

**North Yorkshire Council**

**Community Development Services**

**Strategic Planning Committee**

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

**22/00479/OUT - Outline planning permission with all matters reserved apart from access for the construction of a motorway service area comprised of an amenity building; petrol filling station; drive-thru coffee shop; parking facilities; internal access roads; services areas and other associated facilities including landscaping and amenity areas with a new roundabout junction and other highway works on the A6055**

**Barton Motorway Truck Stop, Junction 56 A1(M), Barton, DL10 6NA**

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

**1.0 Purpose of the Report**

- 1.1 To determine an outline planning application with all matters reserved apart from access for the construction of a motorway service on land at Barton Motorway Truck Stop Junction 56 A1(M) Barton DL10 6NA.
- 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**

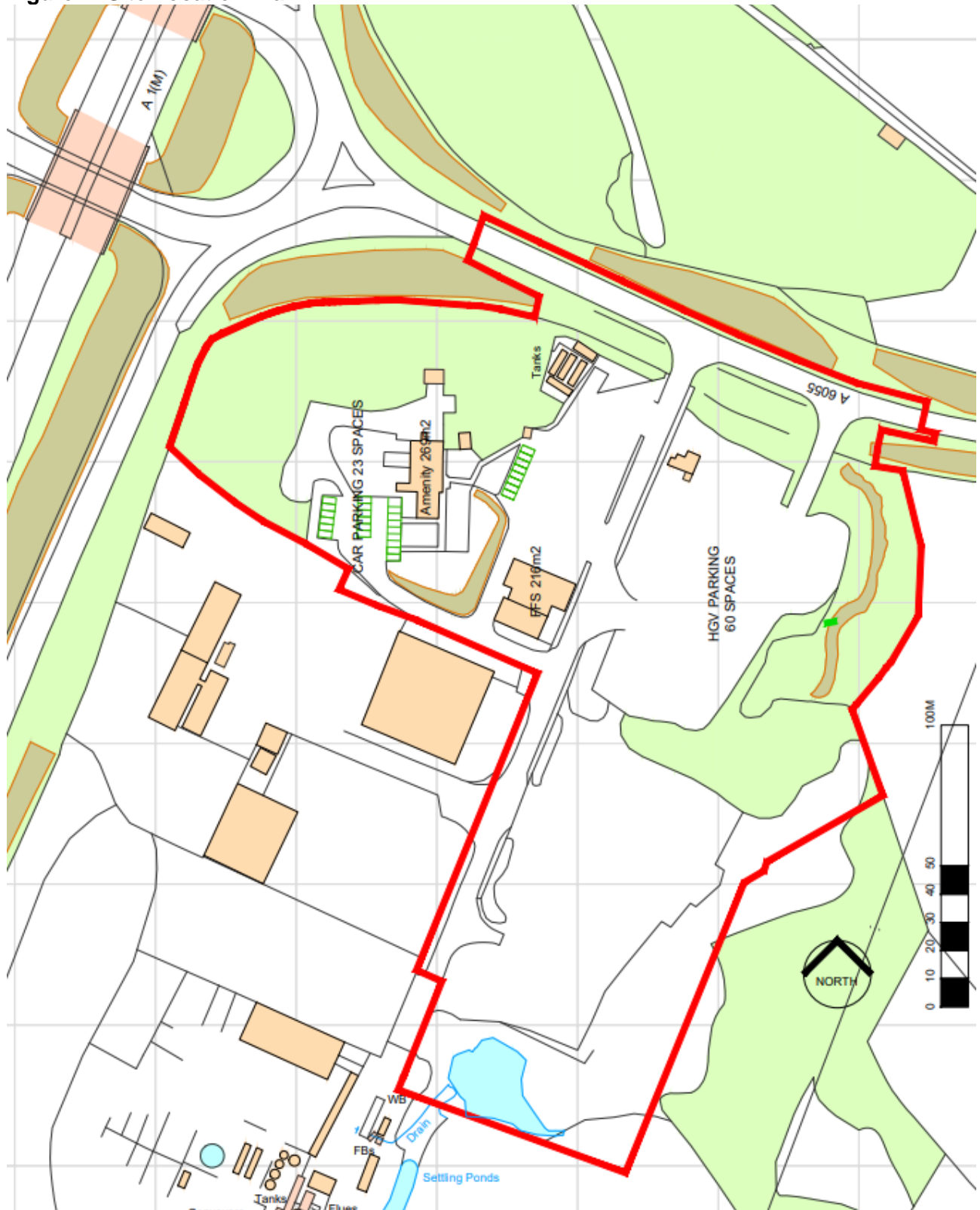
**RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.**

- 2.1. This application seeks Outline planning permission with details of access only for the Construction of a MSA comprising: an amenity building (indicatively shown as 1,193sqm floor space); petrol filling station; HGV fuel station; drive-thru coffee shop; parking facilities; internal access roads; services areas; off site biodiversity net gain; and other associated facilities including landscaping and amenity areas with a new roundabout junction and other highway works on the A6055.
- 2.2. The application site is an 4.65 hectare parcel of land situated to the east of junction 56 of the A1(M). The site also includes a section of the A6055, which is situated to the north and provides vehicular access into the site via a T-junction.
- 2.3. The site is currently occupied by a fuel filling station, amenity building including retail store and café, and car and HGV parking. It currently functions as a Truck Stop and is known as Barton Truck Stop. Much of the site is covered by existing areas of hardstanding, however, there are also areas of maintained grassland and trees.
- 2.4. The ADP supports motorway related development at Barton where there is a need to link directly with the strategic road network, which is the case for MSAs. The development

includes using a large amount of previously development land which is supported by NPPF paragraphs 89 and 123. The scheme also complies with Circular 01/2022 and is supported by National Highways. The scheme would strategically 'fills the gap' between the Durham MSA and the Valley of York MSA (once built). These are the keys reasons why the principal of development is considered acceptable.

- 2.5. The outline proposal seeks permission at this stage for the means of access. The Local Highway Authority has no objections to the proposals subject to conditions and a S106 agreement, the details of which are set out at the end of this report. National Highways also have no objection.
- 2.6. Whilst the appearance and scale of the amenity block has been reserved for a later stage, the site benefits from existing screening in various directions being adjacent to mature trees to be retained together with existing buildings to the south. The site is thus not highly visible from the surrounding area. Furthermore, the proposal is not considered to be harmful to residential amenity, subject to conditions.
- 2.7. Although the application is made in outline with the matters of appearance, layout, landscaping and scale reserved, the plans and supplementary information submitted with this application demonstrate that suitable proposals could be presented at reserved matters stage to ensure compliance with local and national planning policy. Further, the scheme is deemed to be acceptable, subject to the necessary conditions and legal agreements.
- 2.8. There are no current objections from statutory consultees, and all other matters are considered acceptable.

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=22/00479/OUT&viewdocs=true> .

3.2. There are relevant planning decisions for this application site, which are detailed below.

1/93/146B/PA/O (alternative reference 99/00342/OUT) - Renewal of Outline Planning Permission for Erection of Motorway Service Area – Approved 21.07.1999

1/93/97G/TEMP (alternative reference 01/00039/TEMP) - Renewal of Consent for Storage of Vehicles and General Storage, Together with Offices and Workshop to Incorporate Maintenance/Repair of Commercial Vehicles, Parking of Vehicles/Trailers, Storage of Equipment in Connection with these Uses - Approved 07.03 2001

1/93/146F/VAR (alternative reference 01/00670/VAR) - Variation of Condition No. 3 of Planning Permission 1/93/146B/PA/O to Allow the Period of Time for the Submission of Reserved Matters to be Extended by One Year – Approved 05.09.2001

01/00398/AORM (alternative reference 01/00398/AORM) - Approval of Reserved Matters for Siting, Design and External Appearance of Buildings; the Means of Internal Access and Provision of Parking Areas; And On-site Landscaping in Relation to Development of Motorway Service Area Approved by Decision No. 1/93/146B/PA/O – Approved 25.09.2001

21/00419/FULL – Full planning permission for extension to amenity building together with revised parking layout to include 9 caravan spaces, HGV wash and park and ride car park- Withdrawn November 2024

### **4.0 Site and Surroundings**

4.1. The application site is an approximately 4.65 hectare parcel of land situated to the east of junction 56 of the A1(M). The site also includes a section of the A6055, which is situated to the north and provides vehicular access into the site via a T-junction. An additional, historic access to the A6055 is situated to the east; however, this has been stopped up.

