

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely via Microsoft Teams on 16 March 2021 at 10.00 am.

Present:-

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

Apologies were submitted by County Councillors Eric Broadbent and Robert Heseltine.

There were three Members of the public in attendance to present statements on applications.

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

Copies of all documents considered are in the Minute Book

188 Welcome and Introductions

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

189. Minutes of the meeting held on 23 February 2021

Resolved -

That the Minutes of the meeting held on 23 February, having been printed and circulated, be taken as read and confirmed, to be signed by the Chairman as a correct record at the next available opportunity.

190. Declarations of Interest

There were no declarations of interest.

191. Public Questions or Statements

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

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

Considered -

The report and addendum report of the Corporate Director, Business and Environmental Services requesting Members to determine a planning application for the change of use of part of the former coal mine site to create a waste transfer station for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces on land at Former Stillingfleet Mine Site, Escrick Road, Stillingfleet on behalf of Harworth Estates.

The application was subject to 161 representations received from members of the public, and from Stillingfleet, Escrick, Kelfield, Cawood, Naburn Parish Councils and former County Councillor Mrs Casling, objecting to the proposal in view of the likely impact on local amenity caused by noise and dust, traffic movements, impact on the natural environment and conflict with local planning policy. The application was therefore, reported to this Committee for determination.

The addendum report noted that, at its previous meeting, the Committee had resolved that the application be deferred for consideration of the further representations received since the publication of the report and an assessment of the issues that had been raised. Details were outlined in the addendum report.

The following statements were submitted to the Committee:-

County Councillor Richard Musgrave

County Councillor Musgrave explained that he was the elected County Councillor for Escrick, and was the representative for the Stillingfleet area. He noted that he had never before seen as many objections for a specific planning application, with a huge level of concern in the local area, and he urged the Committee to refuse the application. He noted that previous planning permission for the site had conditioned that the land would be returned to agricultural use on the cessation of mining operations there, however, this had not taken place, and no enforcement action had been undertaken in respect of this. He felt that it was a reasonable expectation that the land would be returned to agricultural use given the condition attached to the planning permission.

He considered that the application contravened the policies of the Selby Development Plan and Core Strategy, and that the application should be seen as “large scale”, despite what was stated in the report, which was contrary to the NPPF. He noted that a letter had been sent to the Committee from Martin Grainger, Head of Planning at Selby District Council, highlighting the contravention of policies within the application.

He stated that Selby District Council had recently completed a consultation on the Local Plan and the area of the application had not been deemed as appropriate for development. He noted that suitable employment land was identified in the Plan. He considered that the application did not accord with the NPPF by virtue of scale and industrial use, and, therefore, suggested that the application should be refused.

Derek Stainthorpe.

