately 5.76 AOD. The land rises toward the North West boundary of the application site to approximately 11.60 AOD, and north-eastward up the boundary of the quarry site along the hedgerow the site levels rise higher to at the highest point approximately 12.98 AOD. These contours cause the site to flood which means it is of very low productivity in terms of agricultural land. The proposed scheme would raise the levels at most approximately 6.5 metres to bring the land back into successful agricultural use. The new levels of the site would generally fall in a westerly direction from 13 AOD in the north east to 11.50 AOD on the western boundary of the site. Therefore most of the infilling works will take place close to the current quarry boundary (at the east of the application site) as levels here are currently lowest. On the western boundary of the site the levels would not be significantly amended and therefore a significant proportion of the working would be in parts of the site furthest from High Eggborough Road and the residential properties.
- 7.18 In terms of the impact of the proposal on the landscape this is limited to the impact of the infilling area not the impact of the quarry site which is an extant permission. At present the proposed infilling site could be classed as degraded land as the previous restoration after minerals extraction has not been successful, with the land not being able to be utilised to its full potential due to waterlogging and resultant low productivity. It is considered that the application is in compliance with MWJP Policy W01 as it would bring a degraded site back into beneficial use, with approximately 47,000 tonnes of inert infilling which is not considered to undermine the waste hierarchy. In the long term this would provide an agricultural improvement to the site

itself and the adjacent quarry facility once the full restoration scheme has been completed.

- 7.19 The visual impact of the scheme has been assessed through a landscape and visual impact assessment (LVIA) and the scheme is designed to limit the impact where possible on the surrounding landscape, including neighbouring properties on High Eggborough Road specifically. The application states that the infilling of this site would be a priority over an 18 month period and restoration of the site would be completed progressively over this period moving in an easterly direction towards the quarry site itself. To mitigate the operational period of the infilling the application proposes a new native species hedgerow along the roadside of the application site to supplement the existing hedgerow. An informative would also be added to any permission in regards to the Wildlife and Countryside Act 1981 (as amended). Which requires any vegetation removal to be undertaken outside the bird breeding season which runs approximately from 1 March to 31 August. This is because all breeding birds, their eggs, nests and young are protected under As noted in the ecology report if this is unavoidable then a suitably qualified ecologist should search the vegetation prior to removal.
- 7.20 To further screen the site after soil stripping, these soils would be stored in screening bunds which would be 3.5 metres high screening the outer perimeter of the site from view which would be grass seeded and maintained. The LVIA sets out that the properties most impacted by the operational development would be Mount Pleasant House, The Granary, The Fold, Mount Pleasant Farm, The Bungalow on High Eggborough Lane and a house to the southern side of High Eggborough Lane Crossing. The only property with a moderate adverse effect during the operational phase is Mount Pleasant House due to the acute angle and frontage of the property with the operational land at a distance of approximately 70 metres instead of the current 170 metres at its nearest. The other properties stated would have a slight adverse effect through the operational phase. Views into the site from most of these properties would be infrequent, especially the bungalow, the fold and the Granary due to their orientation. During winter months there could be views through the hedgerows of the soil storage/screening bunds but due to the height of the bunds being 15.5 AOD with the topography of the landform gradually reducing beyond it there would be no views of the operational activities. At present there is no bund screening the quarry from the view and it is considered that as the infilling is moving closer to these properties the bund is essential in giving further protection to mitigate views into the site in addition to the hedgerows immediately south of the application site which would also be strengthened and gapped up. This bund would be conditioned as an approved document through condition three and there is also a condition to protect the railway infrastructure requiring a plan of all earthwork movements to be submitted prior to the commencement of development.
- 7.21 The LVIA concludes that the proposal would not result in any significant adverse effects on landscape character within the operational period of the proposed development or restoration, with no incongruous features in the landscape. The LVIA further states that the proposal has the potential to enhance the landscape character of the area with new landscape elements and return the land to a topographic form more similar to the historic character of the site. Furthermore stating that the shallow typically flat topography of the area means that the proposal would restrict views of the site and not provide a significant change from the current landscape which is of an operational quarry. The landscape architect after updates to the LVIA stated they were supportive of the mitigation provided which was reasonable and proportionate in the circumstances. The site is also within the Humberhead Levels landscape character area and it is considered that this application would not significantly alter the key characteristics of the character of the area as would keep a predominantly flat landscape with arable fields and hedges, available for intensive farming.

- 7.22 The landscape architect requested to secure this mitigation through a condition for planting to be completed in the first available planting season and maintained during the development (condition 21), a detailed landscaping scheme prior to commencement (Condition 20), soil handling condition (condition 22) and the land to be restored to a minimum standard of ALC 3a (condition 25). Network Rail also requested a condition regarding submission of all plans in regards to earthworks to be submitted to stop any interference with the railway infrastructure. It is therefore considered that the proposed development is in compliance with Policy D06 of the MWJP which requires proposals to demonstrate that there would be no unacceptable impact on the quality of the land and a high standard of design and mitigation has been provided. The proposal is also in compliance with Policy SP18 and SP19 of the Selby District Core Strategy Local Plan and 'saved' Policies ENV1 and of the Selby District Local Plan which seek to protect distinctive landscapes and the character of the area. The proposal is also consistent with the principles of the NPPF outlined in paragraphs 174 and 180. This is also in compliance with the general direction of the draft Selby Local Plan policies SG9 and NE3 as the proposal would reflect and improve the existing natural environment.
- 7.23 This proposal would have some effect on the approved restoration scheme at the adjacent quarry site which assimilates into the current contours of the area. The restoration profile for the adjacent extraction site currently approved (ref. C8/2018/0563/CPO) was designed to fall in a generally southerly direction while maintaining the existing ground level at the western and northern boundaries to the extraction area. The previous restoration scheme aimed to limit the effect of operations upon the character and visual appearance of the local landscape and surrounding area and fit in with the rest of the sites previously approved restoration plans. This was deemed an appropriate restoration scheme resulting in a positive impact upon the character of the area. It is considered the amendments to this previously approved scheme to fit in with the current proposal would also represent an acceptable form of restoration and would not delay the working of the site beyond the current expiry dates. The infilling works would take place as soon as possible so it can be worked in an easterly direction which would be the most efficient approach, working towards the existing site.
- 7.24 It is considered that this scheme still fits in with the previously approved restoration scheme, for the adjacent site (Ref. C8/2018/0563/CPO, dated 21 December 2018). The restoration of the site would be to a Grade 3a species rich grassland and would include hedgerow strengthening works to the south along High Eggborough Lane to reduce the amount of views into the site from High Eggborough Lane. The restored landform would sit higher than the current site, however is still considered to fit well into the current and historic landform of the area and would be considered to align more with the Eggborough Sandpit site itself post restoration. The proposal would solve the localised flooding problem with natural drainage due to the gradient and better infiltration. To confirm though there is localised flooding to this part of the agricultural field the site is not in flood zone 2 or 3 and there is no other known flooding in the area due to the previous operation. The restoration would result in a positive impact upon the character of the site and wider surrounding area. The proposed restoration scheme is considered acceptable by the County Council's Principal Landscape Architect, although a request has been made for a landscaping scheme be conditioned with any approval (condition 20). It is considered that such a scheme would enable the restored site to further blend back into the landscape of the area. It is, therefore, considered that, subject to the requirement for a landscaping scheme and a condition requiring restoration to grade 3a ALC (25 in the draft schedule) the restoration is acceptable in regards to MWJP Policy D12 as the site would give agricultural land improvements to a previously restored minerals site in a sustainable manner.