4.2. The site is a Truck Stop serving the A1 and is currently occupied by a fuel filling station, amenity building including retail store and café, and car and HGV parking. Much of the site is covered by existing areas of hardstanding, however, there are also areas of maintained grassland and trees. A pond is situated towards the southern end of the site and there are trees along the north-western and eastern site boundaries.

4.3. To the east, the site is bounded by a mix of woodland and agricultural fields. An industrial unit is situated to the south-west and approximately 100m to the south there is an active quarry, the access road for which runs through the site and separates the HGV parking area from the fuel filling station and amenity building. The access road itself is adopted highway.

### **5.0 Description of Proposal**

5.1. This application seeks Outline planning permission with details of access only for the Construction of a Motorway Service Area (MSA) Comprised of an Amenity Building; Petrol Filling Station; Drive-Thru Coffee Shop; Parking Facilities; Internal Access Roads; Services Areas and Other Associated Facilities Including Landscaping and Amenity Areas with a New Roundabout Junction and Other Highway Works on the A6055.

- 5.2. An indicative site plan (reference 7690\_06 Rev G5) has been submitted showing the proposed access together with how the site could be laid out to accommodate the proposed development.
- 5.3. The key components of the development comprise: a new roundabout on the A6055 providing access to the MSA, an amenity building (indicatively shown as 1,193sqm floor space), public fuel station, HGV fuel station, extensive parking as detailed below together with landscaping and off-site biodiversity net gain proposals.
- 5.4. Parking is indicatively shown as follows:
- 255 Car Parking spaces including 20 electric charging spaces and 14 disabled spaces.
  - 12 Coach Parking Spaces of which 1 is disabled standard.
  - 8 Caravan Parking Spaces of which 1 is disabled standard.
  - 59 HGV Spaces
  - 1 abnormal load bay

## **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 (ADP)

- 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

### Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2023 (NPPF)
- National Planning Practice Guidance
- National Design Guide 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>

## **7.0 Consultation Responses**

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

- 7.1 **Parish Council:** No comment

- 7.2 **National Highways:** recommend that conditions should be attached to any planning permission that may be granted. The conditions are as follows:

- A condition securing the internal layout, equivalent to the provisions identified by Drawing No 7690\_06 Rev G6.
- A condition identifying that the development 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.

Consider that the scheme meets the appropriate standards for an MSA. There is no minimum space requirement between MSA, but there are maximums. The proposal will contribute to facilitating decarbonising transport a government commitment. The A66 is oversubscribed for lorry parking and this development will help deal with this.

**7.3 Ecologist (NYC):** The Ecologist has reviewed the updated EclA and BNG assessment. They confirm that they are satisfied that sufficient survey work has been undertaken to support the determination of the application. Provided that the recommendations set out for avoidance and mitigation within the EclA are secured and the on-site and offsite BNG measures are secured, she has no further concerns.

In order to secure these matters she would recommend conditions for a Construction Environmental Management Plan (CEMP): Biodiversity to set out in detail the required habitat and species avoidance and mitigation measures during construction and a Biodiversity Enhancement and Management Plan (BEMP) (or LEMP) to set out how retained or created habitats on site will be established, monitored and managed.

There will also need to be a Habitat Monitoring and Management Plan (HMMP) or similar for the area of offsite BNG and this will need to be secured via a s106 agreement or similar.

**7.4 North Yorkshire Highways (Local Highways Authority (LHA)):** The proposals are considered to be acceptable in respect of the Local Highway Authority and therefore should not present an objection on highway grounds. The Local Highway Authority recommends that the following matters are addressed through the inclusion of a Section 106 Agreement or by the imposition of conditions:

Matters to be included within a Section 106 Agreement to which the Local Highway Authority would wish to be a party payable prior to commencement unless otherwise shown:

- £12,000 for the purchase and installation of a 'Vivacity' Camera system for the A6055
- £5,000 Travel Plan Monitoring Fee
- £20,000 to cover Legal work, consultation and administration of Traffic Regulation Orders including TRO's associated with (a) HGV & Coach Exit / A6055 Junction and (b) Side Road Junctions onto the Spine Road; and (c) Speed Limit changes (physical signage and road marking works not included in this cost, and must form part of detailed design and be brought forward as part of S278 works at the Applicants cost).
- Commuted Sums shall be payable for the future maintenance of certain highway assets which will be determined by the LHA as Detailed Design proposals emerge.

Their detailed comments are discussed in the main body of the report.

**7.5 Lead Local Flood Authority:** In assessing the submitted proposals and reaching its recommendation, the Authority would like to make the following comments:

1. Runoff Destinations- Runoff from the development will be directed to the on-site 300mm sewer connection. Soakaways and watercourses have been discounted which is acceptable to the LLFA.

2. Peak Flow Control-A peak flow rate of 12l/s has been proposed which is acceptable to the LLFA.
3. Volume Control- Source Control calculations have been provided which show that the drainage system is appropriately designed.
4. Designing for Exceedance- Exceedance flow paths have been provided and are acceptable,
5. Climate Change and Urban Creep- A climate change allowance of 40% has been applied which is acceptable to the LLFA

The submitted documents demonstrate a reasonable approach to the management of surface water on the site. They recommend conditions are attached to any permissions granted.

- 7.6 **Natural England:** No Objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 7.7 **Environment Agency:** The Environment Agency has assessed this application and the above conditions have not been set by us, therefore we have no comments to make on this occasion.
- 7.8 **Northumbria Water:** They confirm that at this stage that they would have no comments to make, as no connections to the public sewerage network are proposed in the application documents and the application documents indicate that surface water will discharge to a sustainable drainage system.
- 7.9 **Environmental Health:** No objections subject to conditions. Their detailed comments are set out in the main body of the report.

#### Local Representations

- 7.10 33 local representations have been received of which 28 are in support and 5 are objecting. A summary of the comments is provided below, however, please see website for full comments.
- 7.11 Objections and comments from Roadchef who are the applicants for the Pallet Hill, Catterick Village MSA application on the following grounds:
  - The Pallet Hill, Catterick Village MSA applications and the Moto MSA applications should be considered at the same planning committee meeting.
  - A comparative analysis of the MSA applications is required
  - The Pallet Hill, Catterick Village MSA application has already been resolved to be approved by the Richmondshire District Council planning committee. Coming to a different conclusion on this application would require cogent and intelligible planning reasons and could be subject to legal challenge.
  - The MSA permission for Barton Truck Stop (reference: 1/93/146B/PA/O) is no longer capable of being developed out after all these years due to:
    - Only minor kerb works were undertaken allegedly in 2003
    - Approximately half of the original site has been sold off by Moto and developed out for haulage use (see LPA refs 01/00039//TEMP renewal of permission for workshop and repair shop, 03/00190//FULL Storage and vehicle repair Plot 4

Barton Park and 020/00396/FULL Commercial vehicle workshops and 22/00122/EIASCR Truck Stop).

- the changes to the road network since the permission was implemented mean the access to the development is incapable of delivery which entirely compromises the development
  - the facility is in any event entirely unsuitable for a modern MSA in terms of the limited facilities offered. It lacks a range of facilities such as a landscaped/open space and large café/food outlet.
  - Would result in reduction in HGV Parking which is contrary to paragraph 113 of the National Planning Policy Framework and RDC policy objectives
  - There is no certificate of lawfulness for the planning permission. The permission may have expired.
  - The changes to the road network since the permission was implemented mean the access to the development is incapable of delivery, which entirely compromises the development.
- In order for a purported fallback to be given weight in the planning balance there must be a “real prospect” that it will come forward. There is patently no real prospect of this undeliverable permission being built out. Taking these concerns together, the extant permission is of zero weight and cannot be considered as a genuine fallback scheme capable of being brought forward. This has been acknowledged by RDC in the Committee Report for the proposed Roadchef MSA Facility at Catterick (ref 19/00473/FULL) and also the Inspector in the Inquiry into the MSA at Ripon, Vale of York (appeal refs APP/E2734/W/20/3245778 and APP/E2734/W20/3261729).
  - The “split site” nature of the Moto Applications, means they do not have any reasonable prospect of securing the necessary MSA Signage Agreement via National Highways or Secretary of State.
  - An EIA should have been produced or the need for an EIA screened out by the LPA following submission of a screening request by the Applicant. No EIA has been produced and so far, as we are aware, a negative screening opinion has not been provided by the Council or its predecessor, Richmondshire District Council.
  - Transport/Highways documents have errors/ incorrect assessments (response dated March 2023)

7.12 A Neighbouring company objects on the grounds that any alteration / restriction to this junction will affect their ability to use our site for our abnormal load transport operation.