1. All Parish Councils objected strongly
2. Selby District Council objected
3. Local Councillors objected.

4. Harworth Estates the owners said they would hold local liaison meetings but this hasn't happened. Why?
5. The land which was greenfield had an agreement in place, to put it back to greenfield after mining had finished. The reason it has not is due to the failure of NYCC in pursuing this. This has created a legal loop hole that now allows a green belt area to become industrialised.
6. National precedent has been set against applications such as these. Daw Mill Colliery, owned by same Company has just lost an appeal due the Condition 16, having to turn it back to greenfield. This was backed at a National level by Saviid Javid.
7. We have Wood meadows trust within 1km. Daw Mill had a similar conservation area at 1.1km away.
8. There is a statement on the application that says, non conforming waste not allowed, but then another saying it will be segregated on-site. So it will be allowed. What will this non conforming waste be?
10. Planning turned down twice already. NYCC itself said.... it would be more beneficial to restore the landscape character to the site, taking into account any current amenity and biodiversity value of the site in accordance with Regional Policy ENV10.
Nothing has changed since then so why are they going against said Policy?
11. No Environmental Impact Assessment done.
Paragraph 6.35 on air quality recommends it should be.
12. Selby District Council recommend the need for an Environmental Permit. There isn't one.
13. Paragraph 6.35 states the area is not suitable for large scale OR intensive economic activities. I would argue, 75,000 tonnes, 50 HGV's 6 days a week is pretty intensive.
14. 75,000 tonnes is just an estimate. Paragraph 3.15. Therefore it could be much more!
15. Air pollution. Plaster will pollute the air otherwise why put a 20mph wind speed limit on operations?
16. Does anyone think the owners will shut down or even monitor when it is windy?
17. At Harworth Estates other operations at Selby Energy Park, they haven't stuck to 7-5pm working. It is now 24hrs a day. Numerous complaints are in if air and noise pollution and littering. No one answers the complaints.
18. Water pollution
Unless the hard standing has drainage catchment all the way around, there will be spill off and therefore land and water pollution.
There is also a drainage pipe coming off the site into a ditch running adjacent to the bridle way. Are NYCC aware of this?
19. We have Great Crested Newts in the area. An EIA would have shown this.
20. Light pollution
We have numerous owls, a lot of barn owls, bats and other nocturnal animals that would be affected.
21. Horses have been hit previously on the B1222 by mining wagons. It'll be worse if this is allowed
22. Who will police traffic to and from the site? Traffic often backs up to Barlby on the A19. HGV's will cut through Riccall and Kelfield.
23. Cawood bridge is a problem. HGV's often get stuck here and damage buildings.
24. The A19 junction will not cope with HGV's turning right. The slip road they would pass over is not big enough. It'll be a matter of when not if an accident happens.
25. There are plans for 3000 houses nearby using A19. Utter madness
26. In North Yorkshire Waste Local Plan it states..... guards against any unacceptable impacts upon recreationally important assets such as public rights of way.
There is a footpath and bridle way right next to the site. NYCC would be going against their own policy.

27. If this is for making plasterboard recycling for British Gypsum, I would suggest that Sherburn is better suited, having good road links, lots of new industrial sites and British Gypsum right there.

John Page

My name is John Page of Mount Pleasant farm and our house is marked L on Appendix E

STATEMENT

The Council has to find impartial planning solutions for environmentally-safe, waste disposal, that is fair to residents and the Applicant, having reviewed all material facts. The Planners Report should support this aim but, instead, it offers opinions and 'evidence' all provided by the Applicant without challenge yet, in Sections 6 & 7, it challenges all objections – including my own.

Some examples

Sound

In s7.64, the Report relies entirely on the Noise Assessment Report provided by the applicant despite challenges on its facts and findings. These have not been revised, with the apparent trespass onto Mount Pleasant Farm unresolved, nor the effect on sound transmission, of our elevation (5m above the surrounding area) and extent (our boundary is within 250m of the site, not 500m as claimed and can just be seen on Appendix E).

Carbon Footprint

We are deep into a climate crisis, yet there are no calculations of CO2 emissions anywhere in the Report. A Google search enabled me, from the plant list provided, to calculate aggregate carbon emissions of 7 tonnes per working day at full capacity, and that excludes 50 HGV movements a day! To offset this would require a forest of roughly 100 hectares, with 175,000 trees in it (which incidentally would also buffer sound and dust!!)

Air pollution

By adopting the Applicants opinion; that removing visible dust is sufficient, Planners are advising you to ignore the WHO, which found that there were "no safe levels of small particulate matter - that is below 2.5 microns", the same particle size dismissed as harmless by Harworths advisors (in 8.14 of their report) – they may be right, but shouldn't someone check that before going ahead?

Volumes

The Report says "The site would have a limit of processing a maximum 75,000 tonnes" What happens if they reach 75000 tonnes early? Will they stop production, with all the costs of laying off staff and mothballing £1M of equipment or, will they press on, with the prospect of even more lorries? Will a book of weigh-bridge notes really control this?

Large scale/Rural

Objectors belief that this is a large-scale project in a rural area. The Report tries to prove otherwise, by arguing the scheme uses only two buildings (and is thus low intensity). But low intensity can still be large; an equipment budget of £1M, by a public quoted company seems large to most people.

The Planners opinion is that the location is not rural because it is 3 miles from the A19. The definition of rural is "characteristic of the countryside rather than the town". We have no shops and no buses!

Conclusion

I feel that over the last 4 years, the Applicant, knowing the scale of opposition, could have offered safeguards and mitigation, but they haven't. This, and the recommendation to approve when so many issues are unresolved or wrong, should be a worry to the Committee.

