

**North Yorkshire Council**  
**Community Development Services**  
**Strategic Planning Committee**

**10<sup>th</sup> December 2024**

**19/00473/FUL Full Planning Permission for Motorway Service Area Comprising Amenity Building, (Shops, Restaurants, Lounges, Tourist Information, Gaming Room and Cash Machines, Toilet Facilities, Administration Offices and Staff facilities, Servicing , Storage Areas, and Ancillary Uses), 100 Bedroomed Hotel, Drive Thru Costa and McDonald's Restaurants, Fuel Filling Station with Shop (total 10,855 sq. m Gross Floorspace) , Car, Lorry, Motorbike, Cycle, Caravan and Coach Parking, Electric Vehicle Charging Facilities, Amenity Lake and Associated Landscaping with Dog Walking Facilities and Landscaping with Access to J52 on the A1(M) (As Amended)**

**Land East of Junction 52 on the A1(M) At Catterick, Pallett Hill Farm, Catterick Village, DL10 7PG**

**Report of the Head of Development Management – Community Development Services**

**1.0 Purpose of the Report**

- 1.1 To determine a full planning application for the construction of a motorway service on land east of Junction 52 of the A1(M) at Catterick, Pallett Hill Farm
- 1.2 The application is referred to Strategic Planning Committee due to the strategic nature of the proposal being a Motorway Service Area (MSA), raising significant material planning considerations that affect more than one area committee geography.

**2.0 EXECUTIVE SUMMARY**

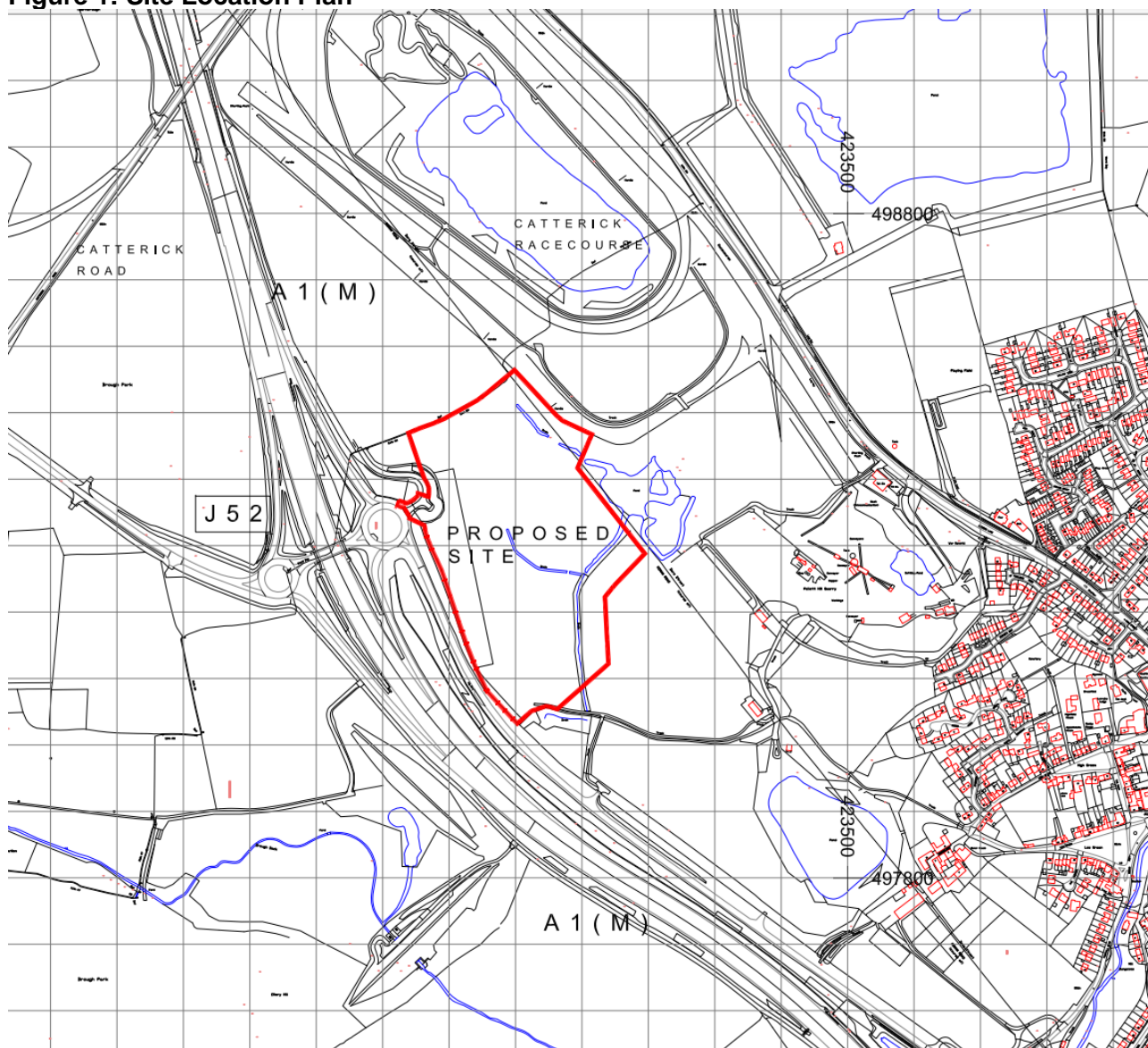
**RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.**

- 2.1. This application seeks full planning permission for a Motorway Service Area (MSA) comprising an amenity building including shops, restaurants, lounges and tourist information plus other facilities. The proposal also includes a hotel, drive thru restaurant/takeaway and a hot food takeaway restaurant. Access is to be taken from J52 of the A1(M).
- 2.2. The application site is approximately 11.27 hectare (27.85 acres) and is a former gravel and sand quarry located between the A1(M) to the west and Catterick Racecourse to the east. The site consists of grassland used as pasture in relation to Pallett Hill Farm, as well as wetland areas that have formed within the areas of the site where gravel extraction had taken place. The nearest settlement to the site is Catterick Village, approximately 950 metres to the southeast.
- 2.3. The proposed development aligns with the spatial strategy for development in the North Richmondshire Sub Area and the Development Plan when read as a whole. In addition, the application accords with the requirements of the Circular 01/2022. The scheme would deliver a high-quality MSA development, which not only complies with the Development Plan but also

helps address a gap in MSA service provision between Wetherby and Durham including service those travelling to or from the A66 south and then A1 south bound.

- 2.4 The impact on nature conservation is a significant planning consideration in the assessment of the application. In this case, the impact of the development would cause an adverse impact on nature conservation. The application site is located within the Pallett Hill SINCR, the applicant has sought to both mitigate, and where not possible to do so, compensate for the harm to the biodiversity significance of the SINCR, particularly its importance for providing habitat for specific species of wading birds. The proposal includes the provision of 16.95 hectares of mitigation land at Manor House Farm, south of East Cowton, which would be a suitable mitigation site against the nature conservation harm caused by the proposal.
- 2.5 The development is considered acceptable in all other respects subject to conditions and the legal agreement, with no statutory consultee objections.

**Figure 1: Site Location Plan**



### **3.0 Preliminary Matters**

- 3.1 Access to the case file on Public Access can be found here:  
<https://documents.richmondshire.gov.uk/planning/planning-documents?SDescription=19/00473/FULL&viewdocs=true>
- 3.2 The application was first published to be heard at Richmondshire District Council's Planning Committee in July 2021. Prior to the Planning Committee being held correspondence was received that requested the Council review the officer's recommendation and prior to taking the report to Planning Committee, that further consideration was required/matters to be addressed. The Council then took legal advice, which advised deferment of the application until action could be taken to confirm the Council's position. The Legal advice was accepted and the application was presented to Richmondshire District Council's Planning Committee on 21st July 2022.
- 3.3 Members resolved that planning permission be granted on 21st July 2022, subject the completion of a Section 106 agreement, including the requirements and obligations as specified within the main body of the report. Secondly, that delegated authority to officers was granted for the imposition of any other conditions in addition to the list of recommended planning conditions within Section 10 of the report, and/or any minor amendments to the wording of the recommended planning conditions. The Previous Committee reports and July 2022 meeting minutes can be accessed here:  
<https://edemocracy.northyorks.gov.uk/CeListDocuments.aspx?Committeeld=2524&MeetingId=18745&DF=27%2f07%2f2022&Ver=2>  
<https://edemocracy.northyorks.gov.uk/CeListDocuments.aspx?Committeeld=2524&MeetingId=18729&DF=21%2f07%2f2021&Ver=2>
- 3.4 After the July 2022 resolution, a counsel opinion from an objector was received and considered. Council officers advised the applicant to address several points which they have subsequently done. This included an updated Environment Statement and updated Heads of Terms for off-site biodiversity/SINC compensation.
- 3.5 The Council received in 2022 an application for a different MSA proposal at Barton Motorway Truck Stop Junction 56 A1 (M) (reference 22/00479/OUT). Recently significant progress has been made on the Barton proposal with National Highways removing their objection in December 2023 and now being ready for determination.
- 3.6 Due to the changes detailed at paragraph 3.3 and 3.4, together with the passage of time, it is considered necessary for the application to be referred to North Yorkshire Council's planning committee for determination. Whilst the Local Planning Authority has changed, it would be critical to ensuring a lawful decision, to explain why the resolution is different if committee resolve to refuse the application.
- 3.7 The application was part of Pallett Hill Farm that was quarried and then subsequently restored in the late 1960s in accordance with conditional planning permission granted by North Yorkshire County Council as the 'Minerals and Waste' Authority.
- 3.8 In August 2018, Richmondshire District Council issued a screening opinion to the applicant which concluded that an Environmental Statement (ES) would be required to be submitted with the planning application because of potential ecological impacts resulting from the development (18/00536/EIASCR).

#### **4.0 Site and Surroundings**

- 4.1 The 11.27 hectare (27.85 acres) site is a former gravel and sand quarry located between the A1(M) to the west and Catterick Racecourse to the north east. The site consists of grassland used as pasture in relation to Pallett Hill Farm, as well as wetland areas that have formed within the areas of the site where gravel extraction had taken place. The nearest settlement to the site is Catterick Village, approximately 950 metres to the southeast.
- 4.2 The application site slopes down from the A1(M) to the west and rises sharply again to the eastern boundary of the site (adjacent to Catterick Racecourse) where there is a rock escarpment. There is an area of mixed species woodland located to the south of the application site and further trees adjacent to the southwestern application site boundary. A mature hedgerow runs along the northern site boundary.
- 4.3 The majority of the application site is located within Flood Zones 2 and 3, with only the northwestern and western parts of the site within Flood Zone 1. The application site is located within the designated Pallet Hill Site of Importance Nature Conservation (SINC). The agricultural land within the application site is Grade 3B (i.e. the Agricultural Land Classification) and thus not classed as best and most versatile agricultural land. There are no public rights of way within the application site, although there are public rights of way within the surrounding area, including within the intervening land between the application site and Catterick Village to the east. The Cataractonium Scheduled Monument is located on land to the north of the application site, although a small part of the Scheduled Monument extends approximately 8 metres into the northern part of the application site.
- 4.4 To the north-west of the application site, beyond the A1, there is a multi-hectare parcel of land which has Outline planning permission (22/00189/OUT) for development of use classes B2, B8 and E. The applications documents can be viewed here:  
<https://documents.richmondshire.gov.uk/planning/planning-documents?SDescription=22/00189/OUT&viewdocs=true>
- 4.5 Please see Appendix 1 Figures A, B and C for locations images of the SINC, PRowS, SAM and planning permission 22/00189/OUT.

#### **5.0 Description of Proposal**

- 5.1 The application (as amended) is seeking planning permission for the creation of a motorway service area (MSA) on a 11.2 hectare site situated adjacent to, and accessed off, Junction 52 of the A1(M). The proposed development remains largely unchanged, since it was presented to members in July 2022. The applicant has submitted an updated Environmental Statement, in January 2024, and this highlights the following changes to the scheme:
- An off-site footpath and cycleway providing a direct link to the site from Catterick Village.
  - A revised access arrangement from the roundabout to the site and changes to the number of parking spaces.
  - Amendments to the landscaping proposal (See Landscape Master Plan 1836.10.J with Sections), and the revised plans on Public Access including the replacement of species proposed in the Indicative Plant List, creative crib lock retaining wall with native hedge and stone wall (Section AA), retaining the existing sandy banks at the north of the site for nesting sandmartins and access to the site from the cycleway/footpath from Catterick Village.
  - Revised Heard of Terms for off-site ecological compensation land to be secured by the applicant/developer at East Cowton
- 5.2 The proposed main features of the proposed MSA remain unchanged as originally submitted and are briefly as follows:

- New access road into the Site from Junction 52.
- Amenity building containing food service, retail, lavatories, and seating/resting areas of 3,000 sq. m gross internal floor area.
- 100 bed hotel.
- Drive through coffee shop.
- Picnic area and greenspace.
- Parking for 300 cars, 53 lorries (HGVs), 12 coaches and 13 caravans , revised in February 2021 to 300 light vehicles, 20 disabled 25 parent and child 53 HGVs 12 Coaches, 12 Caravans 3 disabled, 10 motorcycle and 1 abnormal load layby.
- Police and emergency and breakdown services parking and facilities.
- Fuel filling station with 9 pumps for cars, vans and small commercial vehicles and 4 pumps for HGVs and coaches.
- Charging points for electric vehicles.
- Open space for dog walking and exercise.
- Surface water drainage infrastructure, forming part of a site wide sustainable drainage solution.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

### National Policy & Guidance

- 6.3. Relevant National Policy and Guidance for this application is:

- National Planning Policy Framework 2021
- Department for Transport Strategic road network and the delivery of sustainable development updated 22 December 2022 (Circular 01/2022)  
<https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development/strategic-road-network-and-the-delivery-of-sustainable-development>
- National Planning Practice Guidance
- National Design Guide 2021

## **7.0 Consultation Responses**

- 7.1 The following consultation responses have been received and have been summarised below.

