

North Yorkshire Council

Strategic Planning Committee

Minutes of the meeting held at County Hall, Northallerton on Tuesday 11th June at 10am.

Present:-

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

Apologies were received from Councillors Andrew Lee, Yvonne Peacock, Roberta Swiers and Andrew Timothy

Other Member – Councillor Alyson Baker

Officers present: Hannah Blackburn, Linda Drake, Aisling O’Driscoll, Martin Evans, Ann Rawlinson, Glenn Sharpe and Steve Loach.

There were 18 members of the public – including 4 registered speakers and 1 representative of the press.

Copies of all documents considered are in the Minute Book

52. 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.

He advised Members of the pre-election period, with the General Election being held on 4 July 2024. He stated that whilst the business of the Council continued, Members should be mindful of avoiding giving an individual, or a political group, a platform by which they could influence public opinion in the lead up to the election. He asked that Members were mindful of this during the Meetings proceedings.

53. Minutes of the meeting held on 14th May 2024

Resolved -

That the Minutes of the meeting of North Yorkshire County Council’s Strategic Planning Committee, held on 14th May 2024, be confirmed by Members and signed by the Chairman as a correct record.

54. Declarations of Interest

All Members declared that they had received correspondence from either supporters,

objectors or both, to the applications being considered today prior to this meeting but would form their opinion based on the evidence provided.

55. ZB23/02461/FUL - Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a temporary period of 50 years - Land to the south of Pilmoor Grange, Pilmoor, York, North Yorkshire, YO61 2QF

Considered -

The report of the Assistant Director Planning – Community Development Services requesting Members to determine a planning application ref. ZB23/02461/FUL - Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99MW(AC), including mounting framework, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain, permanent grid connection hub and environmental enhancements for a temporary period of 50 years - Land to the south of Pilmoor Grange, Pilmoor, York, North Yorkshire, YO61 2QF

The application was reported to Strategic Planning Committee as it was considered that the application raised significant planning issues.

Divisional Member, Councillor Alyson Baker, addressed the Committee highlighting the following:-

- She stated that whilst she was not opposed to solar panels generally she did consider that this proposal, together with others in the Division, would have a detrimental effect on the character of the area.
- She considered that the development was not in keeping with the character and appearance of the countryside.
- The proposal would use existing, much needed, agricultural land.
- People choose to live and work in the countryside because of the background and setting, and every effort should be made to enhance and protect this which the proposal did not.
- The Local Planning Authority need to take account of the cumulative impact of the proposals and the detrimental impact on the local community.
- A vast area of local land was earmarked for this proposed use which would have a negative impact on the area.

Mark Proctor, local resident and representing a local opposition group, addressed the Committee highlighting the following:-

- He lives 500 metres from the application site and was the spokesperson for a group opposing the application.
- He suggested that the application was too large to be determined by the Local Planning Authority and should be referred to the Secretary of State for determination.
- Two thirds of the land within the application site was considered to be best and most versatile agricultural land..
- He considered that this, and other related applications, would take up around

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10% of the whole area of Raskelf, which he felt was overdevelopment. The impacts of the cumulative proposals should be taken account of.

- He noted that the proposals were six times more than what was required in terms of carbon offset and impacted on the local setting. He considered that the merits of the application were outweighed by the concerns outlined, and the application should be refused..

Peter Grubb of Lighthouse Development Consulting and agent for the applicant addressed the Committee highlighting the following:-

- He stated that he was a qualified expert in relation to the issues within the application.
- The Government were clear that it was necessary to address the climate emergency. The proposal would deliver on action required to assist in delivering that.
- It is a significant challenge to deliver on the priorities for addressing the climate emergency.
- The application site was available, flat, low grade land, was easily connectable to the grid and was the best available local land for this facility.
- The energy generated by the facility would be sufficient for 15000 dwellings and would offset 1 million tonnes of carbon.
- There would be 188% net gain on habitat and biodiversity.
- The development would be taking place on the least productive, lowest grade of land.
- The priorities for addressing the climate emergency were all met through this application.

The Committee's Legal representative highlighted an issue that had arisen in a recent very similar application to Durham County Council, which had been granted at the Planning Committee stage but had subsequently seen that decision overturned on appeal to the High Court. The contention arose from the proposal generating more energy than had been indicated in the original application, taking it above what could be determined at Local Authority Planning level into being Nationally significant with determination undertaken by the Secretary of State. The cut off point for this was 50Mw and this application was for 49.9Mw. This application had also incorporated some overplanting of solar panels to take account of future degradation, which, initially, could push the energy generated over the 50Mw level. He noted that clarification details had been sought from the applicant and, despite these being provided, the information had been provided too late to incorporate within an update report. He was concerned, therefore, that Members could be determining an application without the full facts being available and could find themselves in a similar situation to Durham County Council.