Paul Elmhirst, Chair of Stillingfleet Parish Council

If as I understand it, your officers are recommending approval of this application and if, as I fear, the planning committee has decided to follow that recommendation I am about to waste my breath while the developers are about to reap substantial benefits from Council's inaction.

Firstly: If NYCC had enforced its own planning conditions this application would never have been made and the site would have been restored for agricultural use. Nevertheless the condition remains so the restoration provision should continue to be recognised even if it cannot be enforced. It should not be shamefully abandoned.

Secondly: NYCC should take account of the planning policies of Selby District Council (in whose district the site is situated). The most relevant being s.6.35 of Selby District Council's Core Strategy which states clearly:
The former mine sites at Stillingfleet and Wistow are remote and are not considered suitable for re-use for large scale industrial activity.

The applicant states in its original application statement that the application 'would bring back into beneficial use a significant part of a disused previously developed site.' The applicants made no reference to s. 6.35 of Selby's Core Strategy in their original application. However, when the applicant realised its mistake their description changed to claim that they were pursuing a 'small scale development,' which is not true.

It should also be added that other organisations besides the applicant are eagerly awaiting the financial benefits that would flow from the granting of this application. One advertisement on the internet last year by a commercial letting agent stated; Stillingfleet Industrial Park, Cawood Road York. Warehouse, Storage, Commercial Land. Concrete or tarmac open storage plots. No imagination is required to see what will happen to the site if this application is granted.

The reputation of NYCC will suffer if this application is granted as will the remote rural environment that surrounds the site and its haulage routes. Why should local communities now believe that the conditions imposed by NYCC planning consents will ever be enforced if this appeal is allowed?

David Sears

I have already made objections in relation to the application. In addition to those objections I would like the following to be raised:

a) It is my understanding that the current planning for the site requires it to have been returned to agricultural use following the closure of the mine. Given that the mine has been closed for a number of years what actions/steps have been taken by the council to enforce the apparent breach of planning?

b) If the current application is approved, what reassurances are given that any associated conditions will be enforced in the future in a timely and effective manner given that it would appear that the applicant is in breach of existing planning permission.

Further to my earlier email I have had the opportunity to briefly (given the time constraint set for raising questions) considered the 73 page report for the committee. I note that it is asserted that the change of use is, in terms, from a mine to a waste disposal site. However, and as my previous email refers, the site was required to be returned to agricultural use once the mine ceased operations. I therefore submit that the application should be considered on the basis of the use that the site should have if the council had adequately enforced previous planning decisions. The applicant should not be able to rely upon the council's failure to enforce planning conditions. It appears that the council has a conflict of interest on account of its failure to take enforcement action.

As alluded to in my earlier email, given the lack of enforcement action take in relation to previous breaches, the local community can have no confidence that future breaches will be dealt with in a satisfactory manner particularly given that the council will presumably not have the means to monitor for breaches of conditions such as those relating to the number of HGV entering/leaving the site or those relating to noise levels on a regular basis.

Joanne Wordsworth

By referring to the relevant paragraphs in the Planning Report my objections to this application are as follows:

Noise pollution

In paragraph 3.11 the Applicant has stated that it would operate up to 7pm in the evenings and between 7.30am and 1pm on a Saturday. Despite the tree bunding/noise mitigation (a lot of which falls outside of the Applicant's control) such intensive use would create disturbance to nearby residents and members of the public wishing to use the adjacent footpaths and bridleways.

Traffic control

In paragraph 3.11 the Applicant states that lorries would be required to turn right from the site onto the B1222 in order to access the A19 however the Applicant has failed to state how it will ensure compliance.

Light pollution

The Applicant contradicts itself by stating that it will operate until 7pm in paragraph 3.11 but in paragraph 3.12 it states that outside operations will not be carried out under darkness. For many months of the year it will be dark during operating hours and so light pollution from the site will still occur from the light emitted from the buildings themselves and by access and egress of lorries.

Policy Reasons

In multiple paragraphs in the planning report the Selby District Core Strategy is referenced as a ground for this application to be refused. However the report also sets out the Applicant's reasons for this Core Strategy to be ignored, which is a dangerous precedent

for the Council to set as it flies in the face of the NPPF. The Applicant's grounds simply are not 'exceptional' because the need for waste recycling of the nature proposed can be adequately met by alternative sites already identified by the Selby Core Strategy. That the alternative sites are further away is of no relevance.