- 7.25 The proposal is also in compliance with MWJP Policy D10 in terms of aftercare as the scale, location and type of restoration is deemed acceptable in this instance. This is considered to be consistent with the principle of the NPPF which seeks the effective restoration of mineral sites at the earliest possible opportunity, although this is not a minerals site as such it would improve a previously restored site and also improve an extant permission for which the restoration is yet to be completed. This proposal would also not extend the use of the site beyond the previously approved permission for the minerals site. Therefore, it is considered that the proposed development is acceptable in principle and is still considered to be a suitable scheme of working and restoration which would ensure that the final restored land is to an appropriate standard for agricultural after-use.
- 7.26 The NPPF has no specific paragraphs regarding waste management, however it is considered that the proposed development would enhance the local and natural environment through the land improvement scheme raising the levels of the site to stop flooding, this would be consistent with paragraphs 174 and 185 as it would bring the land back into successful agricultural use enhancing a valued landscape. The site is a former quarry void which has been infilled and the restoration completed in around the year 2000. The NPPF states in terms of minerals extraction in paragraph 211 that restoration and aftercare should be provided at the earliest opportunity, which in this instance it was, however there is now an opportunity to improve this previously restored site in relation to the red line boundary of this application while the adjacent quarry/recycling facility is still operational utilising its existing infrastructure and site access. It is also considered that the proposal is consistent with the National Planning Policy for Waste (2014) as it would facilitate a sustainable development and resource efficiency, provision and use of modern infrastructure, continue local employment.
- 7.27 For the reasons detailed above, it is considered that the proposed development would not result in any adverse impact upon the character of the area and would achieve a suitable final restored landform which would have a positive impact and is compatible with the existing adjacent site. Therefore, the proposed development is considered to be consistent with the principles of the NPPF in relation to local landscape character as outlined within paragraphs 130, 174, 180, 185. It is also in compliance with the landscape and character protection elements of policies D02, D06, D07, D10 and D12 of the MWJP in regards to local amenity and cumulative impacts landscape and biodiversity, policies SP15, SP18 and SP19 of the Selby District Core Strategy and 'saved' policies ENV1, ENV2 and of the Selby District Local Plan, all of which seek to ensure that the restoration of minerals sites and developments generally, would include landscape requirements to enhance the character and appearance of the site and local area, adding further weight in support of the application.

Biodiversity

- 7.28 The ecological appraisal with the application also confirms that the proposed development would not have a significant impact on the habitats in the area or protected species with no trees within hedgerows to be removed with potential for bats, the only waterbody being the standing flooded area which is not suitable for great crested newts, no evidence of badgers, no reptiles observed in the site which is considered unsuitable as the grassland lacked variable vegetation structures and in regards to common birds the boundary hedgerow to be removed currently provides potential nesting habitat however would be mitigated with new hedgerow on the site boundary prior to works commencing, bird boxes on site and a further native hedgerow as part of the restoration of the site. The proposal would require the removal of a species poor hedgerow of approximately 230 metres in length, which

once the site is restored would be replaced with a new native hedgerow. The removal of the hedgerow would only be allowed after approval from Selby District Council for its removal under the Hedgerow Regulations Act 1997. It is noted that the current proposal has received no objections from the County Ecologist, in regards to the impact on the surrounding area or biodiversity, protected species or habitats. The ecologist requested conditions for the appropriate control of the site including the recommendations of the ecology report and the five year statutory aftercare period, which have been attached as conditions in regards to this application (Condition 3, 23 and 24). In their consultation response the ecologist also stated they were satisfied with the updated restoration, aftercare and management plan (RAMP) updates which are in relation to the existing quarry, although these are not in relation to the proposed site the existing quarry is intrinsically linked and the ecologist stating this the RAMP is acceptable in terms of ecology and biodiversity further supports the proposed application.

- 7.29 This is therefore in compliance with MWJP Policy D07 as there would be no unacceptable impacts on biodiversity and geodiversity and the improved natural drainage of the site would improve the chances of the hedgerows survival as with the current restoration scheme for the quarry this hedge has potential to become waterlogged. It is considered that the proposal is also in compliance with D07 in regards to cumulative impacts as even though the operation would take the field out of agricultural use and remove a hedgerow currently in place it would not have wider cumulative impacts out of the site and due to the nature of the existing hedgerow and surrounding habitats any birds could be provided for through other hedgerows in the vicinity. Furthermore proposal would also improve the adjacent quarry/recycling sites restoration so would have a positive cumulative impact in regards to this and biodiversity increases with the new native hedgerow provided. It is considered that the proposal is in compliance with Selby Core Strategy Policy SP18 and 'saved' policies ENV1 and in regards to the natural environment as the proposal would have a positive impact on the character of the area bringing the field back into full agricultural use and putting the site back closer to its levels prior to minerals extraction. The proposal is also in compliance with Policy SP18 and Policy as it would compensate sufficiently for the loss of the hedgerow with sufficient mitigation and biodiversity improvements. It is also considered that the proposed development is in compliance with the general direction of the emerging Selby District Local Plan Policy NE3 as it would restore the landscape character of the area, as it would mitigate the loss of the existing hedgerow and Policy NE6 as retained features would be protected, an appropriate replacement planting scheme will be achieved and the proposal would not increase the risk of flooding.
- 7.30 The site has no local or national designation and Policy D07 of the MWJP states that proposals will be permitted where there will be no unacceptable impacts on biodiversity and paragraph 174 of NPPF promotes the conservation and enhancement of biodiversity. The proposed restoration scheme would provide an agricultural field and increase the level of biodiversity present at the site with the gapping up of an existing hedgerow on the sites boundary and the replacement of an existing hedgerow with a new native hedgerow. Although there is no use of the biodiversity net gain metric for the site it is considered that the infilling works would improve the biodiversity of the site by stopping the current hedgerow failing due to flooding after the restoration is completed, making sure the replacement hedgerow with the amended levels would have more chance to succeed in the location. At present the requirement for biodiversity net gain set out in the Environment Act 2021 is not in force so in this instance has not been requested to be completed by the applicant. Therefore it is considered that the proposal accords with local and national policy and is acceptable in terms of promoting biodiversity.

