

# North Yorkshire Council

## Strategic Planning Committee

Minutes of the meeting held at Civic Centre, Selby on Tuesday 12 March 2024 at 10am.

### **Present:-**

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

Apologies were received from Councillors Andrew Lee and Andy Paraskos

Other Members – Councillor Tim Grogan – registered as a speaker.

Officers present: Hannah Blackburn, Dawn Drury, Martin Grainger, Louise Hancock, Glenn Sharpe, Jenny Tyreman, Steve Loach,

There were 7 members of the public – including 3 registered speakers

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

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#### **39. 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.

#### **40. Minutes of the meeting held on 9 January 2024**

##### **Resolved -**

That the Minutes of the meeting of North Yorkshire County Council's Strategic Planning Committee, held on 9 January 2024, be confirmed by Members and signed by the Chairman as a correct record.

#### **41. Declarations of Interest**

All Members present declared that they had been lobbied by both applicant and objectors in relation to Minute No 42, below, 2019/0547/EIA - Planning application for the construction of a Motorway Service Area (MSA) on land at Lumby, South Milford, Leeds, but had kept an open mind in relation to their consideration of the application.

**42. 2019/0547/EIA - Planning application for the construction of a Motorway Service Area (MSA) on land at Lumby, South Milford, Leeds**

Considered -

The report of the Assistant Director Planning – Community Development Services requesting Members to determine a planning application ref. 2019/0547/EIA - Planning application for the construction of a Motorway Service Area (MSA) on land at Lumby, South Milford, Leeds.

This application was reported to Strategic Planning Committee due to it being reported to the former Selby District Council Planning Committee on 15<sup>th</sup> March 2023 and the resolution being that the Members were minded to grant this subject to further consideration of a full suite of conditions and further detail on the section 106 agreement at the North Yorkshire Council Strategic Planning Committee.

Councillor Tim Grogan, the Divisional Member, addressed the Committee, highlighting the following:-

- He had previously supported the application when it had been considered by the former Selby District Council Planning Committee. He continued his support for the application, which had been unanimously supported at the Selby District Council Planning meeting and disagreed with the recommendation for refusal.
- He outlined that the area where the proposed MSA was to be developed, despite being in the green belt, was best described as scrubland between two very busy roads.
- He highlighted the industrial nature of the site area and the developments that were located in that vicinity.
- He considered that the proposed millions of pounds of investment would help to revitalise that area and bring much needed economic development.
- He also highlighted the issues created by HGVs in the area and how the proposed 100 HGV parking spaces would help to alleviate those.

Local resident, Georgina Ashton addressed the Committee, highlighting the following:-

- The former Selby District Council Planning Committee were minded to approve the original application. There was also general support from Selby's Head of Planning.
- It was suggested that the application should then be referred to the Strategic Planning Committee, but there was a possibility of different view from this meeting and it was asked how the inconsistency with the original decision could be justified.
- It was understood that the drainage issues from the original application were to be addressed through this application, as set out in the report to the Committee.
- The majority of existing MSAs are situated within the green belt and had been developed as the significant investment within areas outweighed the impact on the green belt area, and this area would greatly benefit from that investment.

Local resident, Harling Kaye, addressed the Committee, highlighting the following:-

- He referred to the provision of HGV parking and facilities for HGV drivers at the proposed MSA, which were not available at the nearby facilities at Boroughbridge and Ferrybridge.

- He highlighted the issues caused to local communities due to the lack of appropriate facilities for HGV drivers.
- He also outlined the need to recruit HGV drivers and how improved facilities could widen the demographic for recruitment to that industry.
- He considered that the health and wellbeing of HGV drivers was very important and the provision of improved facilities through the development of the MSA would assist in addressing that.

Roisin Morris, representing the applicant, addressed the Committee, highlighting the following:-

- She noted that there was local support for the application
- The distance to other sites with equivalent facilities was sufficient to require the development to take place and demonstrated the need.
- There was no appropriate alternative site.
- The site was not the best quality green belt land and would provide good quality economic development for the area.
- The parking of HGVs in local communities had links to crime and created a nuisance. The provision of appropriate facilities at the development would help to alleviate this.
- There were a number of mitigating factors that warranted this development within the green belt, and efforts had been made to ensure this was an appropriate and sustainable facility.
- Twenty-five electric vehicle charging points would be provided at the site.
- The application provided a real opportunity to provide a meaningful legacy with a much needed economic benefit for that 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 updated Members by highlighting additional representations that had been received since the publication of the papers with further supporting statements for the application. She also noted that the Environment Agency had submitted a late objection to the application in respect of the satisfactory management of the risks to groundwater. The Council, the applicant and the Environment Agency had met to discuss the issues raised with dialogue continuing at the time of the meeting. It was considered that the issue was not an in principle objection and therefore not insurmountable, with further clarification required in respect of what had been agreed already, however this would need to be resolved after this meeting.