7.13 A local resident objects on the grounds that they cannot see why a motorway service area is needed on the outskirts of the village. There are services at scotch corner, Leeming Bar Exelby and Barton that it might be wiser to invest in as they are already there and this would be a much less disruptive option. We have a hotel, food outlets and shops in the nearby garrison so I cannot see where the need for more comes from. This development will not only blight our village but our wildlife, local business owners and leave the village boxed in. The bypass was built as a way of diverting traffic away from the village so why would you now feel that increasing volumes of traffic and pollution is acceptable. I strongly object to the proposed development, as do many others. It is not needed and will have a huge negative impact to the village and surrounding areas.



- 7.14 A resident whom lives to the north of the application site beyond the A6055 has raised flooding as a significant concern together with noise and traffic. They have experienced flooding of their property in the past which may have come from surface water from the application site.
- 7.15 The Council have also received comments from 28 people in support of the in that they consider that the proposal is common sense to expand on an existing motorway services site instead of destroying important natural habitat to build a new MSA at Catterick Village. The MOTO proposal is sensible, logical and will provide additional facilities where needed with minimal impact on the natural environment.
- 7.16 **Campaign Protection for Rural England:** Having had the opportunity to consider the additional documents submitted on behalf of the applicant CPRENEY support the proposal for outline permission (all matters reserved bar access) at this location. The site is brownfield land, in the same and similar usage and close to the strategic road network. Subject to conditions being placed on any planning permission awarded to protect the amenity of occupiers at neighbouring dwellings, CPRENEY does not object to the development of this site and consider that the site is in conformity with national and local planning policies in relation to the re-use of land and positioning adjacent to main transport links.

CPRENEY defers to the Local Highway Authority to ensure that proposed junction details and roundabouts including highway work to the A6055 are safe and suitable for all users and matters of highway safety and capacity are considered appropriate with any required mitigation conditioned along with a maintenance management plan.

Should planning permission be awarded for the outline proposals, the subsequent detailed application will need to demonstrate the use of sustainable building methods and materials alongside carbon efficiency techniques to ensure that the proposal can be made as sustainable as possible to offset the proposed development of a fuel filling station and emissions associated with both traffic visiting the site and the lorry parking area. Furthermore, the applicant should deliver a minimum of 10% net biodiversity gain over and above what is currently found on site.

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

- 8.1. The development falls within Schedule 2 Categories 10(b) Urban Development Projects and 10(p) Motorway service areas of The Environmental Impact Assessment Regulations 2017 (as amended). As such, the Council as Local Planning Authority has screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The Screening Checklist, which acts as the report and decision, is available to view on the Council's website. Nothing has changed since the Screening Decision and it is still effective for the Committee Decision.
- 8.2. The key reasons why there will be no significant environmental impact is due to the development area is less than 5ha and is majority previously developed land for a similar ancillary motorway facility. Traffic on the Barton A1 junction and the A6055 will notably increase, however, the application evidence there is sufficient capacity in the road network to accommodate the development and no safety issues have been identified. A new roundabout at the site entrance is required and this needs to be secured by condition to prevent a significant environmental impact to the free flow of traffic on the immediate road network. The site is not close to a large number of residential properties, and adjacent businesses will not be affected to any significant level. Harm to protected species, loss of trees and increased vehicle emissions are not considered to be to a significant environmental level. Cumulative impacts are also not considered to be significant environmental level.

## **9.0 Main Issues**

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

- Principal of Development
- Highway Matters
- Design and Layout
- Impact on Character and Appearance of the Area
- Impact on Residential amenity
- Ecology and Biodiversity
- Drainage and Flood Risk
- Other Matters
- S106 Agreement

## **10.0 ASSESSMENT**

### **Principal of Development**

#### Principal of Development – Adopted Development Plan Policy Context

- 10.1 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. Furthermore, Paragraph 3.1.37 of the supporting text to the Policy states that the upgrades to the A1 improves prospects for motorway related development at the junction with Barton.
- 10.2 The North Richmondshire Spatial Strategy states at junctions on the upgraded A1 motorway, priority will be given to:
- Consolidation of the existing and committed employment development at Scotch Corner, with no further expansion onto undeveloped land
  - The approved A1: Barton junction Service Area proposal
  - Appropriate motorway related development will be considered subject to Spatial Principle SP5
- 10.3 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).
  - Specific considerations in achieving the delivery of sustainable development, including an encouragement to utilise previously developed land first (where that land is in a sustainable location) in preference to greenfield sites. Development should, as far as possible, be located so as to minimise the need to travel. 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 car (Policy CP3).
  - 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. Conversely, development should not impact adversely on the character of settlements and their settings, important views/open spaces, the character of the landscape or on designated and undesignated heritage assets. In addition, development should not lead to the loss of, or adversely impact on, or cause deterioration of important nature conservation, water bodies, biodiversity or geodiversity, or be located in areas of flood risk or contribute to flood risk elsewhere sites. Development should also not cause significant adverse impacts on amenity and highway safety.(Policy CP4).

- Supporting development where it conserves and enhances the significance of the Plan Area's natural and man-made heritage assets (Policy CP12).

- 10.4 The proposal is broadly supported by Local Plan policy as set out above, particularly Spatial Principle SP5 and The North Richmondshire Spatial Strategy. This is because, the site is enhancing an existing motorway service area at Barton to MSA and needs to be located in close proximity to the A1.

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

- 10.5 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. Paragraphs 89 and 123 encourage the re-use of previously developed and under-utilised land.
- 10.6 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 01/2022 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 SRN, 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).

#### Principal of Development – Whether the site benefits from an Extant Planning Permission for a Motorway Service Area

- 10.7 As set out earlier in this report, this site has Planning Permission for a MSA. The Council have a copy of a letter sent by the former Head of Development Control dated 28<sup>th</sup> July 2003 to RPS relating to the MSA Previous Permissions which advises he had conducted a site visit to inspect works and confirms the works carried out in respect of the formation of kerbing at the access to the lorry park area at the rear of the site constitute material operations for the purposes of the Town and County Planning Act form part of the Motorway Service Area development. He further advises that all pre-conditions of the permission have been

discharged and therefore the works carried out comprise a commencement of the authorised development.

- 10.8 Article 56(2) of the Town and County Planning Act 1990 (TCPA) specifies that development shall be taken to begun on the earliest any material operation comprised in the development begins to be carried out. Article 56(4) of the TCPA specifies that material operations include “any operation in the course of laying out or constructing a road or part of a road”. It is considered that the formation of kerbing at an access point fall within this definition and therefore the Previous Permissions were implemented as confirmed in the aforementioned letter.
- 10.9 It is also considered relevant to consider the Wensbury Principle [Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948) 1 KB 223]. To say that the Previous Permissions where not lawfully commenced is considered so unreasonable that no reasonable person acting reasonably could have made it given the facts that the works constituted works as set out by the TCPA and that a previous officer of the Council and Head of Development Control (now referred to as Development Management Planning) had confirmed commencement in writing. For the foregoing reasons, it is considered the Previous Permissions where lawfully commenced.
- 10.10 The Previous Permissions were implemented around 21 years ago and therefore it is relevant to consider whether they are no longer valid or whether the permitted development could no longer be lawfully completed.
- 10.11 Where there are overlapping consents and these are carried out, they can cause other planning permission(s) on the same land, or part of the same land, to lapse as it would no longer be possible to implement the full development. For this application site there is one overlapping planning permission which is a Temporary Consent (1/93/97G/TEMP) granted on 7<sup>th</sup> March 2001 for the Storage of Vehicles and General Storage, Together with Offices and Workshop to Incorporate Maintenance/Repair of Commercial Vehicles, Parking of Vehicles/Trailers, Storage of Equipment in Connection with these Uses. Condition 1 of this planning permission required the use to cease and building to be removed 6<sup>th</sup> March 2003.
- 10.12 The part of the Temporary Consent, which overlaps is the access road from the A6055 and therefore, it is not considered that this permission would have caused the consent to lapse as both could have been implemented. Furthermore, it is noted it was a temporary permission which expired 20 years ago.

