

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

16 MARCH 2021

C3/19/01184/CPO - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITIONS NO. 2 AND 30 OF PLANNING PERMISSION REF. C3/16/01918/CPO TO INCREASE THE TONNAGE OF WASTE RECEIVED AT THE GREEN ENERGY FACILITY TO UP TO 130,000 TONNES PER ANNUM (AROUND 120,000 TPA PROCESSED) UP FROM THE CURRENTLY GRANTED 80,000 TPA (65,000 TONNES PROCESSED) AND INCREASE MAXIMUM STORED WASTE FROM 600 TONNES TO 1080 TONNES (3 DAYS FUEL) AT ANY TIME. INCREASE IN VEHICLE MOVEMENTS FROM 40 TO 48 PER DAY ON LAND TO THE SOUTH OF KNAPTON QUARRY, EAST KNAPTON, MALTON, NORTH YORKSHIRE, YO17 8JA ON BEHALF OF KNAPTON GREEN ENERGY TETRAGEN (KNAPTON UK) & NCG ESTATES (RYEDALE DISTRICT) (THORNTON DALE AND THE WOLDS ELECTORAL DIVISION)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the variation of conditions no.s 2 and 30 of planning permission ref. C3/16/01918/CPO (dated 1st August 2018) to increase the tonnage of waste received at the Green Energy Facility to up to 130,000 tonnes per annum (around 120,000 tpa processed) up from the currently granted 80,000 tpa (65,000 tonnes processed), increase maximum stored waste from 600 tonnes to 1080 tonnes 3 days fuel) at any time and increase vehicle movements from 40 to 48 per day on land to the south of Knapton Quarry, East Knapton near Malton on behalf of Knapton Green Energy Tetragen (Knapton UK) & NCG Estates.
- 1.2 This application is subject to objections having been raised in respect of this proposal, relating to need, sustainability, impact upon amenity, air quality, visual impact, highway impact and the principle of development by members of the public (detailed in Section 5.0) and also concerns raised by Wintringham and Scampston Parish Councils (detailed in Section 4.0) and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 The application site lies on the Yorkshire Wolds approximately 10 kilometres to the east of Malton and south of the A64 Malton to Filey trunk road. It comprises 4 hectares of land to the immediate south of the former Knapton Quarry and the existing waste transfer, treatment and landfill which is a long established 10 hectare site on the north-facing, downhill slope with Knapton Wood at a higher level to the south. The private site access road is off the A64 and runs in a north-south direction uphill to the entrance to the landfill site and waste transfer buildings.

- 2.2 The application site is currently undeveloped greenfield Grade 3 agricultural land in an open countryside location on the north facing scarp of the Yorkshire Wolds on the southern flank of the Vale of Pickering, benefitting from planning permission for a Green Energy Facility, which is yet to be implemented. This was granted on 1st August 2018 and therefore is still within its three-year statutory time limit for implementation. The level of the land forming the southern part of the application site rises from approximately 82m AOD in the north-east corner up to approximately 96m AOD in the south-west corner. The dominant land use of the surrounding area is open farmland and woodland. The Knapton Wood plantation occupies an elevated position and extends to the south-west, south, south-east and east of the application site. The Sands Wood plantation is 780m to the west of the application site. The application site falls within an Area of High Landscape Value (AHLV) as defined by the Ryedale Plan-Local Plan Strategy (2013).
- 2.3 The application site itself is not located within, or immediately adjacent to a wetland, coastal zone, mountain and forest area, nature reserve and park, is not a designated area (such as SSSI, SPA/SAC, RAMSAR, AONB), or a densely populated area or a landscape of national significance. At its closest point, the boundary of the North York Moors National Park is approximately 9km north-west of the application site. Knapton Hall is 1.1km to the north-west of the application site. The nearest listed building is the Church of St Edmund (Grade II) in the village of East Knapton around 1km to the north west of the application site. Scampston Hall (Grade II*) is 2.4km west of the application site and is set within a Registered Park and Garden (Grade II*); the boundary of which is 1.3km west of the application site at its closest point. There is a Scheduled Ancient Monument (a cross dyke) 250m to the south of the application site beyond Knapton Wood. The application site has the potential to be of some archaeological significance.
- 2.4 The villages of West and East Knapton are 1.3km to the north west, West Heslerton is 1.5km to the east, Wintringham is 1.6km to the south-west and Scampston is 2.5km to the west. There are no residential properties within close proximity of the application site. The nearest residential properties are at West Farm beyond Knapton Wood approximately 750 metres to the south east. A caravan and camping site (Wolds Way) is also located approximately 850 metres to the south east. There is also a telecommunications mast near West Farm 800m south-east of the application site which is visible on the skyline when viewed from the A64 and other positions to the north. There are residential properties east of the village of East Knapton at Mill Grange and Hartswood Farm (and a small campsite) which are 1km to the north-east of the application site on the northern side of the A64.
- 2.5 Public bridleway number 25.81/15/1 (along Knapton Wold Road) is approximately 500 metres to the west and public bridleway number 25.81/24/1 runs 250 metres to the south of the application site (separated by Knapton Wood). The Wolds Way National Trail runs in an east-west alignment, which at its closest point is approximately 250 metres to the south of the application site (also separated by Knapton Wood).
- 2.6 The site lies in Flood Zone 1 (low risk) and is located on the Chalk (Principal aquifer) but is close to the boundary with the Speeton Clay Formation (unproductive strata). The site is not located within a Source Protection Zone and there are no licensed abstractions in the vicinity.
- 2.7 A plan showing the application site is attached to this report.

Planning History

- 2.8 The application for the erection of a Green Energy Facility comprising (6,342 sq. metres gross external area) (energy from waste via gasification), office reception building (91 sq. metres), substation & switchroom (39 sq. metres), air cooled

condensers (377 sq. metres), installation of a weighbridge, earthworks, 20 car parking spaces, extension to internal access road, landscaping and associated infrastructure, including a local connection via underground cable (340 metres) to the 11kV grid via a proposed substation at the land South of Knapton Quarry landfill site was submitted in November 2016 (ref: NY/2016/0194/ENV) and was granted permission on 1st August 2018 (Decision No C3/16/01918/CPO) subject to 36 conditions. This permission has yet to be implemented; however, it is this permission which is the subject of this current application to vary condition numbers 2 and 30 therein.

- 2.9 Prior to the submission of this current application, in February 2019, a non-material amendment application under Section 96A of the Town & Country Planning Act 1990 was submitted for the removal of reference to the word '*gasification*' in the description of the process technology, remove one of the two air cooling systems and an increase in HGV movements from 40 to 48 (ref: NY/2019/0038/NMT). This non-material amendment was subsequently approved in April 2019.
- 2.10 Subsequent to the above, in July 2019, conditions relating to a power line installation scheme; Archaeological Written Scheme of Investigation; Archaeological Identification and Evaluation; Surface Water Drainage; Landscape Scheme; replacement of failed planting; and cable route were discharged on 4th November 2019.
- 2.11 The conditions relating to a Landscape Management Plan and a Biodiversity Enhancement Plan were discharged in March 2020.
- 2.12 The extant permissions for the adjacent wider Knapton Quarry site are references C3/12/00997/CPO (dated 26th November 2016) (landfill), C3/12/00795/CPO (28 September 2012) (composting), C3/08/00235/CPO (dated 3 June 2008) (pre-treatment of waste building & weighbridge) and C3/09/00833/CPO (30 September 2009) (waste transfer and recycling building). The planning permissions for the pre-treatment of waste building & weighbridge and the waste transfer and recycling building include conditions which only permit the use of the buildings until the completion of the associated tipping operations, or by March 2035 after which they should be removed and the land restored.
- 2.13 The two most recent permissions (C3/17/00604/CPO (dated 18 January 2018) relating to the retention and change of use of existing waste transfer buildings and associated yard, weighbridge and ancillary structures to allow for waste recycling and pre-treatment operations and C3/19/00012/CPO (dated 20 December 2019) relating to the variation of condition no's. 8, 10, 11, 13 & 22 of planning permission ref. no. C3/17/00604/CPO which relates to the time limit for the submission of a Noise Monitoring Scheme, Fire Prevention, Landscape Scheme, Landscape Management Plan and Litter Management Plan lapsed on the 18th January 2021 and can no longer be implemented without the prior express grant of planning permission.

3.0 The Proposal

- 3.1 The application seeks to vary conditions no.s 2 and 30 of planning permission ref. C3/16/01918/CPO (dated 1st August 2018) to increase the tonnage of waste received at the Green Energy Facility to up to 130,000 tonnes per annum (around 120,000 tpa processed) up from the currently granted 80,000 tpa (65,000 tonnes processed), and increase maximum stored waste from 600 tonnes to 1,080 tonnes (3 days of fuel) at any time and increase vehicle movements from 40 to 48 per day.
- 3.2 Condition no. 2 (relating to the definition of development) attached to the extant permission sought to be varied currently reads as follows:

"The development hereby permitted shall be carried out in accordance with the application details dated 29 September 2016 as amended by the further/amended environmental

information dated February 2017 and September 2017 and the list of 'Approved Documents' at the end of the Decision Notice and the following conditions which at all times shall take precedence.

Its imposition was to ensure that the development is carried out in accordance with the application details.

3.3 Condition no. 30 (relating to HGV movement limit) currently reads as follows:

"There shall be a maximum of 40 HGV movements associated with the development in any single day entering and leaving the site via the existing junction with the A64. Vehicles entering and leaving the site shall be monitored and the applicant shall be required to provide the County Planning Authority with weighbridge records within 10 days of any written request from the County Planning Authority.

Its imposition was in the interests of highway safety and amenity.

3.4 In seeking to vary condition no. 2 of the extant permission, the applicant proposes to increase the tonnage of waste received from around 80,000 tonnes per annum up to 130,000 tonnes per annum in order to facilitate the use of Refuse Derived Fuel (RDF) as an alternative waste fuel. This has a lower calorific value (CV) than the Solid Recovered Fuel (SRF) that was previously proposed for use in the originally intended 'gasification' process. In addition, the storage of waste is proposed to be increased from the previously proposed maximum of 600 tonnes to 1,080 tonnes at any one time. This would represent three days' supply of fuel at the increased consumption rate of 15 tonnes/hour/day.

3.5 The applicant's proposed new wording for condition no. 2 is as follows:

'The development hereby permitted shall be carried out in accordance with the application details dated 29 September 2016 as amended by the further/amended environmental information dated February 2017 and September 2017, together with the S73 Variation of Conditions ES V1 September 2019, along with the list of 'Approved Documents' at the end of the Decision Notice and the following conditions which at all times shall take precedence'.

3.6 The applicant has further agreed to the imposition of a condition restricting throughput of material to the GEF to a maximum 130,000 tonnes per annum (in accordance with the application being made to increase the throughput):-

"The tonnage of waste received at the Green Energy Facility shall be up to 130,000 tonnes per annum and maximum stored waste shall be 1,080 tonnes at any time".

3.7 As a result of RDF production requiring less screening processes than SRF production, it allows for lower calorific value combustible fractions to be turned into energy rather than sending these fractions for disposal by landfill. However, the lower energy content of RDF means that a greater tonnage of waste is required to maintain an equivalent electrical output. Notwithstanding, the applicant states that all emission limits remain unchanged. This is due to the similarity of the physical processes of combustion and gasification to provide the heat for powering either a gas Internal Combustion Engine or Steam Turbine. The result is a different type of combustion chamber within the GEF, with 'no effect or impact on any of the granted planning conditions'. The applicant states that the process would create heat and green electricity by combustion of the waste fuel in a single sealed furnace chamber, and that this would be complemented by a boiler island, steam turbine, generator set, gas cleaning and an ash handling system. The water needed for steam production would be condensed and re-used in a closed-loop system.

3.8 As explained by the applicant, waste would be delivered in covered lorries and deposited in a negative pressure environment in the reception bay at the GEF. As such, the waste is not exposed to the elements and has no impact on the environment

regardless of the throughput tonnage. Fast-acting roller shutter doors would also mean that odours and noise would be contained inside the building.

- 3.9 In seeking to vary condition no. 30 of the extant permission, the applicant proposes to increase the HGV movements from 40 to 48 per day (an additional 4 in, 4 out), to allow for a degree of flexibility in the incoming weight of waste being carried by HGVs. Condition 30 of the original consent permitted the movement of up to 40 HGVs and this was subsequently increased to 48 by way of a non-material amendment approved on 8th April 2019. However, despite being previously approved, its inclusion here in this current application requires this element to also be duly considered. The Applicant proposes to vary condition no. 30 of the extant permission to read as follows:

'There shall be a maximum of 48 HGV movements associated with the development in any single day entering and leaving the site via the existing junction with the A64. Vehicles entering and leaving the site shall be monitored and the applicant shall be required to provide the County Planning Authority with weighbridge records within 10 days of any written request from the County Planning Authority..'

