

North Yorkshire Council

Strategic Planning Committee

Minutes of the meeting held at County Hall, Northallerton on Tuesday 9 January 2024 at 10am.

Present:-

Councillors Andy Paraskos (Chair), Andy Brown, Richard Foster, Hannah Gostlow, David Hugill, George Jabbour (as substitute for John Mann), Tom Jones, Andrew Lee, John McCartney, Steve Mason, Bob Packham, Yvonne Peacock Neil Swannick and Roberta Swiers,

Apologies were received from Councillor John Mann

Other Members – Councillor Kevin Foster, Arnold Warneken and David Webster.

Officers present: Hannah Blackburn, Martin Evans, Catriona Gattrell, Steve Loach, Amy Taylor, Sam Till and Vicky Townsend

There were 16 members of the public – including 3 registered speakers

Copies of all documents considered are in the Minute Book

33. Welcome and Introductions.

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

34. Minutes of the meeting held on 10 October 2023

Resolved -

That the Minutes of the meeting of North Yorkshire County Council's Strategic Planning Committee, held on 10 October 2023, be confirmed by Members and signed by the Chairman as a correct record.

35. Declarations of Interest

Councillor Bob Packham declared a non-registerable interest in relation to agenda item 5, in respect of the objection raised by the RSPB, as he is a member of the RSPB.

36. **C6/22/00349/CMA - Planning application for the importation of 3.6 million tonnes of inert waste with final restoration, together with associated screening and resale of soils and soil-type materials on land at Gebdykes Quarry, Gebdykes Farm, Burton on Yore, North Yorkshire**

Considered -

The report of the Assistant Director Planning – Community Development Services requesting Members to determine a planning application ref. C6/22/00349/CMA for the importation of 3.6million tonnes of inert waste with final restoration, together with associated screening and resale of soils and soil-type materialson land at Gebdykes Quarry, Gebdykes Farm, Burton on Yore, North Yorkshire

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

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 updated Members by noting that as of 19th December 2023 the NPPF had been updated, therefore the references to paragraphs within the report had now altered, however, the wording remained the same. She also noted that Areas of Outstanding Natural Beauty (AONBs), referred to in the report, were now known as Natural Landscapes.

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

- A Member asked whether the conditions outlined would be enforced, as he was aware that some sites received very little monitoring or enforcement. In response it was stated that all sites that were granted planning permission by the Council were subject to monitoring on a regular basis. In terms of enforcement action, there was a reliance on complaints being made which would be investigated, and, should a breach of conditions be found, then enforcement action would be taken. It was noted that there had been no complaints in relation to the operations at this site in the previous 15 years.
- Clarification was sought in relation to the restoration plan for the island in the middle of the lake, as there were conflicting suggestions within the report. In response it was stated that the agreed restoration plan highlighted the agreed management and maintenance details for the island and compliance would be monitored.
- A Member noted that a plan for a HCV route was yet to be put in place and emphasised the need for this to be approved by highways. It was stated that the route was expected shortly and would be submitted to highways for their clearance before it was implemented.
- Members noted that should the development not go ahead there was a potential for an environmental net loss for the application site.

Resolved –

That the application be approved for the reasons stated within the report, subject to the conditions detailed, and the completion of a S106 agreement in line with the details contained within Table 1 in the report. due to the following material planning considerations.

The resolution received unanimous approval.

37. C2/22/00251/CCC - Planning application for a lateral extension to allow the extraction of an additional 1 million tonnes of sand and gravel, together with the rephasing of 471,000 tonnes of permitted reserves, together with final restoration on land west of Nosterfield Quarry, Nosterfield, North Yorkshire

Considered –

The report of the Assistant Director Planning – Community Development Services requesting Members to determine a planning application ref. C2/22/00251/CCC for a lateral extension to allow the extraction of an additional 1 million tonnes of sand and gravel, together with the rephasing of 471,000 tonnes of permitted reserves, together with final restoration on land west of Nosterfield Quarry, Nosterfield, North Yorkshire.