#### Principal of Development – Assessment of Need for the MSA

- 10.13 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 20 miles) and the nearest to the south is at Wetherby (approximately 40 miles). As such, there is currently a gap of approximately 60 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.
- 10.14 There is Outline Planning Permission at The ‘Vale of York’ (land at Marton Le Moor) MSA application submitted on behalf of Applegreen Plc (refs. 18/00123/EIAMAJ and APP/E2734/W/20/3245778) located between junctions 48 and 49 of the A1(M) which was allowed on 13th April 2021 following an Appeal Inquiry. The Vale of York site is 12.37 miles north of the Wetherby MSA, which, whilst reducing the gap between existing and approved

MSA facilities (i.e. between Durham and the Vale of York) facilities would nevertheless still mean a gap 47.78 miles without MSA services on this part of the A1(M) even once the Vale of York is operational, still exceeding the maximum distance of 28 miles between MSA facilities as stated within Circular 01/2022. The Junction 56 site, currently under consideration, is sited 25 miles north of the Vale of York site and 22 miles south of the existing Durham MSA facilities, and as such, would be well located to meet the established need for MSA facilities on this stretch of the A1(M) even when the Vale of York MSA is taken into consideration.

- 10.15 There is also planning permission for a MSA at Leeming Bar which has been implemented through nominal works. 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)*

No reason has been identified to change stance on the inspectors above conclusion.

- 10.16 In addition to requirements of Circular 01/2022, 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..."

- 10.17 Barton Truck stop currently provides parking for 60 HGVs and this proposal would increase this by an additional 4 spaces. This is not a significant uplift, however, combined with the improved on site facilities and appearance it is anticipated that take up would be greater and thus also be a more efficient use of the site.
- 10.18 For the foregoing reasons there is a need for a MSA within the wider area the application site is located.
- 10.19 There is another live application for a MSA at A1 J52 Catterick (19/00473/FULL), which is located 6.3miles to the south and which is around a 7 minute drive. This application is also ready to be determined and in terms of distancing requirements would equally meet the MSA spacing need if approved and built. National Highways on 2<sup>nd</sup> October 2024 wrote to the LPA advising that both the Barton application and the J52 Catterick application meet the

requirements of Circular 01/2022 and that there is no minimum space between MSA. 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 has been for both these sites.

- 10.20 Therefore, there is a strong need for at least one MSA in this area, however, that if both proposals are acceptable this would not be in conflict with Circular 01/2022 and would increase choice for the travelling public and will also improve safety.
- 10.21 No evidence has been provided that would suggest there is only viability for one MSA in certain distance range. Due to the A66, a key cross-country road and which is due to be upgraded following securing a Development Consent Order in 2024, being located in between Barton and Catterick it is considered both MSA if approved would naturally attract drivers heading north or south to their destination.

#### Principal of Development – Conclusion

- 10.22 A previous appeal decision on the Vale of York MSA site did discount this Barton site in terms of likelihood of delivering a MSA (APP/E2734/W/20/3245778). However, since this decision, this application has moved forward and no longer has any objections from Statutory Consultees. Given the investment in this application, there is a reasonable prospect the development will take place if approved.
- 10.23 The site has extant planning permission for a MSA, is a brownfield site currently used for a type motorway facility (a truck stop), is located in an area with insufficient MSA provision, and is close to the A1. The application is supported by National Highways who consider the development to be compliant with Circular 01/2022. Furthermore, the development is supported by Policies Spatial Principle SP5 and The North Richmondshire Spatial Strategy of the ADP together with paragraphs 87, 89, 113 and 123 of the NPPF. For the foregoing reasons the principal of development is considered acceptable.

#### **Highway matters**

- 10.24 The Local Highway Authority (LHA) have been working with the Applicant's Transport Consultant 'Eddisons' and National Highways since the Local Highway Authority's initial response to the LPA dated 11th August 2022 in respect of a number of points that required clarification.
- 10.25 The site access comprises a new roundabout junction on the A6055 plus work to form a separate HGV/Coach exit point to the east of the roundabout utilising a former junction, which is currently closed off to traffic. The application will need to be compliant with Circular 01/2022 'Strategic road network and the delivery of sustainable development'. A key consideration of this document is the parking requirements at Motorway Service Areas which links parking requirements to what will be in this case, the A1(M) traffic flow data which the Applicant has confirmed in their Transport Assessment that has been fully reviewed by National Highways as part of their response to this planning application.

#### *Transport Assessment.*

- 10.26 The submitted Transport Assessment is being fully reviewed by National Highways, as the application is mainly impacted by trips to and from Junction 56 A1(M) / A6055 Barton Interchange. From Junction 56, the A6055 leads to the application site access junction, which the applicant is proposing is improved from an existing priority junction arrangement to a roundabout, which comprises an overrun area for abnormal load vehicles.

10.27 A future year scenario of 2032 has been used for assessment purposes being 10 years after the date of registration with growth factors applied from the base year. The LHA are particularly interested in the total number of 'Local Road Trips' onto the local highway network, which based upon questionnaire survey data at other MSA's is estimated to be 5% of overall peak hour traffic generation with 95% of trips travelling between the site access and junction 56 to join the A1(M). Based on the assumptions made within the report and subject to further National Highways assessment of the TA, the estimated trip generation is summarised in the table below as follows:

Peak Period	AM Peak		PM Peak	
	Arr	Dep	Arr	Dep
A1(M) Trips (95%)	242	242	319	319
Local Road Trips (5%)	13	13	17	17
<b>Total</b>	<b>254</b>	<b>254</b>	<b>336</b>	<b>336</b>

**Table 7.6 Proposed Development Vehicle Trips**

10.28 The Transport Assessment shows the proposed new roundabout forming the Site Access / A6055 junction when modelled in ARCADY to operate well within its theoretical capacity in the AM and PM "with development" scenario. The 'RFC' referred to in the table below is the ratio of flow to capacity of each approach to the junction with a figure of 1 being the absolute capacity of the approach and a figure of 0.85 being when queues are likely to start forming regularly across the assessment hour. A summary of the results is shown in the extract below and clearly demonstrate that post development there will be no regular que formation on the adopted network post development.

Arm	2032 With Development Flows			
	Weekday AM		Weekday PM	
	RFC	Max Q	RFC	Max Q
<b>A6055 (W)</b>	0.27	0	0.29	1
<b>A6055 (E)</b>	0.10	0	0.09	0
<b>Site Access</b>	0.22	0	0.26	0

10.29 The Transport Assessment also models the A1(M) Junction 56 where the A6055 and B6279 (Hang Bank) Local Road Network join the interchange. Again, the modelling shows the interchange to operate well within capacity as summarised in the table below (extract from Non-Technical Summary of Transport Matters June 2024):

Arm	2032 Without MSA				2032 With MSA			
	AM Peak		PM Peak		AM Peak		PM Peak	
	RFC	Modelled Queue	RFC	Modelled Queue	RFC	Modelled Queue	RFC	Modelled Queue
<b>A1(M) North</b>	0.11	0	0.06	0	0.19	0	0.16	0
<b>A6055</b>	0.12	0	0.08	0	0.23	0	0.23	0
<b>A1(M) South</b>	0.08	0	0.14	0	0.17	0	0.28	1
<b>Hang Bank</b>	0.13	0	0.09	0	0.15	0	0.12	0

**Table 3 - 2032 Without and With MSA Development Summary**

10.30 A review of collision data shows no personal injury collisions in the vicinity of the site access over the past 5 years.

*Site Access Junction - Roundabout*

10.31 The applicant is proposing that the existing priority junction is replaced by a 40m ICD roundabout with overrun area for abnormal loads. Swept path analysis tracking an abnormal load has been provided which is broadly acceptable to the LHA. This proposed junction arrangement is welcomed by the LHA and mirrors the extant permission for an MSA granted a number of years ago which the LHA understand was lawfully commenced.

10.32 The emerging roundabout layout will need to be subject to detailed design and geometric assessment to ensure it is compliant with DMRB CD116 and CD109 the detail of which will be secured by a pre-commencement planning condition.

10.33 The roundabout and other internal road infrastructure shall not result in additional surface water flows discharging into the existing highway system and must be suitably attenuated. A Stage 1 Road Safety Audit has been undertaken to the satisfaction of the LHA and will help facilitate the detailed design at which point a Stage 2 Road Safety Audit will be requested.

*Site Access Junction – HGV/Coach Exit*

10.34 The applicant is proposing to re-open the priority junction to the east of the main access road to create a HGV/Coach Exit point, which will also accommodate vehicles egressing the HGV re-fuelling facility, coach parking and caravan parking area. The applicant has reconfigured the junction to help prevent right turn manoeuvres towards Barton/Stapleton. This exit should also include a 'No Right Turn' Prohibition to help formalise the arrangement for which a Traffic Regulation Order will be required to ensure its lawfulness the cost of which will need to be borne by the applicant.