Conduct of the Applicant

Paragraph 2.12 lists the planning history of the site and in particular the failed attempts by the Applicant to retain the existing buildings on site. Despite its applications being refused, the Applicant persisted in breaching the extant planning condition requiring it to return the site to agricultural use.

Conduct of the Council

As set out in paragraph 2.12 the Council refused the Applicant's previous application on the basis that it would be contradictory to the Selby Local Plan at the time. The name of the planning policy might have changed, but the intention of Selby Council remains the same and therefore the same approach should be adopted now. I would draw your attention to paragraphs 4.4, 4.5 and 4.6.

Further, the Council has failed to enforce the existing planning conditions, despite repeated requests from Stillingfleet Parish Council to do so. In paragraph 2.13 the report states that in 2016 the Council concluded that to restore the site (to agricultural use) would not be in the public interest, however if the public (ie Stillingfleet Parish Council) have requested this; it was clearly in the public interest. The Council also came to this conclusion not to take action in 2016, at or around the time that the time limit for enforcement action being taken expired. This is a very convenient conclusion for the Council to draw, rather than admitting that it had failed in its duty to enforce the extant planning permission.

Conclusion

By failing to restore the site to its former agricultural use, the Applicant has demonstrated its disregard for the local community and its contempt for the planning conditions which remain in force.

As a result this application must be considered on the basis of what the site should be used for i.e. agriculture NOT its current industrial use, otherwise the Applicant is profiting from its own wrongdoing.

By granting this application, the Council would be disregarding the Selby Core Strategy, without sufficient reason. It would also rubber stamp its own failure to enforce planning control over the Applicant, allowing the Applicant to profit from doing so.

If the Applicant is not willing to comply with the existing planning requirements and the Council is not willing to enforce them, members of the public can have absolutely no faith that this application (if granted) would be treated any differently. It is therefore the Council's duty to refuse this application.

The application should be refused as a matter of public policy. If the application is granted this would encourage others to breach planning controls in order to suit their own purposes (i.e. for profit).

Suzanne McCloud

My questions is "why is the mine not being put back to fields as it was initially intended and promised? !" Stillingfleet is full of wildlife and heritage and it would totally ruin the feel of our village having a waste sight near here.

Jane Smith

This is totally unacceptable planning application for this particular area. It's a tranquil rural area. With plenty of wild life

Also plenty of Joggers and cyclists use the road. As the access for the cycle track is just a stone throw from the area mentioned.

I Also have big concerns about noise from reversing tucks as i live close by. Also dust in the area! Must say I am not happy and hoping this application will be unsuccessful.

Katie Norville

I am writing to you speaking behalf of myself and my fiancé, David Longbotham, both residents of the village of Stillingfleet, York. We wish to raise serious concerns and ultimately objections to the proposed planning application or a waste disposal plant on the site of the old Stillingfleet mine.

I wish to raise serious concerns about this proposed application. My understanding is that one of the conditions for building the Stillingfleet mine was that the land would be returned to agricultural use afterwards. How, therefore, can this application be allowed to proceed in complete breach of these terms? Furthermore, the adverse impacts upon the local environment and the community (of which there are many) need also to be considered. This facility would mean large numbers of large trucks and large volumes of traffic would be using the roads, adding significantly to pollution at the detriment of the local environment and neighbouring communities. Stillingfleet already suffers from large numbers of people using it as a 'rat run' to commute to and from York; this would only be exacerbated by the increase in traffic volumes. We have a small, historic bridge in stillingfleet that allows traffic to cross the beck in the middle of the village green. This would not be able to handle incredibly large and weighty vehicles crossing It regularly on a daily basis. The increased traffic volume would also pose a significant safety risk to local residents who regularly use the narrow footpath along one side of the bridge to cross. Closer to the proposed waste site is of course our cycle track which is regularly used by cyclists and walkers wanting to traverse the trans-penine way cycle path. These large vehicles and heavy traffic volumes would of course pose a serious safety risk to these cycle track users.