- 3.10 In placing proposed vehicle movements into context, the applicant has explained that because of the lower quantum of waste required by the GEF compared to the historic landfill operations and the proposed higher delivery vehicle payloads, vehicle movements would be significantly reduced compared to historical activities at the quarry (from 170 two-way movements for the landfill only down to 48 two-way movements for the GEF (48 HGV and 20 non-waste i.e. staff movements) and 116 two-way movements for all waste activities at the GEF and Knapton Quarry site combined, compared to a total of around 235 two-way movements for all activities when the landfill was operational).
- 3.11 Traffic movements are envisaged to average twenty to twenty-four 44 tonne HGVs per day, with a typical payload of 24 tonnes each. These were originally to deliver the non-recyclable waste to the Waste Transfer Station site for treatment (24 in and 24 out), however these are now proposed to travel straight to the GEF with pre-sorted waste. Where storage or pre-treatment at the transfer site is necessary, an internal vehicle would move the fuel to the GEF. Internal vehicles would not enter the public highway and are only associated with onsite operations. In addition to the above, it is anticipated that there would be a further 20 movements per day associated with cars for staff and visitors arriving at the Site (10 in and 10 out).

Type of Trip	Average
No. of vehicle movements/working day delivering non-recyclable waste	24 (48)
Estimated payload of delivery vehicles	24 tonnes
Estimated number of non-waste vehicles/working day	10 (20)
Total vehicle movements / working day	68

- 3.12 The waste deliveries would be made in accordance with the condition previously imposed i.e. between 06:30–18:30 Monday to Saturday and 09:00–17:30 on Sundays and no HGV movements into or out of the site or loading or unloading of HGVs on Bank/Public Holidays. The GEF itself would operate as originally intended i.e. 24 hours a day; being staffed, in the main, between 8am to 8pm, but operating on automated systems throughout the night. In order to ensure the facility operates 24 hours a day, as mentioned earlier, it is proposed that the GEF would store up to three days' supply of RDF fuel within the waste reception area of the GEF building; circa 1,080 tonnes.
- 3.13 All other aspects of the operation are proposed to remain as consented, including access, lighting, mitigation and agreed conditions. This includes the external design of the plant, its colours, dimensions and finishes; landscaping and the screening of the plant. The approved details of the GEF (as amended by the 2019 non-material amendment) include internal access road improvements; reductions in hardstanding

and the inclusion of a weighbridge, office and welfare facilities. The applicant has clarified that whilst the final design of the internals is to be agreed, the approved design of the building and wider scheme would be unaffected. Lastly, the waste from the GEF would be predominantly bottom ash (a non-hazardous inert char left over by the process) and this would be used as a component of the restoration material for use at the adjacent Knapton Quarry landfill site.

- 3.14 During the course of the processing the application, the applicant submitted further information (January 2020) relating to air quality and in October 2020 in relation to climate change and human health.
- 3.15 The application is accompanied by an Environmental Statement (ES). It describes the development; reports on the results of the Environmental Impact Assessment (EIA); discusses alternatives and assesses the significance of any potential impact of the proposed development in relation to the following: socio-economic issues; landscape and visual impact; air quality and odour; noise; transport and traffic; and ecology. The original application included a Landscape and Visual Impact Assessment (LVIA) undertaken for the proposed GEF and through an amended LVIA and drawings in 2017, the applicant has taken account of the changes now approved to the height of the GEF.
- 3.16 The Environmental Statement (ES) has assessed the variations of conditions requested and the effects of the variations together with the existing permission for the Green Energy Facility (GEF). It explains that the change to the waste throughput tonnage and stored waste tonnage *will not*:
- *change or impact on the consented building envelope or change the visual impact,*
 - *have any deleterious impact on odour from the plant,*
 - *affect noise emissions from the GEF since the requested changes relate only to the amount of waste processed and stored within the building,*
 - *affect the atmospheric emissions from the GEF, which will remain fully compliant with the Industrial Emissions Directive Chapter IV as per the existing Air Quality Limits supplied with the original application: (11. Emissions data)'*

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 30 September 2019 and the subsequent re-consultation (in March 2020) following the receipt of further/amended information relating to the stack height and emissions data and in October 2020 relating to climate change and human health impact.

- 4.1 **North York Moors National Park Authority** – responded on 2nd October 2019 stating, *'The key consultation consideration for this Authority is considered to be visual impact on the setting of the National Park. Subject to NYCC satisfying itself that there will be no significant plume from the stack as a result of the proposed revised fuel input, this Authority considers the development would not be likely to have an adverse impact on the setting of the National Park or on the public enjoyment of views out from the National Park, due to the distance from the Park boundary and the backdrop of the higher ground of the Wolds beyond or the enjoyment of the Wolds Way National Trail and as such have no objections.'*
At the time of writing this report, they have not replied to the re-consultation.
- 4.2 **Wintringham Parish Council** - responded on 18th October 2019 stating, *'The increase in the proposed tonnage received at the site is 50,000 tonnes per annum, which is a 62 percent increase on the original proposal. Given that the original application made great play of the fact that a significantly smaller amount of waste would be used by the Gasification plant (and that the number of vehicle movements would be much less than is currently the case), this appears to be a deception of the true scale of the operation.'*

If the proposed tonnage does increase by 62%, why does the application only suggest that the vehicle movements will be increased by 20%, from 40 to 48 per day. We cannot avoid the feeling that this is one step towards a gradual increase in the scale of the plant's operation, above and beyond what was originally proposed and approved, which causes the original approval decision to be questioned.'

Following a re-consultation, the Parish Council responded on 20th March 2020 to say *'The original planning application lauded the technology of Gasification, but the latest proposal is for a less efficient, more pollutant and higher waste creating operation. The analysis of the emissions likely from the plant concludes that the pollutant which may affect Wintringham (and all other nearby places) will be Chromium, a pretty dangerous substance. They state that the amounts involved are said to be within safe limits, but worrying nevertheless.'*

Also of concern in the letter from Tetragen is a statement that although there will be more lorry movements, most of these will be from East Yorkshire (presumably trying to negate any objection to large lorry miles). This means more of these lorries will probably come through Wintringham, rather than up and down the A64. The road through and beyond our village is narrow (not even wide enough for a central white line!), and when a large vehicle uses it there is not room in some places for another vehicle to pass in the other direction. Can a restriction on the routes taken by the Energy Plant vehicles be imposed so that they only use roads which are designed to cope with large 44 tonne vehicles, rather than narrow village lanes.'

[Officer note: *there exists a condition upon the existing consent which this application proposes to vary which requires only the access to the A64 to be used (condition no. 29). The Construction Environmental Management Plan (CEMP) (condition no. 5) and Construction Traffic Management Plan (CTMP) (condition no. 6) on the existing permission can also be used to control lorry movements during construction. The applicant has agreed the existing conditions may be amended to clarify that only the main roads will be used, should permission be granted; confirming that no movements will be via roads other than main roads, and therefore it is not considered that the amendment is necessary.*

CEMP and CTMP able to control movements for during construction phase, and condition, which restricts vehicle movements (condition no.s 8, 29 & 30), would control these during the operational phase.

Unilateral Undertaking would control the operation of the Waste Transfer Station – to be retained until 2035, after which would be removed and restored as per extant permission.]

At the time of writing this report, the Parish Council have not replied to the re-consultation.

- 4.3 **Heslerton Parish Council** - responded 28th November 2019 to state, *'Concerns were raised about the increase in heavy lorries travelling to and from the site. They are already waiting on the A64 to get access to the site at certain times, causing some congestion on the A64 as a result. We feel that the private access road connecting the site with the A64 should be widened sufficiently to allow HGV's to pass each other and to allow parking facility for those vehicles waiting to deliver to the site. This would alleviate the existing problems being experienced and prevent future increases. We strongly feel that this requirement should be a condition to any changes made to these or future conditions.'*

[Officer note: *improvements are proposed to be made to the internal access roads on site (as part of the original planning consent) and these, together with the waste reception building already granted planning permission, would allow the necessary room for passing, queuing and cleaning vehicles.]*

At the time of writing this report, the Parish Council have not replied to the re-consultation.

- 4.4 **Health & Safety Executive (Hazardous Installations Dir)** - use of the automated system for consulting on proposals reveals the HSE has no interest in the proposal.

- 4.5 **NYCC Heritage – Archaeology** - responded 7th October 2019 stating, *'The proposed variation does not have any additional impact on the archaeological resource, mitigation for which is secured by planning conditions 13-15.'*

A further response was received to the re-consultation on 20th November 2020 stating 'no additional observations to make in light of the amendments'.

- 4.6 **NYCC Heritage – Ecology** responded on 1st October 2019 stating, '[on the basis that] *“the requested change to the waste tonnage throughput, and stored waste, will not materially increase any of the impacts identified in the detailed reports submitted in support of the original planning application... we would not expect significant ecological impacts additional to those arising from the original, consented development.”* Following re-consultation, a response was received on the 9th November 2020 returning no comment.

- 4.7 **Environment Agency York** responded initially informally on 21st October 2019 and formally on 29th October 2019 with a holding objection stating that they required more information upon stack height and air quality.

Following further discussions and further information in relation to the stack height parameters and emissions data, the Environment Agency responded again on 28th January 2020 stating,

'We have no concerns with the proposal in principle, but if any potential impacts upon the water environment are identified, these should be assessed in terms of the Water Framework Directive. This assessment should take into account both surface water and groundwater and ultimately ensure that the proposal does not lead to deterioration of any overall water body statuses or individual element statuses of any WFD water bodies.'

Following further formal consultation, the Environment Agency responded again on 3rd April 2020 reiterating their response of 28 January 2020.

A further response to the re-consultation was received on 24th November 2020, stating that the Landfill Team has no comments. They have however given further advice on issues related to the site's location adjacent to landfill sites which were permitted to receive non-hazardous waste. They state that this *'could give rise to the following risks: landfill gas odour and migration, waste instability, groundwater contamination, escape of landfill leachate'*. They highlight that Knapton Quarry Landfill site is also known to be producing landfill gas, and highlight its risks, listing guidance documents available on the topic, adding: *'An examination of our records of this monitoring show that there is previous evidence of landfill gas migration from the site that could affect the proposed development.'*

[Officer note: *the risks identified above, while drawn attention to by the Agency are unchanged insofar as the assessment of this current application for the variation of conditions relating to tonnages and vehicle movements*]

- 4.8 **Scampston Parish Council** responded 28th June 2020 stating, *'this amendment seems to be moving forward without relevant parties being notified. This feels worrying for my Parish Council and concerned parishioners.*

Within the proposal an enlarged area is being requested in order to make the scheme 'viable'.

The parish council feels there are other, more important environmental considerations that seem more pressing than purely economic viability for a commercial operation. The disturbance to both flora and fauna in the locality should be prioritised when any decision is made proposing large scale industrial development of what would be an extension into a green field site.

This proposed area increase raises the very real potential for increased heavy goods vehicles going back and forth to the quarry. The entrance spills directly on to the very busy A64 and this causes stationary vehicles that at times prevent and disrupt the flow of the traffic along the A64. This could cause serious accidents on this busy corollary road. We at the council see the need for further detailed investigation into traffic flow and the impact it has on the through traffic.

An enlarged site with a larger turnover of work increases noise pollution and light pollution at a site that at the moment has a significant environmental impact on this particular area of the Vale

of Pickering and its close proximity to The Wolds Way recreation walking route used by many. The impact on the caravan site "Wolds Way Caravan Site" has been raised also.

The operational hours of a proposed development at this site needs to be carefully considered before any decisions are made.

We would therefore ask that our concerns be addressed with great urgency before any decisions are made and we, the council would be very happy to meet on site to discuss matters further at a mutually agreed time.'

[Officer note: *the Parish Council have been formally notified of the application and further contact was made to explain that the changes relate to the HGV numbers and received, stored and throughput waste and that there no 'extension' to the site or increased land take has been proposed.*]

At the time of writing this report, they have not replied to the re-consultation.

- 4.9 **Ryedale District Council (Planning)** - replied recommending that '*prior to granting approval NYCC should be satisfied that the alternative thermal technology and associated increase in waste processed by the facility would not give rise to visible gases or smoke emissions from the stack to the detriment of landscape and visual amenity.*'

Following a re-consultation, they replied on March 25th 2020 with no further comments to make. Following the re-consultation in November 2020, they confirmed they had no further comments to make on the proposal.

- 4.11 Those who have not raised any objection to, or have no comment on, the proposal include:
- Vale of Pickering IDB;
 - Lead Local Flood Authority (SuDS) ;
 - Environmental Health Officer (Ryedale);
 - Highway Authority;
 - Highways England;
 - Historic England;
 - NYCC Heritage - Principal Landscape Architect;
 - Yorkshire Water Services Ltd;
 - NYCC Public Rights of Way Team;
 - Fire and Rescue Service; and,
 - The County Council's Strategic Policy and Economic Growth (SPEG) team

- 4.12 Those who have not responded to consultation include:
- Civil Aviation Authority;
 - Ministry of Defence Safeguarding Organisation;
 - Northern Powergrid (North East);
 - National Grid (Plant Protection);
 - Thornton IDB

Notifications

- 4.13 **County Cllr. Janet Sanderson** – was notified of the application.

- 4.14 The Secretary of State (via the National Planning Casework Unit) has been provided with a copy of the *Environmental Statement* accompanying the planning application in accord with the provisions of the *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017* (EIA Regs 2017). In accordance with Regulation 25 of the EIA Regs 2017 following the receipt of further environmental information (on air quality, dated 7 January 2020 and on human health and climate change dated 23rd October 2020) the County Planning Authority re-publicised the

application by way of three Site Notices posted 12th March 2020 and 5th November 2020.

