

North Yorkshire Council

Strategic Planning Committee

Minutes of the meeting held at Ryedale House, Malton on Tuesday 10 October 2023 at 10am.

Present:-

Councillors Andy Paraskos (Chair), Joy Andrews (as substitute for Steve Mason), Andy Brown, Sam Cross, Hannah Gostlow, Tom Jones, Andrew Lee, John McCartney, Bob Packham, Yvonne Peacock Neil Swannick, Roberta Swiers, Malcolm Taylor and Robert Windass (as substitute for Richard Foster).

Apologies were received from Councillors Richard Foster and Steve Mason.

Member present virtually – Councillor John Mann,

Other Members – Councillor Caroline Goodrick and Lindsay Burr

Officers present: Steve Loach, Jill Thompson, Kevin Riley, Glenn Sharpe, Hayley Hunter and Catherine Ashton

There were 55 members of the public – including 9 registered speakers and a representative of the press.

Copies of all documents considered are in the Minute Book

28. Welcome and Introductions.

The Chairman welcomed everyone to the meeting of this Committee, and informed Members that the meeting was being live broadcast, therefore they would need to introduce themselves when speaking and would need to use the microphones.

29. Minutes of the meeting held on 12 September 2023

Resolved -

That the Minutes of the meeting of North Yorkshire County Council's Strategic Planning Committee, held on 12 September 2023, be confirmed by Members and signed by the Chairman as a correct record.

30. Declarations of Interest

There were no declarations of interest

31. **23/00046/MFULE - Planning application for Full Planning Permission for the installation and operation of a solar farm and battery energy storage system with associated infrastructure including substation, access tracks, pole mounted CCTV, fencing and landscaping for a period of 40 years on land off Great Sike**

Road, Old Malton, Malton, North Yorkshire.

Considered -

The report of the Assistant Director Planning – Community Development Services requesting Members to determine a planning application for Full Planning Permission for the installation and operation of a solar farm and battery energy storage system with associated infrastructure including substation, access tracks, pole mounted CCTV, fencing and landscaping for a period of 40 years on land off Great Sike Road, Old Malton, Malton, North Yorkshire.

This application was brought to the Strategic Planning Committee, in accordance with the North Yorkshire Council Constitution, because it was a significant planning application relating to energy and physical infrastructure accompanied by an Environmental Statement and it was recommended for approval.

Councillor Lindsay Burr – Divisional Councillor and Deputy Mayor of Malton Town Council addressed the Committee – a summary of the issues she raised is provided as follows:-

- There were a large number of objections to the proposal.
- The land for the development is best quality agricultural land.
- The proposal would be detrimental to the tenant farmer.
- The land would not be able to be used for agriculture for at least 40 years.
- There was overwhelming evidence that the proposed development was at the wrong location, with a number of planning grounds that indicate that the Committee should refuse this.

Oliver Stones – Alnwick Farming and Property Consultants addressed the Committee – a summary of the issues he raised is provided as follows:-

- He had sent a letter to Members of the Committee that set out, in detail, objection to the application.
- The proposal was against the interests of the public opinion and a number of material planning considerations.
- The proposal would be better located on a lower grade of land.
- Other, nearby sites, that would be ideal for the development had not been fully investigated.

Rob Sturdy – the tenant farmer on the development site addressed the Committee – a summary of the issues he raised is provided as follows:-

- The application had created stress and anxiety to the farming business.
- The importance of food protection appears to have been put behind that of environmental protection in this matter, with the best quality of land being utilised for the project.
- Should he have wished to diversify his business it was likely that the grade of land would have been given more precedent.
- The development would be detrimental to the business he had spent many years getting to a decent position and would take away 40% of his land.
- A compensation offer had been made but this had been refused as this did not meet the detrimental effects of the proposal to the farm.