- 7.2 **Brough with St Giles Parish Council:** Further to the attached planning application for a new service station off Junction 52, Brompton-on-Swale Parish Council would like to submit a formal objection on the following grounds. An application has been submitted to develop and enhance the existing service area at Scotch Corner. An application has also been submitted to develop the Barton Truck stop service area, north of Scotch Corner. There is an existing rest area service at Leeming Bar. Exelby Services at junction 51 also provides parking and fuel for both cars and trucks.



Due to the above factors, we consider it totally unnecessary to develop a new service station, while there are more than adequate facilities within a very short distance from junction 52 and therefore this development is not needed.

The Parish Council also has concerns around Biodiversity, also the local habitat.

- 7.3 **Brompton on Swale Parish Council:** Further to the attached planning application for a new service station off Junction 52, Brompton-on-Swale Parish Council would like to submit a formal objection on the following grounds. An application has been submitted to develop and enhance the existing service area at Scotch Corner. An application has also been submitted to develop the Barton Truck stop service area, north of Scotch Corner. There is an existing rest area service at Leeming Bar. Exelby Services at junction 51 also provides parking and fuel for both cars and trucks.

Due to the above factors, we consider it totally unnecessary to develop a new service station, while there are more than adequate facilities within a very short distance from junction 52 and therefore this development is not needed.

- 7.4 **Catterick Parish Council:** Object to the proposal on a number of points.

1) The area proposed for the Motorway Services is of great natural value and the Councillors are worried about the loss of these habitats in the area if the development goes ahead. Land has now been sourced for developing a new natural habitat for wildlife, mainly birds but no plan for its development or management has yet been submitted. This land is at East Cowton, not in the immediate area, so local wildlife is still being adversely affected – reducing habitats and biodiversity. The plans also state that the habitats in the areas that remain undeveloped will be enhanced but there is so much building that there seems little area for these ‘enhanced’ habitats’ Again, has there been any definitive plans for this.

2) The Councillors cannot now see the need for an extra Motorway Services here as MOTO have put in an application to extend both Scotch Corner Services for cars and caravans and Barton Services for lorries and to become a Motorway Service Area. These areas are only about 4 miles from Scotch Corner and Barton so another MSA at J52, so close to these, is not required. Surely, it would be better to extend these two services rather than build a complete new one. The rest area at Leeming and the Lorry parking at Exelby are not listed as MSAs but they still have all the facilities required so although it may be correct that there are no MSAs between Wetherby and Durham, there are others rest areas in the close vicinity that have the facilities of an MSA.

3) Increased pollution from the MSA, including noise, light and vehicle emissions so close to parts of a village backing onto the proposed site especially, was also a concern to the Councillors.

- 7.5 **Durham County Council:** No comments to make.

- 7.6 **Harrogate Development Management office:** Notes the Catterick site is more than adequately separated from the MSA allowed in outline at Kirby Hill.

- 7.7 **National Highways** (Previously Highways England): National Highways recommend that in the vicinity of the A1 (M) Junction 52 that forms part of the Strategic Road Network, notice is hereby given that National Highways’ formal recommendation is that we recommend that conditions should be attached to any planning permission that may be granted.

The ES chapter uploaded to the portal 3.01.24 sets out under Highway Network Capacity that the assessment remains unchanged. In terms of highway, mitigation proposed as part of the

development the ES Chapter confirms that the mitigation remains unchanged from the previous work.

Recommend conditions for: Access, Travel Plan and Construction Traffic Management Plan

#### Additional comment 27.02.2024

Following our review of the latest submission, the updated ES chapter sets out under Highway Network Capacity that the assessment remains unchanged. Also, in terms of highway mitigation proposed as part of the development the ES Chapter confirms that the mitigation remains unchanged from the previous work. As such the previous conditions remain the same however with the addition of the condition to ensure that and signage agreement is made with National Highways.

The development hereby approved shall not be brought into use until a signing agreement with National Highways for the A1(M) motorway is in place and direction signing for the Motorway Service Area from and to the A1(M) has been provided in accordance with that agreement.'

#### Additional Comment 02.10.2024

Our role is to assess the potential impacts of the proposals on our network and make a recommendation to the local planning authority in that regard. In the case of both Barton MSA and Catterick MSA we have considered whether both sites meet the requirements of Circular 01/2022.

In relation to spacing of MSAs Circular 01/2022 paragraphs 74-78 states:

#### *Spacing of general-purpose facilities*

*74. Roadside facilities perform an important safety function by providing opportunities for the travelling public to stop and take a break during their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every 2 hours.*

*75. The network of signed roadside facilities on the SRN is intended to provide opportunities to stop at intervals of approximately half an hour. However, the timing is not prescriptive as travel between services may take longer on congested parts of the SRN.*

*76. On this basis, the maximum distance between signed motorway service areas should be 28 miles. Speed limits on the SRN vary and therefore, applying the same principles, the maximum distance between signed services on APTRs should be the equivalent of 30 minutes driving time.*

*77. The distance between services can be shorter, but to protect the safety and operation of the SRN, the access/egress arrangements of facilities must comply with the design requirements in the DMRB, which includes provisions in respect of junction separation. The installation of the latest technology to enable a reduction of carbon emissions should also be a consideration for reduced spacing between services.*

*78. In determining applications for new or improved sites, local planning authorities should not need to consider the merits of spacing between different facilities, for safety reasons, as informed by the maximum recommended distances set out above.*

This guidance sets out that although there is a maximum preferred distance between services there is not a minimum. The provision of more frequent services provides more opportunity and choice for the travelling public which will improve safety subject to appropriate access being agreed which is has been for both these sites. The spacing of services should not form part of the local planning authority's consideration.

Principle 6 states:

“The SRN also has an essential role in supporting the government’s commitments in Decarbonising Transport: A Better, Greener Britain (“the transport decarbonisation plan”). In particular, the company will prepare and plan for the delivery of future transport technology on the network, such as the installation of high-powered charge points for electric vehicles (EV). Further, it will support initiatives that reduce the need to travel by private car and enable the necessary behavioural change to make walking, wheeling, cycling and public transport the natural first choice for all who can take it”.

The provision of the MSA’s will support this commitment by providing an increased number of EV facilities.

In terms of commercial travel, the A66 Freight Study 2 October 2023 produced by National Highways which involved the collaboration from the National Highways Professional Driver Experience Panel, local authorities, and trade associations. This identifies that Overnight parking utilisation on the route of the A66 is now at a ‘critical’ level and is oversubscribed by 24 vehicles once vehicles parked in laybys and industrial estates have been considered.

National survey of lorry parking 2022 states:

“With a total of 21,234 vehicles observed at on-site and off-site parking facilities, and an on-site capacity of 16,761, there is an excess of 4,473 vehicles against on-site capacity.”

The expected uplift to all traffic once the A66 upgrade has been completed would only exacerbate the current lack of facilities in the area. Freight travelling to/from the north traveling along the A66 would have the option of using Barton Park MSA if approved, and those traveling to/from the south along the A66 would have the option of using Catterick MSA.

Overall, it is concluded that both sites meet the appropriate standards for an MSA and subject to the recommended conditions contained within our latest NHPR both sites could be accommodated on the SRN.

To summarise National Highways, support the approval of both MSA as it will give more choice to the travelling public and provide greater level of service as made in the point above.

#### Additional Comment 27.11.2024

We have reviewed the application and consider it to comply with Circular 01/22, as such we have responded to the application with our National Highways Planning Response form recommending conditions should be applied to any grant of planning permission.

The Secretary of State for Transport’s primary concern is the continued safe and efficient operation of the SRN. The provision of facilities for road users forms part of the safety considerations. The Circular clearly sets out maximum distances between sign services and identifies that there is no minimum distance.

In terms of need for the Catterick MSA, vehicles travelling from the A66 to A1(M) south and vice versa are currently not served by an MSA along the length of the A66 or between joining the A1(M) at Scotch Corner and the services at Wetherby. I appreciate that planning permission has been granted for a MSA at Kriby Hill, some 26 miles south of Scotch Corner but this permission is yet to be implemented. Whether the Kirby Hill permission is implemented or not, for a proportion of traffic passing the Catterick site, those that come from the A66, they will have driven more than 28 miles on the SRN before they reach an MSA.

It should also be recognised that National Highways has identified a lack of lorry parking spaces across the region and the provision of further MSAs would help address this issue.



- 7.8 **North Yorkshire Highways:** Following a re-consultation request associated with an updated Environmental Statement chapter, there is no material changes to the highway network capacity and highway mitigation remains unchanged. The Local Highway Authority therefore concur with the findings of National Highways who are the Highway Authority for the A1(M) Junction 52 interchange which affords the immediate access to the proposed MSA facility, with National Highways recommending a series of conditions are attached to any planning permission so granted.
- 7.9 **Local Access Forum:** Should North Yorkshire Council be minded to approve the revised application the Forum would like to remind the planning committee that in July 2022 Richmond District Council agreed to a sec. 106 agreement to revise the off-site footpath (upgraded to a multi-user track) to provide Non Motorised User access from Catterick, and that a shuttle bus will run from Richmond via Colburn to offer shift-workers sustainable travel. The necessary improvement to other local rights of way was acknowledged by the applicant in the Environmental Statements of August and October 2023. We believe the British Horse Society and The Ramblers have also agreed to these measures.
- 7.10 **Council Ecologist:** As previously noted I am satisfied that the on-site mitigation and compensation measures are resolved. The use of the biodiversity metric has demonstrated that there would be an increase in the variety of habitats being provided which will benefit different species. There is a need to secure the onsite measures through appropriate planning conditions).

The applicant has confirmed that the offsite compensation area has been secured and the intention is to include an obligation within the s106 for the commitment to monitoring and long term management. The information in relation to the compensation site size, location and proposed habitat creation and management is sufficient at this stage to demonstrate that the site chosen is capable of providing compensation for the loss of habitat at Pallet Hill SINC in relation to the assemblage of birds using the site. This would demonstrate in policy terms that the site meets the requirements of para 186 of the NPPF. I would expect to see a detailed Habitat Monitoring and Management Plan (HMMP) or BEMP submitted under the terms of the s106 to demonstrate how the site will be established, managed and monitored in order that compensation is maintained, ideally for the life time of the development.

It is also confirmed that the s106 will secure a long-term management plan for the remainder of the SINC outside the MSA boundary. I have seen a draft of the SINC management plan and I am satisfied that the provisions within the plan are sufficient at this stage, with the final detailed plan being provided as part of the s106.

In relation to the onsite matters, I would recommend conditions;

Construction Environmental Management Plan (CEMP) for biodiversity. This will include all of the measures necessary to avoid and mitigate impacts upon habitats and species during the construction process. I would also recommend that any pre-construction/preparatory works are included within this document. This will include the Reasonable Avoidance Measures (RAMs) set out in the Ecological Assessment and also cover the role of the Ecological Clerk of Works (ECoW) at key times in the construction.

- A sensitive lighting plan to ensure that retained and created habitats are not illuminated.
- A detailed biodiversity enhancement and management plan (BEMP) for the site, which includes all of the landscaping and biodiversity net gain measures within the development site. This should include monitoring and long-term management objectives.

The above conditions in addition to the s106 legal agreement are considered to cover the key aspects for ecology.

7.11 **Natural England:** The information we requested on 20 March 2024 is still needed by Natural England to determine the significance of impacts on Swale Lakes SSSI. Natural England notes that since our last response, the applicant has submitted three further documents:

- East Cowton proposed flood plain grassland nature conservation area. Lower Ure Conservation Trust (dated March 2024)
- ADAS letter RE: Catterick MSA Application (dated 03 April 2024)
- ADAS letter RE: Land East of Junction 52 on the A1(M) at Catterick Pallet Hill Farm Catterick Village DL10 7PG – Yorkshire Wildlife Trust and Environment Agency Objection (dated 03 April 2024)

We welcome the further detail provided, however, the documents do not include all of the information that we advised. Further information should be provided to demonstrate the mitigation proposals are sufficient. In particular, we advise again that details around how the size of the proposed mitigation site will be sufficient quality habitat for the numbers of bird species that it is providing mitigation for should be provided. We will review the above documents in further detail once this information has been provided.

Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

Natural England Second 2024 Consultation:

No Objection subject to appropriate mitigation being secured. They consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Swale Lakes Site of Special Scientific (SSSI) Interest has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:
- Implementation of the mitigation measures as outlined in the 'East Cowton proposed Flood Plain Grassland Nature Conservation Area' report (dated September 2024) submitted by the applicant.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

7.12 **CPRE Yorkshire:** Thank you for the re-consultation. CPRENEY have nothing to add to previous comments at this stage, however, we are concerned about the number of applications for MSA's in the immediate locality at the present time and therefore have concerns re the cumulative impact of all of these on the landscape and question the 'need'.