The application was subject to nine objections including Yorkshire Wildlife Trust, RSPB, Lower Ure Conservation Trust and Well Parish Council having been raised on the grounds of insufficient replacement habitat for curlew in the restoration scheme, the impact on Well in terms of views of the lakes and residential amenity and the impact on Ings Goit downstream and is therefore reported to the Committee for determination.

Simon Warwick MBE, representing the Lower Ure Conservation Trust addressed the Committee – a summary of the issues he raised is provided as follows:-

- He emphasised that he was not objecting to the extraction of the material, but sought to address an inadequate restoration plan and desired a holistic approach to the overall site.
- This was expected to be the final extraction application from the site and he considered that it was the appropriate time to identify a lasting solution for the Thornborough Henges site, with the concerns of the Conservation Trust and the local community taken account of.
- The Memorandum of Understanding in relation to the overall site was not legally binding, therefore, it was suggested that the forthcoming S106 agreement be utilised to ensure that an appropriate legal agreement was in place to protect the henges, going forward.

Tiffany Cox, representing the applicant, addressed the Committee – a summary of the issues she raised is provided as follows:-

- The extraction of the mineral was not only important to the local economy in terms of employment but as the material was in short supply at other quarries, was also important to the national economy.
- Assurance was given that the restoration plan would be of the highest quality, with examples of the quality available at a number of their other sites.
- Work on the restoration plan was ongoing and there had been close liaison with the Lower Ure Conservation Trust, although this may have led to an upturn in what could be achieved in terms of the henges, going forward.
- The applicant had listened to objections and had delayed work to meet various aspirations and was pleased to have developed an appropriate restoration plan which had been agreed by Planning officers.
- A fully assessed development plan, addressing local issues had been produced, with no objections submitted and addressed the long term future of the site.

Councillor David Webster, one of the local Divisional members – addressed the Committee – a summary of the issues he raised is provided as follows:-

- He raised concerns regarding the monitoring of water quality resulting from the quarrying process and asked whether this could be monitored by the Internal Drainage Board and whether the S106 addressed this.
- He considered that the nearby lngs were affected by the quarry and was worried that the further extraction would increase this disturbance.
- The water courses around the site abutted the land of two farmers and he asked what was being done to prevent water erosion at these locations.
- He noted that this would be the final application for mineral extraction from the site and noted the detailed restoration plan. He considered that the plan should include details of monitoring that would take place and considered that enforcement should be utilised to ensure the plan was implemented appropriately.
- He suggested that a site visit should be undertaken by the Committee to see where the restoration plan would be situated and how that would look against the surrounding area and also to consider the water plan.

Councillor Arnold Warneken addressed the Committee – a summary of the issues he raised is provided as follows:-

- He noted that there were no major objections to the report.
- His major concerns related to the impact of the extraction on the surrounding conservation areas and the aftercare of the site. In relation to that he noted an error within the report, Condition 35 should refer to an “aftercare scheme”.
- He considered the application to be an excellent opportunity to preserve one of the most important heritage and wildlife sites in the country.

- He suggested that the S106 agreement should be utilised to strengthen the restoration plan to benefit the area overall.

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 updated Members by noting that as of 19th December 2023 the NPPF had been updated, therefore the references to paragraphs within the report had now altered, however, the wording remained the same. The minimum levels for biodiversity net gain had been put back to the end of January 2024 and were not applicable to this application, however, it was expected that the application would see a biodiversity net gain of 11.2%.

In response to the issues raised during public questions/statements, the officer noted that the application would bring a number of improvements to the site including additional public areas and wildlife habitats. The restoration plan included 5 years of aftercare and a 25 year management plan. The S106 agreement would provide appropriate controls in relation to the issues relating to water. Conditions attached to the application provided further opportunity for the Council to monitor and control the site and ensure that the restoration plan was adhered to.