My fiancé and I are both NHS doctors; he a surgeon and myself a GP trainee. We have very serious concerns about the adverse impact upon population health that this site would bring; increased traffic and pollution, massively increased dust, dirt and noise. These things would only have a negative effect on the health of the local population and the environment.

We live in such a beautiful part of the world that is so relatively unspoilt. I do hope that the council recognises that this proposed development would not only breach the terms of the land use but, perhaps most importantly, would be detrimental to both the local environment and its inhabitants.

Lesley Dennon - Chairman, Cawood Parish Council

We wish not only to re-iterate our strong objections to the proposal but also ask that due consideration be given to the weight of local opinion against this development.

The Planning Officer's report dismisses concerns and objections without due regard to the groundswell of local voices speaking out so vehemently against this proposal.

Rachel Churchill and Ronald Stamp

We continue to object strongly to the application for the following reasons:

(a) the unsuitability of the road (which has no pavements and is used by cyclists and pedestrians) for the proposed level of heavy-duty traffic,

(b) the unacceptable noise pollution that would arise from the heavy goods vehicles travelling between the site and the A19,

(c) the safety and suitability of the junction with the A19, and

(d) the failure of the report provided for the Committee to describe the actual number of homes and residences that would be adversely affected by this development (most of which are not referred to in the report and are not evident from the map, with the exception of a few local farms, most of which are further away from the site). This is a complete misrepresentation of the local environment and the potential impact on the quality of life, health and safety of local residents. We recognise that these decisions will be made by people not directly familiar with the local area, and therefore we are obliged to raise this on behalf of all residents of Stillingfleet Village and Stillingfleet Road, if not also for the surrounding villages of Escrick and Kelfield.

Mrs Amanda Finn

In reference to the above mentioned planning application which I know has been deferred again, we would like to add our further objection before the next meeting on 16th March 2021.

1. Firstly, we feel that NYCC Planning Authority have gone about this in a very underhand way by giving very little prior warning to residents, especially in the present circumstances when communication between people is limited

2. All Parish Councils objected strongly from the start of these planning considerations and the site should be returned to its former use as arable land.

3. Selby District Council has strongly objected to the plans

4. Objections have been made by Local Councillors and District Councillors from the outset

5. Harworth Estates the owners said they would hold local liaison meetings but this hasn't happened. This company do not have a strong reputation as an organisation who adhere to the rules and regulations set out in the planning applications submitted. Evidence of this can be demonstrated by the complaints lodged against this company by residents and local farmers in the area of the former Whitemoor Mine complex.

6. The land which was greenfield had an agreement in place, to put it back to greenfield after mining had finished. The reason it has not is due to the failure of NYCC in pursuing this. This has created a legal loop hole that now allows a green belt area to become industrialised. This totally unacceptable and does not take into consideration the feelings of local residents. Restoring the site to its former use as Agricultural land fulfils the duty of care to the residents of Stillingfleet who did not wish the Mine to go ahead in the first place and who's views have been not taken into consideration in the plethora of information contained in these planning applications.

