

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely via Microsoft Teams on 23 February 2021 at 10.00 am.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Caroline Goodrick, David Hugill, Mike Jordan, Zoe Metcalfe, Chris Pearson and Clive Pearson

Apologies were submitted by County Councillors John McCartney and Robert Heseltine.

The meeting was available to watch live via the County Council's website and a recording of the meeting is now available on the website via the following link www.northyorks.gov.uk/livemeetings

Copies of all documents considered are in the Minute Book

181 Welcome and Introductions

The Chairman welcomed everyone to the meeting and those present introduced themselves.

182. Minutes of the meeting held on 9 February 2021

Resolved -

That the Minutes of the meeting held on 9 February, having been printed and circulated, be taken as read and confirmed, to be signed by the Chairman as a correct record at the next available opportunity.

183. Declarations of Interest

There were no declarations of interest.

184. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, other than those that had indicated that they wished to speak in relation to the application below, there were no questions or statements from members of the public.

185. **C8/999/16U/PA (NY2016/0251/FUL) - Planning application for the purposes of the change of use of part of the former coal mine site to create a waste transfer station for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces on land at the former Stillingfleet Mine Site, Escrick Road, Stillingfleet**

A representative of the Head of Planning Services provided the following statement to the Committee-

"I am sure you are aware when planning applications are received we consult with the relevant bodies, post notices on the land, where necessary advertise in the press and notify by letter those properties considered most likely to be materially affected by the proposal. The receipt of representations is acknowledged and advice provided how representation can be made to the Committee when the application is presented for determination. Although the 'right-to-speak' notice has been previously set out in the letter of acknowledgement to representations at the time, this was in 2017/2018. The latest letter to those who had previously made representations on the application, notifying them the application is included on the agenda and how to make further representations should they so wish, including the need to provide the text of any question or statement, to Democratic Services is acknowledged as giving a very limited timeframe within which to achieve this. We have received a number of representations objecting to the short time period provided, particularly given the time it has taken for this application to be presented to the Committee. We have carefully considered these views and the timing of the notification letter sent. We accept the notification letter gives insufficient time to interested parties to make representations on the published Committee Report. Therefore, out of procedural fairness, to afford the opportunity for those who consider themselves to be most affected by the proposal to make further representation and for Officer consideration of the most recent representations received following the publication of the report, I recommend that this Item be deferred to the next available Committee meeting"

Members agreed that the process should be as open and transparent as possible.

Resolved –

That the application be deferred for consideration at a subsequent meeting of the Committee in view of the issues outlined by the representative of the Head of Planning Services, above.

186. C8/2019/1271/CPO - Planning application for waste recycling and restoration by infill on land at Newthorpe Quarry, Newthorpe, North Yorkshire

Considered -

The report of the Corporate Director, Business and Environmental Services requesting Members to determine a planning application for waste recycling and restoration by infill on land at Newthorpe Quarry, Newthorpe, North Yorkshire.

The application is subject to an objection in respect of this proposal from Sherburn in Elmet Parish Council, on the grounds of safety of the existing site access onto the B1222 proposed for use in connection with this development. The application is, reported therefore, to the Committee for determination.

Chris Ballam, the agent for the applicant made the following statement:-

"You have before you a very thorough report from the planning officer. It takes you through the lack of environmental impacts and the improvements that would be gained from restoring the quarry back to original ground levels. The scheme leaves the northern part of the quarry at quarry floor level with restoration of calcareous grassland to enhance biodiversity. It also incorporates a large area of tree planting on the slopes as well as

bringing land back into full agricultural use. The area is short of capacity for recycling construction and demolition waste, and although the market it would serve is orientated towards Leeds and West Yorkshire, it will also cater for areas to the north and west in North Yorkshire. This proposal assists in maximising recycling and in doing so, reduces the need for primary aggregates. That element of C&D wastes that cannot be recycled, can be used to restore the quarry. It can remain on site and does not have to be taken off-site for disposal which would generate additional HGV movements. The new quarry access road takes HGV traffic off much of the local road network and gives direct access to the A63 and the A1M. Except for very local destinations, for instance if someone in Sherburn in Elmet wanted a delivery of stone for a building site, all quarry traffic will use the B1222 to the west of the quarry access. When we learnt of the Sherburn Parish Council objection, my client tried to engage with the Parish Council to reassure them that quarry traffic would not come through the village, and that there would be no environmental impacts on the village. We were backed up in this by Newthorpe Parish Council. To re-enforce our assurances on HGV traffic, we offered to incorporate a ban in a Section 106 agreement on all but a few HGVs using the B122 towards Sherburn. Although Sherburn Parish Council was asked to consider withdrawing its objection, it did not appear to be able to do so. Although there is no reason why the vast majority of quarry HGV traffic would need to travel towards Sherburn, the Section 106 agreement gives everyone the confidence that this will not happen.”

The Head of Planning Services presented the Committee report, highlighting the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations. She provided details to address the issues that had been raised during the public questions/statements session.

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

The Head of Planning Services highlighted the following suggested alterations to Condition 3, detailed within the report, to include the following approved documents:-

2 February 2021 – VT Hybrid light tower – specifications

17 February 2021 – processing plant concerning wash plant control cabin and two generators

18 February 2021 – Lighting

It was noted that the application was also subject to the prior completion of a Section 106 legal agreement as detailed in the report’s recommendation.

Members undertook a detailed discussion of the application and the following issues and points were highlighted during that discussion:-

- A Member raised concerns regarding the existing planning permission for mineral extraction on the site being beyond the time limits for this application, and wondered how that may affect the planned restoration. He also asked whether further permission would be required should there be insufficient infill generated by the expiry date. In response it was stated that there was an existing permission for mineral extraction but this did not relate to the application before Members and, therefore was not of material concern, although it was clarified that there was permission for the extraction of 250k tonnes per year, but the timeframe for that was not available. In terms of the infill not being completed by the expiry of the planning permission, should it be granted, it was clarified that a further application

- would need to be approved for the infill to continue.
- It was clarified that Condition 2*, which ensured that waste used by the applicant for the infilling related to the application details, would restrict waste to that derived from construction, excavation and demolition, and would not allow non-inert waste to be used. (*Note – following the meeting it was noted that the reference should have been to Condition 3).
 - Clarification was provided as to the provision of limestone grassland within the restoration plans and how this accorded with the Selby District Council bio-diversity plan and enabled the reintroduction of plants that thrive in that environment.
 - Details of the proposed traffic route from the site entrance were highlighted. Members outlined their satisfaction with the proposed routes, which would be confirmed by the successful completion of a Section 106 agreement, and in particular it was welcomed that the proposals routed HGVs away from a venue popular with motorcyclists, thereby avoiding that potential conflict.

Resolved –

- (i) That the application be approved for the reasons stated in the report, in accordance with the Conditions outlined, subject to the amendments to Condition 3, as outlined, and the successful completion of a Section 106 legal agreement.

187. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 7 December 2020 to 24 January 2021 inclusive.

Resolved -

That the report be noted.

The meeting concluded at 11.03am

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