Highways matters

- 7.31 As previously stated the approved working conditions of the quarry site would be carried forward to this proposed development, with working until 30 September 2028 (Condition 2), access would be off the existing on A645 (Weeland Road) (Condition 9), the same hours of operation 0800 to 1700 Monday to Fridays only (Condition 4). The proposal would also keep the 108 HGV movements a day accessing the site (54 in and 54 out) (Condition 13) with an updated dust control scheme which has details of wheel washing facilities (Condition 8 and 10) and all vehicles leaving the site would also be required to be sheeted (Condition 12). A further condition 15 is also proposed in relation to all vehicles exiting the site shall do so by turning left on the A645.
- 7.32 A complaint within Eggborough Parish Councils consultation response alleged a breach of condition in relation to hours of operation in regards to the adjacent linked Eggborough Sandpit site, which is still relevant to this application. This has been investigated by the County Council and investigations have found no evidence of any such breaches having occurred in relation to out of hour's operations. The operator has reiterated to its staff the hours of operation and stated as required by the planning permission logs of all vehicle movements are made and are able to be inspected by County Council staff. In regards to this application which is a new planning unit with separate conditions it is considered that the conditions from the current Eggborough sandpit site would also be attached to this application however would be updated so all HGV vehicle movements shall be recorded and made available on request to the County Council for the duration of the permission (Condition 14).
- 7.33 It is noted that a number of conditions were imposed upon adjacent quarry site through planning permission C8/2018/0563/CPO, to limit the impact of vehicle movements generated by the site on the surrounding highway network and upon local amenity. It is considered appropriate that the conditions relating to further highway controls in regards to this development are to the same level as the adjacent site which the two have a shared access in the event that planning permission is granted. This would ensure that the existing acceptable level of HGV movements and constraints are continued and the proposed development would not result in any adverse cumulative impacts upon the local highway network in line with the principles of the NPPF Paragraph 110 and 111 in relation to sustainable highway networks, and the highway protection elements of 'saved' policies ENV1, T1 and EMP9 of the Selby District Local Plan, all of which seek to ensure that vehicle movements generated by developments are both capable of being accommodated by, would not have an adverse effect upon the local highway network or prejudice the safety of the highway, adding further weight in support of this application.
- 7.34 The Highway Authority has not objected to the application, which would be a slight intensification of works on the site with additional infilling until 31 September 2028, the Highway Authority request vehicle movements are not increased from the currently approved numbers. The Highway Authority also request a condition in regards to wheel washing facilities to be secured and utilised for the duration of the permission. It is considered the existing wheel washing facilities on site and a mobile road sweeper, are appropriate mitigation measures in regards to this and would be conditioned with any approval of development as stated above. The proposed development is therefore considered to be in compliance with MWJP Policy D03 in regards to sustainable transport as it would not significantly affect the highways network and does not increase HGV vehicle movements in the area.
- 7.35 For the reasons detailed above, it is considered that the proposed development would not have an adverse impact upon the local highway network, which is capable of continuing to accommodate the proposed vehicle movements. Therefore, the proposed development is considered to be consistent with the NPPF, in compliance

with the highway protection elements of the Policy D03 of the MWJP as there is capacity within the existing network and because of the mitigation the applications conditions and 'saved' policies ENV1, T1 and EMP9 of the Selby District Local Plan.

Climate Change

- 7.36 An objection in regards to the application states that the raising of the levels of the land could potentially cause flooding on land south of High Eggborough Lane stating this has happened in the last two years. The site is within flood zone 1 the lowest risk category for flooding and the wider area is not historically known to flood and with being in flood zone 1 the exception test is not required to be implemented. However a flood risk assessment has been submitted in support of the application. This states that the site contains superficial sand and gravel deposits and the bedrock is Sandstone, red, yellow and brown, part pebbly and is within the Humber river basin. At present surface water drainage soaks away through the previously infilled areas, the area that is waterlogged and floods is due to being the lowest level point in the area. It is considered that the infilling would allow for the surface water to drain freely through the restored landform and due to the short term temporary nature of the works during operation flood risk would remain low. It is considered that the proposed works would not increase the risk of flooding, as the proposed development would improve the natural drainage of the site. The proposal therefore accords with Policy D11 viii) which deals with implementing landscape planting to adapt to climate change and including areas of new wildlife habitat, which the proposed restoration plan would do with further hedgerows added to the site. Paragraph 11 of the NPPF promotes mitigating climate change as part of the presumption in favour of sustainable development, therefore it is considered that this proposal is acceptable in terms of climate change. The site would be progressively restored after the infilling back to an agricultural field to provide mitigation measures for the effect of climate change. The proposal accords with Policy D09 4) of the MWJP which states that proposals should '*include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures*'.

8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the proposed infilling and restoration of former mineral workings on land adjacent to Eggborough Sandpit.
- 8.2 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

Obligations under the Equality Act 2010

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

Obligations under the Human Rights Act

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

9.0 Recommendation

9.1 For the following reasons:

- i.) the principle of the proposed development has been established through the previous grant of planning permissions;
- ii.) the proposed development would not have a significant impact upon the local environment and would result in no significant adverse impacts which could not be mitigated;
- iii.) the proposed development would not have a significant impact upon the character of the surrounding area;
- iv.) the proposed development would not have a significant impact upon the amenity of any local receptor;
- v.) the proposed development would not have an significant adverse impact upon the local highway network;
- vi.) the proposed development is consistent with the principles of the NPPF, NPPW and in compliance with Minerals and Waste Joint Plan Policies W01, W02 W05, W10, W11, D01, D02, D03, D06, D07, D09, D10, D11, D12 and D14, Policies SP1, SP18 and SP19 of the Selby District Core Strategy (2013) and 'saved' Policies ENV1, ENV2, T1 and EMP9 of the Selby District Local Plan (2005).

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

Conditions

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice, the date of which shall be notified in writing to the County Planning Authority within 7 days of commencement.

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

2. The permission hereby granted is valid only until 30 September 2028 for the purpose of and the infilling and restoration of the site with inert materials. In the event of the approved Eggborough Sandpit operation (Ref. C8/2018/0563/CPO) or the application site ceasing for a period in excess of 12 months before the completion of the

development hereby permitted, a revised scheme of restoration and landscaping shall be submitted to the County Planning Authority for written approval within six months of the cessation. The approved scheme shall be implemented in accordance with a programme to be included in that scheme.

Reason: To ensure the timely restoration of the site.