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

- A Member asked whether those Members who were involved in the previous consideration of the application by Selby District Council Planning Committee should be considered to have predetermined the application, and should, therefore, be excluded from taking part in the meeting. In response it was clarified that the original resolution indicated that Members were minded to grant the application subject to additional consideration by the Strategic Planning

Committee of the Section 106 agreement and the conditions attached to the development. The one Member concerned indicated that he had kept an open mind on the application subject to the consideration of the Strategic Planning Committee, therefore, there was no predetermination.

- It was noted that protection of the green belt from development related to an attempt to prevent urban spread and it was asked whether the proposal would impact on this. In response it was stated that purposes of the green belt were highlighted within the report and it was considered that the proposed development would conflict with the NPPF in terms of this.
- A Member highlighted the weighting provided within the report, with the green belt given substantial weighting, against the economic benefits which were given significant weighting, and asked what the difference between these was. Officers explained that national green belt policy required substantial weight to be given to any harm identified to the green belt and this set a high bar. Only if Members considered that the significant weight in policy attributed to economic benefits clearly outweighed the substantial harm to the green belt could they consider very special circumstances existed in favour of the proposal. Clarification was requested as to the various distances between the nearest other service area facilities and the proposed development. Members were directed to the report contained in Appendix A, which set out the distances between the service area facilities. It was stated that Ferrybridge service area was 6 miles away from the proposed development and Wetherby was 15 miles away. Members were advised that it was estimated that Blyth was a further 23 miles away from Ferrybridge.
- Referring to the available facilities for HGVs, a Member asked what availability there was at the next nearest MSAs. In response it was advised that there was HGV parking at both Ferrybridge and Wetherby, but the exact amount was not able to be confirmed at the meeting. It was also noted that, other than at Eggborough, there were no such other facilities within the Selby district area.
- It was asked how the major roads within the area had been built without impacting on the green belt. There were also some large roundabouts in the vicinity of those roads, also located within the green belt. In response it was stated that all applications for development within the green belt were determined on their own merits, and that some of these schemes may have been part of national infrastructure plans. The effects of numerous developments within the green belt would need to be taken account of, however.
- A Member asked for further details of the objection raised by the Environment Agency. In response it was stated that the original consultation had not seen them raise any objections, but they had now raised concerns regarding the satisfactory management of the risks to groundwater as a result of deep bore soakaways being proposed. The matter had now been the subject of discussion between the Council, the applicant and the Environment Agency, and there was some confidence that the matter would be resolved. Members asked how the application could be determined with this objection still in place. In response it was stated that, if Members were minded to approve the application, the outstanding objection be delegated to the Assistant Director Planning, in consultation with the Chair, to resolve with the applicant and the Environment Agency, prior to the application being referred to the Secretary of State for determination.
- It was clarified that other nearby services on the A63 were not taken account of as these were not MSAs.
- It was asked how the various costs associated with HGV drivers' use of the MSA compared to other MSAs. Details were provided and it was noted that the charges were comparable with some cheaper and others dearer.

- A Member noted that details provided by the applicant indicated that a passenger bus service would be provided to local communities as part of the proposals for the development. It was stated that provision of the bus service was included within the proposed conditions and the details of the provision would be detailed when those were discharged, should the application be eventually approved.