5.0 Advertisement and representations

5.1 This application has been advertised by means of three Site Notices posted on 26 September 2019 (responses to which expired on 26 October 2019). The Site Notices were posted in the following locations: on gate post at site entrance; on signpost at public bridleway adjacent to campsite; on highway sign for footpath on main road opposite side to site entrance, further down road. A Press Notice appeared in the Malton Gazette & Herald (responses to which expired on 1 November 2019). Following receipt of further air quality information, further Site Notices were posted in the same locations on 12 March 2020 (responses to which expired on 11th April 2020) and a Press Notice appeared in the Malton Gazette & Herald (responses to which expired on 10th April 2020). Site Notices were also posted in the same locations on 5th November 2020 (responses to which expired on 5th December 2020) following the receipt of further environmental information on human health and climate change and a Press Notice was also placed in the Malton Gazette & Herald (responses to which expired on 11 December 2020). In addition, the members of the public previously notified and also those who made representations to the Authority on the application were notified of the further environmental information and the further comments received are included in the summaries above. In the exceptional circumstances of the Covid-19 pandemic, consideration was given to whether further methods were needed to publicise the proposal given the restrictions on movement. It was considered that the Press Notice; Neighbour Notification and Site Notices were appropriate in the circumstances and that people would be likely to see the notices on their daily exercise.

5.2 A total of 45 Neighbour Notification letters were sent on 30 September 2019 and the period in which to make representations expired on 30th October 2019. The same properties were notified again on receipt of further environmental information on 4th November 2020. The following properties received a neighbour notification letter:

West Knapton:

West Wold Farm; Barn Cottage; East Farm; Wolds Way Lavender; Wolds Way Caravan Park; Keepers Lodge; Corner Farm; Greenacres; Post Office Cottage; The Cottage; West Wold; Cherry Trees;

East Knapton:

White Cottage; Hartswood Lodge; Hartswood Bungalow; Mill Granary; Mill Grange; Mill Barn; Mill House; Hartswood Farm; Knapton Hall; Knapton Hall Cottage; Flat 1 Knapton Hall; St Edmund's Church; Elm Tree Farm;

Knapton Wold Road, Malton:

Barn Cottage;

Wintringham:

The Old Post Office; The Old School; Southwold View; Almond Cottage; Dovetail House; The Heathers; The Granary;

Malton:

1 Vine Drive; 10 Highfield Road; Crumpet Hall (Butterwick); 22 Leahurst Close, Norton, Malton; South Farm; East Farm; Wolds Way Caravan & Camping;

Other locations:

Dale View, Scarborough Road, East Heslerton; Bay House, Melmerby, Ripon; Burnside, Tollerton Road, Huby; West Heslerton Farm, West Heslerton; 1 Low Mowthorpe Farm Cottages, Low Mowthorpe, Duggleby; 67 Hoxton Road, Scarborough.

5.3 A total of 3 letters of representation have been received raising objections on the grounds of:-

Need

- Over 60% increase – how will it use an extra 50,000 tonnes without extra incineration capacity?
- Both lorry movements and tonnage increase figures have been questioned
- How would other specifics of the facility be affected by this required increase?

Sustainability

- As located in rural area of low waste production, it must be assumed that any waste will be brought long distance adding to pollution and not decreasing it.

Amenity

- In the original planning lorries were required to have strobe lights fitted and not reversing beepers
- *'little background noise and virtually no back ground noise at night this plant may have an extremely adverse effect on myself and my business'*.

Air quality/visual impact

- Granted chimney not suitable for location – smoke will be forced back to the lower ground and hang in the fields down towards the A64 trunk road and West Knapton village and any increase in tonnage burnt will only make this problem much worse
- No industrial pollution contributors in the area at the moment
- Working data is not yet available to confirm these levels, and the new output could be an increase of over 62% of these extract gases.
- Location/pollution –should be sited in an industrial environment, not in an unpolluted rural atmosphere
- Concern that properties 'West Wold' and 'West Farm' not shown in air quality results.

Highway impact

- New road layout and speed restrictions on the main A64 trunk road and safety concerns regarding slow moving vehicles turning out of or into Knapton Quarry
- Impact on A64 – lorries parking up in layby and amenity issues on road. Traffic management required

Principle of development

- Green credentials – Balance has changed on this project between it being a Green Energy Facility and a Waste Management Facility. Remit very different now.

Implementation

- As no work has commenced since the 2016 application and subsequent approval, all the points made previously are still concerns as the situation has not changed since that date
- Refuse *'until the original plant is built and operating to the required planning requirements before any consideration is given to increasing output, and associated noise, pollution and traffic movements'*

Delay in determination

- Original consent granted in August 2018 and delay of a year in grant of this application of rising concern

5.4 A total of 4 letters of support have been received raising support on the grounds of:-

Economic impact

- Good to see a continuation of the site activities now that the landfill site has closed and the waste transfer station activities being wound down.

Vehicle movements

- Increase for the Green Energy plant is still very small when compared to the historical traffic movements.
- Negligible increase in vehicle numbers

Amenity

- From 2002 to date, the site never received a complaint for traffic movements or noise, the site is ideally located away from any place of habitation.
- Amenity/Waste input –Current application only reflects the historic position of the site.

Landscape and visual impact

- No change to the appearance or size of the Green Energy plant, which has already received planning consent.

Socio-economic impact

- Would bring much needed skilled labour to the area, create meaningful long-term employment and provide energy security for the area into the long term future
- Operates at a local level to build job opportunities, and may be part of the national response to energy challenges post Brexit

Environmental benefit

- Creating energy from wastes is a clean and sustainable option for power generation. We will then be moving away from fossil fuel which can only be a good thing
- Development is in line with green energy objectives across the country in converting waste into a resource

6.0 Planning policy and guidance

The Development Plan

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:

- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
- any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.

6.2 The *Development Plan* for the determination of this particular application comprises the following:

- the extant 'saved' policies of the *North Yorkshire Waste Local Plan* (2006); and,
- the extant policies of the *Ryedale Plan- Local Plan Strategy* (2013).

'Saved' policies of the North Yorkshire Waste Local Plan (saved 2009)

6.3 The 'saved' policies of the *North Yorkshire Waste Local Plan* particularly relevant to the proposed development include:.

- 4/1 Waste Management Proposals
- 4/18 Traffic Impact
- 4/19 Quality of Life

6.4 Saved Policy 4/1 (Waste Management Proposals) permits waste management facilities where siting and scale are appropriate to location (a); environmental impact and cumulative impact upon the local area are not unacceptable; (c & d); (e); where the proposed transport links are adequate; (g); 'other environmental and amenity safeguards would effectively mitigate the impact of the proposal' (h); 'it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with the waste' (i); and 'the location is geographically well located to the source of the waste thereby according with the proximity principle' (j).

6.5 Saved Policy 4/1 is assessed as broadly consistent with the National Planning Policy for Waste (NPPW) (2014) and the National Planning Policy Framework (NPPF) (2019) and with the waste section of national online Planning Practice Guidance (PPG). The third bullet point of Paragraph 7 of NPPW concerns impact on amenity and the local environment. Points i (Best Practicable Environmental Option for dealing with the waste) and j (location geographically well related to the source of the waste) of Policy

4/1 accord with the PPG which makes clear that the proximity principle is an important aim in planning for waste developments.

- 6.6 Therefore, it is considered that the Policy is consistent with the provisions of the NPPF, in particular paragraph 127 (criterion c) of the Framework, and Appendix B of the NPPW, both of which note the importance of developments responding to local character and landscapes. Therefore, this element of the policy should be afforded weight in relation to this planning application.
- 6.7 Criterion g) of 'saved' NYWLP Policy 4/1, is considered to be consistent with the provisions of the NPPF, NPPW and PPG. Paragraph 5 of NPPW at the third bullet point requires WPAs have regard to the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport. Therefore, this policy is considered to be largely consistent with the NPPW and as such substantial weight can be afforded to this element of the policy in the determination of this application.
- 6.8 Saved Policy 4/18 of the North Yorkshire Waste Local Plan is relevant to this proposal as it is considered that it could have impact upon the local highway network. The policy states that *'waste management facilities will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway and trunk road network and would not have an unacceptable impact on local communities.'* It is considered that this is consistent with NPPF paragraph 108 which states *'any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree'* and 109, which states that development *'should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* It is also considered to be in line with the NPPW paragraph 7 and its cross reference to Appendix B, which includes traffic and access at criterion f) and PPG, which considers amenity impacts.
- 6.9 Saved Policy 4/19 of the North Yorkshire Waste Local Plan is relevant to this proposal as it is considered that it could have implications for local amenity and the local environment. The policy advises that *'Proposals for waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity'*. The NPPF states planning decisions should aim to conserve and enhance the natural environment. Paragraph 170 of the Framework advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 6.10 NPPW paragraph 7 confirms that the likely environmental and amenity impacts are to be considered against the criteria set out in Appendix B when determining waste planning applications, together with the locational implications of any advice on health from relevant health bodies. As Appendix B contains criteria on factors such as visual impacts, air emissions including dust, odours, noise, light and vibration, it is considered that 'saved' Policy 4/19 is consistent with the NPPF and NPPW. Therefore, this policy should be given considerable weight in the determination of this planning application.

Emerging Minerals & Waste Joint Plan (currently in examination)

- 6.11 The draft MWJP was published in November 2016 for representations, after which consultation commenced on an Addendum schedule of proposed changes for an 8-week period over summer 2017. The MWJP was submitted to the Secretary of State for Communities and Local Government on 28 November 2017 and the Examination

in Public (EiP) began on 27 February 2018 with hearings in 2018 and 2019; now Main Modifications will be the subject of public consultation. Therefore, the Plan remains 'in examination' and policies will continue to be given more weight in the determination of applications as the Plan progresses through to adoption. There are no significant matters proposed in the Modifications in respect of the policies listed below which would affect the general policy position on those topics and therefore they can be given some weight.

Strategic Policies for Waste:

- W01 – Moving waste up the waste hierarchy;

Development Management Policies:

- D01 Presumption in favour of sustainable minerals and waste development;
- D02 Local amenity and cumulative impacts;
- D03 Transport of minerals and waste and associated traffic impacts;

- 6.12 Emerging Policy W01 'Moving waste up the waste hierarchy' is the most relevant as it states that '*...2) Further capacity for the large scale recovery of energy from waste (in excess of 75,000 tonnes annual throughput capacity), including through advanced thermal treatment technologies, will only be permitted in line with Policy W04 and where any heat generated can be utilised as a source of low carbon energy or, where use of heat is not practicable, the efficient recovery of energy can be achieved.*' Draft Policy W04 permits further energy recovery capacity for Commercial and Industrial (C&I) waste '*where the planning authority can be satisfied that the facility would be appropriately scaled to meet unmet needs for management of residual C&I waste arising in the area and the development would be consistent with the site locational and identification principles in Policies W10 and W11.*'
- 6.13 Emerging Policy D01 'Presumption in favour of sustainable minerals and waste development' reflects the presumption in favour of sustainable development contained in the NPPF, permitting without delay applications which accord with the Local Plan unless material considerations indicate otherwise. Where there are no relevant policies or policies are out of date, it similarly reflects NPPF, granting permission unless adverse effects would outweigh the benefits or specific policies in the NPPF indicate development should be restricted.
- 6.14 Emerging Policy D02 Local amenity and cumulative impacts permits proposals for waste development where it can be demonstrated there will be no unacceptable impacts on local amenity. In Part 2) Applicants are encouraged to conduct early and meaningful engagement with local communities and to reflect the outcome of those discussions in the design of proposals as far as practicable.
- 6.15 Emerging Policy D03 Transport of waste and associated traffic impacts encourages the use of alternatives to road transport where practicable. It permits proposals where road transport is necessary, where there is capacity within the existing network for the level of traffic, and there would not be an unacceptable impact on local communities, businesses or other users of the network or any such impacts can be appropriately mitigated. It also requires suitable access and on-site parking and maneuvering, and requires a transport assessment or green travel plan where significant levels of traffic are created.

Ryedale Plan- Local Plan Strategy (2013)

- 6.16 The Ryedale Plan-Local Plan Strategy (2013) has particular relevance in the determination of this application and the policies most relevant include:
- Policy SP17 'Managing Air Quality, Land and Water Resources'
 - Policy SP18 'Renewable and Low Carbon Energy'
 - Policy SP19 'Presumption in Favour of Sustainable Development'
 - Policy SP20 'Generic Development Management Issues'

- 6.17 Policy SP17 is relevant with regard to managing air quality, land and water resources and only permits development if the individual or cumulative impact on air quality is acceptable and appropriate mitigation measures are secured.
- 6.18 Policy SP18 (Renewable and Low Carbon Energy) states,
'Developments that generate renewable and/or low carbon sources of energy will be supported providing that individually and cumulatively proposals:
- *Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering;*
 - *Would not impact adversely on the local community, economy, or historical interests, unless their impact can be acceptably mitigated;*
 - *Would not have an adverse impact on nature conservation, in particular in relation to any sites of international biodiversity importance, unless their impact can be acceptably mitigated;*
 - *Would not have an adverse impact on air quality, soil and water resources in Policy SP17, unless their impact can be acceptably mitigated'*
- 6.19 Policy SP19 (Presumption in Favour of Sustainable Development) seeks to ensure that development proposals are determined in accord with the NPPF and support sustainable development. It states that the Council will *'always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'* and that applications that accord with the policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 6.20 Within the Local Plan Strategy, Policy SP20 (Generic Development Management Issues) provides criteria to which development proposals must adhere including:
- (i) 'Character':
- *proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses;*
- (ii) 'Amenity and Safety':
- *development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.*
 - *development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance*

Other policy considerations:

National Planning Policy

- 6.21 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published February 2019)
 - National Planning Policy for Waste (NPPW) (published October 2014)

National Planning Policy Framework

- 6.22 The NPPF sets out planning policies for England and how these are expected to be applied.
- 6.23 The overriding theme is to apply a presumption in favour of sustainable development (paragraph 8). For decision-making, this means approving development proposals that

accords with the development plan without delay (if plans are up-to-date and consistent with the NPPF).

