

# North Yorkshire Council

## Strategic Planning Committee

Minutes of the meeting held at County Hall, Northallerton on Tuesday 13 June 2023 at 10am.

### **Present:-**

Councillors Andy Paraskos (Chair), Sam Cross, Richard Foster, George Jabbour (as Substitute for Andrew Lee), John Mann, Steve Mason, John McCartney, Bob Packham, Yvonne Peacock, Neil Swannick, Roberta Swiers, Malcolm Taylor and Arnold Warneken (as Substitute for Andy Brown).

Apologies were received from Councillors Andy Brown and Andrew Lee

Councillor Peter Lacey attended the meeting remotely and, therefore, was unable to vote on the items considered.

There were 3 members of the public and a representative of the press present.

A training session on Minerals and Waste Planning was held prior to the commencement of the meeting.

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### **Copies of all documents considered are in the Minute Book**

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#### **1. Welcome and Introductions.**

The Chairman welcomed everyone to the inaugural meeting of this Committee.

#### **2. Minutes of the meeting held on 28 March 2023**

##### **Resolved -**

That the Minutes of the meeting of North Yorkshire County Council's Planning and Regulatory Functions Committee, held on 28 March 2023, be confirmed by Members and signed by the Chairman as a correct record, as there were sufficient Members in attendance that had attended the previous meeting.

#### **3. Declarations of Interest**

There were no declarations of interest.

#### **4. Public Questions or Statements**

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that there were no general questions or statements from members of the public, however, questions/statements had been submitted in respect of Minute No. 5, below, which would be submitted to the Committee when that item was considered.

**5. C3/22/01196/CPO - Planning application for variation of condition No. 2 of Planning Permission Ref. C3/07/00515/CPO for an extension of time to allow the remaining limestone reserves at the quarry to be extracted and the site to be fully restored on land at Newbridge Quarry, Yatts Road, Pickering, North Yorkshire.**

Considered -

The report of the Assistant Director Planning – Community Development Services requesting Members to determine a planning application for the variation of condition No. 2 of Planning Permission Ref. C3/07/00515/CPO for an extension of time to allow the remaining limestone reserves at the quarry to be extracted and the site to be fully restored on land at Newbridge Quarry, Yatts Road, Pickering, North Yorkshire.

The application was accompanied by an Environmental Statement and was recommended to be approved, therefore, it was reported to the Committee for determination

Local resident, Rob Newton, submitted a written representation which was read out to the Committee by the Clerk, as follows:-

“Having visited the site recently, it would appear that the applicant has already made significant progress proceeding with their work to extend the quarry area ahead of this committee meeting to determine whether or not the application will be granted. I would like to highlight this as yet another example of a theme running through comments made by myself and others about the apparent disregard for process by the applicant. With regards other examples: I draw the committees attention to the ways in which the applicant has dealt with public rights of way matters in a less than satisfactory way in the past as well as the response in the documentation from the landscapes architect which flags that 'there is currently little evidence of progressive restoration in line with the previously approved scheme Working Phases 1-3'

I do not call for a complete rejection of the plans however I would urge the Committee to use whatever powers it has to ensure that the applicant does more to comply with its duties in the way that it operates, to which it currently appears to have little regard.”

Niall Kelly, the planning and estates manager for Breedon, who operate Newbridge Quarry, attended the meeting and stated the following:-

Quarrying activities at Newbridge originate back to 1946, and the site has been subject to a number of planning applications over the past 60 years, with the most recent granting planning permission for the northern extension in 2009, for around 2.75mt of additional mineral.

This planning permission outlined that the extraction of the mineral should cease by the 31<sup>st</sup> December 2022, however this would have meant leaving some previously consented mineral sterilised as there is circa 500,000 tonnes of mineral remaining at Newbridge.

The reason behind the slightly slower than anticipated extraction rate is down to the previous economic climate and the Covid 19 pandemic, where production slowed dramatically at the quarry due to lockdown.

Given that there was still consented mineral left to be extracted Breedon have sought this application to allow for an additional 4 years to extract the mineral and restore the site in accordance with the approved restoration plan.

In response to the email read out it should be noted that this application does not include any extension to the existing workings, it merely seeks an extension of time to extract the mineral, that has already been consented and restore the site.