Members outlined the following:-

- It was clearly an issue that important information had not yet been provided to Members.
- Clarification was provided of the degradation rate for the solar panels and how that could affect the energy output, going forward.
- Members were clear that they could approve, reject or defer the application to allow the additional information to be provided.
- Should it be agreed to defer the application a Member requested that details on the potential of spraying to prevent growth on the site be outlined in the report for Members to consider.

Resolved –

That the application be **DEFERRED**, for consideration at a subsequent meeting of the Committee to allow the additional information referred to by the Legal representative to be provided.

Voting on this resolution was unanimous

56. 2021/1531/EIA - Outline planning application for the demolition of existing colliery buildings and the construction of up to 1,460,000sq ft of employment floor-space comprising Use Classes B2, B8 and E(g) to include access (with all other matters reserved) - Land at Gascoigne Wood Interchange, Gascoigne Wood Mine, Lennerton Lane, Sherburn-in-Elmet, North Yorkshire, LS25 6LH

Considered -

The report of the Assistant Director Planning – Community Development Services requesting Members to determine an outline planning application ref: 2021/1531/EIA - for the demolition of existing colliery buildings and the construction of up to 1,460,000sq ft of employment floor-space comprising Use Classes B2, B8 and E(g) to include access (with all other matters reserved) - Land at Gascoigne Wood Interchange, Gascoigne Wood Mine, Lennerton Lane, Sherburn-in-Elmet, North Yorkshire, LS25 6LH

The application was being reported to Committee due to the application being a significant planning application relating to energy or physical infrastructure accompanied by an Environmental Impact Statement and was intended to recommend approval.

Joanne Neville, Regional Head of Planning at Haworth Group PLC representing the applicant addressed the Committee highlighting the following:-

- The applicant, Harworth Group PLC, owned a large number of sites throughout the North of England, together with this site.
- The application provided a good opportunity for regeneration at that site.
- The site was in the Local Plan.
- The application provided an opportunity to create around 2200 jobs.
- Close work with the Council had been undertaken to address technical issues resulting in a comprehensive application.
- There had been no objections to the proposal from the statutory consultees.
- An original application, considered by Selby District Council, had been scaled back to ensure that the development was on the brown-field site only. The existing trees and bund would be retained in this proposal.
- Planning Officers had delivered a comprehensive report.
- The regeneration would be of great benefit to 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.

The following amendments to the report were highlighted:-

Para.10.68 – should read condition 38.

Para. 10.76 – maximum height buildings should be 30.1m AOD.

Para. 12.1 - Amend wording to read:

That the Strategic Planning Committee delegate to the Head of Development Management to **GRANT** planning permission for the proposed development subject to the conditions recommended in this report; and completion of a Section 106 Agreement securing Travel Plan monitoring, contribution towards A63/A162 junction improvements, sustainable travel enhancements and provision of a shuttle bus.

Additional Consultee response

The Contaminated Land Consultant has advised that the Geo-Environmental Site Assessment is acceptable and agrees with the report recommendation that additional investigation and assessment work should be undertaken. Conditions are recommended (see below).

Conditions

Condition 4

Amend the Landscape Strategy Plan from Revision B to Revision E.

Condition 32

Amend reason to:

Reason: To ensure that this viable asset is not lost to potential users, in the interests of the environment and to comply with Policy S05 of the North Yorkshire Minerals and Waste Joint Plan (2022).

Additional conditions

39. Prior to development (excluding demolition), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination in accordance with Selby District Local Plan Policy ENV2 and Core Strategy Policy SP19.

40. Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors in accordance with Selby District Local Plan Policy ENV2 and Core Strategy Policy SP19.

41. Prior to first occupation or use, remediation works should be carried out in accordance

with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination in accordance with Selby District Local Plan Police ENV2 and Core Strategy Policy SP19. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

42. In the event that unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination in accordance with Selby District Local Plan Police ENV2 and Core Strategy Policy SP19.

A further condition was recommended to control the provision of Class E(g) use, following confirmation from the applicant that this use would be ancillary to the B2 and B8 uses proposed.

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

(Councillor Bob Packham declared that he had been a Member of the Selby District Council Planning Committee that had previously considered this application. He stated that since the consideration of that application there had been significant developments of the proposals and given the new information provided he would approach the application from a new perspective and with an open mind.)