- 6.24 NPPF Paragraph 47 confirms that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise and in light of the emerging MWJP, Paragraph 48 is relevant in that it states that local planning authorities may give weight to relevant policies in emerging plans according to: *a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to [the NPPF] (the closer the policies in the emerging plan to the policies in the [NPPF], the greater the weight that may be given).*
- 6.25 In a circumstance where planning conditions and obligations may well be appropriate to consider, Paragraphs 54-56 are relevant. Paragraph 54 directs 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'. With regard to planning obligations paragraph 56 states that '*Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development*'
- 6.26 Paragraph 80 states that decisions should help create conditions where businesses can invest, expand and adapt with significant weight placed on supporting economic growth and productivity, taking account of local business needs and wider development opportunities. The approach taken should allow areas to build on strengths, counter weaknesses and address the challenges of the future.
- 6.27 Paragraphs 102-104 within Chapter 9 (Promoting sustainable transport) state that decisions should, amongst other things, take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 109 is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.28 Paragraphs 148-154 within Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) state that planning should support the transition to a low carbon future in a changing climate help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience to the impacts of climate change, supporting renewable and low carbon energy.
- 6.29 Paragraph 154 states that when determining applications for renewable and low carbon development, authorities '*should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable*'.
- 6.30 Within Chapter 15 (Conserving and enhancing the natural environment), it is clear that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

- 6.31 Paragraph 180 states,
'...decisions should ... ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

- 6.32 Paragraph 183 is clear that ,
'The focus of ... decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'

National Planning Policy for Waste (NPPW)

- 6.33 This sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed so they contribute positively to the character and quality of the area in which they are located.
- 6.34 Paragraph 1 sets out how positive planning plays a key role in the delivery of the Government's sustainable resource use and management ambitions. A more sustainable and efficient approach is the aim, through:
- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;*
 - ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;*
 - providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;*
 - helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.'*
- 6.35 Paragraph 7 sets out what authorities should do when determining planning applications and confirms that the likely environmental and amenity impacts are to be considered against the criteria set out in Appendix B when determining waste planning applications, together with the locational implications of any advice on health from relevant health bodies.
- 6.36 Appendix B contains criteria in relation to the assessment of sites and areas for waste proposals. In addition to type and scale of facility the following should be considered in relation to the proposal:
- a) protection of water quality and resources and flood risk management;*
 - c) landscape and visual impacts;*
 - d) nature conservation;*
 - e) conserving the historic environment*
 - f) traffic and access;*

- g) air emissions, including dust;
- h) odours;
- j) noise

National Waste Management Plan for England (2013)

- 6.37 Of further relevance is the Waste Management Plan for England, which also advocates the movement of waste up the waste hierarchy in line with the requirements of the European Waste Framework Directive (WFD). National planning policy on waste is part of a wider national waste management plan to meet the requirements of the European Waste Framework Directive. The National Waste Management Plan for England was adopted in December 2013. This brings national waste management policies together in one place and does not introduce new policy. It provides an overview of waste management in England and sets out the commitment of a zero waste economy, using the waste hierarchy as a guide to sustainable waste management. It goes on to explain that the waste hierarchy is also a legal requirement, enshrined in the Waste (England and Wales) Regulations 2011. Specific mention is made of Government support for efficient energy recovery from waste which cannot be recycled or reused ('residual' waste which would usually be landfilled), whilst making it clear that the aim is '*not to get the most waste into energy recovery*'. Whilst energy recovery from waste is not at the top of the waste hierarchy, it is above landfilling which is at the bottom, and nevertheless the aim is to get the most energy out of waste.

Resources and waste strategy for England (2018)

- 6.38 The government's waste strategy for England aims to preserve our stock of material resources by minimising waste, promoting resource efficiency and moving towards a circular economy. This ties in with the 25 Year Environment Plan and aims to eliminate avoidable plastic waste over the lifetime of the 25 Year Plan, double resource productivity, and eliminate avoidable waste of all kinds by 2050. It also aims to drive greater efficiency of Energy from Waste (EfW) plants and export less waste to be processed abroad.

National Planning Practice Guidance (PPG) (2014)

- 6.39 This supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -
- Air Quality
 - Climate Change
 - Environmental Impact Assessment
 - Noise
 - Travel plans, transport assessments and statements
 - Waste

Air Quality

- 6.40 Legally binding limits exist for concentrations of all major air pollutants outdoors, including particulate matter (PM₁₀ and PM_{2.5}) as well as nitrogen dioxide (NO₂) and particulate matter and NO₂ '*can combine in the atmosphere to form ozone, a harmful air pollutant (and potent greenhouse gas) which can be transported great distances by weather systems*'.
- 6.41 Air quality can be a relevant material consideration where: '*the development is likely to generate air quality impact in an area where air quality is known to be poor...where the development is likely to impact upon the implementation of air quality strategies and action plans or lead to a breach of legal obligations*'. Air quality impacts could arise from significant traffic generation, new point sources of air pollution, and construction impacts such as dust arisings which could affect nearby sensitive locations.

- 6.42 Important information for consideration could include:
- Baseline air quality
 - Whether the proposal could change air quality
 - Whether the number of people exposed to a problem will increase
- 6.43 At the Environmental Permit stage, issues would be identified by the Environment Agency. Any mitigation is likely to be 'locationally specific' and proportionate and secured through planning conditions or obligations such as the use of green infrastructure to increase the absorption of dust and pollutants; control of emissions and dust during both construction and operation; and the provision of funding towards measures which have been identified to offset any air quality impacts arising.

Climate change

- 6.44 Effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. The Climate Change Act 2008 establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels.

Environmental Impact Assessment (EIA)

- 6.45 The aim of EIA is to ensure that the decision is taken in the full knowledge of the likely significant effects on the environment.

Noise

- 6.46 The (Noise) PPG identifies that Planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
 - whether or not an adverse effect is occurring or likely to occur; and
 - whether or not a good standard of amenity can be achieved.
- 6.47 In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Travel Plans, Transport Assessments and Statements

- 6.48 Travel Plans and Transport Assessments can '*positively contribute to:*
- *Encouraging sustainable travel;*
 - *Lessening traffic generation and its detrimental impacts;...and*
 - *Improving road safety*'.
- 6.49 The NPPG sets out the anticipated scope and content for such documents, and notes that Travel Plans should be monitored for a length of time and at a frequency which is appropriate to the scale of the development.

Waste

- 6.50 It states that '*driving waste up the Waste Hierarchy is an integral part of the National Waste Management Plan for England and national planning policy for waste*' and '*all local planning authorities, to the extent appropriate to their responsibilities, should look to drive waste management up the hierarchy*'.

- 6.51 With regard to expansion/extension of existing waste facilities the guidance states that *'the waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may all be relevant'*.
- 6.52 It advises on the relationship between planning and other regulatory regimes, *'The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to National Planning Policy for Waste. There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes'*.
- 6.53 The guidance states that *'the role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health'*.

7.0 Planning considerations

- 7.1 Section 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The decision can be to grant such permission unconditionally or to grant subject to different conditions if they were capable of being imposed on the original consent, or it can be to refuse the application if a decision is made that the original condition(s) should continue. In any event, the extant permission remains intact capable of being relied upon.
- 7.2 Only the question of what conditions should be imposed on the grant of permission is allowed to be considered under the provisions of Section 73. Nevertheless, relevant planning considerations and policies in determining the conditions are able to be considered and authorities are not restricted to policies and planning considerations in force at the time the previous permission was determined. Material considerations also include the practical consequences of amending the conditions.
- 7.3 Notwithstanding, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. Whilst the National Planning Policy Framework was amended in 2019, on review of policies contained within, the changes only amount to changes in paragraph numbers and it is considered that there are no significant changes which would affect the determination of this application.
- 7.4 In light of the abovementioned policies the main considerations in this instance are the principle of the proposed variation of condition; local amenity; highways matters; and climate change.

Proposed variation of conditions

- 7.5 The principle of the development of the Green Energy Facility (GEF) has already been established by permission C3/16/01918/CPO dated August 2018 together with the non-material amendment granted in April 2019 for the removal of gasification as the technology and an increase in HGV movements to 48 per day. The proposed variation

of condition does not involve further additional development on the site, or alterations to the permitted buildings or structures on site. The application consists of variations to the existing conditions numbered 2 and 30 to allow for an increased throughput of waste; increased storage of waste within the waste reception building on site; and associated increase in HGV movements. Under the proposed method of waste to energy, additional waste is intended to be processed to achieve greater energy output, which consequently impacts upon the number of HGV vehicle movements.

- 7.6 The objections received, as noted in more detail in Section 5.0 of this report, have made reference to the fact that the current permission has not yet been implemented; that the plant was originally meant to be built by now; and that it would be preferable to have the site up and running before any further changes or increases. It is noted however, that the permission was granted on 1st August 2018 and that therefore the applicant has 3 years (until 31st July 2021) to implement the development and also that variations to permissions can be made at any time before they expire. Comments have also stated that, as the plant has not been built, all previous concerns remain valid, as the situation has not changed. It is considered, however that these previous concerns were taken into account and addressed when the application for the GEF facility was determined. Every application must be considered on its own merits. Should the application currently under considered not be approved, the extant permission can still be implemented and is capable of being relied upon. It is therefore considered that these comments, whilst noted, are not material to the proposals.
- 7.7 While the 'in principle' acceptability has already been established, any potential adverse impacts on the environment and amenity arising from the changes to conditions must be considered and these are addressed in the paragraphs that follow.
- 7.8 Support is given to the proposal by 'saved' NYWLP Policy 4/1 (criteria c, h and i); all of which seek to ensure that there would not be an unacceptable environmental impact, other environmental and amenity safeguards would effectively mitigate the impact of the proposal and that it can be demonstrated that the proposal represents Best Practicable Environmental Option for dealing with the waste. In relation to criterion a) on siting and scale, it is considered that as the principle of the development is established, the intensification is not considered out of scale for the location and further support is given to this policy position by emerging policy W01 2) of the MWJP which permits appropriately scaled energy from waste facilities over 75,000 tonnes where the authority can be satisfied that they meet unmet need and are in line with other policies. The principle of the development over 75,000 tonnes is already established in the location and the development would be providing for waste that cannot be recycled, replacing the Knapton Quarry landfill in the same location with a more sustainable waste to energy development and therefore ensure net self-sufficiency in the disposal of waste in the county in accord with NPPW, emerging MWJP and the 'saved' NYWLP policies.
- 7.9 The principle of the development in relation to the increased storage element is supported by 'saved' NYWLP Policy 4/1 c), as the proposed variation would not result in any environmental impact, and are capable of being controlled by the extant environmental conditions (which could be carried forward on any varied permission). Proposed condition 28 which restricts the storage of RDF fuel to internal storage only could also be carried forward from the extant permission as a mitigatory measure. As the storage element was already permitted and the increase in storage would not have significant or unacceptable effect on the environment, being contained in buildings, this is considered acceptable. This is due to the current controls both through conditions referred to above and through the Environmental Permitting regime in relation to limits on licenced storage on site and maximum days storage being adequate to mitigate impacts, in accordance with 'saved' NYWLP Policy 4/1.