7.13 **Archaeologist:** The amended information includes a revised Cultural Heritage chapter prepared by ADAS. I note that Historic England have commented and have asked for confirmation that there will be no ground disturbance along the northern boundary within the area of the Scheduled Monument. The Historic England correspondence goes on to state that they are content to defer to my advice and recommendations in relation to other impacts of the scheme. After reviewing the changes to the Cultural Heritage chapter, I have no additional comments to make and request that my advice set out in a letter dated 7th July 2020 be carried forward.

7.14 **Historic England:** The applicant has submitted an updated Chapter 8 of the Environmental Statement, which refers to archaeology and cultural heritage assets. Historic England have considered the report and have now removed their objection.

7.15 **Yorkshire Water:** No further comments to make.

**7.16 Environment Agency:** This site is designated as protected floodplain grazing marsh habitat, designated as Pallet Hill SINC and is a local wildlife site due to its suitability to migratory birds. Although the risk to designated main river habitat could be considered minimal due to the location of the proposed services off the A1(M), there would be a significant loss of area designated as protected floodplain grazing marsh habitat. Following discussion with the local authority ecologist, it is understood that the applicant is underway and progressing with the purchase of land to be used as compensatory habitat considering the lost habitat, which would be caused by the building of the services. Additionally, the status of the local wildlife site is considered to be quite poor with landowner practices having a negative impact on the condition of the site. The potential of the new site may outweigh the potential efforts required in maintaining and improving the current habitat. However, given the EA has a duty to ensure the future success of the type of habitat due to be lost because of these works, this application is considered a high risk to priority habitat which we have a key role to protect.

We object to the Building of services off the A1M proposed as part of this planning application due to its likely effect on floodplain grazing marsh habitat. This habitat is listed as being of 'principal' importance under s41 of the Natural Environment and Rural Communities (NERC) Act 2006. Insufficient details of mitigation or compensation measures have been submitted to address any identified risks. We therefore recommend that planning permission is refused.

England's Biodiversity strategy identifies those priority habitats, which are also listed as being of 'principal' importance under section 41 of the NERC Act 2006. This Act states that local planning authorities must consider these habitats in their decision-making, because of their duty to conserve biodiversity (section 40). In this instance, the proposed development will have a detrimental effect on a priority habitat that we have a role in protecting. The application does not include adequate information about the measures proposed to assess and address the risk to ensure protection of the floodplain grazing marsh in this location. In particular the application fails to provide sufficient detail information regarding habitat creation and enhancement both onsite and on the off-site compensatory areas. This concern is mirrored by the local authority ecologists who have stipulated that the current level of detail provided is not enough to satisfy the requirements of a section 106 as outlined in the Consultation Response - NYC Ecology Ex - FW: Planning Re-Consultation for Application Reference 19/00473/FULL and the most recent comments from Consultation Response – NYC Ecology - Em - FW: Planning Re-Consultation for Application Reference 19/00473/FULL.

This objection is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF), which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

#### Overcoming our objection

It may be possible to overcome our objection by submitting:

- Detailed drawings of the location and construction of the proposed development of both the off-site area and on-site areas (including timing of works, methods and materials to be used)
- Details of how the floodplain grazing marsh or similar habitat capable of supporting migratory birds is to be protected during construction works
- A scheme for the long-term management and protection of the floodplain grazing marsh or similar habitat capable of supporting migratory bird populations and its habitat for at least 30 years after construction.
- Details of mitigation/compensation for any loss of habitat.

The design, construction, mitigation and compensation measures should be based on a survey, which is carried out at an appropriate time of year by a suitably experienced surveyor using recognised survey methodology.

#### Environment Agency Latest Comments 7th August 2024

We have reviewed the information submitted with the application and we are now in a position to remove our objection to the proposal. Our detailed comments are as follows:

Although the risk to designated main river habitat is considered minimal due to the location of the proposed services off the A1(M), there would be a significant loss of area designated as protected floodplain grazing marsh habitat. The area also is designated as Pallet Hill SINC and is a local wildlife site due to its suitability to migratory birds. Following discussion with the local authority ecologist, it is understood that the applicant is underway and progressing with the purchase of land to be used as compensatory habitat considering the lost habitat, which would be caused by the building of the services. Additionally, the status of the local wildlife site is considered to be quite poor with landowner practices having a negative impact on the condition of the site. The potential of the new site may outweigh the potential efforts required in maintaining and improving the current habitat. However, given the EA has a duty to ensure the future success of the type of habitat due to be lost because of these works, this application is considered a high risk to priority habitat, which we have a key role to protect.

An updated environment statement was submitted with further amendments to the Environment Impact Statement (Additional Information Dated 22.4.24). Roadchef Biodiversity Net Gain Metric - November 2023 was (submitted date 11.6.24).

The BNG assessment of the off-site mitigation area was submitted on the 15/07/2024. Findings of the assessment indicate a 100.07% net gain in habitat units and 62.82% net gain in hedgerow units.

*“The proposed works will result in the enhancement of 11.52 ha of existing grassland and arable field margins to the habitat type of floodplain wetland mosaic. Pond onsite will be retained and 3.9 ha of other neutral grassland will be created which will result in the loss of the existing winter stubble and arable field margins with wild bird mix.”*

Biodiversity Net Gain Assessment Catterick MSA, East Cowton Compensation Site, ADAS, 23/01/2024.

Based on the information provided recently and from other rounds of consultations the EA has no further comments to make at this time. Previous comments relating to overcoming our objection on the grounds of the Presence of/impact on Environment Agency lead priority habitat and no/inadequate evidence that the risks have been assessed and addressed satisfactorily have been satisfied.

With regard to Flood Risk please note the condition we requested in our previous response (ref: RA/2019/140508/01), should still be applied to any planning consent.

**7.17 Environmental Health:** The applicant has provided updated documents for environmental assessments relating to noise impact and air quality, following the original assessments provided in 2019, as follows:

Environmental Statement Review Vol 1 Ch 11 Noise - Ex - ES Review Vol.1 Ch 11 297258-01(01) Noise Redacted

Environmental Statement Review Vol 1 Ch 10 Air Quality Addendum - Ex - ES Review Vol1 Ch 10 Air Quality Addendum

On the basis of the information in these updated reports, any potential increases in the impact from the construction and operational phase of the development will be negligible, and I have no further comments to add.

Original comments: The applicant has provided assessments for noise impact and air quality that show that the impact from the construction and operational phase of the development will be negligible. The lighting plan indicates no spread beyond 10m of the boundary.

Having viewed the information provided by the applicant Environmental Health has no objections to this application provided the following condition are included in any approval: Contaminated land.

7.18 **Yorkshire Wildlife Trust:** Our concerns about this development proposal are both long-standing and well documented, as indicated by our numerous written objections to the planning application since 2019, which we trust will be made available to the committee. Provided here is additional information to support our continued objection, which focusses on four main concerns:

1. High ecological value of the application site.
2. Lack of accordance with the mitigation hierarchy.
3. Insufficient detail on proposed compensation site.
4. Procedural concerns about the Section 106 agreement.

Pallet Hill Site of Importance for Nature Conservation (SINC), which lies within the application site, is part of a complex of important wetland sites, which when considered together, are likely to support internationally significant populations of certain species such as curlew, a species on the red list of birds of highest conservation concern.

Our responses to date have used curlew as a 'flagship species' but the impacts of this proposed development are by no means restricted to this species. For example, Pallet Hill SINC supports nationally important populations of ruff, which is also on the red list of birds of highest conservation concern, and populations of at least county importance of wigeon, teal, shoveler, coot, golden plover, lapwing and little ringed plover.

The partial loss and degradation of Pallet Hill SINC would have impacts beyond the application site boundary due to its function of a key part of the network of wetland sites in the Swale catchment, which has not been adequately addressed within the Ecology and Nature Conservation Chapter (Chapter 6, November 2023). Other wetland sites ecologically connected to Pallet Hill are: Scorton Quarry, Swale Lakes Site of Special Scientific Interest/Bolton on Swale Lake YWT Reserve, Catterick Gravel Pits Local Wildlife Site, and numerous other waterbodies. Individual losses accumulate and have a cumulative impact far beyond the planning application boundary.

It is the responsibility of the applicant to gather all available ornithological data in assessing the value of this site and its function within the network (see Appendix 1). Please note that the Chartered Institute of Ecology and Environmental Management Guidelines for Ecological Impact Assessment state that 'Key aspects of the EclA report that the competent authority should take into account when determining an application include; the soundness of technical content of ecological information including, adequate and up-to-date data'.

In accordance with the mitigation hierarchy, a fundamental tool in environmental decision-making, impacts should first be avoided, before seeking to mitigate or secure compensation. We strongly feel that the development represents an avoidable threat to this wetland site of significant value. Whilst we note that a compensation site has now been proposed at East Cowton, the plans appear to be at a very early stage and are not yet well developed. The presence of a compensation site does not remove our objection, but we suggest that the following essential information should be made available prior to presentation back to committee:

- What is the current baseline of the proposed off-site land?

- Has hydrological assessment been undertaken to check the proposals are feasible?
- Has the proposal been costed, to include the required surveys, land purchase, habitat creation works, and ongoing management. Has the applicant agreed to these costs? How does the costed project relate to the previously proposed compensation fund?
- At what stage is the land purchase at and who would then own the compensation site?
- Where does the proposed compensation site sit within the important network of wetland sites within the Swale catchment?

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. The fact that the Section 106 agreement has not been brought forward, despite over 18 months elapsing since approval is concerning. Are there time limits attached to the approval to determine when the S106 must be brought forward? At what stage would a full reapplication be required? It is essential that the process is transparent to consultees, including members of the local community, to ensure that the planning process is being properly followed.

#### Additional comment

We submitted an objection dated 07/02/24 (uploaded to Public Access 08/02/24), in response to the consultation dated 09/01/24 i.e. the updated Environmental Statement.

Having reviewed the public access system today, the only amended information we can find is the Errata to the Environmental Statement, uploaded 24/01/24 (plus covering letter from applicant's agent) and then uploaded again, reformatted to show the original and revised text, on 05/02/24.

The amendment to the wording (i.e. 'Officers of the new North Yorkshire Council wish to report the application to Planning Committee for their consideration') leads us to question again whether the application will be voted on by the new North Yorkshire Planning Committee, rather than just presented for information. If this is the case, please can we request that the details of the committee meeting be made available.

It is essential that the planning process in this unusual case of an already determined application being presented back to committee is made transparent to all interested parties.

- 7.19 **Minerals and Waste Planning Team:** There is an active quarry site within 500 metres of this at Land East Of Junction 52 On The A1(M) At Catterick, Pallett Hill Farm, Catterick Village, DL10 7PG - AMENDED PROPOSAL and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone.

The previous response on the 1 March 2021 stated that the planning authority did not consider the proposed development falls under safeguarding within the Minerals and Waste Joint Plan.

The Minerals and Waste Planning team issued a planning decision notice on 18 September 2023 in relation the adjacent quarry. This is able to be viewed on the minerals and waste online planning register with reference NY/2017/0326/ENV (Former district Ref. 1/18/00013/CM). The description of this permission was for a variation of condition No's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7th November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for completion of all mineral operations from 31st December 2017 to 31st December 2022 and the restoration of the site from 31st December 2018 to 31st December 2023. Further site history was included in the previous response.

- 7.20 **British Horse Society:** I have looked at the documents and cannot find anything of detail on the proposed footpath/cycleway as given in the Transport Document submitted in January entitled something like ES Review Vol 1 Chap 9 Transport 184259B-r, which at point 8.1.3 states there will be a footway/cycle link to Catterick (village) to the east. This appears to be along the lines of what was proposed before, and presumably still includes the permissive



access around pallet quarry lake - or has that been quietly forgotten and there will just be the link to Catterick Village? In my response as listed on the planning portal as of 28th July 2021, I commented in detail on the proposed path link to Catterick village, which at that time was proposed to be a footpath, I now see it is listed as a footpath/cycle link, which is an improvement. My previous comments still stand, that this link should have bridleway status and be built to that standard, to allow all those not in a motor vehicle to use it legally and the status of the route must be as a permanent right of way, not permissive. So, in summary, my comments on the application, which are given on behalf of the British Horse Society from July 2021, still stand and I ask that they are taken into account. For certainty, I attach the original comments and the supporting map.

**7.21 Ramblers Association:** It is pleasing to see that the former Richmondshire District Council resolved on 27th July 2022 to require a Section 106 agreement for the off-site footpath. It is requested that the successor planning authority, North Yorkshire Council, adopt the same approach. It is also pleasing to see that this requirement is acknowledged by the Applicant in the Environmental Statements of August and October 2023.

More widely, Ramblers consider that all existing and proposed footpaths shown on messrs DPP drawing 18.52.002 Rev 02 be constituted as Public Rights of Way, improved as necessary. In this respect the applicant has noted that "existing footways will be upgraded" [Please see ES Chapter Addendum (Transport Chapter) 4.4.10].

Ramblers are happy to support these Public Rights of Way being Public Bridleways, for the benefit of walkers, cyclists and horse riders, subject to the design and construction being to the appropriate standard.