Approved Documents

3. The development hereby permitted shall be carried out in strict accordance with the application details dated 4th November 2020 and the following approved documents and drawings:
 - Planning Statement, No Ref V1, dated 14 October 2020.
 - Location Plan, Ref. MON-004B-W.D.001, dated September 2020.
 - Site Plan, Ref. MON-004B-W.D.002, dated September 2020
 - Close up of phase 1-3 works, Ref Figure 1, October 2020.
 - Field Extension Topsoil Screening Bund, Ref. EINC Figure 3 Rev A, dated November 2020
 - Proposed Tipping Area to west of existing land ownership area, Ref. EGG/FIELD/TIPLEVELS, dated October 2020.
 - Flood Risk Assessment, no Ref, 20 October 2020
 - Landscape and Visual Impact Assessment, No Ref. dated July 2021
 - Noise Assessment, Ref 2019717, dated 26 March 2021
 - Dust Assessment, Ref 4168r1, dated 24 March 2021
 - Preliminary Ecological Appraisal, No Ref, dated October 2020.
 - Cross Section Location Plan, Ref. MON-004-W.D.009, dated July 2021
 - Contextual Cross Sections, Ref. MON-004-W.D.008, dated July 2021
 - Proposed Tipping Area to west of existing land cross sections, Ref EGG/XSECT/WEST, dated October 2020
 - Hedges and Trees to be Retained, Ref. EGSCO/11F, dated March 2021

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

Hours of Operation

4. No import of waste materials, infilling works, restoration work or any other associated operations shall take place except between the following times:
0800 – 1700 Monday to Friday.
No activities shall take place on Saturdays, Sundays or Bank and Public Holidays.

Reason: To protect residential amenity.

Noise

5. During the working hours specified in Condition 4 above, noise from operations on site shall not cause the Leq 1hr sound level to exceed 55dB(A) as measured from the boundary of any residential property. In the event that the noise level specified above is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in-compliance with the above level.

Reason: To protect residential amenity

6. During the construction of any soil mounds and bunds, the final placement of topsoil and during restoration, noise from the operations on site shall not cause the Leq 1hr sound level to exceed 70dB(A) as measured from the boundary of any residential property. In the event that the noise level specified above is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in-compliance with the above level.

Reason: *To protect residential amenity.*

7. The development shall be carried in accordance with the noise monitoring scheme "Kirby Charles Associates Ltd" "Noise Monitoring Scheme" (ref: KCA100308/2285NMS) dated March 2009, as approved under the terms of Condition 8 of planning permission C8/2018/0563/CPO, dated 21 December 2018, or any subsequent permission superseding this. With the exception that the frequency of monitoring shall be on an annual basis. Additional monitoring can be carried out at the request of the County Planning Authority or receipt of a complaint.

Reason: *To protect residential amenity.*

Dust Monitoring

8. The development shall be carried out in accordance with the Dust Action Plan (Ref. IMS OP 02 – F007 Rev 2, dated 1 September 2021), including the measures proposed to control dust, details of the wheel washing facilities to be used, the water source and capacity and the method of water distribution onto stockpiles and roadways during dry and windy weather. The dust monitoring data shall be forwarded to the County Planning Authority within seven days of any reasonable request such as the receipt of a complaint.

Reason: *In the interests of amenity.*

Highways

9. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at A645 Weeland Road.

Reason: *In the interests of highway safety*

10. The existing wheel wash facilities within Eggborough Sandpit shall be retained and maintained in full working order at all times throughout the infilling and restoration the subject of this planning permission. All vehicles involved in the transport of materials or finished products from the site shall use the wheel cleaning facilities before leaving the site so that no mud or waste materials are deposited on the public highway.

Reason: *In the interests of highway safety.*

11. The existing visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times. The splays shall give clear visibility of 120 metres measured along both channel lines of the major road, A645 Weeland Road, from a point measured 4.5 metres down the centre line of the access road. The eye height will be 1.0 metre and the object height shall be 0.6 metre.

Reason: *In the interests of highway safety.*

12. All heavy goods vehicles (as defined by this permission) exporting material from Eggborough Sandpit shall be securely sheeted or otherwise enclosed in such a

manner as to prevent dust blowing from materials and to prevent material being spilled onto the public highway.

Reason: In the interests of highway safety.

13. Heavy goods vehicle (as defined by this permission) movements associated with the development hereby permitted within the land edged red and heavy goods vehicle (as defined by this permission) movements associated with the operations being carried out on the land edged blue (under the provisions of planning permission C8/2018/0563/CPO) shown on plan reference Ref. MON-004B-W.D.001, dated September 2020, shall not exceed 108 per day (54 in and 54 out) at any time.

Reason: In the interests of highway safety.

14. A written record of all heavy goods vehicle movements (as defined by this permission) into and out of the application site and Eggborough Sandpit site for the purposes of condition 13 shall be maintained and retained at the site for a period of six months. The record shall contain the vehicles weight, registration number and the time and date of movement. The record shall be retained at Eggborough Sandpit and made available to the County Planning Authority on request.

Reason: In the interests of the environment and visual amenity.

15. No heavy goods vehicles (as defined by this permission) exiting the site shall do so except by turning left onto the A645.

Reason: To ensure that the amenity of local residents is protected.

Network Rail

16. Any cranes, machinery and constructional plant used in connection with the deposit of waste materials to restore the land, must be positioned such that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail.

Reason: To ensure the safety, operational needs and integrity of the railway.

17. There must be no interference with any drain or watercourse belonging to the Network Rail.

Reason: To maintain the safety of railway operations.

18. Storm or surface water must not be discharged onto or towards Network Rail's property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or runoff affecting railway property.

Reason: To maintain the safety of railway operations.

19. Prior to the commencement of development full details of earthworks within 30m of the railway undertakers shall be submitted to and approved in writing by the County Planning Authority in consultation with the railway undertaker. Throughout the life of the development tips and stockpiles must be positioned in accordance with earthworks plans away from the railway infrastructure.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to protect the safety of railway operations.

Landscaping Scheme

20. Prior to the commencement of development details of hard and soft landscape works and a management and maintenance scheme shall be submitted to and approved in writing by the County Planning Authority. All works must be undertaken in accordance with the approved details and shall thereafter be managed and maintained to the required standard.
- Details for maintenance of temporary screen bunds
 - The location of all existing trees, shrubs and hedgerows to be retained and proposals for their protection and maintenance;
 - Details of areas to be seeded and grassed;
 - The programme of phased implementation including planting and grass seeding completed in the first available planting season.

Thereafter, the approved development shall be implemented in strict accordance with the approved details.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to protect the amenity of the area and to ensure the provision and establishment of acceptable landscaping.

21. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting and seeding season. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the character of the site in the interests of visual amenity and to ensure the provision and establishment of acceptable landscaping.

Soil Storage

22. Any topsoil and subsoil taken from the application site shall be retained for use in restoration of the site and shall be stored separately from each other in such locations in accordance with Drawing Field Extension Topsoil Screening Bund, Ref. EINC Figure 3 Rev A, dated November 2020. Any such storage mounds and any screening bunds shall be seeded with a grass mix that has been first agreed in writing with the County Planning Authority and such seeding shall be done as soon as practicable and no later than the first growing season after creation of the storage mound or bund.

Reason: To ensure the satisfactory restoration of the site.

Ecological Mitigation Plan

23. Within six months of the date of this permission an Ecological Mitigation Plan, which includes details of the mitigation set out in Section 8 of the Preliminary Ecological Appraisal, No Ref, dated October 2020 including the timings for implementation and persons responsible for each element of mitigation shall be submitted to and approved in writing by the County Planning Authority. All works must be undertaken in accordance with the approved details and shall thereafter be managed and maintained to the required standard.

Reason: In the interest of the environment and biodiversity.