Members highlighted the following issues during the debate of the report:

- Despite the site for the proposed MSA being in the green belt, this was the most appropriate place for the development in the Selby area, and the Divisional Member had given an appropriate definition of the nature of the land at that location. The provision of appropriate facilities for HGV drivers was also a major factor for the area as this would alleviate much of the night parking taking place.
- A Member queried whether development within the green belt was appropriate in terms of environmental concerns. He had noted with interest the issues raised by the various speakers and had noted the quality of the land at that location. There was also the economic benefits that the development would bring to that area. There was strong local support for the application and from many of the statutory consultees. He considered that the balance favoured approval of the application.
- It was emphasised that the application did not seek to extend a town or city, the reason for green belt land being in place, but was ancillary to the infrastructure already in place there. The HGV driver facilities were also a major deciding factor in favour of the proposal.
- It was recognised by a number of Members that there were significant factors for both approving and refusing the application, and there was a fine balance between the two. Good points had been made in relation to both decisions, and, despite the condition of the related land, it was still classified as green belt. Opportunities to provide additional benefits, such as the provision of solar panels on over the HGV parking area within the development, appeared to have been missed, and should Members be minded to approve it was hoped there would be further exploration of such issues.
- The only compelling argument for approval of the application was the distance between the proposed MSA and other similar facilities and it was considered that this was not strong enough when taking account of the proximity of the MSAs at Ferrybridge and Wetherby. The legislation relating to green belt land could not simply be ignored and should not be lost sight of against the potential for economic benefits.
- Substantial versus significant had to be taken account up when weighing up the decision on this application. There appeared to be a strong optimistic view portrayed by the applicant and a more subjective view should be taken.
- Alongside all the other mitigating factors for Members being minded to approve the application there was also the provision of much needed additional electric vehicle charging points, particular in locations where drivers were embarking on long journeys.

A proposal for the officer's recommendation for refusal did not receive a seconder.

#### **Resolved –**

- (i) That the Committee is minded to grant planning permission, subject to the conditions and S106 obligations set out in the Officer's report, on the basis that very special circumstances had been demonstrated that clearly outweighed the identified harms to the Green Belt;

- (ii) that the decision is delegated to the Assistant Director of Planning in consultation with the Chair following the positive resolution of the discussions with the Environment Agency and referral to the Secretary of State under the Departure the Town and Country Planning (Consultation) (England) Direction 2009 as set out in the Officer's report.

Voting on this resolution was as follows:-

10 for  
3 against  
1 abstention

**43. 2020/0045/PROW - Public Bridleway 35.59/13 land at Lumby, Parish of South Milford Diversion Order 2024**

Considered –

The report of the Assistant Director Planning – Community Development Services requesting Members:-

- (i) To determine the making of a Public Path Diversion Order, which would then be subject to the required consultation.
- (ii) To give delegation to Officers to confirm the Public Path Diversion Order following the expiry of a 28-day consultation period, subject to no objections being received or objections that were received through the consultation period being subsequently withdrawn within two months after the expiration of the objection period. Where objections were received within the specified time limit and were not subsequently withdrawn within two months after the expiration of the objection period, that delegation was given to Officers to refer the Public Path Diversion Order to the Secretary of State.
- (iii) To give delegation to Officers to certify the Public Path Diversion Order following the completion of the diversion works in accordance with the Order (where the Public Path Diversion Order had been confirmed in (ii) above).

The application was reported to Committee due to it being a proposal to divert a public highway affected by development and the proposal directly relating to planning application 2019/0547/EIA which was also being reported to Committee.

A representative of the Assistant Director Planning – Community Development Services presented the Committee report, highlighting the proposed diversion order, how this related to planning application 2019/0547/EIA and the process required for this to take place.

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

- It was clarified that the report had been brought to this Committee as it was entirely related to the earlier application.
- It was further clarified that applicant would be responsible for paying for the works involved in the diversion and that it would not be covered in the s106 agreement pertaining to planning application 2019/0547/EIA.

**Resolved –**

- i) That approval be granted for the making of the Public Path Diversion Order, which would then be subject to the required consultation;

- ii) That delegation be given to Officers to confirm the Public Path Diversion Order following the expiry of a 28 day consultation period, subject to no objections being received or objections that were received through the consultation period being subsequently withdrawn within two months after the expiration of the objection period. Where objections were received within the specified time limit and were not subsequently withdrawn within two months after the expiration of the objection period, that delegation was given to Officers to refer the Public Path Diversion Order to the Secretary of State;
- iii) That delegation be given to Officers to certify the Public Path Diversion Order following the completion of the diversion works in accordance with the Order (where the Public Path Diversion Order had been confirmed in (ii) above).

Members approved the resolution unanimously

(NB – Councillors Richard Foster, Yvonne Peacock and Neil Swannick had left the meeting prior to consideration of Minute No. 43, above).

The meeting concluded at 12.10pm

SML