**7.22 Representations:** During the course of the application comments from 269 individuals have been received, of which 87 are in support and all others objecting. There is also a petition of objection signed by 785 people. Some of the letters of support are from persons who have not listed a local address, this is not a material planning consideration, but has been raised by concerned persons. Likewise, some of the letters of support use the exact same wording.

The representations have raised the following objections:

- The revised plans have not addressed the reallocation of wildlife habitat.
- Flooding is liable at this location.
- There is no requirement for further services at Junction 52.
- The revised plans have not addressed the impact on the local wildlife habitat or the impact on the adjacent historical village from crime, antisocial behaviour, litter, light and traffic pollution. There is already traffic congestion around Catterick garrison and encouraging further footfall will again increase this problem.
- There will be constant noise from vehicles slamming doors, revving motors and general loud voices from people using the proposed facilities. All of which can be heard from Catterick Village.
- The amount of traffic at the junction 52 roundabout will be substantial.
- The effect on wildlife will be harmful and creatures will be moved to another location, means we will lose them.
- The development creates an eyesore of this whole area.
- Serious negative impacts on the local community, environment, economy, and also on the historic importance of the area's Roman heritage.
- The proposed development of a service area in this location could potentially damage or destroy these historic sites, which would be a significant loss to the local and wider community.
- The construction of a service area would likely lead to increased traffic congestion and noise and air pollution in the surrounding area.
- The proposal could lead to the loss of green spaces and beautiful landscapes.

- The bright lights and noise from the service area would be a major disturbance to the peaceful character of the village and could negatively impact the mental health and wellbeing of those living nearby.
- The availability of services such as fuel, food and retail on the motorway could draw customers away from these existing businesses, leading to potential job losses and economic decline in the area.
- Destruction of natural habitat for wildlife, in particular wading birds
- Moto have offered to develop their site at Barton which will not have this impact on the environment or village life.
- This application needs to be considered in line with the significant amount of development already taking place at Scotch Corner. Do not believe there is a need to develop in both locations within such a short distance.
- Other motorway services are now being developed between Scotch corner and Wetherby, along with the potential to extend at Leeming, this renders the so called need for these services as unnecessary.
- There is no need for this development.
- Flooding, this land suffers from extreme flooding in wet weather, where will the surface water run off to now? The A1 at this junction already flooded.
- Traffic volume, the recent volume and traffic delays entering Catterick garrison with temporary lights have shown that the area cannot deal with the volume of traffic these services will bring. Houses are now being built at Brough with St Giles that will already add to existing traffic issues.
- Litter - these services will result in a huge amount of litter further damaging our environment.
- Employment - our area already benefits from low rates of unemployment, the existing services at Scotch corner have near permanent recruitment campaigns so who will fill these roles?
- Location - these services will remove access to local green land well used by villagers for exercise - where are villagers expected to go to instead?
- Brownfield land should be prioritised.
- Negative impact to climate change.
- Development will require a lot of power.
- Will attract crime.

Comments of support raise:

- Will provide suitable HGV parking which companies are willing to pay for
- Insufficient HGV parking in the area
- Proposal provides the facilities wanted and needed by HGV drivers and business such as plated food and good shower facilities
- Existing facilities by other operators very poor and prevent HGV companies being able to secure HGV drivers/candidates
- Quality service areas such as this are needed for the health and well being of HGV drivers
- Support and needed for local economy
- Provide much needed jobs
- Overnight accommodation needed

## **8.0 Environment Impact Assessment (EIA)**

8.1 In August 2018, Richmondshire District Council issued a screening opinion to the applicant, which concluded that an Environmental Statement (ES) would be required to be submitted with the planning application because of potential ecological impacts resulting from the development. An ES was duly submitted with the planning application, which considered the environmental effects/impacts of the proposed development (i.e. the likely significant effects of the development on the environment, including any cumulative impacts), and where

considered necessary, recommended appropriate mitigation measures for the environmental impacts of the proposals, including during the construction phase of the development.

8.2 Various parts of the ES have been amended or updated since the submission of the application, including the Archaeology & Cultural Heritage Impact Assessment Chapter, the Landscape Strategy and the Ecological Mitigation. To maintain the robustness of the planning application the ES has been further updated, (in January 2024), where necessary before reporting for information to the Planning Committee. Topics have therefore been reviewed in the light of the minor changes, which have been made to the proposals, and any changes in circumstance, legislation, availability of data and standards in the four years since the ES was first published. The review is a supplement to the original ES Chapters 1-4 and it is indicated that they should be read together with the original statement.

8.3 It is considered that the development will give rise to significant environmental impacts by the loss of part of a SINC which supports a variety of birds. However, compensation is proposed and if approved should be secured by S106 and conditions. Subject to this compensation, there is considered to be a long term improvement to biodiversity and habitats for the bird species supported by the application site.

## **9.0 Main Issues**

9.1. The key considerations in the assessment of this application are:

- Previous committee decision
- Policy Considerations
- Location of the MSA
- Assessment of Need for the MSA
- Impact on 'Main Town Centre Uses' (Including Retail & Leisure Uses)
- Economic Considerations (including Workforce and Employment Matters)
- Impact on Heritage Assets and their Settings
- Flood Risk and Surface Water Drainage
- Biodiversity and Ecology
- Impact on the Road Network
- Impact on the Local Character and Landscape
- Relationship to surrounding land uses.

## **10.0 ASSESSMENT**

### **Previous Committee Decision**

10.1 This application has already been considered by the Richmondshire District Council Planning Committee in July 2022 and received a resolution to grant permission subject to the signing of a Section 106 agreement. Any deviation from this resolution would need to be clearly explained. The key issue is considered to be that at the time of the July 2022 planning committee, the applicant proposed to provide pre-commencement monies to Richmondshire District Council to secure off-site biodiversity and SINC compensation land including monies for an officer to manage this process. It is considered that this is a flawed approach as there is a risk the Council may not have been able to secure suitable land (right location, right hydrology and at the right scale). If that had/did occur then the development would give rise to a significant environmental effect which is not compensated for and the planning committee report did not address this. As such, the planning committee had not been correctly advised and the resolution to grant would have been flawed and at risk of legal challenge.

10.2 The application now proposes the applicant/developer to secure the off-site compensation land themselves pre-commencement. This negates the previous risk and ensuring the development does not commence unless the compensation land is secure.

- 10.3 A significant amount of time has elapsed since the application was submitted, therefore, an updated Environment Statement has been submitted and consulted on.
- 10.4 In that intervening period a planning application for a MSA at Barton Truck Stop (22/00479/OUT)) has progressed with the removal of National Highways objection in December 2023. As a result, the situation has changed in a meaningful way since the Committee resolution in July 2022 and therefore for these reasons described, it is necessary for members to reconsider the proposed development as the current Local Planning Authority.

### **Principal of Development**

#### Principal of Development – Adopted Development Plan

- 10.5 The ADP defines a network of sustainable locations for development centred on Richmond and Catterick Garrison which are the main “town centre” locations in the plan area for new economic and retail development (Policies CP7 and CP9) Appropriate motorway and/or economic development opportunities related to the upgraded A1 junctions are to be considered under Spatial Principle SP5, which states that such economic development will be considered in locations at Catterick Central, Scotch Corner and Barton, subject to appraisal of their requirements to link directly with the strategic road network taking into account the feasibility (of such linkages) and existing local conditions.
- 10.6 The Central Richmondshire Spatial Strategy states that development will be considered at the new Catterick Central junction on the upgraded A1 subject to SP5. However, The North Richmondshire Spatial Strategy states at junctions on the upgraded A1 motorway, priority will be given to, amongst other things, appropriate motorway related development will be considered subject to Spatial Principle SP5.
- 10.7 Other key policies considerations of the Local Plan Core Strategy that need to be noted at this point are:
- Taking a positive approach that reflects the presumption in favour of sustainable development, working to find solutions, which mean that proposals can be approved wherever possible to secure development that improves the economic, social and environmental conditions in the plan area (Policy CP1).
  - Development should be of a scale and nature appropriate to secure the sustainability in ‘elsewhere’ areas as defined by SP3, taking into consideration the scale and distribution of development as defined in the Core Strategy and providing an effective response to Climate Change in accordance with Policies CP2 and CP3. Development should provide for the social and economic needs of the local community, and in all cases be accessible and well related to existing facilities and be within the capacity of existing or additional infrastructure (Policy CP4).
- 10.8 It is considered that the principal of development complies with the above policies due to the location and need to be adjacent to the A1.

#### Principal of Development – National Policy/Guidance Context

- 10.9 Whilst the Adopted Local Plan has been prepared in the context of the original 2012 National Planning Policy Framework (NPPF), the scheme does also need to be considered in the broader context provided by the current NPPF (and the associated National Planning Practice Guidance (NPPG)) as the governments planning Policies for England as well as being a strong material consideration. Paragraph 85 of the NPPF states that planning decisions should give significant weight to the support of economic growth and productivity, taking into

account both local business needs and wider opportunities for development. Paragraph 87 states that planning decisions should recognise and address the locational requirements of different sectors. Paragraph 113 states planning decisions should recognise the importance of providing adequate overnight lorry parking facilities.

- 10.10 Department for Transport Circular 01/2022 “The Strategic Road Network and the Delivery of Sustainable Development (Circular 01/2022)” sets out Government policy relating to motorways and trunk roads. Annex B addresses roadside facilities for road users on motorways and all-purpose trunk roads (APTR). The Circular C2/2013 is consistent with the NPPF in identifying the primary function of roadside facilities as supporting the safety and welfare of the road user. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. The network of service areas on the SRN has been developed on the premise that opportunities to stop are provided at intervals of about half an hour. However, timing is not prescriptive, as travel may take longer on congested parts of the network. Thus, the recommendation is that the maximum distance between motorway service areas should be no more than 28 miles. Furthermore, given that speed limits vary on the Strategic Road Network, the recommended maximum distance between signed services on trunk roads should be the equivalent of 30 minutes driving time. The distances are considered appropriate regardless of traffic flows or route choice (paragraphs B4- B8).
- 10.11 Circular 01/2022 refers to the spacing of freight facilities; it states that drivers of many heavy goods and public service vehicles are subject to a regime of statutory breaks and other working time restrictions, such that roadside facilities are critical enablers of compliance with such requirements. It is recognised that on certain parts of the SRN and at certain times a shortage of parking facilities for HGVs can make it difficult for drivers to find safe space to stop and adhere to requirements for mandatory breaks and rests. To alleviate the shortage, the expansion of existing facilities on the SRN is likely to be needed alongside the creation of new parking sites.
- 10.12 Circular 01/2022 also states that in areas where there is an identified need, the company will work with relevant local planning authorities to ensure that planning application decisions address the shortage of HGV parking on or near to the SRN. In these circumstances, local planning authorities should have regard to the following spacing requirements:
- (i). the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles; and
  - (ii). the maximum distance between all-purpose trunk roads facilities providing HGV parking (being service areas or truckstops) should be the equivalent of 20 minutes driving time for HGVs.
- 10.13 Furthermore, the Circular 01/2022 states that, where the general spacing distances above are met but a need for HGV parking still arises, the company will support the case to address unmet demand, subject to an assessment of the safety of the proposed access or egress arrangements.

#### Assessment of Need for MSA/s

- 10.14 The application site is located at Junction 56 of the A1(M) with the A1(M) consisting of four separate sections. The completion of the Leeming-Barton works in 2018 created the longest section of the A1(M) from Washington (in the north) to Darrington (in the south). Junction 56 is located within this section of the A1(M). The nearest existing MSA to the north is Durham (approximately 28 miles) and the nearest to the south is at Wetherby (approximately 36 miles). As such, there is currently a gap of approximately 64 miles without a MSA between the services at Durham and Wetherby. Based on the aforementioned Government policy within Circular 01/2022 regarding maximum distances between MSAs on the SRN, it is clear

that there is currently an unmet need for MSA facilities on the A1(M) between the existing Wetherby and Durham MSAs.

10.15 There is Outline MSA Planning Permission at The 'Vale of York' (land at Marton Le Moor) (refs. 18/00123/EIAMAJ and APP/E2734/W/20/3245778) located between junctions 48 and 49 of the A1(M) which was allowed on appeal 13th April 2021. The Vale of York site is 14.7 miles north of the Wetherby MSA, which, whilst reducing the gap between existing and approved MSA facilities if built (i.e. between Durham and the Vale of York) facilities would nevertheless still mean a gap 50 miles without MSA services on this part of the A1(M) even once the Vale of York is operational, exceeding the maximum distance of 28 miles between MSA facilities as stated within Circular 01/2022.