- 7.10 Support for the proposal is also provided by 'saved' NYWLP Policy 4/18, which only permits waste proposals where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway and would not have an unacceptable impact on local communities. As the principle of the increase in HGVs was considered acceptable as a non-material amendment on 8th April 2019, it is considered that traffic impacts can be accommodated and that any impacts would not be unacceptable and this is discussed further below, with support also from NYWLP 'saved' Policy 4/19 which permits proposals only where there would not be an unacceptable impact on the local environment and residential amenity.
- 7.11 Whilst it was originally proposed that pre-treatment of waste to remove recyclable elements would be carried out at the adjacent existing Knapton Quarry transfer site, it has been confirmed that the proposal is now for the waste to be delivered, already pre-treated, and the co-locational benefits would be realised by the use of this transfer site for preparation of ash for landfill restoration and the occasional storage of fuel should the GEF reception area not be available. Co-locational benefits are also realised by the use of copping and landfill gas to supplement the syngas, as considered in the extant permission.
- 7.12 An objection has been made in relation to the remit of the proposals now being very different, as the original proposal was for gasification. The green credentials of the proposal are therefore questioned by the objector. Whilst a concern, it is not considered that this is a material consideration in this instance as the non-material amendment has already removed the reference to technology and therefore the principle of the development is established as a waste management facility for incineration with energy recovery. It is also noted that objection comments have stated that waste must be brought from further away which is less sustainable in greenhouse gas emission terms because of the issues of the county and country becoming more of a circular economy. Guidance both in NPPW and from DEFRA (*'Guidance on applying the Waste Hierarchy'* June 2011) is clear that, whilst the aim should always be to drive waste up the 'waste hierarchy', value is added by the use of waste as a resource, rather than simply 'disposal' via landfill, even where the use of the waste is by using its calorific value in producing energy. This is also enshrined in The Waste (England and Wales) Regulations 2011 in its example of 'other recovery' in the waste hierarchy as '*for example energy recovery*' at paragraph 2(1)(d). Disposal remains at the bottom of the waste hierarchy and waste to energy treatment sits above this in the hierarchy. It is therefore considered that the proposal accords with the aim of moving waste up the waste hierarchy and consequently with NYWLP Saved Policy 4/1 i) in terms of Best Practicable Environmental Option for the waste; that other environmental and amenity safeguards would effectively mitigate the impact of the proposal (j). It is also noted that in relation to the proximity principle set out in NPPW and in NYWLP Saved Policy 4/1 j) that the extant permission stated that whilst contracts are a commercial matter, costs associated with the transport of waste and market forces mean that the facility would be likely to represent the 'nearest appropriate installation' for the treatment of the waste received. Whilst representations on waste miles are noted, it is not considered that this assessment will alter, as the applicant has stated that with the exception of municipal, residential and food waste which would not be used, sources would be similar to those for the Knapton Quarry landfill site. It should also be noted that the use of the ash in the restoration of the landfill is another benefit of the location of the proposals and was considered as part of the extant permission.
- 7.13 As set out in the Environmental Statement, producing RDF fuel requires less screening processes, which allows for more low calorific value combustible fractions to be turned into energy rather than go to landfill. However, as a consequence, a greater tonnage is needed for an equivalent electrical output; though emission limits would remain unchanged. Whilst it has been suggested by objectors that it is less sustainable to burn more waste, the applicant states that this is in fact more sustainable, as higher

tonnages are going to low carbon energy rather than landfill. The proposals are given support through the NPPW and NPPF as treatment through incineration is further up the waste hierarchy than landfill, which is at the bottom, and the NPPF at paragraphs 8 c), 148-154 supports low carbon energy generation.

- 7.14 Four letters of support have also been received in relation to the development and these also relate to the principle of the development. These include comments regarding energy security and long-term employment, creating energy from wastes is a clean and sustainable option for power generation and moving away from fossil fuel can only be a good thing. They also state that the increase in HGV movements still represents an improvement compared to historical movements and in relation to the numbers of vehicles on the A64; the increase in throughput only reflects the historic position of the site; it would be good to see a continuation of the site activities now that the landfill site has closed for the acceptance of waste and the waste transfer station activities being wound down; from 2002 to date, the site never received a complaint for traffic movements or noise and the site is ideally located away from any place of habitation. They also point out that within this application there is no change to the appearance or size of the Green Energy plant, which has already received planning consent.
- 7.15 Policy SP18 within the Ryedale Local Plan Strategy supports appropriate low carbon energy production, where cumulatively impacts on the local community and economy can be mitigated. This is supported by Chapter 14 of the NPPF which places great emphasis on the need for planning to facilitate the delivery of renewable/low carbon energy and the NPPW in terms of moving waste up the waste hierarchy. As the proposed facility would, as proposed previously, generate approximately 10MW of low carbon energy for export to the grid, and power around 20,000 homes, this is in conformity with moving waste up the 'waste hierarchy' and emerging MWJP Policy W01; NPPW Paragraph 1 and with Paragraph 148 of NPPF in relation to supporting a low carbon future, moving all incoming waste away from landfill disposal or from export. It is therefore considered (as established by the existing permission) that the proposals would contribute to an integrated and adequate network of waste management installations by providing an energy from waste (recycling and recovery) facility. The proposed variations would further increase the amount of waste driven up the waste hierarchy and therefore are in line with paragraph 1 and Appendix A of National Planning Policy for Waste and NPPG in relation to waste and in producing low carbon energy is also in line with NPPF paragraph 154.
- 7.16 It is proposed that the GEF would generate 12MW of renewable/low carbon energy which is also an increase on the original scheme. Northern Powergrid has confirmed a grid connection at 9.9 MWe The development would contribute towards the Government's commitment to divert waste from landfill and focus on renewable and low carbon electricity generation, as well as reducing waste exported for treatment in line with policy and guidance. It is considered that the principle of the development is consistent with national planning policy on waste management and energy, which is afforded significant weight in the planning considerations. The proposal would lead to carbon savings in comparison with other methods of power generation and would also lead to reduced carbon emissions compared to other less sustainable methods of waste management. Climate change benefits are discussed further below.

Climate Change

- 7.17 The proposals' effects upon climate change have been given consideration. The applicant has suggested that there is the possibility of capturing the methane 'landfill gas' from the landfill to supplement generation at the GEF and that this would reduce climate change impact. This includes the fact that the Knapton site is an established waste handling site and therefore would not require additional structures and the

associated potentially larger impact on the environment which would result. These elements were considered as part of the original grant of permission and would be in line with emerging MWJP policies D11 on efficient use of energy and also W11 on combined heat and power. The co-location benefits were considered through the grant of the extant permission and the site's location was not considered inappropriate. This included through consideration of Ryedale Plan - Local Plan Strategy Policy SP6 in relation to there being no alternative sites which would deliver comparable levels of benefits in the area. It is considered that the co-locational benefits of the proposal have therefore also been established.

- 7.18 Further environmental information has been provided in accordance with the requirement to consider climate change in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A report on the climate change impacts of the scheme was prepared in the form of a Greenhouse Gas Assessment. This document sets out the direct greenhouse gas emissions from the proposal and compares them to the previously consented scheme. This includes through the use of auxiliary burners in shutdown and startup procedures, which are estimated to be 6 times a year. Shutdowns would be for a period of 2 hours and start up 18 hours therefore equating to 120 hours per annum. It also considers displaced emissions, i.e. emissions that would have been produced by the generation technologies which could have generated the power instead. Finally, it considers displaced emissions from alternative disposal. The report states '*Therefore, with the proposed through put of the plant to be 130,000 tonnes per annum, this can be expected to displace 30,840 tonnes of CO₂e that would have been emitted should the waste have been sent to landfill equipped with landfill gas capture and generation*'. It is considered that this is in accordance with policy D11 of the emerging MWJP and therefore also accords with paragraph 1 of NPPW and with NPPF in terms of wider climate change benefits and reducing climate change impact. The Greenhouse Gas Assessment suggests that the proposals, whilst not generating quite as significant a carbon saving as the previously approved scheme due to the increase in generating capacity, would "*not have a negative effect on climate change and will save almost 5,000 tonnes a year of CO₂ equivalent per year when compared against traditional methods of energy generation and would remain 'carbon negative'*".
- 7.19 As the plant is designed to recover the thermal energy in waste that cannot otherwise be recycled, a benefit of the scheme is avoidance of carbon emissions from the landfill or export of waste from road and sea miles or methane emissions from the waste decomposing in landfill. The GEF would reduce emissions by some 30,840 tonnes of CO₂e when compared against the disposal of the equivalent amount of waste to landfill.
- 7.20 It has further been clarified by the applicant that the waste fuel will have a biogenic fraction (i.e. a proportion of the waste will be originally derived from non-fossil fuel sources). This being primarily food-contaminated waste (not food waste – example being a pizza box), non-recyclable paper and card products and packaging, waste timber products and any biogenically derived plastics. It is stated that this fraction of the waste that is converted to electricity is effectively carbon neutral because of its plant origins and therefore offers a significant CO₂ reduction over electricity produced from fossil fuels. The non-biogenic fraction is also converted to electricity but does not generate any CO₂ offset (other than the transport offset) because it was originally produced from fossil fuel. This proportion is expected to increase over time, increasing climate change benefits. The Greenhouse Gas Assessment report however has purely concentrated upon the offsets from the direct replacement of generation from other sources and the carbon emissions from the most likely other form of disposal (landfill) and therefore has not considered transport impacts, embodied energy within the plant or the opportunities for export of heat to the local area.

- 7.21 It is considered that the proposed variation would accord with national and local policy in respect of climate change and is therefore considered acceptable in this regard. This includes in relation to paragraph 1 of NPPW and driving waste up the waste hierarchy (Appendix A of NPPW); NPPF paragraph 8 in relation to sustainable development; NPPF paragraph 148 in relation to greenhouse gas emissions; and Ryedale Plan – Local Plan Strategy policies SP17 in relation to air pollution, and SP19 on sustainable development. This supports Objective 12 of the Ryedale Plan- Local Plan Strategy of responding to climate change and reducing greenhouse gas emissions and is aligned with Policy SP18 on Renewable and Low Carbon Energy.

Local amenity - Air quality (emissions, odour and dust)

- 7.22 Local amenity impact is a key consideration, as the level of throughput is increased and the Environment Agency had asked for further information in respect of air quality impacts. They stated that the stack height was not demonstrated to be sufficient to minimise air quality impacts. Further to the Environment Agency's comments and requests for further information, an updated Air Quality Assessment was produced in January 2020, together with a letter dated 27th December 2019 from the applicant in relation to the main points raised in the objection. The Environment Agency have confirmed in their response of 7th April 2020 that they have no concerns with the principle of the development. The application site and surrounding area is not within an Air Quality Management Area.
- 7.23 The updated air quality modelling assessment was undertaken to determine the impact that the facility would have on local air quality and took account of the changed technology and increased waste tonnage. The assessment used an industry standard dispersion modelling software package. Modelling input data relating to the process were supplied by the applicant and their technology providers. The modelling study also used the emission limits defined in the Industrial Emissions Directive (IED) to provide a 'worst-case' modelling scenario. In addition, the model was configured to include the effects of buildings and terrain on dispersion. The modelling assessment used 13 receptor locations around the site. The receptor locations were selected based on where people are expected to spend a significant fraction of the day. In addition to this, SCAIL-Combustion, a screening assessment tool used by regulatory agencies, was used to assess the impacts of the GEF's operations on the wider environment. The Air Quality Assessment follows a 2-stage screening process based on EA guidance, which assesses Process Contributions (PC) and Predicted Environmental Concentrations (PEC) of pollutants against significance thresholds for short-term and long-term environmental standards.
- 7.24 A number of concerns and comments regarding air quality have been received within the objections:
- the distances waste will be brought adding to pollution
 - original chimney already granted planning is in fact not suitable for the location as the building is at the bottom of a hill and the chimney below the highest point, smoke will be forced back to the lower ground and hang in the fields down towards the A64 trunk road and West Knapton village any increase in tonnage burnt will only make this problem much worse
 - selection of receptors
 - no working data to confirm levels
- 7.25 Wintringham Parish Council have raised concerns in relation to pollution stating the latest proposal is for a less efficient, more pollutant and higher waste creating operation and that whilst stated to be within safe limits, the emission of chromium is a concern. The updated Air Quality Assessment concludes that all substances were screened out at all receptors as 'insignificant' other than chromium which is above the 1% level. It goes on to explain that this is due to the assessment being based on total chromium

and that this is a 'worst case', stating that concentrations of other chromium compounds would be '*several orders of magnitude*' below the relevant environmental benchmark. An accurate breakdown of chromium emissions would be required in order to refine the screening assessment. Further environmental information has shown there would be no significant effect on human health. Human health impacts are also considered in the Human Health section below.