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

- It was asked whether Sherburn-in-Elmet Town Council had been consulted on the application. This was confirmed by officers.
- It was asked whether the Civil Aviation Authority were in agreement with the proposals as the report did not clearly show whether they supported or not. In response it was stated that the nearby airfield was not a part of the development site, however, the Airfields Advisory Team of the CAA had been consulted on the potential impact on the airfield and they had indicated their satisfaction with the proposals. It was noted that this body did not recommend agreement or refusal in terms of development proposals but offered guidance in terms of airfield impact.
- A Member referred to the development of a shuttle bus service through the S106 agreement and asked whether this would also serve the other industrial park in Sherburn. In response it was stated that this was expected to serve the nearby

railway station and the local communities at Sherburn and South Milford, providing access to the new development. It was stated that there was a possibility that this could be developed further allowing other nearby areas to benefit. The member stated that this matter should involve representatives of the Economic Development service and the existing industrial estate, as he was aware that there was a willingness for additional contributions to be made to extend this service.

- A member asked how much of the proposal was allocated to B8 development, as that attracted lower quality employment opportunities. In response it was stated that the proposals would be outlined at the reserved matters stage and details would be brought back to the Committee for Members to consider, as requested.
- It was noted that this was a huge site, despite the scaling back of the application, and it was asked whether the Local Plan and/or emerging Local Plan supported this level of development and which was given the greater weighting. In response it was stated that the existing Local Plan and Minerals and Waste Plan were the Development Plan with the policies within these to be adhered to and the emerging Local Plan for the Selby area showed the direction of travel and carried limited weight other than as a material consideration.. The original proposals included development on green field land but as that had now been removed the proposals were in line with the existing Local Plan. It was noted, however, that the site itself was not allocated in the current Local Plan, but as it was previously developed site, available for development, there was support in the Plan for the proposal.
- A Member asked what effect the jobs created through the development would have on the GDP of the county. Whilst not able to answer that question directly it was stated that the development would create 65 construction jobs per month for the local area, over a 10-year period and between 1400 and 4000 jobs when the site had been developed.
- A Member noted that Selby had a high wage economy with residents predominantly travelling out of the area to access well paid jobs. He considered that the new development, should it be mainly B8, would attract job seekers from outside of the area, creating further traffic problems. In response it was emphasised that the type of jobs to be created could not be anticipated at this outline stage as those would emerge at the reserved matters stage. It was also noted that the proximity to the railway station provided some reassurance that different types of businesses would be willing to locate at that location. The Member outlined his experience of the developments at Kellingley and Eggborough, where high quality jobs had been expected but, in the main, B8 development had taken place there.

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

- The proposal would deliver a welcome jobs boost to the local economy even if some of those taking up the jobs were from outside of the county. The scaled back proposals also ensured that the development was more acceptable. The existing infrastructure was complementary to the development, creating an easily accessible location.
- The application provided an ideal opportunity to provide an employment site, with different levels of skills catered through a mix of employment opportunities on a brownfield site suitable for development. A concern arose, however, in relation to the level of self-sustaining energy the development was required to provide through Condition 38, as the 10% target was considered to be inadequate and could dissuade potential employers from locating there. It was proposed, therefore, that the alteration of Condition 38 should be amended, to take account of in the reserved

matters stage, requiring further expansion of the proposals for the use sustainable, renewable energy sources, thereby reducing carbon, through negotiation between Planning Officers and the applicant. It was considered that more ambition was required around this factor. Whilst agreeing with the spirit of what the Member was seeking, another Member felt it would be inappropriate to remove the minimum 10% target, as that could result in a lower outcome and suggested that the Condition should be altered to state “a minimum of 10% with an expectation of a greater percentage” as a safeguard. This was accepted as a way forward, although it was warned that these requirements could increase the cost of renting units and energy provision within the development which could also be a deterrent for potential employers to locate there.

- A Member considered that the road infrastructure surrounding the proposed development was not as appropriate as had been previously suggested, and was likely to have issues should the number of heavy vehicles increase substantially. He noted that this was a better application than the previous submission and was supportive on the main planning grounds. He still had concerns regarding large amounts of traffic using the surrounding infrastructure with the projected job creation over the next 10 years which was why the development and possible expansion of the shuttle bus service was so important.
- It was suggested that the development should make good use of the railway sidings adjacent to the site to ensure that they were being used effectively.
- A Member stated that he was not encouraged by the proposed development having seen how similar developments had emerged at Kellingley and Eggborough. He noted that both these developments were predominantly now warehouse and distribution centres resulting in low-level, low-quality jobs. He emphasised that the area did not require more of the same and noted that the rail system also ran closely to the other two sites but this had not encouraged other types of employment opportunity. He considered that the site would be better developed for mixed use, including residential and leisure, rather what was proposed.