10.16 There is also planning permission for a MSA at Leeming Bar which has been implemented through nominal works. Decisions references below. However, since then, the Leeming Bar services have remained a signed Motorway Rest Area with only limited and poor quality facilities. The Inspector in the joint Vale of York – Ripon Inquiry gave very little weight to existence of the extant MSA permission at Leeming Services, stating:

*Moreover, Leeming Bar is not at present a MSA. The full implementation of its extant planning permission, irrespective of Hambleton District Council's ambivalence about enforcing the Unilateral Undertaking, seems a most unlikely prospect given its detachment and distance from the motorway; the obvious need for very substantial investment; and the unchallenged submission that it is not a viable location for a MSA (paragraph 55 of the Inspector's decision letter)*

Since the above referenced Inquiry decision an application asking whether Prior Approval is required for the method of demolition and site restoration for the Bungalow and Motel on the Leeming Bar MSA permission site, has been submitted and determined November 2024 (ZB24/01961/DPN). Whilst there is a small chance that this could indicate the site owner(s) are looking to proceed with the sites MSA permission, it is on balance considered unlikely due to Inspectors reasoning above. The more likely reasons are that the site owners wish to develop the site for other uses and/or the motel is not profitable/ is in need of significant refurbishment. A further consideration is that the site operator is Moto Hospitality Limited, the same company as has submitted the Barton MSA application. This reduces the chance of the Leeming Bar site being developed as the Barton MSA appears to be a more viable option given it is closer to the A1.

Please see Appendix Figure D for the location of the Leeming Bar site.

Outline permission reference 09/01202/OUT allowed at appeal October 2012 and amended under : 14/01139/NMC, 14/01140/NMC, 14/01145/NMC, 18/01882/NMC and 19/01175/NMC.

Reserved matters permission reference 15/02200/REM granted November 2017 and amended by 19/01175/NMC granted May 2019.

10.17 Based on the above, there is a clear need for a further MSA between the Vale of York site and Durham MSA.

10.18 Moving onto live applications, there is a MSA proposal at Barton Truck Stop (22/00479/OUT) which is ready to be determined. The 'Vale of York' appeal decision gave little weight to this application, however, since this appeal decision the Statutory Consultee objections have been lifted and there is a reasonable prospect the application will come forward if approved. In terms of timescales, the Barton scheme is Outline and therefore it is likely to be several years before the MSA could be built.



- 10.19 There was an application for a further co-signed MSA proposal/application at Barton Truck Stop (21/00419/FULL) and Scotch Corner (21/00418/FULL). However, the larger application with more extensive proposed development at Barton Truck Stop was withdrawn 27.11.2024 and is therefore not a consideration.
- 10.20 Based on the above, an MSA may be delivered in the next 7 years using the Barton Truck Stop site. The fact that the Barton Truck Stop has extant permission for a MSA but never built, adds an uncertainty element. However, on balance given the lack of MSA provision in the area it is considered if this Catterick application is refused or was not implemented, Barton Truck Stop would likely be developed as an MSA. This would meet the requirement of no more than 28 miles between MSAs, assuming the Vale of York is also built. Please see Appendix 1 Figure E for the approximate location of the discussed MSA built, permitted and proposed.
- 10.21 There is a further consideration than the 28 miles MSA maximum spacing, which is the flow of travel (existing and future) along the road network. The A66 is an important road which provides a cross country east-west connection and for which a Development Consent Order has been granted March 2024 for 8 schemes to improve the road between M6 J40 at Penrith and A1(M) J53 at Scotch Corner. A legal challenge was raised and has subsequently been rejected by the High Court. As such, it is expected that the A66 improvement works will go ahead. The programme is not currently known, but from previous programme it is expected the works would be completed in under 7 years. Please see Appendix 1 Figure F for the A66 position I in context of this application and the Barton MSA application site.
- 10.22 National Highways on 2<sup>nd</sup> October 2024 advised that:

“...In terms of commercial travel, the A66 Freight Study 2 October 2023 produced by National Highways which involved the collaboration from the National Highways Professional Driver Experience Panel, local authorities, and trade associations. This identifies that Overnight parking utilisation on the route of the A66 is now at a critical level and is oversubscribed by 24 vehicles once vehicles parked in laybys and industrial estates have been considered.

National survey of lorry parking 2022 states:

With a total of 21,234 vehicles observed at on-site and off-site parking facilities, and an on-site capacity of 16,761, there is an excess of 4,473 vehicles against on-site capacity.

The expected uplift to all traffic once the A66 upgrade has been completed would only exacerbate the current lack of facilities in the area. Freight travelling to/from the north traveling along the A66 would have the option of using Barton Park MSA if approved, and those traveling to/from the south along the A66 would have the option of using Catterick MSA...

To summarise National Highways support the approval of both MSA [Barton 22/00479/OUT and Catterick] as it will give more choice to the travelling public and provide greater level of service as made in the point above.”

- 10.23 On the 27.11.2024 National Highways further advised in respect of this application that:

“We have reviewed the application and consider it to comply with Circular 01/22, as such we have responded to the application with our NHPR [National Highways Planning Response] form recommending conditions should be applied to any grant of planning permission.

The Secretary of State for Transport’s primary concern is the continued safe and efficient operation of the SRN. The provision of facilities for road users forms part of the safety considerations. The Circular clearly sets out maximum distances between sign services and identifies that there is no minimum distance.

In terms of need for the Catterick MSA, vehicles travelling from the A66 to A1(M) south and vice versa are currently not served by an MSA along the length of the A66 or between joining the A1(M) at Scotch Corner and the services at Wetherby. I appreciate that planning permission has been granted for a MSA at Kriby Hill ['Valley of York'], some 26 miles south of Scotch Corner but this permission is yet to be implemented. Whether the Kirby Hill permission is implemented or not, for a proportion of traffic passing the Catterick site, those that come from the A66, they will have driven more than 28 miles on the SRN before they reach an MSA.

It should also be recognised that National Highways has identified a lack of lorry parking spaces across the region and the provision of further MSAs would help address this issue.

The above considerations should be brought into the planning balance consideration when determining the application.”

- 10.24 Having regard to the commentary at paragraphs 10.22 and 10.23 above, it is considered that even if a MSA is delivered using Barton Truck Stop there will be large number of vehicles every day, month and year which will not have access to a MSA every 28 miles from Valley of York MSA when travelling to or from A66. This has a negative impact on safety of the Strategic Road Network along this stretch by there being insufficient places for road users to rest.
- 10.25 There is a Motorway Service Rest Area at Scotch Corner which some users of the A66 can use. However, this site is already very busy and does not provide HGV parking. There is a further Motorway Service Rest Area at Leeming Bar which provides 30 HGV parking spaces, however, National Highways have advised more HGV parking is needed than exists south of the A66.
- 10.26 In respect of more than one MSA being granted within proximity of each other, National Highways have advised that “This guidance [paragraphs 74-78 of Circular 01/2022] sets out that although there is a maximum preferred distance between services there is not a minimum. The provision of more frequent services provides more opportunity and choice for the travelling public which will improve safety subject to appropriate access being agreed which is has been for both these sites. The spacing of services should not form part of the local planning authority’s consideration.”. They also advise the provision for MSA will assist decarbonising transport (a government commitment) by providing an increased number of EV facilities. Ultimately concluding they support both MSA proposals.
- 10.27 An objector has raised that previous MSA appeals have required there be only one MSA where there is a need. However, the appeal they referred to was determined under different national guidance/policy than is currently in effect.
- 10.28 Having regard to the above assessment, it is concluded that there is a safety and strategic HGV parking and facilities need for a MSA to the south of A66 and that this application would fulfil this need. Having two MSA would further improve safety and consumer choice, together with future proofing the network in terms of EV charging and lorry parking. The application is supported by National Highways who consider the development to be compliant with Circular 01/2022 and for there to be benefit for this specific area. Furthermore, the development is supported by Policies Spatial Principle SP5 and The North Richmondshire Spatial Strategy of the ADP together with paragraphs 87 and 113 of the NPPF. For the foregoing reasons the principal of development is considered acceptable.

### **Impact on 'Main Town Centre Uses' (Including Retail & Leisure Uses)**

- 10.29 It is considered that through the sequential test exercise (including consideration of alternative sites) and the qualitative and quantitative information, evidence and arguments submitted with the application (including within the Retail Impact Assessment) that the applicant has been able to successfully demonstrate that the proposed development would not have an adverse impact on town centres and their continued viability and vitality, and would meet the requirements of the NPPF and of Policy CP9 of the Local Plan whilst providing needed services and facilities to users of the strategic road network.

### **Economic Considerations (including Workforce and Employment Matters)**

- 10.30 The proposed development will create a significant on-off benefit during the construction period by way of job creation (direct and in-direct). During the operational phase the Environment Statement advises that it is estimated that the development will create 227 direct Full Time Equivalent jobs, leading to 199 new full time equivalent jobs at the regional level which is considered to be a significant benefit of the development and accords with the aspirations of ADP Policy CP7 and Section 6 of the NPPF.

### **Impact on Heritage Assets and their Settings**

- 10.31 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be paid to the desirability of preserving the Listed building or its setting or any features of special architectural or historic interest, which it possesses. Specifically, Section 66(1) of the Act requires the local authority to have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.
- 10.32 There are no Listed Building within or adjacent to the application site, with the nearest listed Building being Grade II Listed Building, the Catterick Camp and Aerodrome War Memorial with associated boundary walls and steps located 500m to the east of the site. Further away, there are several Listed Buildings and Structures as detailed in Chapter 8 of the Environment Statement.
- 10.33 Of the Listed Buildings, one is expected to experience harm to its significance by changing it's setting. The Church of St Anne is located 882m to the east of the site and its significance comes from its Medieval origins, architectural style, and local significance. The church tower is visible in the distance from the application site partly because to the intervening landscape comprises flat open agricultural fields that formed part of previous quarry workings. There are no views from the base of church towards the Site due to the presence of surrounding buildings in Catterick. There will be potential views of the Site from the top of the church tower. Most current public views are from the A1, an existing busy fast-moving road. The change and disruption of views to the church tower is considered to cause a less than substantial harm at the lower end to the significance of this listed building.
- 10.34 The other Designated Heritage Asset which could be affected by the development is the Scheduled Monument of Cataractonium (SAM), the southern extent of which extends approximately 8 metres into the northern part of the application site and adjacent to the slope of the former quarry. The Cataractonium Scheduled Monument is the site of a Roman fort and town, which includes the remains of a prehistoric henge monument as well as Anglican burials. The significance of the Scheduled Monument is the rarity of Roman forts in the UK and the presence of a Prehistoric henge and 5th Century Anglican cemetery.
- 10.35 The application documents have confirmed there would be no groundworks associated with the proposed development within or adjacent to the application site that would physically affect the SAM. After this confirmation Historic England have advised they have no objection.

They advise that the setting of the SAM has already been degraded, and therefore the consequence is that there will be limited to no impact on the significance of the scheduled monument. However, it is considered the development of this site with hardstanding and new buildings would give rise to a less than substantial harm to the setting of the SAM. It is considered the public benefits of the scheme, of providing a MSA for road safety and infrastructure needs (HGV facilities) out weighs the harm to both the Church of St Anne and the SAM and thus complies with paragraphs 208 and 209 of the NPPF.

- 10.36 To ensure that no works do take place within or touching the SAM, it is recommended to include a pre-commencement condition restricting works in the SAM area and a scheme to ensure this land is protected during construction works is submitted and complied with. This should include the marking out of the SAM boundary or erecting a barrier for the duration of the developments, a pre-development labelled photograph schedule (for monitoring) and details of existing ground levels (also for monitoring).
- 10.37 NYC Archaeology Officer has recommended a condition for archaeological investigation and this is considered reasonable and necessary.
- 10.38 Subject to the discussed conditions, the development is considered acceptable in relation to heritage impacts and complies with ADP Policy CP 12 and the NPPF.

### **Flood Risk and Surface Water Drainage**

- 10.39 Policy CP2 of the Local Plan states that all new development is expected to be adaptable to climate change and be designed to minimise flood risk on-site and elsewhere by incorporating Sustainable Drainage Systems (SuDS) to minimise surface water flood risk, protection of waterways and providing aesthetic and ecological benefits, unless it is demonstrated to be impracticable or pose an unacceptable pollution risk. Policy CP3 supports sustainable development, which promotes the natural drainage of surface water mitigating the effects of flash flooding of rivers, drains and drought.
- 10.40 The application is accompanied by a Flood Risk Assessment and a Drainage Strategy Report (which has been amended throughout the course of the application) and accompanied by on-site and off-site drainage plans.
- 10.41 The majority of the application site is located within Flood Zones 2 and 3 which is a medium to low risk of flooding from rivers and/or seas. The north-western and western parts of the site are within Flood Zone 1 (including the site access). There are no streams, becks or rivers within the site.
- 10.42 The FRA has referenced a 2012 flooding event that affected the site as well as the carriageway of the A1(M). However, the completion in 2018 of the flood alleviation scheme on Brough Beck (to the west of the application site) is stated in both the FRA and addendum letter as providing significant flood risk benefits for the application site, resulting in “...*the site now benefits from defences up to the 100 year event including allowances for climate change and as such (when also factoring in the new A1(M) alignment) the direct fluvial flood risk to the site can be considered low. Due to the ‘defended’ nature of the site, a residual risk of flooding would still remain..*”.
- 10.43 In respect of flooding from pluvial/surface water flooding (rainfall), the FRA advises that the EA’s surface water flood map shows that approximately half the site is located in areas with a very low risk of surface water flooding, although parts of the eastern and central sections of the site are shown to lie within low to high risk areas of surface water flooding. It is noted that the EA’s surface water flood map does not include/take into account the recently completed Catterick Flood Alleviation Scheme which will restrict the overland flow route from the west potentially reducing the overall extent of the surface water flood risk experienced at the site.