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

- A Member noted that an archaeological survey had indicated that there was likely to be artefacts of major significance within the extraction site, however, the intention was for the extraction to continue. In response it was noted that any such artefacts discovered during the extraction process would be recorded and the site would be monitored in respect of this, but the extraction process would continue.
- It was asked where in the conditions was reference to the 25 years management plan. In response it was noted that the existing strategic management plan would be updated through the S106 agreement and that the 25 year management plan is secured also through the S106 agreement.
- Given the proximity of the forthcoming legislation, a Member asked whether a condition could be included requiring at least the minimum level of biodiversity net gain. In response it was stated that this matter would be addressed through the development of the strategic 25 years management plan contained within the S106 agreement. Details would be required to be submitted within 24 months and would be enforceable. It was noted that the net gain levels would be implemented for all new applications, with a minimum of 10%, in line with the legislation, however this was not currently a statutory requirement. The long term management plan for the site would go beyond this minimum target. The Member considered that a condition relating to this would be more effective, however it was noted that the S106 agreement would provide an enforceable process in place for this matter. The management plan would be available online, once published, and Members would be provided with an opportunity to provide comments.
- A Member referred to the objections raised by the RSPB in relation to the application's impact on Curlews and Waders and asked whether the S106 agreement to also be utilised to lessen that impact. In response it was stated that there was a detailed landscape management plan in place which was designed to

lessen the impact on these birds. It was asked whether the details set out in the S106 would be discussed with the LUCT and the RSPB and, in response, it was stated that it was expected that they would be contacted in relation to this.

- It was noted that the report provided contradictory solutions from the Council's ecologists and the Ministry of Defence in terms of the wetland habitat for birds and it was asked which was the preferred option. In response it was stated that there was a bird hazard management plan for the site which was to the satisfaction of both parties.
- A Member asked whether a bond had been established for the 25 years management plan, should the applicant not be around in the future. In response it was stated that this would be established through the S106 agreement which would provide an enforceable charge on the land.

Members debated the report and the following issues were highlighted:

- The Member who raised the issue earlier in the meeting still considered that there should be a condition relation to meeting or bettering the 10% minimum for biodiversity net gain. It was noted that the condition could be added in if Members approved that requiring the 10% net gain to be secured through the condition
- A Member stated that the surrounding area contained one of the largest Neolithic sites in Britain, older and larger than Stonehenge. He was concerned in respect of the archaeological remains contained within the extraction site and the plan, outlined earlier, for those. Although these would be recorded and documented he considered that to be insufficient, and suggested that such a practice would probably not be allowed near to the Stonehenge site. He did acknowledge, however, the mitigation being undertaken to preserve the site, including the donation of the middle henge to English Heritage and the long term management plan to be established through the S106 agreement.
- It was asked whether the Divisional Member had been reassured by the presentation and answers to the issues raised. In response he stated that when this application for extraction was complete there would be no more quarrying and he was concerned that the applicant could disappear and leave the restoration and aftercare to others. He considered that the establishment of the aftercare and guarantees that this would be undertaken through the S106 agreement would be difficult to enforce. He also continued to raise concerns in respect of the lack of a water management plan, as, without that, a monitoring regime could not be provided to Members. In view of the local Member's response it was moved and seconded that a site visit be undertaken. It was stated that the water control plan would be controlled through the S106 agreement. In response to the motion another Member considered that there was little to gain from holding a site visit and moved that the proposal as set out in the report was put to the vote. This was seconded.

Resolved –

That the application be approved for the reasons stated within the report, subject to the conditions detailed within the report and the additional wording in the condition regarding the 10% net gain and subject to the prior completion of a S106 legal agreement as outlined in the report.

Voting on this was as follows:-

12 for
2 abstentions

38. 2023/0128/EIA - Application for planning permission for development of a ground-mounted solar farm including associated infrastructure on land south of the A645, Wade House Lane, Drax, Selby, North Yorkshire

Considered –

The report of the Assistant Director Planning – Community Development Services requesting Members to determine a planning application ref. 2023/0128/EIA for the development of a ground-mounted solar farm including associated infrastructure on land south of the A645, Wade House Lane, Drax, Selby, North Yorkshire.

The application was brought to this Committee as the Constitution and Scheme of Delegation require significant energy and physical infrastructure proposals, accompanied by an Environmental Impact Assessment, where there is a recommendation for approval, be determined by this Committee.