Fran Nicholson - Harmony Energy – the applicant - addressed the Committee – a summary of the issues she raised is provided as follows:-

- The application takes account of current issues relating to the global climate emergency.
- The project would generate enough electricity for 8660 homes.
- Only 0.012% of agricultural land based in the Yorkshire and the Humber region would be utilised for the project.
- The application adhered with all the relevant policies and had received no objections from statutory consultees.
- The impact on the tenant farmers was recognised and a significant compensation contribution had been offered.
- The proposal would generate a net carbon gain of 105%
- There would also be a £10k community benefit.
- There were no nearby suitable alternative locations that the applicant was aware of with adjacent access to the National Power Grid.

A representative of the Assistant Director Planning – Community Development Services presented the Committee report, highlighting the proposal, the site description, the consultation that had 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.

He also addressed the issues raised in objection to the application.

It was explained that there was a possibility that the application could be called in by the Secretary of State for the ultimate decision on the application, therefore, the decision by Members could indicate what they were minded to decide, should this happen.

Members highlighted the following issues during their discussion of the report:

- A Member asked whether alternative sites to the one proposed had been investigated. In response it was stated that no alternative nearby sites had been identified and there was no awareness of a suitable site 1.5km away, as had been outlined by the objectors' address to the Committee.
- It was asked how the weighing up of public benefit versus impact on the economy was undertaken, how this was balanced in terms of material considerations and whether there was a figure where it was decided that one factor was more pertinent than the other. In response it was stated that there was no definitive figure in relation to this with the consideration of what to recommend being based on the evidence provided within the application. It was asked whether personal and economic circumstances, in the case of the tenant farmer, were taken account of in balancing the recommendation. In response it was stated that it was right that they be discussed for context in respect of the application and the objections raised, although the circumstances would need to be exceptional for these to be classed as material considerations. The Member considered that these factors could be argued to be exceptional and, therefore, material considerations in terms of the impact on the lives of the tenant farmer. A Member asked how exceptional circumstances for this matter could be triggered. In response it was stated that to clarify that would involve speculation and that could not be taken account of. Many applications had a significant impact on the

landowner or on businesses but these issues were not planning considerations. The Committee's Legal Adviser clarified that the economic viability of the farm was a material matter that could be taken account of.

- It was clarified that the land to the east of Old Malton Museum had been designated as employment land and was not considered to have an impact on the application.

Members debated the report and the following issues were highlighted:

- The site visit to the application site had shown Members how well organised the farm was and considered that it would be unfortunate to lose such good quality agricultural land despite the obvious need to reduce carbon sourced energy and the benefits that the application would bring. It was recognised that the position was finely balanced.
- The loss of the best and most versatile land was detrimental to the production of food and was swapping food security for fuel security.
- Whilst the most appropriate positioning of solar panels would be on the rooves of existing and new buildings the issue still had to be addressed and solar farms such as this would assist in providing a solution to this issue, which made the application justifiable. However there were a number of issues that created doubt in terms of approving the application. – the impact on the tenant farmers and their amenity, the loss of best and most versatile agricultural land, flood risk data was now out of date, the impact on the local area amenity and the non-investigation of possible, suitable alternative sites, which was a major factor. The positives of the proposal were the reduction in CO2, the increase in biodiversity brought about by the landscaping plans and significant gain for local businesses.
- The loss of the best, most versatile land was a major factor in the application, and more suitable sites for the development should have been more thoroughly investigated.
- It was emphasised that 40 years was a long period of time and the loss of agricultural land could create issues, going forward, in terms of food production, with the increasing likelihood of food resources becoming scarce. Other Members echoed this view.
- Whilst considering the location of the proposal to be good a Member suggested that there were grounds for the rejection of the application relating to insufficient evidence provided in relation to possible alternative sites, the loss of best and most versatile agricultural land for 40 years and the economic impact on the farm holding.
- Other Members highlighted the need for measures to be provided for the generation of sustainable energy, with projects such as this providing that. They recognised the issues created for the tenant farmer but emphasised the climate crisis that the world was facing and the need to act immediately. It was stated that the UK relied heavily on imported energy and had been very close to running out, at times, during recent years. There was a need for the generation of fuel within the country, through projects such as this to reduce that reliance. The slow uptake of nuclear energy in this country made applications such as this even more vital and a huge change in thinking was required in terms of how energy was produced.
- Members were united in their praise of the quality of the report provided but a number considered that this was an inappropriate site for what was recognised as a much needed development.