Notwithstanding, the surface water flood risk to the site is considered to range from very low to high, and the FRA acknowledges this would need to be taken into account in the layout of the site, ensuring the development is not at increased risk of flooding.

- 10.44 In their initial response, the LLFA referred to the existence of surface water flooding within the south-easterly part of the site (i.e. medium to high levels) and requested that the applicant further assess this area to ensure that surface water can be adequately managed to prevent on and off site flooding risks. This matter was addressed by the applicant's drainage consultants (RSK) within the addendum letter as follows:

"The flood risk assessment acknowledges the surface water flood risk associated with the site ranges from very low to high, with the eastern and central sections shown to be most at risk of surface water flooding. The surface water flood mapping notes the linear surface water flow path extending from the west (Brough Beck) and beneath the A1(M) and the A6136 in a north easterly direction towards the site. It is believed that this overland flow route followed the alignment of a former bridleway which ran across the former location of the A1. This bridleway has been removed as part of the flood alleviation works in the area, and as such its influence has been reduced. Where further areas of surface water flood risk remain, these will generally be considered with respect to the surface water drainage design which will accompany the application. There are no plans to alter the area of ponding water in the easternmost section of the site, so surface water flood risk in this area will remain unchanged."

- 10.45 The proposed development would increase the impermeable areas within the site, resulting in an increase in surface water run-off. As such, it is important that a sustainable surface water drainage scheme is proposed for the development. The FRA was completed without infiltration tests having been undertaken for the site, however it is acknowledged that the waterbody on site would indicate that infiltration may not be viable. The lack of public sewers within the vicinity of the site would mean to discharge to sewer would also not be a viable option. The FRA therefore concludes that a restricted run-off rate (of 15.7 litres/second) to the ditch within the site would be the most sustainable means of surface water disposal. It is acknowledged within the FRA that as the site generally falls naturally towards the watercourse / waterbody at the north easternmost section of the site, a gravity surface water drainage network should be achievable with a discharge to this location. The scheme would require attenuation storage of approximately 4,528 cubic metres in order to accommodate the 1-in-100 year event (plus 40% climate change and urban sprawl/creep) A mixture of attenuation basins, and subterranean storage is recommended, although no specific details are included within the FRA. Following further discussions between the applicant's drainage consultants and the LLFA, revised surface water drainage proposals have been agreed, which involve off-site drainage. This element of the scheme would need to be secured through the Section 106 agreement.
- 10.46 The FRA advises that the risk of groundwater flooding is considered to be low, however, the design of the development (i.e. underground fuel tanks for the petrol station), means that groundwater interactions could be expected during the excavation activities. The FRA recommends mitigation to ensure that any subterranean infrastructure is protected against any groundwater flows, whilst the addendum letter acknowledges the LLFA's recommendation of the undertaking of groundwater monitoring upon completion of the development to ascertain whether any mitigation is necessary.

#### Flood Mitigation Measures

- 10.47 The FRA and latest amended Drainage Strategy Report recommend several flood risk mitigation strategies to ensure the site remains 'safe and operational' throughout its lifetime, including:
- The construction of finished floor levels for buildings to be set 300mm above 51.67AOD (300mm above the modelled 1-in-100 year event plus 30 per cent for climate change)

- The final discharge flow that will reflect that of the existing green field runoff has been confirmed within the LLFA, 1.4 litres/per second/per hectare.
- Pollution prevention measures (detailed at paragraph 10.4 of the FRA)
- Groundwater mitigation measures (detailed at paragraph 10.5 of the FRA)
- Flood resistance and resilience measures (detailed at paragraph 10.6 of the FRA)
- On site safety and Warnings (detailed at paragraph 10.10 of the FRA)

10.48 Following the receipt of the latest revised Drainage Strategy Report, and additional information/plans referred to above, the LLFA have been able to confirm that they are able to remove their previous objections to the scheme, subject to the condition referred to above. It is considered the development would not be at unacceptable risk of flooding and can be suitably drained.

#### Foul Drainage

10.49 The latest revised Drainage Strategy Report submitted to support the application and a letter from BG Consulting dated 19th November 2019 have provided clarification regarding the proposed foul drainage strategy for the proposed development based the LLFA's comments within their consultation responses and subsequent discussions with the applicant's drainage engineers. An amended Drainage Strategy Report was subsequently submitted. The amended Drainage Strategy Report and letter confirm that foul drainage would be connected directly to the off-site mains sewer system by means of a rising main (the Strategy Reports confirms that on-site treatment was considered, but that a mains connection offered the best and most sustainable means of foul disposal). On site storage would allow for a controlled rate of discharge from the development into the sewer system (at a restricted rate to be agreed with Yorkshire Water) Discussions between the applicant's drainage consultant and Yorkshire Water have identified the location of the foul connection outfall to be an existing foul sewer in Bishops Way, to the south-east of the application site. The Drainage Strategy Report states that following discussions with Yorkshire Water, it is considered that a pumping station would be required to facilitate the sewage connection from the development to the public sewer network, following its storage in a central location within the site before it is pumped at a restricted volume.

10.50 Having been formally consulted on the application, Yorkshire Water (in their consultation response) note that the site is remote from any existing water or waste water infrastructure and that it is proposed to connect the proposed development to the main sewer that drains to Catterick Village Waste Water Treatment Works. The proposal will require to lay extensive pipework in order to achieve such a connection (over 100 metres of new sewer). Yorkshire Water state that it may be more feasible to utilise a private foul sewage treatment works for the site, and have recommend a planning condition (should planning permission be approved) requiring details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority prior to the commencement of the development, and that no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

#### Flood Risk Sequential Test

10.51 As stated within the FRA, the nPPG classifies the vulnerability of land uses in relation to each flood zone. Depending on the vulnerability classification of a development will determine whether there is a requirement to undertake the sequential and exception tests. With the exception of the hotel element, the proposed development would be classed as a 'less vulnerable' development based on the commercial uses. These 'less vulnerable' sections of the proposed development do not require a Sequential Test or Exception Test. However, the hotel would be classed as a 'more vulnerable' use, and the proposals would be subject to sequential and exception tests because of the siting of the hotel element of the scheme within Flood Zone 3a.



10.52 The Sequential Test is required by the NPPF and the nPPG to direct new development to areas with the lowest probability of flooding (i.e. Flood Zone 1). However, if there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources. In line with the Environment Agency's flood map for planning, the hotel development may trigger an assessment against the Exception Test. As noted however, the EA's flood map does not include the influence of the recently constructed Catterick Flood Alleviation Scheme to the west of the site, which following its completion in 2018, provides protection for 149 homes and businesses in Catterick as well as protecting the A1(M). The embankment location adjacent to the realignment of the A1(M) will also restrict the flow path running west to east from Brough Beck which has previously contributed to the flooding on site. From this it can be considered that the site now benefits from defences up to the 100 year event and as such (when also factoring in the new A1(M) alignment) the direct fluvial flood risk to the site can be considered low. Due to the 'defended' nature of the site, a residual risk of flooding would still remain. As a result of the flood alleviation works in the area, it is considered that the development should not be subject to the exception test and would pass the sequential test. This argument has been accepted by the LLFA and the EA in making their consultation responses.

#### Conclusion

10.53 Based on the latest revised Drainage Strategy Report and related plans showing the off-site and on-site surface water and foul drainage proposals, it is considered that the proposed development can be developed with sustainable surface water and foul drainage, subject to the conditions recommended by the LLFA, Yorkshire Water and the EA. Although a significant part of the application site is located within Flood Zones 2 and 3, for the reasons explained in this section of the report it is not considered that the proposed development would be at an unacceptable risk of flooding, or likely to result in flooding elsewhere. Therefore, the proposed development would comply with policies CP2 and CP3 together with the NPPF in these regards.

#### **Protected Species, Biodiversity and Habitats Sites**

##### Protected Species

10.54 No protected species have been identified on site as set out in the submitted documents, other than an otter which potentially have/are commuting through the site as part of their natural range (single set of tracks found). No impact upon otter holts or resting places are anticipated as a result of the proposed development.

10.55 No other protected species were identified on site from surveys and desktop studies.

10.56 A condition to reduce and mitigation impact to wildlife including otters, during the construction and operational phase is recommended.

##### Biodiversity and The Pallett Hill Site of Importance for Nature Conservation (SINC)

10.57 Paragraph 186 of the NPPF advises that when determining planning applications, Local Planning Authorities should apply the following relevant principles:

- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely

impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity

10.58 Policy CP12 of the Local Plan states that development will be supported which conserves and enhances the significance of a plan area's natural designated and non-designated assets. Development will not be supported which has a detrimental impact upon the significance of a natural asset and/or is inconsistent with the principles of an asset's proper management. CP12 goes further to state that where avoidance of adverse impacts is not possible, necessary mitigation must be provided to address any harmful implications of the development. Where adequate mitigation measures are not possible, compensatory measures will be required for natural assets, including impacts on biodiversity within the plan area.

10.59 The application site is located within a non-statutory Local Wildlife Site: the Pallett Hill Site of Importance for Nature Conservation (SINC). The designated boundaries of the SINC have been recently altered, however the proposed development would nevertheless occupy approximately one-fifth of the area of the SINC. Please see Appendix 1 Figure A for the SINC boundary. It is important to state that SINC's are a non-statutory designation to identify sites that provide value as semi-natural habitat such as ancient woodlands, grasslands and in this case wetlands.

10.60 The SINC supports significant wintering populations of species such as ruff, curlew and Oystercatcher. The Environmental Statement Vol 1 Main Report Ch6: Ecology and Nature Conservation details that:

"Wintering bird surveys recorded a peak count of nine Ruff (*Calidris pugnax*) which represents 1% of the estimated British wintering population of the species and therefore the site was considered to be of national value for this species. A peak count of 46 Curlew (*Numenius arquata*) which potentially represents at least 1% of the county wintering population and therefore the site was considered to be of county value for this species. The site is considered to be of local value for a number of additional species identified during the survey."

10.61 The SINC citation is "A 46 Ha site, partially occupied by a sand and gravel extraction company, with the majority of the remainder comprising cattle or sheep grazed pasture or grassland with a varied and diverse herbaceous component. The open water areas are likely to attract a good population of wildfowl, particularly, in winter time and a bird list should be sought."

10.62 Due to the loss of biodiversity, mitigation and compensation is proposed as follows:

- Onsite landscaping suitable for water birds to be secured by condition;
- An Environment Management Plan for the construction period to be secured by condition;
- An operation phase Environmental Management Plan to be secured by condition;
- A Management Plan for the part of the SINC outside the development area to be secured by S106; and
- An off-site Compensation scheme for 16.95ha of land at Manor House Farm, East Cowton in North Yorkshire, to be managed by the Lower Ure Conservation Trust, to be secured by S106.

10.63 In relation to the off-site compensation the latest details are dated September 2024. The report states that the East Cowton site offers the opportunity to restore poor quality ex-arable land to floodplain grazing marsh Priority Habitat by managing water levels, regrading the existing pond and incorporating new footdrains, scrapes and pools. The proposed

enhancements would allow the site to comfortably (and rapidly) reach County Wildlife Site quality for wetland birds, with the proposed landform, water control and management making the site highly suitable for a wide range of waders, including curlew and ruff.

- 10.64 Furthermore, the report concludes that the site lies close to Pepper Arden Bottoms and is connected via IDB drains. By re-wetting part of the former East Cowton Mere, it will contribute to restoring an historic wetland landscape and there is the future potential to take more surrounding land into sensitive conservation management offers a unique opportunity to create the wider vision of a 'nationally important wetland habitat'.
- 10.65 The applicant has submitted an up to date position statement in Chapter 6 of the ES. It concludes that under the assumption that the proposed landscape plan for the development is implemented in full and offsite compensation delivered, as detailed in this report, that sufficient mitigation and compensation is secured to offset the impacts on breeding and wintering birds on site as a result of the proposed scheme. More specifically, the total biodiversity value of the onsite habitats prior to development was 65.50 units. With the combined on and off-site proposals the development is expected to result in a net habitat unit change of 64.54 habitat units, which represents a 100.07% net gain and a net linear unit change of 10.17 hedgerow units, which represents a 62.82% net gain.
- 10.66 The Environment Agency consider that the risk to designated main river habitat is minimal due to the location of the proposed services off the A1(M), however, there would be a significant loss of area designated as protected floodplain grazing marsh habitat. They consider the status of the local wildlife site is quite poor with landowner practices having a negative impact on the condition of the site. They consider the potential of the new site to outweigh the potential efforts required in maintaining and improving the current habitat. However, given they have a duty to ensure the future success of the type of habitat due to be lost because of these works, this application is considered a high risk to priority habitat which we have a key role to protect. Notwithstanding these comments the EA have removed their objection to the proposal.
- 10.67 Natural England have also removed their previous objection to the proposal. Natural England noted that the application is located in close proximity to Swale Lakes SSSI. Based on the plans submitted, Natural England considers that the proposed development could have potential significant effects on the interest features for which the site has been notified. They advise that the local planning authority should ensure implementation of the habitat creation and management mitigation measures as outlined in the 'East Cowton proposed Flood Plain Grassland Nature Conservation Area' report (dated September 2024) submitted by the applicant, namely;
- Delivery of 16.95ha of mitigation land Manor House Farm, south of East Cowton, as well as enhancement of habitat located within the remaining retained area of Pallet Hill Site of Importance for Nature Conservation (SINC) in line with an Ecological Management Plan as set out in set out in 'Environmental Statement Vol 1 Main Report Ch6: Ecology and Nature Conservation' (dated November 2023). In particular, delivery of the various habitat requirements for the relevant species being displaced by the proposed development, such as those identified in sections 5.6 to 5.8 of the report and
  - Wetland enhancement and water level management measures as outlined in section 6 of the report.
- 10.68 Whilst the statutory consultees have withdrawn their objections, Yorkshire Wildlife Trust continues to object on the grounds the proposal would result in the partial loss and degradation of Pallet Hill SINC, which would have impacts beyond the application site boundary due to its function of a key part of the network of wetland sites in the Swale catchment.