The application has been accompanied by an Environmental Impact Assessment, which has assessed topics including, noise, transport, air quality, ecology, archaeology, water and landscape and visual impact. All of the chapters have concluded that the proposed extension of time would not result in any adverse impacts.

I would also like to address the comments made with regard to the restoration of the site and the footpaths. Restoration of the wider site is ongoing, with the southern part of the wider site restored (circa 25 acres) and further works progressing this year.

With regard to the footpaths, we are aware of some slight differences between the definitive map and what is laid out on site and we are working with North Yorkshire Council to address this. In the meantime, a safe route through the site, which is fully waymarked has been provided.

As outlined in the committee report, the application is consistent with planning policy at a national and local level and it is recommended that the Council approve this application.

A representative of the Assistant Director Planning – Community Development Services presented the Committee report, highlighting the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations

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

Members discussed the report and the following issues were highlighted:-

- The extent of the application in terms of hectares was clarified.
- A Member queried whether that had been any complaints, or the need for enforcement action, in respect of the previous permissions granted at that location. It was stated that there had been none.
- Noting the reference to the Public Rights of Way in the public statements and the negotiations being undertaken in relation to those, a Member raised concerns that Condition 24, which related to the control of the PROW issue, only related to a single PROW, whereas there were a number of PROWs highlighted within the report. It was recognised that the Condition was erroneous in respect of the issue raised and it was suggested that an amendment to Condition 24 be agreed, should Members be minded to approve the application.
- A Member noted that there was an intention to return the land to good quality agricultural land, through the after care proposals, which he commended, however, he considered that there was scope to discuss further with the applicant enhanced bio-diversity and climate change reducing measures, as

these were due to become regulated within planning consents in the near future. It was noted that these issues were featured within the application, however, subject to the agreement of the applicant, further enhancements to these could be negotiated. The representative of the applicant confirmed that they would be willing to take part in such negotiations.

- In relation to the bio-diversity issues it was asked whether the forthcoming benchmarks could be introduced from now, to ensure that applicants were fully compliant with these, going forward. In response it was stated that bio-diversity net gain was already considered within all aspects of rural development but did not necessarily have to be required solely through the application process, as this would only be taken account of when applications were considered. Developers were fully aware of the need for bio-diversity net gain and were taken account of the issue. It was suggested that supporting documentation for applicants may be beneficial in drawing their attention to issues that should be addressed, ahead of this becoming a requirement. In response it was stated that consideration would be given to providing the supporting documents outlined.
- A Member asked whether there had been any previous complaints from neighbouring villages regarding the hours of operation on the site. In response it was stated that there had been none recorded and nothing had arisen during the monitoring of the site.
- It was asked whether the 4 year period requested within the application to extract the remaining mineral was appropriate. It was stated that the time period taken to extract the mineral date was taken account and it was considered a fair and reasonable allowance of time to remove the remainder.
- Members considered the application period to be reasonable and emphasised that the mineral was required and would have to be extracted elsewhere, rather than from this existing site, should the application be refused. It was noted that the local Member supported the application.

**Resolved: -**

That the application be approved for the reasons outlined within the report and, subject to an alteration to Condition 24 to reflect that there is more than one PROW affected, subject to the conditions detailed.

This was agreed unanimously.

**6. Neighbourhood Planning – Examiner’s Report on the Bradleys Both Neighbourhood Development Plan**

Considered –

The report of the Corporate Director of Community Development presenting the Examiner’s Report on the Bradleys Both Neighbourhood Development Plan, as set out at Appendix A to the report; and,

Presenting a Regulation 18 Decision Statement, as set out at Appendix B which sets out:

- The modifications to the submitted Bradleys Both Neighbourhood Plan recommended by the Examiner and reasons contained within the Examiner’s report;
- The recommended decision North Yorkshire Council, as the Local Planning Authority, is asked to take in response to each recommended modification, as suggested by Planning Policy Officers;

- Whether the Bradleys Both Neighbourhood Plan meets the basic conditions; and
- Whether the Council is satisfied that the Plan can proceed to referendum.