- 7.26 It is considered that the issues raised have been satisfactorily addressed by the applicant. In relation to air quality, it has been explained in the applicant's rebuttal letter (27th December 2019) that the preliminary modelling results show air quality impacts will be negligible at all receptors. The updated Air Quality Assessment also indicates that this is the case. The applicant states that the final results of the Air Quality Assessment demonstrated concerns raised regarding 'smoke' were unfounded. They go on to state that as the facility will need to meet emission limits for 'total dust' from the Industrial Emissions Directive (IED), concerns regarding smoke are purely speculative. They also point out that the Environment Agency withdrew their objection as the Air Quality Report has demonstrated impacts on air quality would be negligible.
- 7.27 In relation to a further objection, it is noted that reference is made to the selection of receptors for the revised air quality assessment and Wintringham Parish Council raise an objection in respect of emissions. The applicant has explained that the receptors are the same as the original application, and these were agreed with the County Council before work commenced and were selected to give a representative assessment of impacts in all directions. The need for an Environmental Permit through the pollution control regime is a material consideration in the consideration of this application and Air emissions from incinerators are authorised under the Environmental Protection Act 1990, as is the height of the chimney stack to ensure adequate dispersal of emissions. NPPF paragraph 183 states that the focus of planning decisions should be on whether the development is an acceptable use of land rather than the control of processes or emissions where these are subject to separate pollution control regimes. Planning decisions should assume that these regimes will operate effectively. NPPW paragraph 7 provides that waste planning authorities should only concern themselves with implementing the planning strategy of the local plan and not with processes for the pollution control authorities and work on the assumption that the relevant pollution control regime will be properly applied and enforced.
- 7.28 An assessment was also provided specifically on the impact of the proposal upon human health. The impact on human health has been raised in representations from the Parish Council and local residents, however the Assessment summary concludes there would be no adverse impact upon human health, stating that the use of Air Quality Strategy (AQS) limits means '*the AQS limits represent levels at which no significant health effects would be expected.*' It clarifies that the two stage process within the Air Quality Assessment first considered maximum pollutant concentrations, which are observed close to the source i.e. in the immediate vicinity of or on the site. Then the assessment considered the 13 public receptors if these screening criteria were exceeded. By demonstrating that there would be no exceedance of the AQS limits, it is considered that there would be no significant impact upon human health.
- 7.29 NPPW and Article 13 of the European Waste Framework Directive require that human health is protected in the re-use, recovery or disposal of waste. Indeed, human receptors are tied into the locational criteria of Appendix B of NPPW in relation to '*g. air emissions, including dust*'. NPPG on waste states that planning applications should be considered against paragraphs 4 to 7 and criteria of Appendix B of NPPW. The NPPG states that other ways in which human health can be protected include working with the Environment Agency on pollution control matters and '*putting in place suitable planning conditions, and adequate enforcement and monitoring*'. It is considered that the

Pollution control regime together with the imposition of conditions which would be carried forward on any permission in relation to amenity are sufficient (Condition 6 on the CEMP; condition 7 on CTMP; conditions 10, 11 and 12 on noise; and condition 35 on the DEMP).

- 7.30 Ryedale Local Plan Strategy Policy SP17 seeks to protect air, land and water resources in order to protect the environment and human health; SP19 is a presumption in favour of sustainable development; and SP20 contains generic development management issues including the protection of amenity from dust and odour and the protection of sensitive receptors from all forms of contamination stating *'Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance.'* The Waste Local Plan policy 4/19 on Quality of Life is clear in its supporting text that public perception of fear and impact to human health can be a material planning consideration. The Air Quality Assessment summary illustrates that human health has been considered and which demonstrates that there would not be adverse impact on human health.
- 7.31 A condition is attached to the extant permission concerning a Construction Environmental Management Plan (CEMP) and this was considered adequate to control the emission of dust during the construction phase. This could be carried forward (Condition 5) on any permission should permission be forthcoming. It is also noted that existing screening would also offer mitigation for dust through shelter. The proposals are therefore considered consistent with the national policy contained within paragraph 180 of the NPPF and Appendix B(g) of the NPPW and would not conflict with the aims of 'saved' policies 4/1(b & h) and 4/19 of the NYWLP (2006) or policies SP17 and SP20 of the Ryedale Plan-Local Plan Strategy (2013) as the method would minimise impact and other environmental and amenity safeguards would mitigate impact and it is considered that there would not be an unacceptable impact on local environment or residential amenity and cumulative impact on air quality is acceptable.
- 7.32 It is therefore considered that the proposal is in accordance with both local and national policy on protection of health and associated protection from contamination. The proposal is in line with the NPPW; saved Policy 4/19 of the WLP; Policy SP17; Policy SP19 and Policy SP20 of the Ryedale Plan – Local Plan Strategy in that it will not have an unacceptable effect on human health. This is also in accordance with NPPF paragraphs 8 (sustainable development), and 180.

Odour

- 7.33 An Odour Assessment was submitted as part of the original application for permission for the GEF and the condition in relation to the roller shutters and operational procedure could be carried forward (proposed condition 28) should permission be granted and it is also considered that the design of the buildings together with the mitigation measures proposed regarding the operation of fast acting roller shutters only when vehicles are entering and leaving the building would be consistent with local and national policy in relation to the control of odour emissions from the facility controlled through the use of appropriate and well maintained and managed equipment in accordance with NPPW Appendix B(h). It is also noted that the waste to be handled by the GEF is typically less odorous in nature than 'black bin bag' waste as it would not contain organic waste and would be primarily dry. In accordance with saved NYWLP Policy 4/19, it is therefore considered that in relation to odour the design of the facility as permitted and the mitigation measures proposed would sufficiently control odour emissions arising from the facility; it would not give rise to any amenity issues; and would be considered consistent with the national policy contained within paragraph 180 of the NPPF and Appendix B (g & h) of the NPPW and would not conflict

with the aims of 'saved' policies 4/1(b & h) and 4/19 of the NYWLP (2006) or policies SP17 and SP20 of the Ryedale Plan-Local Plan Strategy (2013).

- 7.34 The concerns of objectors and the Parish Council in relation to pollution are valid, and have been considered. Having consulted upon, publicised and assessed the application and 'further environmental information' received, there is no reason to counter the conclusions of the evidence submitted by the applicant that the effects will not be significant. The Environment Agency have not raised any concerns in this regard and the Environmental Health Officer has similarly not raised concerns. It is considered that the further information in relation to emissions has demonstrated that the proposal would be in accordance with policies SP17 and SP20 of the Ryedale Local Plan Strategy and with national policy contained within Appendix B of NPPW and NPPF paragraph 180.

Local Amenity (Noise)

- 7.35 A number of objection responses relate to noise, including the absence of background noise at night and potential for noise pollution. Scampston Parish Council also raised concerns over increased noise from the proposed operations. The material planning consideration is whether the proposed variations would result in a noise impact.
- 7.36 The original application was accompanied by a noise assessment as part of the ES (chapter 10) which considered the operation of the GEF as well as the traffic movements.
- 7.37 The cumulative effect of the proposed variations together with the permitted development has been given consideration in accordance with NPPF paragraph 180 (a) which requires that decisions should take into account the likely effects and impacts which could arise and to reduce and mitigate to a minimum potential adverse impacts resulting from noise. Therefore, in this case the primary focus would be upon the effects of the increase in HGV numbers as it is stated that the increase in waste throughput and storage will not have an effect upon noise. This is because the reception and processing of the waste (as permitted) is to be contained within buildings, and that fast acting roller shutters would be used and that all potential point source noise emitters would be enclosed, shrouded or baffled to ensure noise is kept to a minimum; subject to conditions in relation to a Construction Environmental Management Plan (CEMP); the hours of construction and hours of HGV movements to and from the site (Conditions 4 & 8) in line with the generic development management requirements of SP20 in relation to the cumulative impacts of the scheme and material effects on amenity and ambience of the area; as well as conditions on a Noise Impact Report; a noise monitoring scheme and proposals for monitoring and any mitigation deemed necessary to comply with agreed noise limits (Conditions 10-12) to be carried forward should permission be granted. Having reviewed and consulted upon the information provided by the applicant, including further clarifications provided by the applicant, the variations would not lead to increased noise and therefore would not be inconsistent with national policy contained within Paragraph 180 of the NPPF and Appendix B(j) of the NPPW and would not conflict to an unacceptable degree with the aims of 'saved' policies 4/1(b & h) and 4/19 of the NYWLP (2006) or the relevant parts of Policy SP20 of the Ryedale Plan- Local Plan Strategy (2013). It also aligns with emerging MWJP Policy D02 on local amenity and cumulative impacts which seeks to ensure no unacceptable impacts.

Highways matters – Traffic and transport

- 7.38 Through consultation, the application has been scrutinised by the experts within both the Highway Authority and Highways England. The Highway Authority confirmed no objection to the proposed development and Highways England similarly offered no

objection to the proposals. The application is being considered as submitted, which includes a variation of condition 30 in relation to HGV movements from 40 to 48.

- 7.39 During the course of the planning process, it has become apparent that there could be some uncertainty around the total vehicle movements able to utilise the various extant planning permissions which use the access road to the site. The applicant has therefore offered a Unilateral Undertaking upon vehicle movements, to ensure that impact from HGV movements is mitigated. This would further ensure that the transfer buildings could only be used for activities relating to the operation of the GEF and the restoration of the landfill, effectively ensuring that the 48 vehicle movements from the GEF and vehicle movements in relation to the receipt of inert materials for restoration of the landfill were the only vehicle movements. Whilst not a material consideration, as it is not proposed in order to make the development acceptable in planning terms, this proposed legal agreement is considered significant planning gain.
- 7.40 Objection comments have been made relating to the increase in HGVs not adding up in relation to the amounts of waste now proposed and average payloads. Whilst HGV impact can be a material consideration, the HGV increase is already consented and could be implemented through the extant permission as varied. Detailed explanation of the reasoning behind the increased HGV movements has been provided by the applicant. This has been discussed in detail in Section 3.0 of this report and above in relation to amenity issues. In short, it has been explained that only a slight increase is needed as there was an existing 'buffer' or 'headroom' in the permitted HGV movements. It has been explained by the applicant that HGV movements will normally be in line with the originally consented numbers and the variation has only been sought to cover unforeseen circumstances or unusual events. As the applicant states, the increase is likely to only be necessary to cover under-supply in the event of issues such as bad weather affecting deliveries, and the 40 movements per day is on average adequate to deliver the required fuel. They also note that the increase sought is significantly lower than historic landfill movements and that there are no objections from the Highway Authority. It is therefore considered that the proposal is in line with emerging MWJP Policy D03 in that the impacts can be controlled and there is capacity in the existing network for the additional traffic, access arrangements are appropriate and that there are suitable arrangements in place for manoeuvring, parking and loading/unloading. Thus, it is also in accordance with paragraph 5 of NPPW at the third bulletpoint which requires regard to be had to the capacity of existing and potential transport infrastructure and Appendix B f) of NPPW on traffic and access.
- 7.41 A resident representation asked for clarification on the definition of vehicle movement and had stated that it would mean vehicles accessing the A64 every 5 minutes. 48 vehicle movements equate to 24 HGV deliveries per day and as clarified by the applicant this number is required to cover exceptional cases in the event of interruptions in supply (so a total of 24 in and 24 out). The applicant has stated that the average daily traffic would be nearer 40 HGV movements. This means that the plant would receive a delivery on average about every 20-30 minutes. As detailed above, this would be between the hours of 06:30 – 18:30 Monday to Saturday and 09:00 - 17:30 Sundays with no HGV movements into or out of the site or loading or unloading of HGVs on Bank/Public Holidays, as per the extant permission.
- 7.42 Further to objector comments in relation to sweeping out vehicles in laybys and vehicles queueing on the A64, the applicant has confirmed that this is contrary to everything they are trying to achieve and that there will be no need for parking vehicles on the A64. The (improved) internal site access roads and waste reception under the extant permission will allow all the necessary room for passing, queuing and cleaning vehicles.

- 7.43 Objection comments from Wintringham Parish Council raised concerns that traffic would go through the village rather than using the A64, and requested a restriction on routes used to be imposed upon any permission. The existing access to the site is off the A64, and it is noted that a standard condition was imposed upon the original permission which restricts access to the site to only that of the existing access. Further conditions were imposed in relation to a Construction Environmental Management Plan and a Construction Traffic Management Plan and it is proposed to carry these forward should permission be granted. It is therefore considered that the wording change is not necessary as access is from the A64 main road in line with condition 29 which would be carried forward should permission be granted.
- 7.44 Scampston Parish Council requested that further detailed investigation in relation to traffic flow and impact that it has on through traffic was needed. Strategic Policy and Economic Growth also commented that they would expect the increased traffic movements associated with the proposal to be managed to prevent congestion especially in the peak holiday period. It is noted that detailed information has been provided by the applicant and that the Highway Authority and Highways England have not asked for further information or offered concerns or objections.
- 7.45 It is noted that the slight increase in HGV numbers is a reduction upon the historical numbers from the landfill and waste operations of up to 235 total vehicle movements per day, and it is considered that the cumulative impact of vehicle movements when considering the adjacent site activities is now considerably less than it was historically when the landfill vehicle movements alone were up to 170 two way trips and they would now equate to approximately 116 two way movements for the waste transfer site and landfill. It is therefore considered that the change to the HGV numbers would not have a detrimental impact on the highway network.
- 7.46 It is noted that a number of conditions were imposed upon the extant permission to limit the impact of vehicle movements generated by the site on the surrounding highway network and upon local amenity. It is proposed the same conditions are attached to this permission in regards to restrictions on the permitted hours of working (proposed Condition 9: HGV Hours); the inclusion of measures to prevent the deposit of material on the highway network and the sheeting of vehicles (proposed condition 31, should permission be forthcoming. Highways England requested the inclusion of conditions to cover a Construction Traffic Management Plan (CTMP) (condition no. 6) and a detailed scheme for the installation of the powerline across and adjacent to the A64 upon the original permission (the latter has been discharged). Therefore, it is proposed that should permission be granted the same conditions will be carried forward to ensure that the proposed development does not result in any adverse impacts upon the local highway network. This is in line with the principles of the NPPF paragraphs 102-104 and 109 in relation to sustainable highway networks, the highway protection elements of 'saved' Policies 4/1 (g) and 4/18 of the NYWLP and Policy SP20 of the Ryedale Plan - Local Plan Strategy. As paragraph 109 states that proposals should only be refused where there would be an unacceptable impact on highway safety or residual cumulative impacts to the network would be severe, it is considered that the development does not conflict with this policy and the level of movements is capable of being accommodated. The relevant local and national policies seek to ensure that vehicle movements generated by developments are both capable of being accommodated by, would not have an adverse effect upon the local highway network or prejudice the safety of the highway, adding further weight in support of this application.
- 7.47 For the reasons set out above, it is considered that the proposed development would not have an adverse impact upon the local highway network, which is capable of accommodating the proposed vehicle movements. Therefore, the proposed development is considered to be in compliance with 'saved' Policies 4/1 and 4/18 of

the NYWLP and draft Policy D03 in regards to Transport of waste and associated traffic impacts in the Mineral and Waste Joint Plan and with the NPPF.