- 10.69 The Councils Ecologist has examined the documentation and proposals and has advised that the information in relation to the compensation site size, location and proposed habitat creation and management is sufficient at this stage to demonstrate that the site chosen is capable of providing compensation for the loss of habitat at Pallet Hill SINC in relation to the assemblage of birds using the site. The use of the biodiversity metric has demonstrated that there would be an increase in the variety of habitats being provided which will benefit different species. There is a need for both conditions and a S106 agreement to secure the proposals including commitment to monitoring and long term management.
- 10.70 Notwithstanding the above, the NPPF which is both national Policy and a strong Material planning consideration, at paragraph 186, sets out that where there is significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It is considered the development would result in 'significant' harm to biodiversity resulting from the development and which cannot be avoided. Whilst compensation is allowed, this should be the last resort. Therefore, it should be first considered if the development could be located on a site with less harmful impacts.
- 10.71 Richmondshire District Council instructed a 'Alternative Sites Assessment' which was completed December 2021. This assessment concluded that that there is not one site identified which was preferable. All the sites assessed had issues in terms of either technical, environmental, planning or delivery. Since, then the Barton Truck Stop site MSA application has moved forward. However, this alternative is to the north of the A66 and therefore does not meet the need of road users coming to or from the south from/to the A66. Furthermore, there are no other live MSA applications in between the Scotch Corner and the 'Valley of York' permitted MSA. It is therefore considered there is no site available for a MSA in the required area which would cause less biodiversity harm.
- 10.72 A further consideration is that whilst the development of the site will result in significant Biodiversity loss, the overall package including the proper management and maintenance of the remaining parts of the SINC and 16.95ha compensation land will result in a 100.07% biodiversity net gain in habitat units which is a large uplift. In particular, the improved management of the remaining 4/5 of the SINC is a significant benefit due to the current regime.
- 10.73 Having regard to the above, it is considered that the development complies with Paragraph 186 of the NPPF and ADP Policy CP12.

#### Site of Special Scientific Interest

- 10.74 Paragraph 186 of the NPPF states that development on land outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

Swale Lakes SSSI 1.2km to the east of the application site, beyond Catterick Village and the River Swale. It is designated for its diverse population of breeding birds, and large numbers of wintering wildfowl and waders. Breeding wildfowl include the little ringed plover (*Charadrius dubius*), a species protected under Schedule 1 of the Wildlife and Countryside Act (WCA) 1981. Summer records of quail (WCA Sch.1) indicate possible breeding by this species. Waders on migration include the WCA Sch.1 species greenshank (*Tringa nebularia*) and ruff (*Calidris pugnax*). During winter the site attracts large numbers of wildfowl, including small herds of the WCA sch.1 species, Bewick's swan (*Cygnus bewickii*) and whooper swan

(Cygnus cygnus). The application sites falls within its risk zone.

- 10.75 Natural England have advised that they have no objection, subject to securing and implementation of the off-site compensation strategy at East Cowton. Without the mitigation the development would damage or destroy the interest features for which Swale Lakes Site of Special Scientific (SSSI) Interest has been notified.
- 10.76 It is considered that the benefits of the scheme, particularly those listed below, outweigh both it's the developments likely impact on the features of the site that make it of special scientific interest, and broader impacts on the national network of Sites of Special Scientific Interest and therefore complies with Paragraph 186 of the NPPF.
- Compensation Proposals resulting in a 100% habitat uplift
  - Provision of a MSA required for public safety and HGV infrastructure
- 10.77 In conclusion, the development is considered acceptable in relation to Protected Species, Biodiversity and Habitats Sites and complies with Paragraph 186 of the NPPF and Policy CP12 of the ADP.

### **Impacts on the Road Network**

- 10.78 Paragraph 115 of the NPPF advises that 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.
- 10.79 Policy CP3 of the Local Plan states that, 'Convenient access via foot, cycle and public transport should exist or be provided, where possible, encouraging the use of these modes of travel for local journeys and reducing the need to travel by private car and improving the accessibility of services to all. Transport schemes that lead to improvements in accessibility will be supported. The potential for more sustainable means of transport related to the uses and users of the development must be addressed. This includes the preparation of travel plans and consideration of the scope to utilise local sourcing of materials and supply chains.' Policy CP4 of the Local Plan states that development will be supported which does not have a significant adverse impact on amenity and highway safety.
- 10.80 The Circular 01/2022 states the applicant must demonstrate that there would be no severe impacts upon the safety and operation of the SRN, in this case, the A1 (M) in accordance with the NPPF.
- 10.81 Vehicular access to the proposed development is proposed off junction 52 of the A1 (M), allowing traffic travelling in both northern and southern directions along to the A1 (M) to access and egress the site. Access to the junction from the A1(M) carriageway is provided via slip roads. The proposals would utilise an existing spur, which Highways England included off the roundabout at junction 52 during the upgrade of the A1 (M).
- 10.82 National Highways have carried out a review of the latest submission documents. The updated ES chapter sets out under Highway Network Capacity that the assessment remains unchanged. Conditions are recommended including that an signage agreement is made with National Highways.
- 10.83 North Yorkshire Highways have stated that following a re-consultation request associated with an updated Environmental Statement chapter, there is no material changes to the highway network capacity and highway mitigation remains unchanged. The Local Highway Authority therefore concur with the findings of National Highways who are the Highway Authority for the A1 (M) Junction 52 interchange, which affords the immediate access to the proposed MSA facility. As such, the proposed development would not raise any severe or

unacceptable issues with regards to the strategic and local road networks or result in any significant adverse impacts on highway safety. The application would therefore meet the requirements and expectations of the NPPF in this regard, as well as Policy CP4 of the Local Plan.

### **Impact on the Local Character and Landscape**

- 10.84 Paragraph 139 of the Planning Framework advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Similarly, Policy CP13 of the Local Plan gives priority to high quality design of both buildings and landscaping.
- 10.85 Paragraph 180 confirms that planning policies and decisions should contribute to and enhance the natural and local environment, whilst CP12 expects the character of the landscape to be protected.
- 10.86 The applicant has submitted ES Chapter 7 Landscape Visual Impact Assessment Revision E (LVIA), which sets out a number of amendments. In particular, the baseline and assessment of landscape character was updated to include the Richmondshire Landscape Sensitivity Study of 2019 and the potential visual impact was updated. The amendments to LVIA Revision E confirmed that the existing site context remains largely unaltered since 2019. The chapter concludes that there are no changes that materially affect the LVIA assessments of 2019, which remain relevant and accurately reflect the potential level of impact of the proposed development.
- 10.87 A key consideration for landscape and visual impact as set out in the LVIA is that the development will change green area to built development. The visual and landscape impact is naturally curtailed by the site being a former quarry and has been dug down lower than the A1, Catterick racecourse and Catterick Village. A further mitigating factor is existing mature tree blocks and belts between the site and Catterick Village, reducing the locations where the site will be visible post development.
- 10.88 Even with the existing characters of the site and surrounding area, without mitigation the landscape and visual harm would be moderate to high due to the scale of development. The LVIA details the following which have been incorporated into the development proposals, including:
- The provision of green infrastructure that will contribute to the environmental quality of the site and link with the countryside around the application site.
  - The creation of a high-quality landscape setting for the facility with minimum impact on the landscape character and visual intrusion in the countryside.
  - Ensuring the layout responds to the existing landscape particularly the former quarry face and natural slope of the site from east to west.
  - To provide travellers an attractive environment in entering and leaving the site.
  - Ensuring the site responds to the surrounding setting and established vegetation using structure planting to reinforce the existing vegetation and link into existing planting.
  - The provision of additional planting of over 7000 trees and shrubs in the application site.
  - Ensuring physical and visual integration with the character of the local landscape and countryside.
- 10.89 Overall, the site levels, the design of buildings, use/layout of space within the site and the proposed (as amended) landscaping scheme would represent high quality design and would ensure that the proposed development would not have a significant or unacceptable impact on the character of the landscape in which the proposed development would be sited, and would comply with Policy CP13 of the Local Plan.

10.90 Site sections showing how the site is lower down than surrounding land can be viewed here:

Existing:

[https://documents.richmondshire.gov.uk/w2webparts/Resource/Civica/Handler.ashx/Doc/pa\\_gestream?cd=inline&pdf=true&docno=1489663](https://documents.richmondshire.gov.uk/w2webparts/Resource/Civica/Handler.ashx/Doc/pa_gestream?cd=inline&pdf=true&docno=1489663)

Proposed:

[https://documents.richmondshire.gov.uk/w2webparts/Resource/Civica/Handler.ashx/Doc/pa\\_gestream?cd=inline&pdf=true&docno=1489678](https://documents.richmondshire.gov.uk/w2webparts/Resource/Civica/Handler.ashx/Doc/pa_gestream?cd=inline&pdf=true&docno=1489678)

### **Relationship to Surrounding Land Uses**

- 10.91 There are three dwellings within a 1 km radius of the site. Officers consider that none of these residential dwellings would be of a distance close enough to the proposed development to have a significant adverse impact on the amenities of their occupants in terms of noise and disruption, particularly given the siting of the development. The siting and relationship of the proposed MSA would not cause any unacceptable and significant adverse impact on the occupants of residential properties within the locale, and the proposal therefore complies with Policy CP4 of the Local Plan in this regard. Conditions in relation to construction hours and operational hours are recommended as is typical for a major development.
- 10.92 Other land uses included the Racecourse and Quarry will not be affected to unacceptable levels, subject to construction management plan condition.

### **S106 Legal Agreement**

10.93 The Section 106 Agreement needs to include the following:

<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Biodiversity Net Gain	Off-Site Biodiversity Net Gain Scheme and Programme	Detailed scheme in accordance with East Cowton proposed flood plain grassland nature conservation area. Lower Ure Conservation Trust dated March 2024.
	Delivery of Approved Scheme in accordance with the Programme to be agreed.	As per Programme to be agreed.
	Off-Site Biodiversity Net Gain Scheme Monitoring	£3,571, prior to first use of the development
Off Site Drainage Scheme	Planning Permission secured for Off Site Drainage Scheme	Prior to Commencement
	Legal control evidence	Prior to Commencement
	Management and Maintenance Scheme	Prior to erection of any building external walls

Footpath	Footpath Between application site and Catterick Village Scheme and Programme	Delivery in accordance with programme and thereafter retained and available to public other than scheduled repair/maintenance works
S106 Monitoring	S106 Monitoring	£505, prior to commencement

10.94 It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

### **The Public Sector Equality Duty**

10.95 There is a requirement for the Council to show that it has complied with the statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

### **Environmental Impact**

10.96 Having regard to the Screening Opinion, submitted proposals and documentation, consultee responses and the above assessment, it is considered the development would not result in a significant environmental impact subject to conditions and S106 heads of terms as listed below to ensure the development is acceptable in relation to habitats and flooding:

- Drainage scheme conditions
- Flood mitigation condition
- On-site Landscaping including tree planting
- Management of the remaining part of the SINC S106 Head of Term
- Off-Site Compensation Scheme S106 Head of Term

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1. The proposed development aligns with the spatial strategy for development in the North Richmondshire Sub Area and the Development Plan when read as a whole. In addition, the application accords with the requirements of the Circular 01/2022. The scheme would deliver a high-quality MSA development, which not only complies with the Development Plan but also helps address a gap in MSA service provision between Wetherby and Durham, together with serving those road users travelling to or from the A66. National Highways have supported both this application and the MSA at Barton Truck Stop.

11.2 The impact on nature conservation is a significant planning consideration in the assessment of the application. In this case, the impact of the development would cause an adverse impact on nature conservation. The application site is located within the Pallett Hill SINC, the applicant has sought to both mitigate, and where not possible to do so, compensate for the harm to the biodiversity significance of the SINC, particularly its importance for providing habitat for specific species of wading birds. Both the Environment Agency and Natural England have removed their objection to the proposed development on the grounds that, although there would be a significant loss of area designated as protected floodplain grazing marsh habitat, the proposed provision of 16.95 hectares of mitigation land at Manor House



Farm, south of East Cowton, together with other measures, would be a suitable mitigation site against the nature conservation harm caused by the proposal.