Resolved –

That the application be refused due to the following material planning considerations:-

- (i) the loss of amenity, due to the reduced quality of the enjoyment of the land, for the tenant farmer;
- (ii) the loss of best, most versatile agricultural land for a 40 years period;
- (iii) the lack of evidence that alternative suitable sites had been properly investigated;
- (iv) the detrimental economic impact on the tenant farmer.

Voting on this application was as follows:-

10 for refusal
4 against refusal

32. 20/01195/MFULE - Planning application for a new Crematorium on Land West of Gravel Pit Farm to Black Dike Plantation, Sand Hutton, York.

Considered –

The report of the Assistant Director Planning – Community Development Services requesting Members to determine a Planning application for a new Crematorium on land West of Gravel Pit Farm to Black Dike Plantation, Sand Hutton, York.

The application was accompanied by an Environmental Statement and determination, therefore, was a Committee decision under the Council's constitution. The application also raised cross boundary issues with the City of York.

Councillor Caroline Goodrick, the Divisional Member addressed the Committee – a summary of the issues she raised is provided as follows:-

- She would outline her objections to the proposal based on material planning considerations and not personal issues.
- Evidence provided supporting the application consisted of 12 letters, 11 of which were standard letters provided for such applications.
- There was no public demand for the new crematorium, nor had there been any dissatisfaction expressed in respect of the current services provided.
- A recent similar application had been rejected on appeal.
- The integrity of the nearby Science Park should be protected.
- The application perceives a higher usage than is feasible, therefore, funerals from York would be essential for the viability of the crematorium.
- There would be a huge impact on the A64 and further, detailed, consideration of the location for the crematorium in relation to the road were required.

Councillor Nigel Davies - Chairman of Sand Hutton and Claxton Parish Council – addressed the Committee – a summary of the issues he raised is provided as follows:-

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- Although the application suggests it would serve the people of Ryedale, its location was too far away from the main residential areas of the district and was nearer to East Yorkshire and York.
- The journey between nearby Stamford Bridge was a difficult winding journey to the proposed site, with poor visibility splays along the route. The slow movement of a funeral cortege would create difficulties along that road, with a potential for accidents. This would also lead to increased levels of air pollution.
- He outlined his concerns regarding an increase in pollution in the area from the crematorium itself as the proposed stacks were not tall enough to effectively spread the pollutants far from the area. He stated that the nearby Science Campus undertook studies on bees and their reaction to certain conditions, and he was concerned that the additional pollutants from the crematorium process would affect the results of these important studies.
- He considered that the development was being provided to assist the residents of York but was being built outside of that area.

Liz Cashion - Estates Surveyor, Group Property – CAPITA, York Biotech Campus addressed the Committee – a summary of the issues she raised is provided as follows:-

- Concern had been raised that the additional pollutants created by the crematorium could ruin a large amount of research being undertaken on the biotech campus.
- Although National Highways had not objected it was suggested that further research on how the A64 will be affected by the proposal was required, as the volume of traffic coming into that service road area would rise causing queueing problems along the main road.
- The Campus was a major employer for the area and access, should the application be approved, was causing great concern for those employed there.