*Site Access Road*

10.35 The existing access through the site from the A6055 forms part of the adopted public highway for a distance of approx. 240m into the site and affords connectivity to an active quarry, asphalt batching plant and a number of industrial businesses including an abnormal load haulier. Due to this adopted status, the layout will need to satisfy highway standards. For



example, the proposed formalised crossing facility will need to be fully compliant with the Traffic Signs Manual Chapter 6. The emerging design for the crossing facility will be conditioned, as further discussion will be needed with NYC's Traffic Signals Team to ascertain their input in respect of any emerging crossing facility.

- 10.36 The existing speed limit on the existing access road through the site is not clear for road users due to lacking speed limit terminal signs and the street lighting does not form a "system of street lighting" for the purpose of being a restricted road (30mph). This will be addressed at the reserved matters and/or approval of details stage, together with separately through highways consenting regime. The applicant has commissioned a 24/7 speed survey in November 2022 which confirms 85<sup>th</sup> percentile speeds as 22.7mph northbound and 19.6mph southbound which are well within the parameters for a posted 30mph speed limit.

#### *Sustainable Modes of Travel:*

- 10.37 The nature of MSA's is such that they tend to be located away from main centres, settlements and other facilities and therefore the applicant has concluded that the facility will not be a destination in its own right with its purpose being to provide safety and welfare opportunities for those already travelling on the motorway network. As such, the development will not offer significant local customer demand in terms of public transport, cycling and pedestrian footway connectivity on the local highway network. However, the applicant recognises the requirement for active modes of travel to ensure unnecessary staff related trips are mitigated.
- 10.38 The application is supported by a framework travel plan. Because of limited pedestrian infrastructure in the vicinity of the site, the main focus is on creating linkages to the nearby bus stops on the A6055 which service the X26 and X27 Richmond to Darlington services with suitable connectivity provided within the site. The X26 service also enables a connection to be made at Darlington Railway station. Cycle to work journeys are typically assumed within a distance of 5 miles equating to a journey time of around 40 minutes which will encompass Darlington, Catterick, Brompton on Swale, Richmond and Hurworth. NCN 165 is located approximately 3.5km to the north of the site and locally passes through Croft, Stokesley, Hutton Rudby, Castleton, Danby and Ovington. Secure and covered pedal cycle and motor cycle parking has been proposed by the applicant located where it has good natural surveillance and this shall include secure storage for equipment, helmets, jackets etc.

#### *Travel Plan*

- 10.39 The LHA's Sustainable Travel Officer has reviewed the Framework Travel Plan included within Appendix 2 of the Transport Assessment. Further work will be needed to develop the Framework Travel Plan into a Full Travel Plan and this will be conditioned. The LHA can make the findings of the Framework Travel Plan review available to the applicant upon request. The LHA will be seeking a Travel Plan monitoring fee as part of S106 Obligations.

#### *Signage*

- 10.40 Signage on the Strategic Road Network will be a matter for National Highways Roadside Facilities Team to consider. The LHA have requested to see the applicants 'Signage Strategy' particularly aimed at directing traffic towards the A1(M) in respect of the Local Highway Network and it is recommended this is controlled by conditioned.

#### *Traffic Monitoring*

- 10.41 The LHA will be seeking a S106 Obligation for a 'Vivacity' camera to monitor vehicle classification etc on the route between the application site and the A66 Blackwell Grange Roundabout. This will form part of NYC's overall traffic survey network and assist with

monitoring of traffic associated with the proposed development. This is considered to be reasonable and necessary and is recommended to be secured.

*Internal Layout:*

- 10.42 The indicative Site Layout Drawing '7690\_06\_G5 – Site as Proposed 6 – MSA' has seen a number of iterations since the LHA's comments in 2022 and is now deemed satisfactory by the LHA. A street lighting layout is requested as part of detailed design to incorporate both the new roundabout layout and the HGV/Coach Exit junction. Similarly, a street lighting design for the internal layout will be required as per of reserved matters.
- 10.43 Connectivity between the application site and the relocated bus stop on the A6055 together with bus stop infrastructure will be considered at the reserved matters stage and approval of (relevant) condition stage in further detail. This shall include drainage details including oil/petrol interceptors.
- 10.44 The proposed infiltration basin shown in the JBA drainage strategy drawing 'P21-455 SK01 A' is planted with trees on the Indicative Site Plan and the Landscape Plan. The roundabout and other internal road infrastructure shall not result in additional surface water flows discharging into the existing highway system and must be suitably attenuated with this detail coming forward as part of detailed design.
- 10.45 Overall, the Local Highway Authority has no objections to the outline proposals subject to a S106 agreement, the provisions of which are set out below and conditions set out at the end of this report.
- 10.46 With regard to National Highways they have raised no objections to the proposed development. They have reviewed Roadchef's Objection to Moto Barton Park technical note, produced by SLR Consulting Limited [SLR] and dated 14 June 2024. The SLR note provides a review of the non-technical summary of transport matters produced by Eddisons for the Moto proposals for a development at J56 of the A1(M) for a new MSA. National Highways [NH] have considered the issues raised within the technical note that are pertinent to the Strategic Road Network [SRN] and provide their response comments below. Where relevant, comments are provided in turn for issues raised within each of the 6 Chapters of the technical note.
- 10.47 Chapter 1: This section of the technical note provides an introduction and outlines previous assessments produced by SLR. NH have no comments in consideration of the contents of Chapter 1.
- 10.48 Chapter 2: This section of the technical note considers the level of parking provision proposed at Barton MSA. Table 2.1 (reproduced below for ease of cross reference) provides a comparison of the proposed parking levels at Barton and the required provision, as determined by SLR.

**Table 2.1 - Parking Provision and Requirement**

	Proposed	Required (SLR Consulting March 2023 Note)
Cars	267	301
HGV	59	54
Abnormal Loads	1	1
Coach	12	11
Caravan/Motorhome	8	9
Motorcycle	10	10
Disabled Car Users	14	15
Disabled Caravan	1	2

10.49 The SLR calculation of parking provision is based on mainline flows which have been growthed to 2032, to match the methodology adopted in the assessment of Catterick MSA. However, since the Catterick MSA assessments were undertaken, a revised DfT Circular (DfT Circular 01/2022) has now been published. The Barton MSA parking provision has been calculated using the guidance within DfT Circular 01/2022. The Circular does not identify any requirement to growth mainline flows. Paragraph 104 of the Circular identifies the calculation requirement as follows:

*“The parking requirements for a motorway service area (MSA) are set out in table 2 of Annex A. In calculating this, the most recent complete year data should be used to identify the peak monthly traffic flow, which should then be averaged to find the daily flow for the number of cars and light goods vehicles (A) and number of HGVs and coaches (B).”*

10.50 NH are therefore satisfied that the Barton MSA parking provision has been generally assessed in accordance with the requirements of the Circular 01/2022, particularly in the determination of the general car parking spaces, for which the SLR assessment identified a considerably higher level of parking, owing to the growth factors applied in their methodology.

10.51 Notwithstanding the above, the SLR has identified a small deficiency in the required disabled caravan spaces (proposed 1, whereas the Circular 01/2022 identifies a minimum of 2). NH have reviewed the most recent internal site layout plan, Drawing No 7690\_06 Rev G6, and consider that there is sufficient space for the additional disabled caravan space to be provided. We therefore recommend discussing this requirement further with North Yorkshire ahead of formalising any proposed condition relating to the internal site layout plan Drawing No 7690\_06 Rev G6. Either an updated site layout plan should be provided to include the additional parking space, or the wording of the condition could be amended to identify that the parking provision should be broadly in line with the site layout plan, and then the specific requirements of each parking space type stated, including a minimum of 2 disabled caravan spaces.

10.52 Chapter 3: This section of the technical note considers the site layout, in the context of the spine road which runs through the middle of the proposed MSA site and provides access to a quarry. Paragraph 3.5 of the SLR notes states the opinion that this arrangement is in contradiction to Paragraph 92 of Circular 01/2022 which states that:

*“Access to other developments through a roadside facility or from its connection to the SRN is not permitted”.*

10.53 NH note that paragraphs 91 and 92 of Circular 01/2022 sit within a subsection of the Circular headed ‘Access to the strategic road network’. Therefore, the text within Paragraph 92 should be interpreted in the context of avoiding a new access directly between the SRN and other

developments. The Barton MSA proposals are for an offline service area, accessed from the A6055. NH do not, therefore, consider the presence of the spine road and other development(s) to the south of the MSA area to be in contradiction to the Circular.