Members initially voted on the changed wording for Condition 38 as follows:-

Resolved:-

That Condition 38, as detailed within the report be altered to state the following:-

“Prior to commencement of each phase of development, a scheme to demonstrate that a minimum of 10% (with the expectation of a higher percentage) of the total predicted energy requirements of the development have been secured from renewable, low carbon or decentralised energy sources; or an alternative to reduce energy consumption; has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details and a timetable of how this is to be achieved, including physical works on site. The development shall be carried out in accordance with the approved scheme and retained and maintained as such thereafter for the lifetime of the development.”

Voting on this resolution was:-

11 for
2 against

Members then voted on the main recommendation.

Resolved:-

That planning permission be **GRANTED** for the reasons stated within the report, in accordance with the amendments to the report detailed above, in accordance with the conditions listed in the report subject to the amended Condition 38, above, and the following additional Condition 43 to read:-

“The Class E(g) use hereby permitted shall at all times be ancillary to the Class B2 and B8 uses permitted as part of the development.

Reason:

In the interests of highway capacity and safety as a high percentage of Class E(g) on the site would require separate highways assessment and such a scenario has not been assessed as part of the approved planning application.”

and the completion of a S106 legal agreement

Voting on this resolution was:-

12 for

1 against

- 57. 2022/1160/S73 - Application for removal of condition 01 (Temporary Consent) of approval 2019/0030/COU change of use of land to 12 Gypsy/ Traveller Pitches and associated works including 12 no. mobile homes, 12 no. touring caravans and 12no. day-rooms (retrospective) granted on 12 June 2020 at Milford Caravan Park, Great North Road, South Milford, Leeds.**

Considered -

The report of the Assistant Director Planning – Community Development Services requesting Members to determine an application ref:2022/1160/S73 for the removal of condition 01 (Temporary Consent) of approval 2019/0030/COU change of use of land to 12 Gypsy/ Traveller Pitches and associated works including 12 no. mobile homes, 12 no. touring caravans and 12no. day-rooms (retrospective) granted on 12 June 2020 at Milford Caravan Park, Great North Road, South Milford, Leeds.

The application was brought before Members because the constitution requires planning applications to be reported to Strategic Planning Committee which are defined as a departure from the adopted Development Plan for which the Secretary of State must be consulted and where it is intended to recommend approval.

Dr Simon Ruston of Ruston Planning limited and agent for the applicant appeared remotely and addressed the Committee highlighting the following:-

- He spoke in support of the application
- The application presented an opportunity to provide a permanent Gypsy and Traveller Site on a previously developed site
- There had been no objections to the proposals with a number of letters of support
- The application site was within the green belt but had been the subject of previous development through temporary planning approvals and the proposal would not result in any significant harm to the character and appearance of 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.

An amendment to the recommendation was outlined with reference to “The Town and Country Planning (Consultation) (England) Direction 2021 (the Direction)” altered to read “The Town and Country Planning (Consultation) (England) Direction 2024 (the Direction)”.

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 whether it was usual for more than one temporary planning consent to be approved as was the case with this site. In response it was stated that, although uncommon, this did occur in exceptional circumstances.
- It was clarified that the need for the development at the site had been demonstrated.
- Members emphasised that this was a well organised site that much needed in the County.

Resolved:-

That planning permission be **GRANTED** for the reasons stated within the report in accordance with the conditions set out in the report.

Given the resolution to grant planning permission subject to the conditions listed in the report, prior to doing so the Local Planning Authority must consult the Secretary of State for Housing, Communities and Local Government (the Secretary of State) as set out in The Town and Country Planning (Consultation) (England) Direction 2021 (the Direction) confirming the Planning Committee resolution. The Local Planning Authority shall not grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the Local Planning Authority in writing is the date the material is received as specified in paragraph 11 of the Direction. If, before the expiry of the 21 day period referred to in paragraph 12 of the Direction, the Secretary of State has notified the Local Planning Authority that the intention is not to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the Local Planning Authority will proceed to determine the application in accordance with the resolution of Planning Committee.

Voting on this resolution was unanimous.

The meeting concluded at 11.30am