Bryan Robinson – a local resident - addressed the Committee – a summary of the issues he raised is provided as follows:-

- He stated that he lives in the nearby area and frequently used the A64. He considered the application to be in an unsuitable location.
- He noted that it was claimed that the proposed facility was for the benefit of the residents of Ryedale but he suggested that the greater benefit was to York. He considered that the facility should be located nearer to the urban areas in Ryedale and/or on a “brown field” site, with alternative locations readily available.
- He could not understand why National Highways had not raised concerns regarding addition congestion and queueing traffic at that location, as it was already very difficult to turn into the service road for the Science Campus, therefore, this would just increase that problem.
- He noted that when the A64 was congested or closed, due to an accident, vehicles often used their GPS to re-route through the area, creating large amounts of traffic in local communities. The proximity of this facility to York would

only enhance those issues. The road at that location was often congested which would lead to issues around the timeliness of funerals.

- He considered that, ultimately, the facility would predominantly be used by York residents, leading to further difficulties in terms of traffic density along that route, from York.

Richard Irving – The Westerleigh Group and agent for the applicant addressed the Committee – a summary of the issues he raised is provided as follows:-

- He considered the report to be very comprehensive and welcomed the recommendation for approval.
- He stated that the facility was needed in the area, with evidence to support that, with Ryedale not currently having a crematorium facility, forcing residents to travel elsewhere to use those facilities.
- There was support, which was highlighted in the report, from Funeral Directors and the associated sector.
- Both quantitative and qualitative issues, demonstrated within the report, were addressed through the provision of the new facility.
- Significant work had been undertaken in relation to the perceived air quality issues created by the crematorium and it had been stated by the experts involved that there would be no harm created to the local or wider environments.
- The new facility would provide the highest quality of service to bereaved families in the area.

A representative of the Assistant Director Planning – Community Development Services presented the Committee report, highlighting the proposal, the site description, the consultation that had 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.

She also addressed the issues raised in objection to the application.

Members highlighted the following issues during their discussion of the report:

- It was clarified that the burning unit would be gas powered.
- Concern was expressed in relation to the possible rise in mercury emission levels unless the stack issue was addressed appropriately, and the effect that could have on the local and surrounding environment. It was stated that the applicant was making every effort to mitigate the level of emissions from the unit, including Mercury emissions.
- Clarification was given in relation to “Agent of Change” requirement, now included in Planning law, which was raised by a Member as a way of mitigating emissions. It was stated that this applied to the existing businesses in the area, rather than the new applicant, whereby they were required to undertake mitigation to accommodate the new business, and was not really relevant in this case.

- A Member referred to the issues outlined that required the provision of the new crematorium and considered the main factor related to the present quality of existing facilities. He asked if the problems with those existing facilities, particularly in York, had been outlined by City of York Council. In response it was stated that City of York Council had responded to consultation on the application, but not in great detail. Consultants brought in to determine the need for the application had found both qualitative and quantitative requirements that the new facility would address.
- It was asked whether the Environmental Impact Assessment, which had resulted in the Environmental Impact Statement had been consulted on. In response it was stated that the Assessment and Statement had extended to the various consultees, and the response to their comments had been circulated. The Statement was also on a public website.
- A Member, noting that the application site was on grade 3 land, asked whether there had been any investigation in relation to identifying a sub-category of land, capable of accommodating the crematorium. It was stated that the applicant had not submitted those details, but it was unlikely that there were alternative, suitable sites that were sub grade 3. It was noted that the site met the appropriate guidelines for the development, particularly in relation to the proximity of public transport.
- A number of issues were clarified including the nearest large populated area being York, distances from York were 2 miles to the boundary and 7 miles to the centre, distance to the nearest major population area in Ryedale was 13 miles, and was Malton/Norton.
- A Member highlighted the significant issues in terms of congestion, accidents and hold-ups on the A64, and raised concern that the Highways Agency had not commented on the proposal. In response it was stated that consultations had been undertaken with National Highways, and they would be undertaking further work on the carriageway to accommodate the potential additional traffic into the site. The Member asked whether the proposals could have an impact on the potential dualling of the A64. It was stated that there was the potential for further dualling of the A64 and that this was one of the locations where that could take place, but as there were no committed proposals for this currently it could not be taken account of as part of the application process.
- It was noted that, in terms of proximity to residents and drive time to the new facility, the application was contrary to Policy SP1 and there was some doubt as to whether the location was appropriate. It was asked, with the potential for the facility not to perform well due to its location whether it could be considered sustainable. In response it was emphasised that the location provided relief for the facilities in York and the travelling distance for those requiring crematoria in Ryedale was shortened by this development, but there was travel required whichever facility was utilised. A Member highlighted the lack of evidence provided to show that there were no viable alternative locations in the area. It was re-iterated that distances for the people of Ryedale would be shortened for the use of these facilities, through this proposal, which was highlighted in the report and to move closer to the urban areas of Ryedale would reduce the number of people within close proximity.
- A Member asked whether there had been other formal objections from nearby businesses other than the Biotech Campus. In response it was stated that the objections from businesses were all linked to the Campus.