A representative of the Corporate Director of Community Development, presented the report, highlighting the following:-

- Work had been undertaken alongside Bradley Parish Council in the development of the Neighbourhood Plan. Details of the location area for the plan and the timeline for it's development were outlined.
- The Plan went out for consultation in October 2022 and was then submitted to the Independent Examiner.
- The Examiner ensured that the Plan was compliant with the appropriate legislation with recommendations then sent to the Local Authority for consideration and to establish how the Plan moves forward.
- In total there were 16 recommended modifications to the submitted Bradleys Both Neighbourhood Development Plan from the Examiner for the Committee to consider. The Committee's comments would then be referred to the Corporate Director in consultation with the relevant Executive Member to determine whether the Plan is put to the public in a referendum, in the area that it covers.
- Details of the procedures and process for Neighbourhood Plans were outlined. The modifications to the report by the Examiner were set out in the Regulation 18 Decision Statement that was appended to the report, and formed the recommendations.
- The report was submitted to the appropriate Area Constituency Planning Committee as part of the process, where the recommendations were agreed. Consideration by the Strategic Planning Committee was the next part of the process.
- If approved by the Committee, the Plan would go the Executive Member, as detailed above, and approval at that stage would lead to a referendum being called, with anything above 50% of the vote leading to the adoption of the Plan.

Members discussed the report and the following issues were highlighted:-

- It was asked what would be the case should the Strategic Planning Committee give a different decision to that of the ACC Planning Committee. In response it was stated that the ultimate decision was with the Executive Member and Corporate Director, therefore, they would take account of the decisions, and reasons for those, from the two Committees, before making the final decision. It is the decision of Corporate Director in consultation with the Executive Member.
- A Member stated that he found it difficult to make a decision on the issue as he had not seen a copy of the Plan. It was highlighted that a link to the report was contained within the report.
- It was noted that the policy in relation to wind turbines had been removed as it could not be interpreted effectively, and it was wondered how an application in that area would be dealt with. In response it was noted that when the issue was not covered in a Neighbourhood Plan then the matter would be dealt with under the remit of the Local Plan.
- A Member stated that the Examiner's Report referred to the Department for Energy and Climate Change, which had not been in existence for a period of time, and has been replaced by The Department of Energy Scrutiny and Net Zero in 2023. The Member asked that this be amended in the report. It was stated, in response, that the Examiner's Report would be amended to explain this change.
- A Member question the purpose of bringing the report to the Committee if it was unable to make changes at this stage, as the ultimate decision was with the Corporate Director. In response it was stated that it was a requirement of the Constitution that the Committee are consulted on Neighbourhood Plans.

- Members highlighted the extreme complexity of the Neighbourhood Planning process and how a number of Parish Councils had left the process in view of that, and suggested that it should be simplified. It was also suggested that process followed when the issue was submitted to the Local Authority should be simplified, and the Constitution should be reviewed to take account of that. However, Members were pleased to see a Neighbourhood Plan be developed to the referendum stage, and considered it appropriate that the Plan go forward to the final stage of the process.

**Resolved -**

- i) That following consideration of the Examiner’s report set out in Appendix A to the report Members agree with the following recommendations included in that report:
  - The sixteen modifications to the Bradleys Both Neighbourhood Plan recommended by the Examiner.
  - That, subject to the recommended modifications being made, the plan meets the Basic Conditions.
  - That the Bradleys Both Neighbourhood Plan should, subject to the recommended modifications being made, proceed to referendum based on the area that was designated by Craven District Council on 9<sup>th</sup> December 2013.
- ii) That the Regulation 18 Decision Statement set out at Appendix B of the report which sets out the information in the bullet points above be approved.

The decision saw the following votes:

10 in favour  
 2 abstentions  
 1 out of the room when the vote was taken.

**7. Items dealt with under the Scheme of Delegation**

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 24 February 2023 to 17 May 2023 inclusive.

**Resolved -**

That the report be noted.

**8. Publication by Local Authorities of Information about the handling of Planning Applications – 1 January to 31 March 2023 – Quarter 1**

**Considered –**

A report by the Corporate Director, Business and Environmental Services, which outlined the County Council’s performance in the handling of “County matter” and County Council development planning applications for Quarter 4 (the period 1 January to 31 March 2023).

## 9. Matters for Consideration for Future Meetings

Members asked that the following be taken account of for future meetings:

- The broadcasting of all meetings
- A review of the Constitution to ensure that very minor issues can be dealt with at ACC Planning Committee meetings or through the Scheme of Delegation.
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The meeting concluded at 12.30 pm

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