- 11.3 Both National Highways and the Highway Authority have confirmed that the proposals are acceptable in terms of their impacts on the strategic and local road networks, and the development is not considered to have any significant adverse impact on highway safety.
- 11.4 Historic England have removed their objection to the proposal and consider it would not adversely affect the setting of a designated heritage asset, namely the adjacent SAM. Notwithstanding this, officers consider the public benefits of providing a MSA would be significant and would in this case outweigh less than substantial harm to heritage assets including the SAM.
- 11.5 The proposed development would provide new jobs and would benefit the local economy without any unacceptable impacts on town centres and their vitality and viability. The proposed development would not raise any significant adverse impacts in terms of the amenity of residents within the locale or affect the operations of existing businesses. On this and the above basis, the recommendation is to approve the application.
- 11.6 The application is considered acceptable in other regards.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement in accordance with Table 1:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

- Application form and certificates
  - Biodiversity Net Gain Assessment ADAS document dated 23<sup>rd</sup> January 2024.
  - Chapter 8 Archaeology ADAS document dated June 2024.
  - ADAS letter Ecological opinion dated 03 April 2024
  - East Cowton proposed flood plain grassland nature conservation area. Lower Ure Conservation Trust dated March 2024.
  - Comparative Analysis of MSA Applications by Montagu Evans dated 3<sup>rd</sup> April 2024.
  - Socio-economic Statement by Montagu Evans dated 28<sup>th</sup> March 2024.
  - ADAS letter Re: Yorkshire Wildlife Trust and Environment Agency Objection dated 03 April 2024
  - Regulation 25 Review of Environmental Statement Submitted December 2023 (Volume 1, Chapters 1 – 4 ) Errata sheet dated January 2024.
  - Review of Environment Statement Volume 3 Non Technical Summary December 2023.
  - Volume 1 of Environmental Statement December 2023.
- o Chapter 1.0 Introduction and Background;
  - o Chapter 2.0 The Environmental Assessment Process;
  - o Chapter 3.0 The Application Site and Surroundings;
  - o Chapter 4.0 Description of the Scheme;

- o Chapter 5.0 Alternatives Considered;
- o Chapter 6.0 Ecology and Nature Conservation;
- o Chapter 7.0 Landscape and Visual Effects;
- o Chapter 8.0 Archaeology and Cultural Heritage;
- o Chapter 9.0 Transport,
- o Chapter 10.0 Air Quality;
- o Chapter 11.0 Noise;
- o Chapter 12.0 Socio Economic Effects;
- o Chapter 13.0 Summary of Effects

- Design and Access Statement
- Planning Statement
- Traffic Assessment
- Flood Risk Assessment
- Statement of Community Involvement
- Letter dated 18 September 2019 – supplement to submitted FRA.
- Stage 1 Road Safety Audit
- Retail Impact Assessment by Bowcliffe
- Staff Travel Plan by Vectos dated March 2020
- Supplementary Statement by Jill Davis Planning Partnership dated April 2020.
- Footpath/Cycleway between Catterick Village & MSA dated May 2020.
- RC-575 1000 Rev P Site Location Plan
- RC-575 1001Rev P5 Proposed Site Plan
- RC-575 1004 Rev P Proposed Lighting Layout
- RC-575 1005 Rev P Existing Site Sections
- RC575 1006 Rev P Proposed site circulation
- RC-575 0100 Rev P Service Building & Hotel Proposed Plan - Level 0
- RC-575 0101 Rev P Service Building & Hotel Proposed Plan - Level 1
- RC-575 0102 Rev P Service Building & Hotel Proposed Plan - Level 2
- RC-575 0103 Rev P Service Building & Hotel Proposed Plan - Level 3
- RC575 0300 Rev P Service Building & Hotel - Proposed Elevations
- RC575 0310 Rev P Service Building & Hotel - Enlarged Elevation
- RC575 0105 Rev P1 Costa & Mcdonald Dt Plans And Elevations
- RC575 0106 Rev P FFS Plans And Elevation
- Landscape Masterplan
- 218257/01 OVERALL LAYOUT
- 218257/02 GENERAL SITE LAYOUT
- 218257/03 SITE CROSS SECTIONS
- 218257/04 DRAINAGE STRATEGY & SERVICE ROUTE

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

3. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of the site access, as shown in principle on Drawing Number VD18809-D100 General Arrangement Rev P08, or any structure or apparatus which will lie beneath the access must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 -Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted

Safety Audit prior to the commencement of works on site. The site access must be completed in accordance with the approved details prior to the first occupation of the site.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

4. No part of the development shall be occupied prior to implementation of the Approved Travel Plan dated March 2020 (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior Highways England Planning Response (HEPR 16-01) January 2016 to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

5. No development of a phase shall commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. Construction of the permitted development shall be undertaken in accordance with the approved plan. The Plan shall include, but not be limited, to arrangements for the following in respect of each phase of the works:

- Protection of carriageway and footway users at all times during demolition and construction;
- Details of site working hours;
- Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- Protection of contractors working adjacent to the highway;
- Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- Storage of plant and materials used in constructing the development;
- Details of wheel washing facilities to ensure that mud and debris is not spread onto the adjacent public highway;
- Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- Measures to control and monitor construction noise;
- An undertaking that there shall be no burning of materials on site at any time during construction;
- Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Traffic Management Plans for all phases of the works;
- Details of the routes to be used by HCV construction traffic and highway condition surveys on these routes;
- The protection of trees;

Reason: In the interests of the safety and convenience of highway users

6. The development hereby approved shall not be brought into use until a signing agreement with National Highways for the A1(M) motorway is in place and direction signing for the Motorway Service Area from and to the A1(M) has been provided in accordance with that agreement.'

Reason: In the interests of the safety and convenience of highway users.

7. The following schemes of off-site highway mitigation measures must be completed as indicated below:

- a) modification to the road restraint system (safety barrier) within the A6055 verge
- b) the replacement of one existing lighting column to a passively safe column
- c) Earthworks Infilling operations to reduce the embankment slope to the A6055

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings and relevant calculations of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 -Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme prior to the first operation of the site.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

8. a) No demolition/development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

- i) The programme and methodology of site investigation and recording
- ii) Community involvement and/or outreach proposals
- iii) The programme for post investigation assessment
- iv) Provision to be made for analysis of the site investigation and recording
- v) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- vi) Provision to be made for archive deposition of the analysis and records of the site investigation
- vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance.

9. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in NYCC SuDS Design Guidance (or any subsequent update or replacement for that document) The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme shall include a management and maintenance regime. Principles of sustainable urban drainage shall be employed wherever possible.

The scheme shall include a post complete monitoring strategy for groundwater for the underground fuel tanks, together with mitigation as needed.

The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into until the drainage works approved for that part or phase has been completed. There afterwards the drainage works shall be maintained and retained in accordance with the approved details.

Reason: To ensure the provision of adequate and sustainable means of discharge in the interests of amenity and flood risk.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage

11. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

12. Surface water run -off from the forecourt of petrol stations , areas used for the delivery of fuel, hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor /separator of adequate design that has been first submitted to and approved by the Local Planning Authority, prior to first use of the approved areas.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network.

13. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Furthermore, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal.

14. The development shall be carried out in accordance with the submitted flood risk assessment (FRA) and the following mitigation measures included within the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with

the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

15. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Land Contamination: Risk Management (LCRM), has been submitted to and approved by the local planning authority. If deemed necessary by the Local Planning Authority, a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any issues of land contamination are suitably dealt with.

16. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with the Environment Agency's Land Contamination: Risk Management (LCRM), has been submitted to and approved in writing by the local planning authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any unexpected issues of land contamination found during construction are suitably dealt with.

17. Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. This will include all of the measures necessary to avoid where possible and mitigate impacts upon habitats and species during the construction process, including any pre-construction/preparatory works. The CEMP shall incorporate the Reasonable Avoidance Measures (RAMs) and other relevant recommended procedures and measures as set out in the approved Ecological Assessment. The CEMP shall detail the role of the Ecological Clerk of Works (ECoW) at key times in the construction process. Once approved, the development shall be undertaken in accordance with the CEMP.

Reason: To ensure that ecology is protected, and any impacts during construction are appropriately mitigated, and to reserve the rights of the LPA with regards to this matter.

18. Prior to the commencement of the development, a biodiversity enhancement and management plan (BEMP) for the application site shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all of the landscaping and biodiversity net gain measures within the development site as detailed within the approved application documents, including monitoring and long term management objectives. Once approved, the development shall be undertaken in accordance with the BEMP.

Reason: To ensure that biodiversity new gain is achieved for the development, and to reserve the rights of the LPA with regards to this matter.

19. Prior to commencement of development a Scheduled Ancient Monument (SAM) Protection Scheme shall be submitted to and approved in writing with the Local Planning Authority. Shall include:

- Either proposals to mark out the boundary of the SAM and buffer area or a protective barrier to be set/erected prior to commencement of development;
- A labelled photograph schedule of the sites' boundary with the SAM (to enable monitoring)
- Details of existing ground levels (to enable monitoring)

Reason: To ensure no construction related development accidentally intrudes into the SAM area and to enable to Local Planning Authority to monitor in enforce if this does occur.

20. Prior to the first operation of the development hereby approved, a detailed lighting plan shall be submitted to and agreed in writing by the Local Planning Authority. The lighting plan shall be based on the principles and recommendations within the approved ecology assessments and shall be implemented on site in accordance with the approved details.

Reason: To ensure that retained and created habitats are not illuminated.

21. The development shall be constructed and thereafter operated in accordance with Secured by Design Principles.

Reason: To ensure that the development reduces the risk of crime and anti-social behaviour in accordance with Policy CP13 of the Richmondshire Local Plan.

22. Prior to the commencement of building works, full details of all proposed hard and soft landscaping, including all mounding, street furniture, boundaries and means of enclosure shall have been submitted to the local planning authority. The details to be submitted shall also include the provision of supplementary landscaping between the northern boundary and the service/access road to mitigate the visual impact of the development from the adjoining caravan site. The landscaping scheme shall include a management plan, providing long term design objectives, management responsibilities and maintenance schedules covering a 10 year period for all landscape areas. Following approval in writing by the local planning authority of the hard and soft landscaping, mounding, street furniture, boundaries and means of enclosure, all such works shall be undertaken in association with the remainder of the development and be completed prior to any part of the site being open to the public. The management plan shall also be implemented as approved. Thereafter, any trees or plants which, within a period of 10 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced no later than the end of the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that an appropriate landscaping scheme is carried out on site, and to reserve the rights of the Local Planning Authority.

- 22 Details (including samples as appropriate) of any materials to be used for the external finish of any building, structure or hard surfacing on the site shall first have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is appropriate, and to reserve the rights of the Local Planning Authority with regards to this matter.

23. Prior to the construction of any stone external building walls a sample panel, not less than 2 sq. m in extent, of the stonework to be used shall be erected separately on site and approved

in writing by the local planning authority. Thereafter, the stonework and pointing for each stone faced building shall be precisely in accordance with the approved sample panel, which shall be kept on site throughout the period of works to which this permission relates.

Reason: To ensure that the appearance of the development is appropriate, and to reserve the rights of the Local Planning Authority with regards to this matter.

24. Notwithstanding the details accompanying the application hereby approved, before work commences on any building full working drawings of the external appearance of that building shall be submitted to, and approved in writing by, the local planning authority. Such working drawings shall be in accordance with the plans as hereby approved and shall incorporate all the architectural detailing thereon depicted, together with all requirements of this permission.

Reason: To ensure that the appearance of the development is appropriate, and to reserve the rights of the Local Planning Authority with regards to this matter.

25. Notwithstanding the provisions of the Advertisement Regulations currently in force, all external signage within the scheme (both at the outset and subsequently) shall be in accordance with a design framework scheme for signage (establishing the positions, sizes, materials, colours and lighting for all external signage across the site) that shall have been submitted to and approved in writing by the local planning authority before any part of the development opens for trading.

Reason: To ensure that all signage for the development is appropriate, and to reserve the rights of the Local Planning Authority with regards to this matter.

26. Prior to the construction of each building above damp proof course level a detailed energy statement for that building shall have been submitted to and approved in writing by the local planning authority in accordance with the principles established by the approved Design and Access Statement. The energy statement shall demonstrate how opportunities to deliver carbon savings in excess of Building Regulation requirements have been considered and demonstrate that carbon savings have been maximised by incorporating appropriate opportunities into the design of the building (having regard, if appropriate, to any opportunity for coordinating and linking of infrastructure with any other part of the whole development). Development shall be carried out in accordance with the approved details.

Reason: To ensure that carbon savings are maximised for the development in accordance with Policy CP2 of the Richmondshire Local Plan, and to reserve the rights of the Local Planning Authority with regards to this matter.

27. Prior to first use of the development hereby permitted a Litter Strategy shall be submitted to and approved in writing with the Local Planning Authority. This shall include litter related furniture and signage together with a bin emptying and litter picking regime.

The litter related furniture and signage shall be delivered in full, or in accordance with an approved phasing programme prior to first use of the development hereby approved, and thereafter retained. The development shall be operated in accordance with the approved bin emptying and litter picking regime.

Reason: To reduce litter on and off-site.

28. Before development commences details of all external lighting to be used on the site shall be submitted to, and approved in writing by, the local planning authority. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire



type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. Thereafter artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

Reason: To mitigate any impacts of lighting on the environment and landscape resulting from the development, and to reserve the rights of the Local Planning Authority with regards to this matter.

**Target Determination Date:** 10.01.2025

**Case Officer:** Nick Howard, [Nick.Howard@Northyorks.gov.uk](mailto:Nick.Howard@Northyorks.gov.uk)