Section 106 Legal Agreement

- 7.48 The existing Section 106 legal agreement dated 18th July 2018 controls the retention and extension of coppicing on the adjacent Knapton Landfill site and which has not yet been implemented and also an area of dedicated planting on the GEF site subject to this application. Under the terms of the existing section 106 Agreement the owners of the Knapton Landfill site have agreed not to coppice a 15-metre-wide belt (area 2,120 square metres) of the planted willow which forms part of the restoration works for Knapton Landfill,. The belt is on the southern edge of the landfill and adjacent to the north elevation of the GEF building. In addition, the owner also agrees to plant an additional area (1,460 square metres) of willow coppice to provide further screening to Knapton Landfill site. The Section 106 Agreement also secures dedicated planting for the GEF within the red line boundary upon commencement of development of the GEF. As a result of this application, a Deed of Variation to the S106 will be required in order to secure the necessary planting mitigation is carried through to the permission should it be forthcoming. A draft Deed of Variation has been provided by the applicant.
- 7.49 As discussed earlier in the report, it has been proposed by the Applicant that a Unilateral Undertaking be entered into in order to control vehicle movements over the whole Knapton Quarry site and remove uncertainty. This is not a material consideration and would not meet the tests in NPPF and PPG as the increase in HGVs has already been found acceptable in planning terms through the grant of the non-material amendment. Notwithstanding, it is considered that the agreement would provide control and certainty over the vehicle movements and operations over all sites and is a significant planning gain.

Previously imposed planning conditions

- 7.50 All previous planning conditions, where appropriate, are considered capable of being re-imposed in the event of planning permission being granted; albeit updated to reflect the development proposed by this application (Conditions 2, 23 and 37) and any schemes approved under conditions since the grant of planning permission ref. C3/16/01918/CPO. Conditions No's 7, 13, 15, 16, 18, 19, 20, 23 and 25 of Planning Permission Ref. C3/16/01918/CPO which relate to a power line installation scheme, Archaeological Written Scheme of Investigation, Archaeological Identification and Evaluation, Surface Water Drainage, Landscape Scheme, replacement of failed planting, Landscape Management Plan, a Biodiversity Enhancement and Management Plan and a cable route, which were the subject of two Article 27 applications (2019/0244/A27; 2019/0133/A27) have been carried forward, but have been amended to reflect the approved documents and plans under those Article 27 applications. It is noted however that Condition 19 of Planning Permission Ref. C3/16/01918/CPO was not a pre-commencement condition, and as such a similar condition is considered to be appropriate to ensure that any failed planting can be replaced.

Other material considerations

- 7.51 The assessment of this application has considered all relevant material considerations in relation to the application, including those considered by the original permission which this application seeks to vary.
- 7.52 It is considered that in relation to need, impacts on agricultural land, historic environment, flooding and external lighting that these are not affected by the current application and therefore have not been considered further in detail here. Need has been established in relation to the original permission, as NPPF Paragraph 154 details that local planning authorities should not require applicants to demonstrate the overall

need for renewable or low carbon energy development. The applicant nevertheless considers a need for waste facilities in the area to be established by the existing Knapton landfill. It is considered in planning judgement that the site would be replacing a less sustainable waste practice with a more sustainable one.

8.0 Conclusion

- 8.1 As detailed earlier within this report, under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting position for the determination of this planning application must be the 'Development Plan' and decisions must be made in accordance with the extant policies of that plan, unless there are material considerations, including any impacts upon interests of acknowledged importance that would indicate that planning permission should not be forthcoming. The assessment of material considerations within the overall 'planning balance' is conveyed within Section 7.0 above.
- 8.2 In this particular case, there are a range of policies in the 'Development Plan' to which due regard must be had, as well as a number of other material considerations. In considering the relationship of the proposals to the 'development plan', Members should note that proposals should be judged against the 'development plan' as a whole rather than against individual policies in isolation and acknowledge that it is not necessary for proposals to comply with all policies to be found compliant. Members will also need to bear in mind the relative weight to be attached to the applicable policies in the various elements of the 'development plan' relevant to this proposal against that which is laid down within national planning policy (Section 6.0 refers).
- 8.3 Following the considerations set out in Section 7.0 above, it is considered that the proposal complies with the development plan in terms of the aims of the relevant policies set out in Section 6.0 of this report. The principle of the proposed development has been established by the extant planning permission. This comprises the construction of an energy from waste facility on greenfield land adjacent to an existing waste management site (former landfill in restoration and waste recycling). It is considered that the proposals to increase the waste received and stored and associated HGV movements would not have unacceptable impacts and through the imposition of planning conditions are acceptable in land use planning terms. The further imposition of controls through legal agreement ensures that the development remains acceptable and capable of being mitigated.
- 8.4 It is also considered that the applicant has worked positively with the County Council to provide further information which has addressed the concerns of those consulted on the application as well as those who have made representations, and that effects on the interests of acknowledged importance, as outlined in Section 7.0 above, have either been demonstrated to not arise or are capable of being effectively mitigated or controlled through the potential to control the development through the imposition of appropriate planning conditions.
- 8.5 The Development constitutes an increase in waste tonnage and vehicle movements and it is considered that the proposal would not have a detrimental environmental or amenity impact as discussed above. Paragraph 154 of the NPPF, in relation to developments for renewable or low carbon energy, advises that '*when determining planning applications, local planning authorities should approve the application if its impacts are (or can be made) acceptable*'. Planning conditions can control the potential impacts upon the environment, local amenity and the highways network. The development which this application seeks to vary has not yet been implemented, and all of the conditions and obligations would be carried through to any new permission if granted.

Obligations under the Equality Act 2010

- 8.7 The County Planning Authority in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. It is considered that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with '*protected characteristics*' by virtue that the impacts of the proposal can be mitigated so that they would not have a significant impact on groups with '*protected characteristics*'.

Obligations under the Human Rights Act

- 8.8 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 8.9 Having had due regard to the Human Rights Act, the relevant issues arising from the proposed development have been assessed as the potential effects upon those living within the vicinity of the site namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes, and considering the limited interference with those rights is in accordance with the law, necessary and in the public interest.

9.0 Recommendation

9.1 For the following reasons:

- i.) The principle of the development has already been established through the grant of the previous planning permission and non-material amendment;
- ii.) The development is in accordance with 'saved' policies 4/1, 4/18 and 4/19 of the North Yorkshire Waste Local Plan (2006), policies SP17, SP18, SP19 and SP20 of the Ryedale Plan- Local Plan Strategy (2013) and overall is consistent with the NPPF (2019) and NPPW (2014);
- iii.) It is considered that the existing highway network is capable of handling the increase in the volume of traffic generated by the development; any environmental impacts of the proposed development can be controlled by condition, neighbouring residential properties will not be adversely affected and there are no other material considerations indicating a refusal in the public interest;
- iv.) The imposition of planning conditions will further limit the impact of the development on the environment, residential amenity and the transport network; and
- v.) Having taken into account all the environmental information submitted as part of this planning application included within the Environmental Statement and further environmental information

that, subject to the completion of a Deed of Variation to the original Section 106 Agreement to secure the necessary mitigation of the coppice planting on the Knapton Quarry landfill site and the GEF, it is recommended that **PLANNING PERMISSION BE GRANTED** for the purposes of the variation of conditions no's. 2 and 30 of Planning Permission Ref. C3/16/01918/CPO to increase the tonnage of waste received at the

Green Energy Facility, on land to the south of Knapton Quarry, East Knapton, Malton, North Yorkshire, YO17 8JA to up to 130,000 tonnes per annum (around 120,000 tpa processed) up from the currently granted 80,000 tpa (65,000 tonnes processed), and increase maximum stored waste from 600 tonnes to 1080 tonnes (3 days fuel) at any time and to increase vehicle movements from 40 to 48 per day subject to the following conditions

Conditions:

1. The development to which this permission relates must be implemented no later than the 31st July 2021.

Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The Definition of development

2. The development hereby permitted shall be carried out in accordance with the application details dated 29 September 2016 as amended by the further/amended environmental information dated February 2017 and September 2017, together with the S73 Variation of Conditions ES V1 September 2019, along with the list of 'Approved Documents' below and the following conditions which at all times shall take precedence.

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
DS/GJ/SEPT2019/ESVAR001_V1	Sept 2019	Environmental Statement V1 and Reg 25 further information submitted in October 2020: <ul style="list-style-type: none"> • Human Health Assessment • Greenhouse Gas Assessment (Aardvark EM Ltd)
ML/MR/2170le/R003/Vol1_RevA	Oct 2016	Environmental Statement Volume 1: Main Text and Figures
ML/MR/2170le/R003/Vol2_RevA	Oct 2016	Environmental Statement Volume 2: Appendices (as amended)
ML/MR/2170le/R001	Sept 2016	Planning Statement
MR/ML/2170le/R004MR	Feb 2017	Regulation 22 Submission
2170LE/R005MR	Sept 2017	Regulation 22 Submission
16/1006/TH/LVIA/V.2	Sept 2017	Landscape and Visual Impact Assessment: Volume 1
16/1006/TH/LVIA/V.2	Sept 2017	Landscape and Visual Impact Assessment: Volume 2
14472-L-FRA-001-R3	Sept 2016	Flood Risk Assessment and Drainage Strategy
---	21/02/17	SuDs Planning Consultation – Response
R-2592-01.1	Aug 2016	Preliminary Ecological Appraisal
R-2596-02	Oct 2016	Bat Survey
OSA16DT26	Sept 2016	Desk Based Heritage Assessment
OSA14EV33	June 2016	Report on an Archaeological Geophysical Survey
14472-L-GEO1-001-R1	Sept 2016	Phase 1 Geo-Environmental Desktop Study Report
LTP/16/2440	Sept 2016	Transport Statement
---	Sept 2016	Operational Report
1226.001	Feb 2016	existing site plan/survey (1:1000)

1226.002	Feb 2016	existing site plan/survey sheet 1 of 2 (1:500)
1226.003	Feb 2016	existing site plan/survey sheet 2 of 2 (1:500)
1226.050	August 2017	proposed site plan (1:1000)
1226.051	August 2017	proposed site plan sheet 1 of 2 (1:500)
1226.052	August 2017	proposed site plan sheet 2 of 2 (1:500)
1226.053	Sept 2017	proposed GF plan with indicative plant layout (1:200)
1226.054	Sept 2017	proposed FF plan (1:200)
1226.055	Sept 2017	proposed roof plan (1:200)
1226.056	Sept 2017	proposed GF plan (1:200)
1226.057	Sept 2017	existing and proposed site section A – A
1226.058	Sept 2017	proposed site sections B – B and C – C
1226.059	Sept 2017	proposed site sections D – D and E – E
1226.060	Sept 2017	existing and proposed site section F – F
1226.061	Sept 2017	proposed north and east elevations
1226.062	Sept 2017	proposed south and west elevations
1226.019 Rev A	08/09/16	proposed reception building sheet 1 of 2 (elevation and roof plan)
1226.020	Sept 2016	proposed reception building sheet 2 of 2 (elevation and floor plan)
1226.063	Sept 2017	Site Plan Site Sections
1226.064	Sept 2017	Site Sections 1-1 & 2-2
1226.025A	29/11/16	location plan (1:10000)
1226.026	Aug 2016	location plan (1:2500)
1226.065	Sept 2017	proposed south elevation including ACC
1226.066	Sept 2017	Air Cooled Condenser
16_1006-TH_L_004 Rev E	12/09/17	Landscape Proposals
BHA/16/1006/TH/L/010 Rev B	28/09/17	Plan showing relationship to adjacent landfill activities
16_1006-DS_L_001	March 2016	Tree Root Protection Areas
BHA/16/1006/DS/L/003 Rev D	11/09/17	Indicative Cross Sections
p172-635rev3	09/11/16	External Lighting Plan
1226.080	Sept 2017	Proposed Drainage Plan Sheet 1 of 2
1226.081	Sept 2017	Proposed Drainage Plan Sheet 2 of 2
1226.082	Sept 2017	Exceedance Flow Rates
03.08.02-330 (Generic) (East Solutions)	14.06.2019	Directional Drill Method Statement
J5236 (East Solutions)	14.06.2019	Cable Installation Method Statement
Written Scheme of Investigation (OSA)	July 2019	Archaeological Written Scheme of Investigation
REPORT No: OSA18EV44	February 2019	Report on an Archaeological Evaluation
RE101485C001A, Revision B (Pell Frischmann)	June 2019	Surface Water Drainage Design Statement

DE101485C001, Revision B (Pell Frischmann)	25/06/2019	Proposed Drainage Key Plan
DE101485C002, Revision B (Pell Frischmann)	25/06/2019	Proposed Drainage Plan Sheet 1 of 3
DE101485C003, Revision B (Pell Frischmann)	25/06/2019	Proposed Drainage Plan Sheet 2 of 3
DE101485C004, Revision B (Pell Frischmann)	25/06/2019	Proposed Drainage Plan Sheet 3 of 3
BHA/16/1006/TH/P/001	10/09/2019	Landscape Planting Plan Sheet 1 of 2
BHA/16/1006/TH/P/002	10/09/2019	Landscape Planting Plan Sheet 2 of 2
		Landscape Management and Biodiversity Enhancement Plan Barton Howe Associates July 2019
087	November 2018	Cable Route

Reason: To ensure that the development is carried out in accordance with the application details, as amended.