Graham Robinson Hodges – Lanpro – the agent for the applicant addressed the Committee – a summary of the issues he raised is provided as follows:-

- He thanked officers for a thorough and comprehensive report.
- He noted that the proposal would bring substantial benefits through the generation of energy and accorded with national and local policies.
- The development would provide biodiversity net gain, as identified in the application.
- The applicant worked alongside Planning officers and the Landscape Architect on the hedgerow provision and planting around the site.
- Issues relating to wildlife habitat and agriculture had been addressed.
- The application would provide additional employment and economic benefits for the area.
- Alternative sites for the solar farm in the area had been investigated but none had been identified.
- Issues around water quality had been addressed with Yorkshire Water.

Councillor Kevin Foster addressed the Committee stating the following:-

I would like to support the officer's recommendation to grant planning permission for the Wade House Lane Solar farm subject to the condition's recommendations in the Report.

The council recognises we have a Climate emergency, this will reduce emissions and the development will with doubt help address the Climate Emergency. We need these Solar farms for a multitude of reasons even though solar panels would be better on houses and Industrial sites the NPPF does not help in achieving this. The land can be restored to arable agricultural land if required, there is no heritage or archaeological harm, and it passes the flood risk sequential & exceptions test and Highways impacts are acceptable. 2.8 states that on balance it is considered the positive elements outweigh negative therefore the proposal is acceptable.

After consultation the parish council had no objection, in fact a councillor had spoken to many young people in the village in this matter and many had expressed support. 10

objections came from a population of 1700. The recommendation from the parish council there were no grounds for the council to refuse the application. The HSE raised no concerns, no objections from Conservation officer, Yorkshire wildlife trust, or any of two parish council contacted.

Of the 58 objections to NYC most from outside the parish made some were non-material and others are dealt with in the officer's report.

There are no alternative allocated sites, brown sites non-agricultural sites, or sites of lower Agricultural land quality to steer the proposal towards. The renewable energy benefits proposed attract a very significant positive weight and biodiversity net gains benefits attract positive weight in the planning balance.

I urge the planning committee to support the officer recommendations for this development it is the right development in the appropriate place for the right reason.

Councillor Arnold Warken addressed the Committee – a summary of the issues he raised is provided as follows:-

- He noted that a previous application for a solar farm had been refused by the Committee and understood the reasoning behind that but could see the benefits of solar farms if they were in the right location and could generate sufficient electricity.
- The provision of solar farms had to be weighed up against economic and food security in terms of the land used.
- The acceleration of climate change meant that as many opportunities as possible to generate green energy should be taken up and the application provided an opportunity to do that.

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.

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

- A Member asked how the planting and vegetation were to be controlled around the site. Would this be undertaken through grazing animals or would spraying be involved. In response it was stated that condition no.10 provided details of landscape maintenance and management. The Member stated that the condition did not provide details of the control of the vegetation.
- A Member questioned the need for a further electricity generating station in that area, given that it would be using a large amount of agricultural land, with Drax, Ferrybridge and turbines in the North Sea all located nearby. In response it was stated that the report addressed the issue at paragraph 10.11, highlighting the contribution that would be provided to energy generation through the project, and how it accorded with national and local policies in terms of these developments. It was also noted that the location was favourable. The Member considered that the loss of agricultural land outweighed the provision of a small power station that was not required in the area. In response it was stated that the balance of the positives and negatives were detailed in the report and it was considered that, overall, the balance favoured the positives. The Member suggested the energy

generated by the scheme should be utilised locally rather than fed into the grid as 8% of energy was lost through this process.