Aftercare Scheme

24. Within six months of the date of this decision a detailed scheme and programme for the aftercare of the site for a period of five years to promote the agricultural afteruse of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:

- Maintenance and management of the restored site to promote its agricultural use.
- Weed control where necessary.
- Measure to relieve compaction or improve drainage.
- Maintenance and replacement of trees and shrubs, weed control and re-staking.

Reason: To ensure that the aftercare of the site is acceptable in terms of the landscape of the area.

Agricultural Land Classification

25. All agricultural land restoration areas, as shown on Field Extension Topsoil Screening Bund, Ref. EINC Figure 3 Rev A, dated November 2020 must achieve a minimum of Agricultural Land Classification of 3a.

Reason: To ensure satisfactory restoration and beneficial afteruse of the site.

Annual Meeting

26. Within 12 months of the date of this permission an annual meeting shall be held between the operator and the County Planning Authority to review schemes of working, restoration, landscaping and aftercare issues. This meeting shall include all interested parties and technical advisers as required.

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

Record of Decision

27. A copy of this permission and all approved documentation shall be made available on site for inspection during normal working hours throughout the life of the permission. Their contents and existence should be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure the satisfactory operation of the site.

Definitions

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

Informatives:

1. Sufficient best practices and pollution prevention measures should be in place to prevent any deterioration of the groundwater quality associated with the proposed activities. Groundwater position statements from the Environment Agency are available from gov.uk.
2. Due to the presence of nesting birds of various species within the site, any vegetation removal should be undertaken outside the bird breeding season which runs approximately from 1 March to 31 August. This is because all breeding birds, their eggs, nests and young are protected under the Wildlife and Countryside Act 1981 (as amended). As noted in the ecology report if this is unavoidable then a suitably qualified ecologist should search the vegetation prior to removal.

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

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

K BATTERSBY

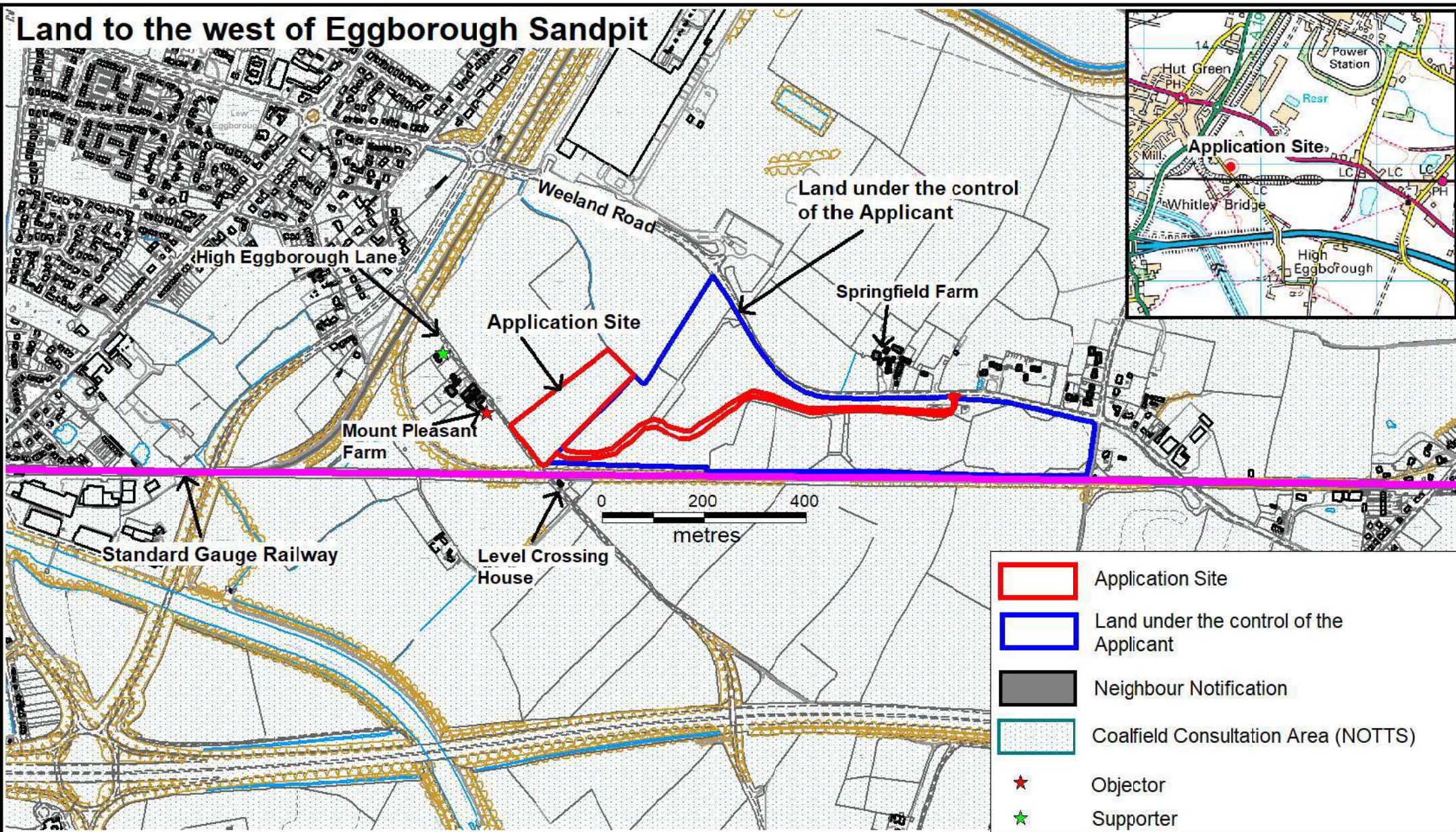
Corporate Director, Business and Environmental Services
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: INSERT C Ref. C8/2021/0443/CPO (NY/2020/0183/FUL) registered as valid on 9 November 2020. Application documents can be found on the County Council's Online Planning Register by using the following web link:
2. Consultation responses received.
3. Representations received.