Members debated the report and the following issues were highlighted:

- A Member declared that he was a bee-keeper and had used the National Research Centre based at the Biotech Campus. The Research Centre had carried out an extensive investigation on the potential impact of the crematorium location. He

noted that even tiny amounts of additional emissions could affect the research being carried out and invalidate the data collected. It was also important that the nearby water courses were kept free of additional pollutants. The research was very important, nationally, for the development of a number of issues in relation to food production.

- Concern was expressed that the location was not sustainable. There was one bus stop which was being relocated and was a substantial walk to the proposed facility. There was no nearby train station. Even with the proposals from National Highways there would still be an impact on local businesses and the Campus from additional traffic.
- A Member outlined her concerns regarding the location of the proposed crematorium next to the A64 and the impact, in terms of vehicles turning across the oncoming traffic, the proposal would have on that location, particularly for the Biotech Campus. The potential for those attending funerals at that location to get stuck in traffic was very high, and would not attract people to use those facilities, as there was easier access to other facilities, despite the longer distances.
- Another Member raised concerns regarding the location and proximity to the A64 of the proposed development, and the further traffic issues that would be created. He considered that the development was in the wrong place even in terms of usage by York residents. He emphasised he had no objections to the creation of a new crematorium but not at the application site. This was echoed by other Members and it was stated that the location would not be chosen for a crematorium in the development of a Local Plan. A road accident near to the location would lead to chaos, would impact on local communities and would result in the cancellation of funerals as time frames would not be met.
- A Member supported the issues raised in relation to the research being undertaken by the bee-keepers at the National Research Centre on the Biotech Campus as that was vital to agriculture and food production in the country and the slightest variation of pollutants could lead to this work being invalidated. The proposal did not have plans for the stacks to be built high enough for the emissions, particularly dioxins and furans, to be dissipated effectively.
- Some Members were not particularly concerned by the location of the proposed crematorium and noted that National Highways intended to undertake some works at the junction to the service road to make this safer. It was emphasised that they were the experts in relation to this and their advice should be adhered to. The concerns relating to air quality, the added emissions and the affect on the nearby Biotech Campus remained however.
- Members were advised that the Local Plan was not robust enough in terms of the policy on sustainability for the application to be refused on carbon reduction issues. It was also emphasise that the applicant had spent a great deal of time researching the possible impact of additional emissions from the site on the Biotech Campus, and should a subsequent appeal determine that there were no grounds for refusal, due to this research, costs could be awarded against the Council.

Resolved –

That the application be refused due to the following material planning considerations:-

- (i) The application did not accord with Policy SP1 and was not a sustainable location;
- (ii) the need for the crematorium had not been adequately demonstrated;
- (iii) the detrimental impact on neighbouring businesses, particularly the Biotech Campus;

(iv) the environmental impact of the proposal from increased emissions with inadequate measures demonstrated to mitigate this.

Voting on this was as follows:-

13 for
1 abstention

The meeting concluded at 13.25 pm

SML