- 10.54 NH consider that it is for the local highway authority to deal with the safety issues of the spine road through the MSA, and it is NH's understanding that an RSA Stage 1 has been undertaken to consider safety issues.
- 10.55 Chapter 4: This section of the technical note appears to relate to collision analysis of the North Yorkshire network, therefore NH have no comments in consideration of the contents of Chapter 4.
- 10.56 Chapter 5: This section of the technical note relates to accessibility issues for the consideration of North Yorkshire Council, therefore NH have no comments in consideration of the contents of Chapter 5.
- 10.57 Chapter 6: This section provides a summary and SLR conclusions in regard to the issues identified in Chapters 2 through 5. NH have provided responses (above) to those issues relevant to the SRN, in Chapters 2 and 3 of the technical note.
- 10.58 Overall National Highways has reviewed the Roadchef objection to Moto Barton Park technical note, and their position remains unchanged in that they have no objections to the proposal subject to the conditions set out in their consultation response above.
- 10.59 No reasons have been identified to deviate from National Highways above response and assessment.
- 10.60 For the foregoing reasons, the development is considered acceptable from a highways perspective and accords with ADP Policy CP4 and paragraph 115 of the NPPF.

#### Design and Layout

- 10.61 Policy CP3 of the RLP states that support will be given for sustainable development which is of high quality and is adaptable. Policy CP13 of the RLP seeks to ensure that new development possesses a high quality design, both in terms of the buildings and landscaping. The Policy outlines several criteria that new development should satisfy, including requirements to be visually attractive and accessible; to optimise the potential of the site and reduce opportunities for crime and fear of crime. Section 12 of the NPPF requires that new development be well designed and visually attractive, as well as being able to function well and add to the overall quality of the area.
- 10.62 The application is in outline form only with matters of appearance, landscape and layout being reserved. The indicative site layout provides sufficient space for vehicles and pedestrians to safety manoeuvre throughout the site. The retention of existing landscaping towards the boundary of the site, and scope for additional landscape improvements around the parking areas would enhance its overall attractiveness. A section of the habitat to the north-west corner of the site would be lost as a consequence of the development, however the extant MSA permission also incorporates this area for the purposes of vehicle parking. The proposed indicative layout is considered capable of delivering a suitably designed layout. Furthermore, a benefit of the scheme is the application site is currently visually unattractive and untidy in appearance and its development would bring visual improvements. As such, the application accords with Policies CP3 and CP13 of the RLP and the relevant provisions of the NPPF.
- 10.63 A neighbour has raised that they have a holiday accommodation business adjacent to the site (to the south-east of the application site) which includes a shepherd's hut and annex holiday lets. They raise concern in respect of the removal of a bund delivered under the

Barton Quarry Consent and loss of trees both of which provide screening between the Truck Stop and their grounds. The trees closest to this neighbour in the south-east most corner of the site are proposed to be retained. Details of proposed ground levels can be conditioned, however, the submitted site sections show the development will be continued to be lower than the site boundaries which will provide natural noise reduction. There will be some disturbance to neighbours during construction works, however, construction will not be permitted in the evening, early morning, Sundays or Bank Holidays. It is considered the noise and other activities will give rise to harm to the holiday business, however, subject to conditions for tree retention and a construction management plan the harm would not be significant.

- 10.64 Another adjacent business has raised screening and security concerns in relation to the site boundary. It is recommended that a condition is applied requiring boundary treatments to be submitted and agreed including phasing plan to address this matter.

#### Impact on Character and Appearance of the Area

- 10.65 Policy CP3 of the RLP highlights the importance of development needing to promote the character and quality of local landscapes and the wider countryside, in addition to the distinctiveness, character, townscape and setting of settlements. Policy CP4 states that development should not adversely impact on the character of settlements or their setting; important open spaces and views; designated and undesignated heritage assets and the character of the landscape.
- 10.66 The proposed development would be wholly contained within the boundaries of the existing services at Barton Park, save the highways works, which will encroach, minimally, beyond the site's northern boundary. Some trees bordering the site are proposed to be removed, however, sufficient quantity and density will remain to provide screening to the north, west and east. Given the proposed development would be largely contained within the existing Barton site, it is not considered that the proposed development would cause unacceptable harm to the character or appearance of the area. Furthermore, whilst the appearance and scale of the amenity block has been reserved for a later stage there is no reasons why a well-designed building could not come forward. Overall, the proposed development would accord with Policies CP3 and CP4 of the ADP.

#### Impact on residential amenity

- 10.67 Policies CP3 and CP13 of the ADP reference the need for development to be acceptable in terms of its impact on residential amenity. Policy C13 specifically notes the need for development to be made to limit the impact of light pollution from artificial light on local amenity and intrinsically dark landscapes.
- 10.68 The application site does not directly adjoin any residential properties. However, there are existing dwellings located to the south-east east of the site on Kneeton Lane. The application is supported by a noise assessment, air quality assessment ('AQA') and lighting assessment. The lighting assessment evidences that additional lighting that would be required to facilitate the development would largely be contained within the existing site boundary, with minimal overspill onto adjacent land. The assessment indicates that the additional lighting would not adversely impact the residential properties on Kneeton Lane.
- 10.69 Turning to air quality, the submitted AQA assessed the dust and fine particulate matter during construction phase and road traffic emissions during the operational phase. Regarding the construction phase, the AQA recommends that mitigation measures could be proposed to reduce the impacts from dust soiling effects associated with demolition, earthworks, construction and trackout activities. The implementation of these measures could be secured by an appropriately worded planning condition within a construction management plan. During

the operational phase, the AQA concluded that the development will result in concentrations of particulate matter, which would have a negligible impact upon the existing sensitive receptors surrounding the application site. Overall, the AQA demonstrates that the proposed development will not lead to an unacceptable risk from air pollution or breach any national objectives in relation to air quality.

- 10.70 Regarding the noise related impact of the development, the submitted noise assessment also recommends that best working practice measures are implemented to reduce the potential noise and vibration impact. The assessment clarifies that, subject to the adoption of these measures, there will only be brief periods of low to moderate impacts on nearby receptors. Similarly, the report concludes that the additional car movements generated by the development will not result in receptors experiencing any significant increase in noise, with this impact categorised as being low to negligible. With reference to the operational phase of the development, the noise assessment concludes that no noise mitigation would be required to protect the amenity of nearby receptors. The impact would be low to negligible, given the distance between the site and neighbouring residential properties.
- 10.71 The Councils Environmental Health Officer considered the potential impact on amenity, and likelihood of the proposals to be affected by, or cause, a nuisance to nearby residential dwellings and consider that overall, there will be limited adverse impact. However, the noise assessment report submitted by Wardell Armstrong has identified some nearby noise sensitive receptors that may be marginally impacted should construction works be undertaken during night time hours. Therefore, a condition restricting the hours of construction has been recommended.
- 10.72 Although the proposed development does not introduce a vulnerable end use (domestic dwellings) users onto the application site, the site which may have an historic use as agricultural/open land, which has the potential to have caused contamination and as such any risks to those developing the site and should also be considered. Again, a condition has been recommended to deal with the issue of potential contaminated land. Overall, the proposal subject to the suggested conditions will not have a harmful impact on the living conditions of neighbouring residents. Accordingly, the proposed development would accord with Policies CP3 and CP13 of the ADP in respect to residential amenity.

#### Ecology and Biodiversity

- 10.73 Policy CP4 of the ADP states that development proposals should not lead to the loss of or adverse impact on, or cause deterioration of important nature conservation, water bodies, or biodiversity or geodiversity sites. Section 15 of the Planning Framework states that planning decisions should recognise the intrinsic character and beauty of the countryside; minimise impacts on and provide networks for biodiversity; prevent new development from contributing to environmental pollution and mitigating contaminated and unstable land.
- 10.74 The application site contains several features of potential ecological value including two ponds and an area of priority habitat in the north-west corner of the site. The application is supported by a preliminary ecological appraisal ('PEA') prepared by Dendra. The PEA identifies that there are 10 types of habitats on the site. However, the majority are considered to be common both nationally and locally and are therefore of limited ecological value, the exception being the aforementioned area of priority habitat in the north-west corner of the site which is classified under the deciduous woodland category.
- 10.75 Whilst a section of the priority habitat would be lost as a consequence of the proposed development, primarily to facilitate the creation of a sufficient number of car parking spaces to satisfy the requirements of the Circular 01/2022, the scheme includes several opportunities to off-set the associated loss in biodiversity through the retention and improvement to

landscaping elsewhere in the application site. Notwithstanding this, it is expected that the proposed development will result in a net loss of biodiversity.