Author of report: Sam Till

Land to the west of Eggborough Sandpit



Application No : C8/2021/0443/CPO

Title: Proposed infilling and restoration of former mineral workings on land adjacent to Eggborough Sandpit at Land to the west of Eggborough Sandpit, Weeland Road, GooleHensall, DN14 0PT

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

Scale : 1:10,000
Date : July 2022
Filename : Eggborough
Compilation & Analysis : SAT/JB

project
EGGBOROUGH PIT.

client
MONE BROS LTD.

drawing title
**PROPOSED TIPPING AREA
 TO WEST OF EXISTING LAND
 OWNERSHIP AREA.**

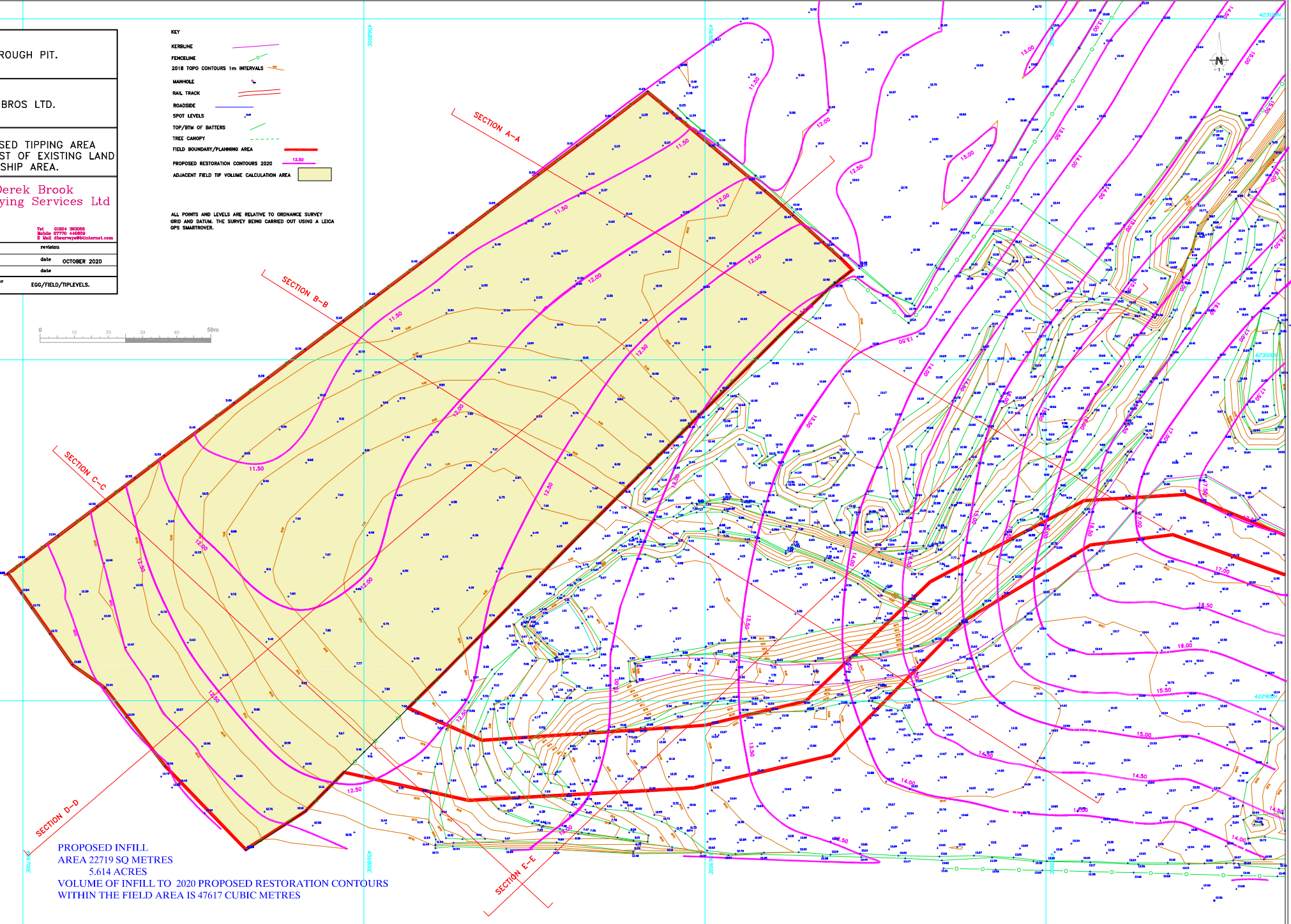
**Derek Brook
 Surveying Services Ltd**

7 Ash Street
 Stanley
 Wakefield
 WF3 4JX
 Tel: 01924 393966
 Mobile 07770 440839
 E Mail: dbrook@dbrookssurveys.com

scale	1:500	revision	
drawn/traced		date	OCTOBER 2020
checked		date	
drawing number	EGG/FIELD/TIPLEVELS.		

- KEY
- KERBLINE
 - FENCELINE
 - 2018 TOPO CONTOURS 1m INTERVALS
 - MANHOLE
 - RAIL TRACK
 - ROADSIDE
 - SPOT LEVELS
 - TOP/BTM OF BATTERS
 - TREE CANOPY
 - FIELD BOUNDARY/PLANNING AREA
 - PROPOSED RESTORATION CONTOURS 2020
 - ADJACENT FIELD TIP VOLUME CALCULATION AREA

ALL POINTS AND LEVELS ARE RELATIVE TO ORDNANCE SURVEY
 GRID AND DATUM. THE SURVEY BEING CARRIED OUT USING A LEICA
 GPS SMARTLEVEL.



**PROPOSED INFILL
 AREA 22719 SQ METRES
 5.614 ACRES
 VOLUME OF INFILL TO 2020 PROPOSED RESTORATION CONTOURS
 WITHIN THE FIELD AREA IS 47617 CUBIC METRES**

Eggborough





This drawing highlights the location of 3No. typical contextual cross sections (see Drawing Reference: MON-004-W.D.008), along with annotations relating to operational mitigation and enhancement proposals.