- It was clarified that there had been no comments submitted by the Divisional Member in relation to the application.
- It was noted that there were other applications for that area and it was asked whether the cumulative landscape impact had been taken account of. In response it was stated that the EIA Regulations require consideration of cumulative impacts from the proposal combined with other existing or permitted developments. An application for planning permission is yet to be submitted for the Helios proposal to the west and the other nearby permitted solar farm is Camblesforth. These are not considered to give rise to unacceptable cumulative impacts.
- A Member highlighted the need to move away from fossil fuels to address climate change. He asked about the need to separate wildlife through fencing, from the application site, as he considered this to be unnecessary. It was noted that Condition no.21 indicated the type of fencing to be used, but this was designed to prevent deer from moving around the site and it was suggested that this was too restrictive for other wildlife. In response it was noted that condition 21 secured fencing that allows hares to pass through and that the Council Ecologist did not raise concerns about the ability of other types of animal to pass through the fencing.
- It was asked how the energy produced would be transferred to the Grid. In response it was stated that the cable route was detailed on the plan within the report, going to the existing sub-station at Camblesforth along the A645 to connect to the existing sub-station, through the 66kw station to the Grid.
- A Member asked why solar panel farms were not being created on existing buildings rather than taking away agricultural land. In response it was emphasised that the location of solar panels on buildings did not relate to the application before Members and, therefore, was not relevant for consideration.
- It was clarified that the solar panels would be lined up north-south but could be tilted east-west to maximise the impact of the location of the sun in generating the energy.

Members debated the report and the following issues were highlighted:

- A Member stated that all solar farms were different and should be judged on their individual merits. He emphasised that it would be preferential for panels to be located on existing buildings or provided on brown field sites, but could see the merits in this proposal provided a number of conditions were met. He noted that the location of this application was beneficial as it took advantage of the existing infrastructure located at Drax, which panels located on buildings would not be able to do. There were significant impacts also in terms of the industrialisation of countryside and the loss of agricultural land, leading to concerns around food security. Other concerns included the visual impact and the use of herbicides to control vegetation. He suggested that the hedgerow planting detailed in the report could be improved and that the Deer Fence was unnecessary, and could be replaced by hedges, which would further improve biodiversity. He suggested, therefore, that Condition no.21 should be altered from the provision of Deer Fencing to refer to details being provided on hedge planting and fencing to be agreed by the Local Authority. He also suggested that alterations be made to Condition no.16 in terms of development not commencing until the non-use of herbicides and pesticides on the site had been agreed to the satisfaction of North Yorkshire Council Officers. The Legal Advisor reminded Members that any requests to change conditions had to be necessary and reasonable and was concerned that the changes were beyond what was required of the applicant. The

Member acknowledged and therefore suggested that assurances should be sought that recognition should be given to the issues he had raised and taken account of. Clarification was provided on the use of pesticides and it was considered that it would not be reasonable to state that pesticides could not be used at all as these were used on many areas of land, with controls in place to ensure these were not dangerous.

- It was also suggested that the wording to Conditions no.10 and 16 be altered to address biodiversity and visual impact concerns. In response it was noted that currently the legislation in relation to biodiversity net gain had not been introduced, therefore, it was a grey area as to how this could be incorporated to improve the percentage detailed in the report. In relation to the visual impact it was considered that the proposals indicated within the report were appropriate to address this, with appropriate mitigation included within the proposed development. Whilst understanding the concerns raised by the Member other Members raised concerns regarding the redirection of conditions without providing sufficient opportunity to consider these effectively and noted the mitigation detailed in the report that had been explained by the officer. It was also suggested that as the permission was for 40 years there may be additional technological solutions available to assist with site restoration when the project was finished.
- A Member highlighted the need to ensure that the new homes currently being built were properly insulated and provided with solar panels as ways to address climate change rather than using agricultural land which was creating concerns for future food security. He reiterated that the transmission of energy lost around 8% of the energy generated and local schemes feeding into local communities was much more efficient.
- A Member noted that the recommendation was to delegate the final granting of the application to the Head of Planning Development Management and suggested that the issues raised by Committee Members could be further explored through that delegation process before the application was ultimately determined.
- A vote was undertaken in relation to the proposed changes to the conditions, as that had been seconded, but those proposals were defeated.

Resolved:-

That the Strategic Planning Committee delegate to the Head of Planning Development Management the granting of planning permission for the proposed Development, subject to the conditions detailed in the report, and the negotiation and completion of a section 106 agreement securing management and maintenance of the off-site landscaping and sky lark plots.

The meeting concluded at 12.50 pm

SML