Duration of development

3. Upon the cessation of electricity generation for a period of 12 consecutive months the development hereby granted shall be discontinued and all buildings, structures, plant and machinery shall be removed from the site and the site shall be cleared and restored in accordance with the details approved under Condition 35.

Reason: In the interests of amenity.

Tonnages

4. The tonnage of waste received at the Green Energy Facility shall be up to 130,000 tonnes per annum and maximum stored waste shall be 1,080 tonnes at any time.

Construction Hours

5. No construction works shall take place except between the following times:

08.00 – 18.00hrs Mondays to Fridays

08.00 – 13.00hrs Saturdays.

And at no times on Sundays and Bank or Public)Holidays.

Reason: In the interests of amenity.

Construction Environmental Management Plan

6. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority. The CEMP shall detail the timetable and phasing of site preparation, groundwork and construction work and identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. Appropriate measures such as the use of agreed routes to and from site during construction works and allocating arrival times for construction vehicles and supplies should be agreed with the County Planning Authority. Once approved construction shall proceed in accordance with the approved Plan.

Reason: This is a pre-commencement condition and considered necessary to protect amenity.

Construction Traffic Management Plan

7. Prior to the commencement of the development a Construction Traffic Management Plan [CTMP] shall be submitted to and approved in writing by the County Planning Authority in consultation with the Local Highway Authority and Highways England. The CTMP shall identify the steps and procedures that will be implemented to minimise the

impacts of construction traffic. Once approved construction shall proceed in accordance with the approved Plan.

Reason: This is a pre-commencement condition and considered necessary to protect amenity.

Power line installation scheme

8. Power line installation shall be in line with the construction method scheme submitted to and approved in writing by the County Planning Authority in consultation with Highways England on 4 November 2019 (Directional Drilling Statement Cable Installation Method Statement, East Solutions July 2019).

Reason: In the interests of amenity.

HGV hours

9. No HGVs are permitted to enter or exit the application site or be loaded or unloaded within the application site except between the following hours:-

06:30 – 18:30 Monday to Saturday

09:00 - 17:30 Sundays

There shall be no HGV movements into or out of the site or loading or unloading of HGVs on Bank or Public Holidays.

Reason: In the interests of amenity.

Noise Impact Report

10. Prior to the commencement of above ground construction works a Noise Impact Report shall be submitted to and approved in writing by the County Planning Authority. The report should detail such items as the design and specification of equipment and noise attenuation measures, including any tonal elements and allow for consideration of noise during deliveries, reversing beepers, etc. An assessment should be made as to the impact of the proposals in relation to the nearest noise sensitive receptors.

Reason: In the interests of amenity.

Noise monitoring scheme

11. Prior to the development being brought into use, a noise monitoring scheme shall have been submitted to and approved in writing by the County Planning Authority. This scheme shall include day time and night time noise limits at identified noise sensitive receptors and proposals for monitoring from the identified locations and any mitigation deemed necessary to comply with the agreed noise limits. Once approved the development shall proceed in accordance with the approved Scheme.

Reason: In the interests of amenity.

Noise monitoring during operation

12. The operator shall monitor noise levels due to operations and background noise levels as requested in writing by the County Planning Authority and shall forward the details of the monitoring to the County Planning Authority within 14 working days of carrying out the monitoring.

Reason: In the interests of amenity.

Fire prevention

13. Prior to the development being brought into use, a scheme for the prevention of fire for the application site should be submitted to and approved in writing by the County Planning Authority in consultation with North Yorkshire Fire and Rescue Service. Once approved the scheme shall be implemented before the development hereby approved is brought into use and thereafter maintained in accordance with the approved scheme throughout the lifetime of the development.

Reason: In the interests of site safety.

Archaeological WSI

14. The development shall be carried out in accordance with the Written Scheme of Investigation as approved by the County Planning Authority on 4 November 2019.

Reason: The site is of archaeological interest.

Archaeological site investigation and post investigation assessment

15. The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation dated July 2019 as approved by the County Planning Authority on 4 November 2019 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is of archaeological interest.

Archaeological identification and evaluation

16. The development shall be carried out in accordance with the scheme of archaeological investigation dated February 2019, as approved by the County Planning Authority on 4 November 2019.

Reason: The site is of archaeological interest.

Surface water drainage

17. The development shall be carried out in accordance with the surface water drainage design statement dated June 2019, and the following plans as approved by the County Planning Authority on 4 November 2019:

- Proposed Drainage Key Plan, Pell Frishmann, Reference DE101485C001, Revision B, Dated 25 June 2019;
- Proposed Drainage Plan Sheet 1 of 3, Pell Frishmann, Reference DE101485C002, Revision B, Dated 25 June 2019;
- Proposed Drainage Plan Sheet 2 of 3, Pell Frishmann, Reference DE101485C003, Revision B, Dated 25 June 2019; and
- Proposed Drainage Plan Sheet 3 of 3, Pell Frishmann, Reference DE101485C004, Revision B, Dated 25 June 2019.

Reason: In the interests of water management.

Soil management plan

18. Prior to the commencement of development, including site preparation and removal of overburden or excavation into bedrock, a soil management plan shall be submitted for approval by the County Planning Authority, and implemented as approved. No topsoil or subsoil shall be removed from the site.

Reason: This is a pre-commencement condition and considered necessary to safeguard the topsoil and subsoil resources in the interests of achieving a high standard of landscaping to mitigate the impact on the character of the application site and its locality in the interests of visual amenity.

Landscape scheme

19. The development shall be carried out in accordance with the landscape proposals as approved by the County Planning Authority on 4 November 2019:

- BHA/16/1006/TH/P/001 Revision A PLANTING PLAN SHEET 1 OF 2
- BHA/16/1006/TH/P/002 Revision A PLANTING PLAN SHEET 2 OF 2

Reason: In the interests of achieving a high standard of landscaping.

Replacement of failed planting

20. All planting, seeding or turfing set out in the details approved through the landscaping scheme in condition 19 above (BHA/16/1006/TH/P/001 and BHA/16/1006/TH/P/002) shall be carried out in the first planting season following completion of ground re-modelling works and placing of soils in accordance with the approved drawings. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the County Planning Authority gives its written consent to any variation.

Reason: To safeguard the topsoil and subsoil resources in the interests of achieving a high standard of landscaping to mitigate the impact on the character of the application site and its locality in the interests of visual amenity.

Landscape Management Plan and Biodiversity Enhancement and Management Plan

21. The development shall be carried out in accordance with the Landscape Management and Biodiversity Enhancement Plan dated March 2020 as approved by the County Planning Authority on 25 March 2020.

Tree Root Protection

22. The existing woodland and hedgerow planting shown on the Tree Root Protection Areas drawing ref. 16_1006-DS_L_001, dated March 2016 shall be protected and maintained throughout the duration of the development.

Reason: To safeguard the topsoil and subsoil resources in the interests of achieving a high standard of landscaping to mitigate the impact on the character of the application site and its locality in the interests of visual amenity.

Badger Survey

23. Prior to the commencement of development a survey for badger (as referred to in the submitted Environmental Statement (ES) for Planning Permission Ref. C3/16/01918/CPO) shall be completed to ensure that any presence can be taken into consideration in line with the relevant legislation. The survey must be undertaken at the appropriate time of year by a suitably qualified ecologist and a report detailing changes in the status of these species and any additional mitigation measures that may be required shall be submitted to the County Planning Authority for written approval.

Reason: This is a pre-commencement condition and considered necessary in order to prevent disturbance to badgers which are a protected species.

Nesting birds

24. Trees and vegetation which may support nesting birds should not be removed during the bird nesting season, which is generally taken to be 1st March to 31st August. Any vegetation removal necessary during nesting bird season shall first be surveyed for nesting by a suitably qualified ecologist.

Reason: In order to prevent disturbance to nesting birds which are protected by the Wildlife and Countryside Act 1981 (as amended).

Cable route

25. The development shall be carried out in accordance with the Cable Route and Ownership Plan, Drawing number 087, Dated November 2018 as approved by the County Planning Authority on 4 November 2019.

External Construction Materials

26. Prior to the commencement of aboveground construction work details of materials, colours and finishes (recessive and non-reflective appearance) of the proposed buildings and structures shall be submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of amenity and to ensure a satisfactory external appearance.

Lighting scheme

27. No part of the development shall be brought into use until details of the final lighting scheme design has been submitted to and approved in writing by the County Planning Authority. The scheme shall include a layout plan with beam orientation, a schedule of equipment (luminaire type, mounting height, aiming angles and luminaire profiles) and the proposed hours of use. The lighting shall be installed and operated in accordance with the approved details and shall be maintained in working order.

Reason: In the interests of amenity.

Limitations

28. All door openings on the GEF building shall be closed during operations except for the entry or exit of staff and vehicles. There shall be no external handling, processing or storage of RDF or waste materials at the site.

Reason: In the interests of amenity.

Site Access

29. Access to the site shall be via the existing access (extended) off the A64 and no other access shall be used. The access road from the site to the public highway shall be kept clean and in a safe condition. The access road shall be maintained in a good standard of repair, free of potholes for the duration of the operations.

Reason: In the interests of highway safety and amenity.

HGV movement limit

30. There shall be a maximum of 48 HGV movements associated with the development in any single day entering and leaving the site via the existing junction with the A64. Vehicles entering and leaving the site shall be monitored and the applicant shall be required to provide the County Planning Authority with weighbridge records within 10 days of any written request from the County Planning Authority.

Reason: In the interests of highway safety and amenity.

Vehicle sheeting

31. All vehicles involved in the transport of waste material to and from the site shall be effectively enclosed and/or securely covered in such a manner as no material may be spilled on the public highway.

Reason: In the interests of highway safety and amenity.

Flood Risk and drainage

32. The development hereby approved shall be undertaken in accordance with the approved Flood Risk Assessment and Drainage Strategy ref. 14472-L-FRA-001-R3, dated Sept 2016.

Reason: To reduce the impact of flooding to the proposed development.

Annual Review

33. Within 12 months of the commencement of development and thereafter annually for the first 5 years from the commencement of development, a review of the previous year's landscaping shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from the schemes approved under condition and any revised scheme shall be submitted to the County Planning Authority for approval providing for the taking of such steps as may be necessary to continue the satisfactory landscaping of the site including the replacement of any tree or shrub which may have died, been removed or become seriously damaged or diseased. Thereafter all such works shall be carried out in accordance with the approved schemes.

Reason: In the interests of achieving a high standard of landscape mitigation.

Limitation on permitted development rights

34. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) no buildings or fixed plant shall be erected or areas of hardstanding created within the application site without the prior grant of planning permission.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity.

Decommissioning Environmental Management Plan (DEMP), Restoration & Aftercare

35. Upon cessation of electricity generation for a period of 12 consecutive months a Decommissioning Environmental Management Plan (DEMP) to address the removal of the development and restoration of the land shall be submitted within 3 months and approved in writing by the County Planning Authority. The DEMP shall be implemented as approved. The DEMP shall include the following details:

- a. The demolition/dismantling and removal of all buildings, structures, plant and machinery in accordance with a detailed method statement;
- b. a detailed Restoration & Aftercare Plan providing details of restoration to agriculture or nature conservation;
- c. Site waste management including measures to recycle materials on the Site;
- d. Hours of working;
- e. Car parking arrangements;
- f. Traffic management;
- g. Decommissioning worker accommodation and support facilities and their means of enclosure;
- h. Measures to control lighting, noise, dust, odours and fumes in order to minimise the adverse effects on the amenity of neighbours;
- i. Temporary storage compounds and stockpile areas;
- j. Measures to prevent mud and debris being deposited on the highway;
- k. Measures to protect trees and hedgerows;
- l. Temporary fencing;
- m. Measures to minimise the pollution of surface and ground water;
- n. Measures to inform visitors and liaise with neighbours; and
- o. A programme for implementation with demolition/removal works and restoration to be completed no later than 24 months after the cessation of electricity generation at the GEF site.

Reason: To avoid harm to the amenity of residents and to achieve successful restoration of the site and reintegrate the land into the local landscape character.

Copy of permission

36. A copy of the planning permission and any agreed variations, together with all the approved plans shall be kept available at the site office at all times.

Reason: To ensure that site personnel are aware of the terms of the planning permission.

Informatives

1) Public Rights of Way- No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering

other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

K BATTERSBY

Corporate Director, Business and Environmental Services
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: C3/19/01184/CPO (NY/2019/0078/73) registered as valid on 16th September 2019. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Amy Taylor

Land to the South of Knapton Quarry Landfill Site, Knapton