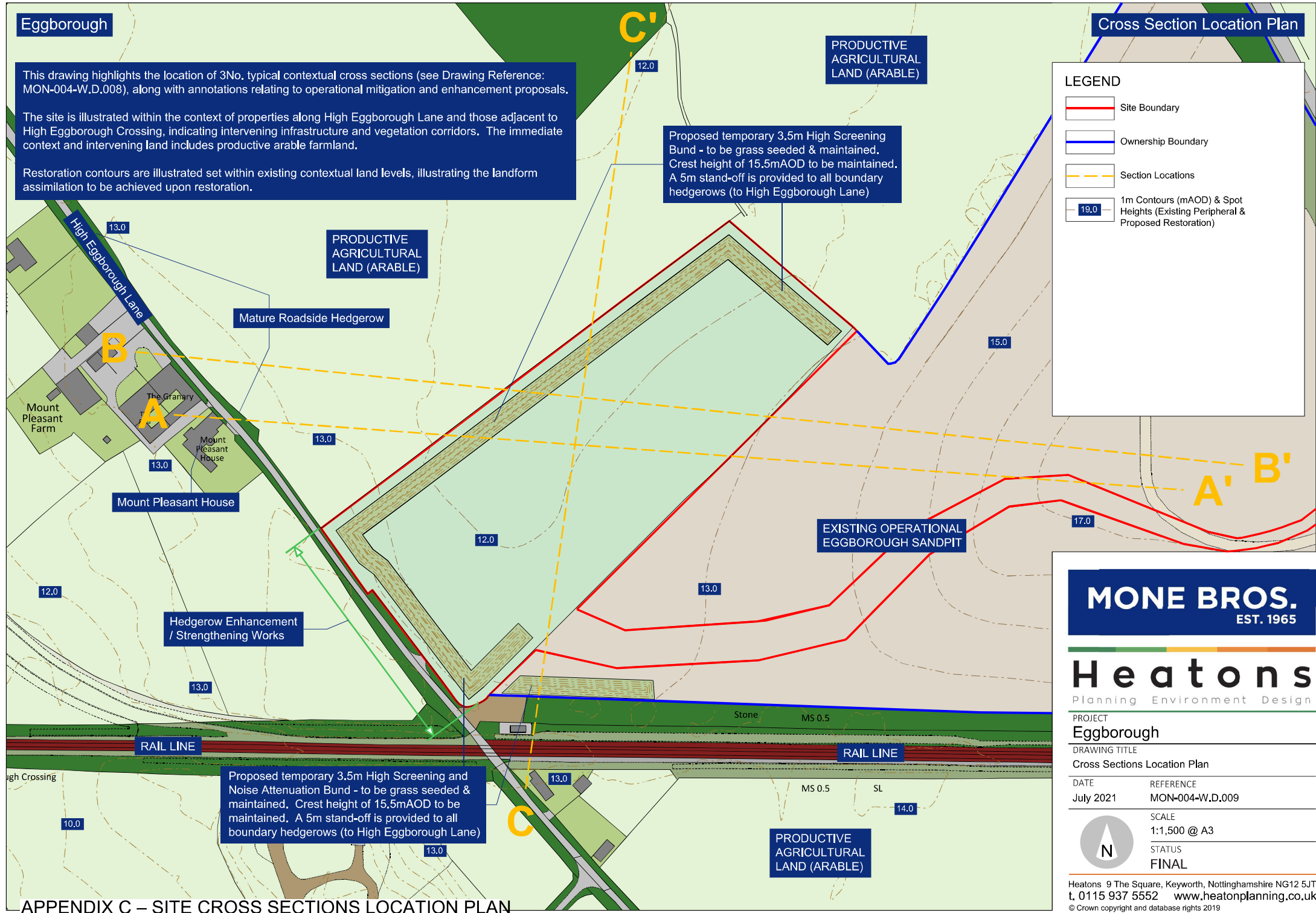
The site is illustrated within the context of properties along High Eggborough Lane and those adjacent to High Eggborough Crossing, indicating intervening infrastructure and vegetation corridors. The immediate context and intervening land includes productive arable farmland.

Restoration contours are illustrated set within existing contextual land levels, illustrating the landform assimilation to be achieved upon restoration.

Cross Section Location Plan

LEGEND

-  Site Boundary
-  Ownership Boundary
-  Section Locations
-  1m Contours (mAOD) & Spot Heights (Existing Peripheral & Proposed Restoration)



APPENDIX C – SITE CROSS SECTIONS LOCATION PLAN

MONE BROS.
EST. 1965

Heatons
Planning Environment Design

PROJECT
Eggborough

DRAWING TITLE
Cross Sections Location Plan

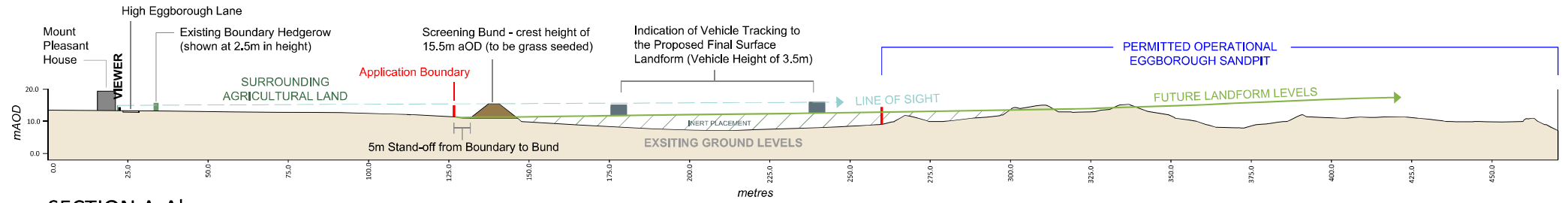
DATE
July 2021

REFERENCE
MON-004-W.D.009

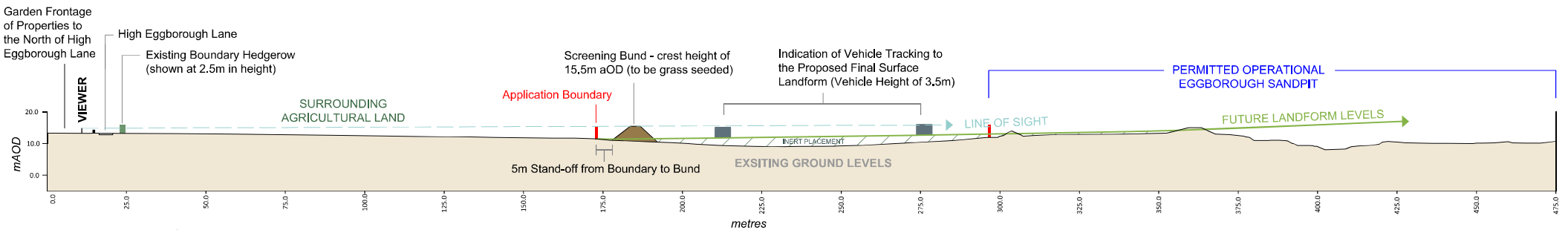
SCALE
1:1,500 @ A3

STATUS
FINAL

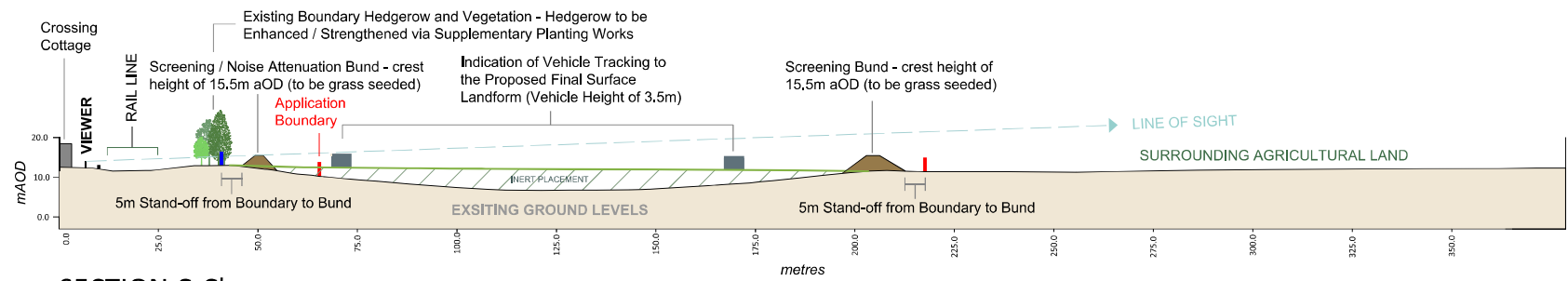
Heatons 9 The Square, Keyworth, Nottinghamshire NG12 5JT
t. 0115 937 5552 www.heatonplanning.co.uk
© Crown copyright and database rights 2019



SECTION A-A'



SECTION B-B'



SECTION C-C'

This drawing provides 3No. typical cross sections illustrating the existing and proposed landform levels associated with the proposed development, along with proposed mitigation measures and protective standoffs, set within the context of properties located off High Eggborough Lane and at the Rail Crossing Point. The location of each is illustrated on Drawing Reference: MON-004-W.D.009

The cross sections highlight line of sight visibility from receptor locations at a typical average height of 1.6m above ground level, including the screening effects of intervening landscape features and peripheral bunds, including the screening of internal vehicular movements associated with the proposed inert placement and restoration works.