- 10.76 To offset the predicted biodiversity loss at Barton Park, the applicant has identified an area of land within the Ravensworth area as an off-site plot to mitigate the potential loss at the application site. The off site plot is located about 7.5 km to the south west of the application site. A habitat creation scheme on the off site plot has been devised to provide an overall net gain in biodiversity and also to satisfy the metric trading rules by creating habitats of equal or greater distinctiveness. The scheme will take 1.6ha of the Rye grassland out of production to create 1.25ha of native broadleaved woodland and 0.35ha of mixed native scrub. The pond and immediate surrounding habitat, grassland margins, native hedgerow and 0.88ha of agricultural land will be retained.
- 10.77 The NYC Ecologist has reviewed the updated EclA and BNG assessment and confirms that sufficient survey work has been undertaken to support the determination of the application. They further comment that provided that the recommendations set out for avoidance and mitigation within the EclA are secured and the on-site and offsite BNG measures are secured, the Ecologist has no further concerns. They also identify that there will also be a need for a Habitat Monitoring and Management Plan (HMMP) or similar for the area of offsite BNG and this will need to be secured via a s106 agreement. Furthermore, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

#### Trees

- 10.78 To facilitate the development 6 tree groups would be required to partially or fully removed, of which 2 are category A (Group 10 and Group 12). Further tree removal could be required and therefore it is recommended that a condition is applied requiring an arboriculture information to be submitted with the layout reserved matter application so this can be assessed and as many trees as feasible retained.
- 10.79 The loss of trees category A and B is not ideal, however, it is considered that the benefits of regenerating previously developed land with a MSA outweighs the loss and this is further tempered by the off-site biodiversity scheme proposed to be secured via S106.

#### Drainage and Flood Risk

- 10.80 Policy CP4 of the ADP states that development should not be located in areas of flood risk or contribute to flood risk elsewhere. Section 14 of the Planning Framework requires that local planning authorities should ensure that development does not increase flood risk elsewhere. In addition, the Framework requires that, where appropriate, development proposals should be supported by a site-specific flood risk assessment (FRA).
- 10.81 The application site is within Flood Zone 1 and therefore is not risk of flooding from rivers or seas. The Flood Risk Assessment and Drainage Strategy Report (FRA) details the site is at risk of surface water flooding, which is consistent with the lack of an existing formal drainage system serving the current site (i.e. it floods as there is no formalised modern drainage system for parts of the site which have large areas of hard standing). The FRA further sets out that "On the basis that a formal drainage network will be provided for the lorry park and the amenity building / car parking areas located on higher land it is considered that the actual level of surface water flood risk would be low" and this is agreed with. For these reasons, a sequential test is not considered necessary and there will be a flood reduction benefit the development is delivered.
- 10.82 The FRA proposed a new drainage system using infiltration to the ground to deal with rainwater and the LLFA agree the system is appropriate. The development of the site, subject to conditions will have a low risk of flooding post development and reduce flooding off site.

- 10.83 Regarding foul water, a separate strategy has been devised which results in runoff being generated from the new development would be discharged into the existing system on the site via a traditional network of below ground pipework, with additional storage volumes implemented to suit the site's emptying regime.
- 10.84 The Environment Agency raise no objections to the proposal and the Lead Local Flood Authority consider the submitted documents demonstrate a reasonable approach to the management of surface water on the site. Accordingly, the proposed development would provide a suitable means of discharging surface and foul water and would not result in an increase to flooding either on the site or onto neighbouring properties. Therefore, the scheme accords with Policies CP4 of the RLP and Section 14 of the NPPF in regard to drainage and flood risk.

Other Matters

- 10.85 The Council have received three objections from Roadchef, who are also a MSA operator. Issues they have raised have been addressed throughout the report with the remaining points considered here. Some of the original site has been sold off by Moto for Haulage use, however National Highways and the Local Highway Authority raise no objections to the neighbouring operator accessing through the MSA to the neighbouring site. The parking provision is considered suitable to meet the demand from the MSA, the Council are satisfied that the previous planning permission on the site is extant, the signage agreement can be secured by condition. The proposal is linked to the existing motorway network and will have little impact on Barton village or the surrounding area.
- 10.86 National Highways also have no objection to the size of the MSA and consider it provides a suitable range of facilities within the amenity building indicatively showing a 1,193sqm floor area. The applicant has provided details of the gross internal floor area of other permitted MSAs with a similar floor area including 1,069sqm Bridgwater MSA, 1173sqm Stirling MSA and 1,196sqm Kutnsford North MSA.
- 10.87 In assessing the application site, it is considered that it is an acceptable location for a MSA as it is a brownfield site with existing parking facilities, it strategically 'fills the gap' between the Durham MSA and Wetherby MSA, it has no historic assets in close proximity of the site, it is not within Flood Zone 3 and has no environmental designations.

S106 Legal Agreement

- 10.88 The following Heads of Terms have been agreed with the applicant for this application.

<b>Table 1</b>		
<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Highways	For the purchase and installation of a 'Vivacity' Camera system for the A6055	£12,000, prior to commencement of development
	Travel Plan Monitoring Fee	£5,000, prior to commencement of use
	To cover Legal work, consultation and administration of Traffic Regulation Orders including TRO's associated with (a)	£20,000, prior to commencement of use



	HGV & Coach Exit / A6055 Junction and (b) Side Road Junctions onto the Spine Road; and (c) Speed Limit changes (physical signage and road marking works not included in this cost, and must form part of detailed design and be brought forward as part of S278 works at the Applicants cost).	
Biodiversity Net Gain	Off-Site Biodiversity Net Gain Scheme and Programme  Delivery of Approved Scheme in accordance with the Programme to be agreed.  Off-Site Biodiversity Net Gain Scheme Monitoring	Detailed scheme in accordance with Ecological Impact Assessment, Dendra dated 30/03/2023.  As per Programme to be agreed.  ££3,571, prior to first use of the development
S106 Monitoring	S106 Monitoring	£505, prior to commencement

10.89 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.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The application is considered to be acceptable in principle. 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 proposal accords with the relevant provisions of the NPPF including the re-use of previously developed and under-utilised land (paragraphs 89 and 123). In addition, the application accords with the requirements of the Circular 01/2022. The scheme would deliver a modern MSA development, which not only complies with the Development Plan but also helps address a gap in MSA service provision between Wetherby/Valley of York and Durham.
- 11.2. The proposed highways work that are required to facilitate the development, including the reopening of the site's secondary access to the A6055 and the implementation of a roundabout junction would not jeopardise the safety or accessibility of the highway. Further, the TA submitted with the application evidence that the exiting road network, subject to the implementation of the abovementioned highways works, could adequately support the additional traffic that the scheme would generate.
- 11.3. Regarding ecology and biodiversity, the proposed development would likely result in a net loss of biodiversity on the site through the removal of a section of priority habitat, however the proposal includes an off-site mitigation which provides a biodiversity uplift.

11.4. Although the application is made in outline with the matters of appearance, layout, landscaping and scale reserved, the plans and supplementary information submitted with this application demonstrate that suitable proposals could be presented at reserved matters stage to ensure compliance with local and national planning policy. Furthermore, the scheme is deemed to be acceptable, subject to the necessary conditions and legal agreements.

11.5. All other aspects are considered to be acceptable.

## **12.0 RECOMMENDATION**

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

1. Application for Approval of Reserved Matters must be made not later than the expiration of THREE YEARS beginning with the date of this permission, and the development must be begun within TWO YEARS of the FINAL APPROVAL OF THE RESERVED MATTERS or, in the case of approval at different dates, the FINAL APPROVAL OF THE LAST SUCH MATTER to be approved.

Reason: As required by section 92 of the Town & Country Planning Act 1990.