7. The application is contrary to s6.35 of the Core Strategy of Selby District Council.

8. The consequential noise, pollution and increased HGV Traffic will be detrimental to the whole community for the foreseeable future
9. National precedent has been set against applications such as these. Daw Mill Colliery, owned by same Company has just lost an appeal due the Condition 16, having to turn it back to greenfield. This was backed at a National level by Saviid Javid. We have Woodmeadows Trust within 1km. Daw Mill had a similar conservation area at 1.1km away.
10. There is a statement on the application that says, non-conforming waste not allowed, but then another saying it will be segregated on-site. What is this non-conforming waste ?
11. Planning has been turned down twice already. NYCC itself said.... it would be more beneficial to restore the landscape character to the site, taking into account any current amenity and biodiversity value of the site in accordance with Regional Policy ENV10.
12. Nothing has changed since then so why are they going against said Policy?
13. No Environmental Impact Assessment has been carried out. There will a massive impact on the Environment of the Mine site which is now returning to nature itself. The biodiversity of species is now very diverse and includes many nesting birds. We have Great Crested Newts in the area. An EIA would have shown this. We also have numerous owls, bats and other nocturnal animals that would be affected.
14. Selby District Council recommends the need for an Environmental Permit. There isn't one in place.
15. Paragraph 6.35 states the area is not suitable for large scale OR intensive economic activities. I would argue, 75,000 tonnes, 50 HGV's 6 days a week is very intensive and I refer ti the attached photographs of the bridge on Stillingfleet Road which if this planning goes ahead will be receiving 100 HGV s per day. The cracks on this structure are very evident
16. 75,000 tonnes is just an estimate. Paragraph 3.15. Therefore it could be much more which is totally unacceptable. Stillingfleet is a rural village.
17. Plaster dust will pollute the air otherwise why put a 20mph wind speed limit on operations. We have moved from Riccall to Stillingflet four years ago to enjoy better air quality as I am an asthma sufferer. Plaster dust or dust of any kind will be a health risk to the local residents.
18. At Harworth Estates other operations at Selby Energy Park, they haven't stuck to 7-5pm working. It is now 24hrs a day. Numerous complaints are in if air and noise pollution and littering. No one answers the complaints.
19. Unless the hard standing has drainage catchment all the way around, there will be spill off and therefore land and water pollution. Stillingfleet as a village mainly has septic tanks and no mains drainage.
20. There is also a drainage pipe coming off the site into a ditch running adjacent to the bridle way. Are NYCC aware of this?

21. Who will police traffic to and from the site? Traffic often backs up to Barlby on the A19. HGV's will cut through Riccall and Kelfield. Cawood bridge is a problem. HGV's often get stuck here and damage buildings.

22. The A19 junction will not cope with HGV's turning right. The slip road they would pass over is not big enough. It'll be a matter of when not if an accident happens. The A19 is overly busy at all times and the fact that this is being progressed through planning during a pandemic which does not allow for village communication is underhand and without precedent. This application should be halted until a time that the village can have a full public meeting.

23. In North Yorkshire Waste Local Plan it states..... guards against any unacceptable impacts upon recreationally important assets such as public rights of way. There is a footpath and bridle way right next to the site. NYCC would be going against their own policy.

24. A suggested site would be Sherburn in Elmet, having good road links, lots of new industrial sites and British Gypsum within the local area.

This application should be refused and the wishes of residents taken into consideration

Chris Ballam – Agent for the applicant

The Stillingfleet Mine Site has sat there since 2004, with no development approved apart from the power plant. It may not meet the definition of previously developed land, but that is effectively what it is; a large area of fully drained and sealed concrete surface with two large buildings. The opportunity to have the site restored to agriculture is no longer available, and it may never have been feasible to do this anyway. So development is either allowed, or it sits there unused perhaps for another 20 years. This would be a waste of land that could be put to use to provide employment, increase waste recycling in an environmentally acceptable manner and generate economic activity. Selby Council would like it used but doesn't want any large scale or intensive uses. This proposal is large scale only in the area needed. The intensity of use is not large scale and there are limited HGV movements. The nature of waste recycling, especially where construction and demolition waste is involved, needs space. Urban sites are frequently space constrained and often build up mountains of waste. We have all seen these. The advantage of this site is that there is adequate space to handle waste without having to stockpile more than a few metres high. The other advantage is the limited environmental impact. There are few residential properties around it and these are at sufficient distance to mean that noise impacts would not be significant. Effective dust controls should prevent any nuisance dust. The site is very well screened and there are no views in from outside. The site access road was purpose built for the mine operations and is more than adequate to ensure safe operations. All traffic will go to and from the A19 and there is no reason why any HGVs would ever need to use Escrick Road to the west, or go anywhere near Stillingfleet itself. Escrick Road towards the A19 is also perfectly safe and can accommodate the traffic. The proposed Section 106 Agreement would prohibit any site HGV vehicles from using Escrick Road towards Stillingfleet. There is a shortage of recycling capacity in North Yorkshire identified by the County Council itself. This site would primarily serve the area between York and Selby and out to the east, connected by the A19. In reality, because of the standard of the A19, the Mine Site is well connected to urban areas to the north and south, and is not remote. There is also a shortage of specialised recycling such as for the

plasterboard and laminates. There is a definite need for more recycling and each individual area needs its facilities to avoid haulage over large distances. We have to encourage recycling as much as possible and this proposal will give a significant boost to that. If permission is granted, a Liaison Committee would be set up on which local residents and councillors would be able to raise any concerns about site operations. These Committees are common for quarries and waste sites. I have more than 30 years experience of liaison committees, and in my view they work very well in resolving any problems that do arise, quickly and effectively.