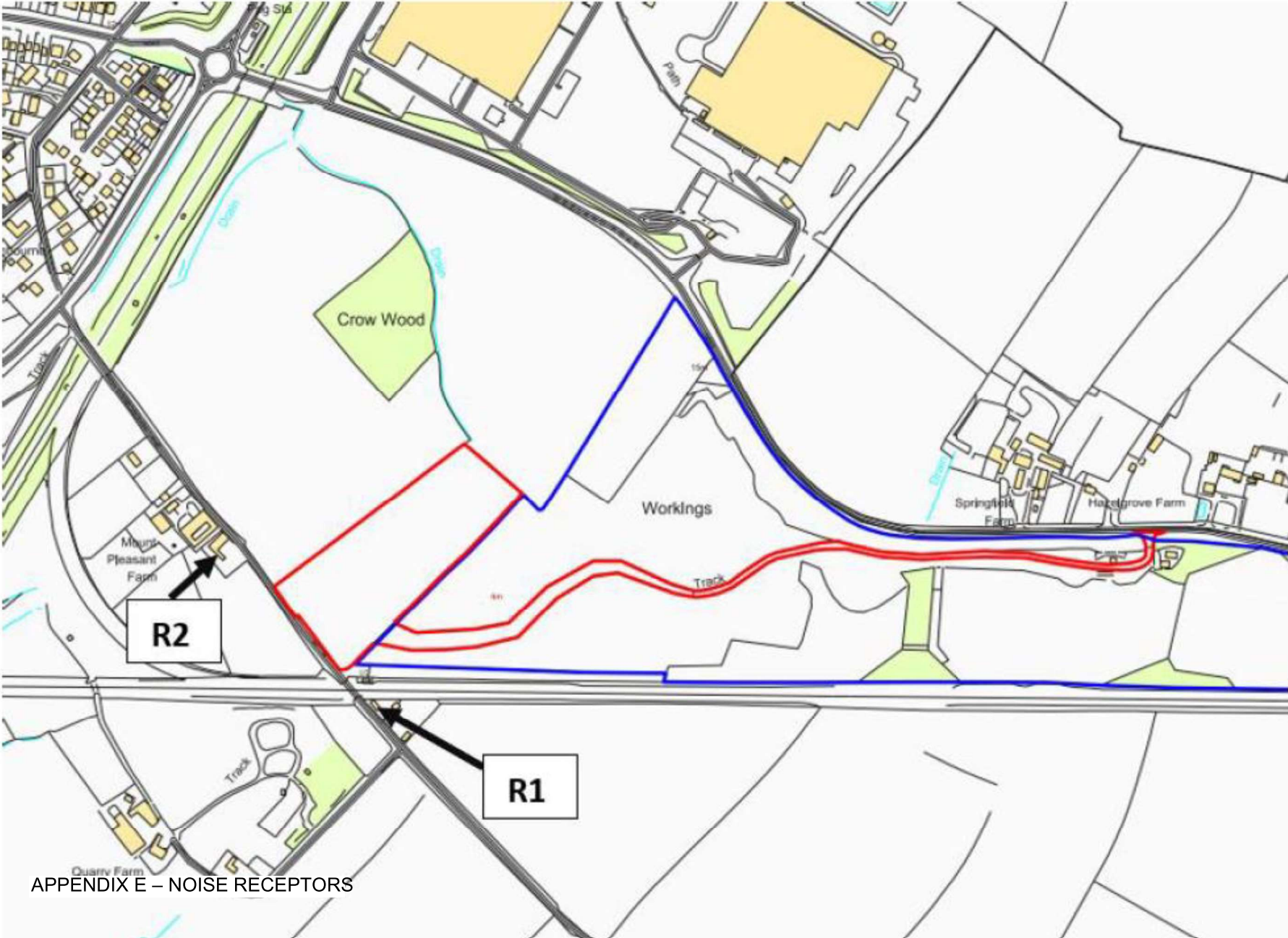
APPENDIX D – SITE CROSS SECTIONS



PROJECT	
Eggborough	
DRAWING TITLE	
Contextual Cross Sections	
DATE	REFERENCE
July 2021	MON-004-W.D.008
SCALE	
1:1,250 @ A3	
STATUS	
FINAL	



Figure 3.1 Receptor Location Plan



APPENDIX E - NOISE RECEPTORS

APPENDIX F - NPPF (2021), NPPW and National Waste Management Plan for England (2021)

NPPF (2021)

Paragraph 11

For decision-taking this means:

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

Paragraph 48

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Paragraph 55

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

Paragraph 56

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 81

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Paragraph 110

Specific applications for development, it should be ensured that:

- b) safe and suitable access to the site can be achieved for all users; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

Paragraph 111

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 130

Planning policies and decisions should ensure that developments:

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

Paragraph 174

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) ...;
- d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 180

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

- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Paragraph 185

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) ...; and
- c) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 188

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regime). Planning decisions should assume that these regimes will operate effectively....

Paragraph 211

When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

- e) *provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstance;*

National Planning Policy for Waste (NPPW)

Within the National Planning Policy for Waste, Chapter 1 of the document notes that the planning system plays a key role in delivering the country's waste ambitions through '*recognising the positive contribution that waste management can make to the development of sustainable communities*'. Furthermore, it is noted that it is important that ambitions are also achieved by '*helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment*'. Furthermore, it is advised that this document provides a framework to enable waste to be disposed of or recovered '*in line with the proximity principle*'.

Paragraph 1 of the NPPW states that the Government's ambition is to "*work towards a more sustainable and efficient approach to resource use and management*". The NPPW sets out the "pivotal role" that planning plays in delivering the country's waste ambitions with those of relevance to this application being helping to secure the disposal of waste without endangering human and health and harming the environment.

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

Paragraph 7 of the National Planning Policy for Waste, provides guidance to Local Planning Authorities in the determination of waste planning applications, advising that they should only require quantitative or market need where proposals are not consistent with the local plan, consider the likely impact on the local environment and amenity set out against Appendix B criteria and the locational implications of any advice on health from relevant bodies, ensure that they are well designed and contribute positively to the character and quality of the area and ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standard through the application of appropriate conditions where necessary.

Within Appendix B of the National Planning Policy for Waste, it is noted that in addition to the type and scale of any proposed facility, Local Planning Authorities should consider the following factors in assessing the suitability of a proposed waste site:

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

It should be noted that the National Planning Policy for Waste does not contain any guidance on dealing with unallocated sites.

END