2. No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale and landscaping of the development.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)

3. 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:

- Noise Assessment Report dated June 2022 by Wardell Armstrong
- Tree Constraints Plan 2271-22-01 dated 20<sup>th</sup> May 2022
- 2271-22-03 Tree Retention Protection and Removal Plan
- 7690\_07\_A\_Barton Park\_Block Plan
- 7690\_10\_B\_Barton Park\_Location Plan
- Access Plans 3393-
- Indicative site plan 7690\_06 Rev G5
- Outdoor Lighting Report dated 22<sup>nd</sup> June 2022.
- Air Quality Assessment dated June 2022 by Wardell Armstrong
- Flood Risk Assessment & Drainage Strategy Report, Simpson TWS, Reference P21-455, Revision 3, Dated 12/01/2023.
- Proposed Drained Areas Plan, Simpson TWS, Reference P21-455-SK202, Revision -, Dated Jan 2023.
- Drainage Strategy Plan, Simpson TWS, Reference P21-455-SK101, Revision -, Dated Jan 2023.
- Drainage Implementation, Management & Maintenance Plan, Simpson TWS, Reference P21-455, Revision 2, Dated 12/01/2023.
- Ecological Impact Assessment dated 07.09.2023

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.

4. The development access shall be in complete accordance with approved plan 'Access Plans' reference 3393.

Reason: Details of access has been sought permission for, and are considered acceptable. To secure safe and suitable access for the development.

5. No buildings shall exceed two storeys of accommodation.

Reason: To there is no unacceptable visual or landscape impact off site.

6. With the Reserved Matters Layout application(s) Site Sections and details of existing and proposed ground levels shall be submitted.

Reason: To ensure ground levels are not built up to an extent where they have a negative visual or landscape impact off site.

7. With the Reserved Matters application(s) an Arboriculture Impact Assessment, Tree Protection Plan and Tree Method Statement shall be submitted and approved in writing by the Local Planning Authority. These document shall seek to retain the trees identified for retention in the approved plans listed in condition 3.

The development shall thereafter wards take place in complete accordance with the approved Arboriculture Impact Assessment, Tree Protection Plan and Tree Method Statement

Reason: The layout is not yet fixed and details are required with the reserved matters application, to protect significant trees to be retained as part of the development.

8. A drainage scheme and management and maintenance plan shall be submitted to the Local Planning Authority with the Reserved Matters layout application. The drainage scheme shall accord with the principals established by the below approved documents:

- Flood Risk Assessment & Drainage Strategy Report, Simpson TWS, Reference P21-455, Revision 3, Dated 12/01/2023.
- Proposed Drained Areas Plan, Simpson TWS, Reference P21-455-SK202, Revision -Dated Jan 2023.
- Drainage Strategy Plan, Simpson TWS, Reference P21-455-SK101, Revision -, Dated Jan 2023.
- Drainage Implementation, Management & Maintenance Plan, Simpson TWS, Reference P21-455, Revision 2, Dated 12/01/2023.

The flowrate from the site shall be restricted to a maximum flowrate of 12 litres per second. A 40% allowance has been included for climate change for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event.

Principles of sustainable urban drainage shall be employed wherever possible.

Oil/petrol and pollution prevention measures shall be incorporated in accordance with the current EA guidance at the time of approval of details.

The approved drainage scheme shall be approved in writing by the Local Planning Authority before commencement of development. The approved drainage scheme shall be implemented in full prior to first use of the development hereby permitted, in a working condition. It shall thereafter be retained, maintained and managed in accordance with the approved details.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

9. With the Reserved Matters landscaping application an on-site Biodiversity scheme including programme, management and maintenance scheme shall be submitted to and approved in writing with the Local Planning Authority. The development shall there afterwards take place in complete accordance with the approved on-site Biodiversity scheme and managed and monitored likewise in accordance with the approved details in perpetuity.

Reason: The layout and landscaping is not yet fixed and details are required with the reserved matters application(s), to maximise on-site biodiversity opportunities.

10. With the Reserved Matters layout application an external lighting scheme shall be submitted to and approved in writing with the Local Planning Authority which may include phasing details. The development shall there afterwards take place in complete accordance with the approved lighting details and phasing. Approved lighting shall be maintained and retained once erected.

Reason: To safeguard the environment whilst ensuring on-site safety for all users.

11. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road shall take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings and programme.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

12. Prior to commencement of the development the following highways details shall be submitted to and approved in writing by the Local Planning Authority

- Formalised Crossing Facility scheme on the adopted Spine Road as referenced in Eddison's Technical Note dated August 2023.

- Crossing point scheme on the Exit from the Amenity Building / Private Fuel area to ensure this crossing point is conspicuous to users and allows sufficient stacking space between the give way line and the crossing point.

- Testing / trial holes / road coring scheme on the existing adopted Spine Road (carriageway and footway) to determine the suitability of its construction as a result of intensification of use and agree a scheme of reconstruction /resurfacing; a new system of street lighting; the replacement of kerbing and other highway assets over the existing adoption extent.

- Signage Strategy for the Local Highway Network for directional signage associated with the facility in accordance with the Traffic Signs Regulations and General Directions and associated Traffic Signs Manuals and DfT advice notes.

- A Signage Strategy for the internal site layout including signage directing classes of vehicle to the facilities and parking areas and to help facilitate the access and egress of those vehicles around the facility.

- Pedestrian connectivity scheme to the Bus Stops and the provision of bus stop infrastructure located on the A6055 in the immediate vicinity of the application site

- A Traffic Regulation Order Scheme

- A Programme for the delivery of the above schemes and works.

There afterwards, the highways schemes and works shall be undertaken in complete accordance with the Programme, unless variation(s) are first agreed in writing with the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety.

13. Prior to commencement of development access visibility splays shall be created giving clear visibility in full accordance with The Design Manual for Roads and Bridges for works on the A6055 including the Roundabout and 2.4m x 43m for junctions onto the Spine Road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

14. Prior to commencement of development access visibility splays shall be created giving clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety

15. No phase of development 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 must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of the road leading through Barton / Stapleton for construction purposes;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;

8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. 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;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. details of ditches to be piped during the construction phases;
19. a detailed method statement and programme for the building works; and
20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity

16. No works audible at or beyond the site boundary should occur outside of Monday to Friday 08.00hrs to 18.00 hrs, Saturday 08.30hrs to 13.30hrs and at no time on Sundays or Public/Bank Holidays.

Reason: Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to disturbance) to the redevelopment of the site.

17. Prior to commencement of development including excavation, other ground works and depositing of material on site in connection with the development, however, excluding investigations, full detailed engineering drawings including any structures which affect or form part of the scheme of the below listed off-site highway works and a Delivery Programme shall be submitted to and approved in writing with the Local Planning Authority.

- Provision of a Roundabout on the A6055 / Spine Road Junction, brought forward in accordance with the Design Manual for Roads and Bridges.
  - The Forming of the HGV & Coach Exit on to the A6055 in accordance with The Design Manual for Roads and Bridges .
  - Installation of Directional Signage on the Local Highway Network in accordance with an agreed Signage Strategy and the Traffic Signs Regulations and General Directions.
  - The installation of bus stop infrastructure and connectivity of such from the A6055
- The approved off-site highways schemes shall be completed in full accordance with the approved Programme.

Reason: In the interests of highway safety.

An independent Stage 2 Road Safety Audit [commissioned in accordance with North Yorkshire Council protocol] carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals for the off-site highways works listed in condition 11, which shall be amended in accordance with the results of the audit.

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

18. Prior to commencement of the development including excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular, cycle, and pedestrian accesses;
- vehicular and cycle and motorcycle parking provision;
- Pedestrian accessibility in accordance with DfT Inclusive Mobility in respect of ramps, steps, tactile paving etc
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- loading and unloading arrangements.

No part of the development shall be brought into use until the vehicle access, parking, manoeuvring and turning areas at Barton Park have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

19. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

20. Prior to the first occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include:

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and; effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must 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.

21. 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.

22. Prior to first use of the development hereby approved a 'Confirmation Report' shall be submitted to and approved in writing with the Local Planning Authority. This shall include an assessment and confirmation of whether contamination is present or not during the construction works. If contamination is not present suitable photographic (or other) evidence shall be provided.

If contamination is present work shall cease immediately until such time as provisions A to D below are completed to the written satisfaction of the Local Planning Authority. All requirements to be completed in accordance with the following guidance references: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by an Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall submitted to and agreed in writing with the Local Planning Authority. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

C: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report shall be submitted to and agreed in writing with the Local Planning Authority.

D: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously/unidentified contamination encountered during development works must be reported immediately to the Local Planning Authority and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the Local Planning Authority.



Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

23. No trees or hedges within the site shall be cut down, uprooted destroyed, lopped or topped, other than in accordance with the approved plans, without the prior written approval of the Local Planning Authority. Any trees or hedges removed without consent shall be replaced during the next planting season November/March with trees of such size and species as first agreed in writing with the Local Planning Authority.

Reason: To protect significant trees and hedgerows

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