If I could summarise this then we have an unused site, which is a wasted asset. The proposed use would have minimal environmental impact and would provide a much needed boost to recycling. The site is eminently suitable for this type of use as there is adequate space for the activity and it has a fully drained and sealed concrete surface. It would be hard to find a more suitable site for recycling. Thank you for hearing me and I am willing to answer any questions you may have.

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

He noted that the addendum report summarised the representations that had been submitted following the deferral of the initial report for consideration at a subsequent meeting at the Meeting held on the 23rd February 2021. The representations objected or maintained previous objections to the application

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

He stated that the following additional conditions were proposed to control reversing alarms on vehicles and mobile plant and to ensure vehicles, and plant and machinery were effectively silenced in accordance with the manufacturer's specifications:

Within three months of the date of this permission, a scheme and programme describing the types of reversing alarms to be fitted to mobile plant on the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall provide for the fitting of non-audible reversing systems or should include details of alternative measures that will be adopted should non-audible warning systems fail to operate or be unsuitable. Following the written approval by the County Planning Authority the reversing alarms contained in the approved scheme and programme shall be fitted to all mobile plant used on the site within three months of the date of the approval and thereafter used at all times during the duration of landfilling and restoration operations.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users.

All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners

and land users.

He also stated that the application was subject to the applicant first entering into a S106 planning obligation to secure the following matters that were considered to be necessary to make the development acceptable in planning terms, were directly related to the development, and were fairly and reasonably related in scale and kind to the development:

A requirement for HGVs travelling to and from the site to follow the agreed Travel Route from the site to the A19;

Provision for the retention, maintenance and management of the existing landscaping around the site; and

The establishment of a local liaison meeting.

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

- A Member asked how the maximum limit of 75 tonnes of material to be brought into the site was to be controlled and whether this would be through the Environmental Permit. In response it was emphasised that Planning and the Permit dealt with separate issues. If a strict control was required by Members an additional condition, requiring the applicant to monitor and declare the amounts of material on site, could be imposed.
- Concern was expressed regarding the recycling of gypsum, proposed for the site, with the potential for this to create dust and air borne particles, particularly when it had been broken down and was being removed, as the condition only required HGVs to be sheeted. It was suggested that it would be appropriate for the material to be taken from the site in sealed containers preferably. Again it was stated in response that if Members required this an amended condition could be proposed.
- It was asked whether two HGVs could pass on the access road at the same time to ensure that there was no vehicles queueing on the highway, waiting to use the access road. It was confirmed that two HGVs were able to use the access road at the same time.
- A Member, referring to the potential for the creation of a new village nearby, asked what weight should be given to the emerging Local Plan, in considering this application. In response it was emphasised that the application before Members should not be influenced by other, potential applications, as there was no certainty that they would take place. In terms of the emerging Local Plan the Committee's Legal representative stated that this had not been approved as it was still at consultation stage and subject to objections, and, therefore, carried little weight in terms of this application.
- It was asked whether approval of the application was contrary to the existing District Council Plans, and whether the emerging Local Plan would be compromised. In response it was stated that the application was considered to be neither large-scale nor intensive, therefore, it did not compromise the saved Plans of the District Council. There was little weight that could be given to the emerging Plan at this stage, therefore, reliance remained on the existing saved Plans, although it was not considered that approval of the application would compromise the emerging Plan.
- A Member raised concerns that there was no condition provided to prevent HGVs from entering/leaving the site via Stillingfleet village. In response it was stated that the proposed Section 106 Legal Agreement would address the routing of HGVs to and from the site, ensuring there was no access through the village, and that this

factor would be carefully controlled by the applicant, with contractors not being used if they failed to use the correct route. It was emphasised that, should Members be minded, an additional condition could be introduced in respect of the HGV route, but this would merely duplicate the intentions of the s106 agreement.

- A Member asked why the original condition in respect of the return of the mine site to agricultural use was not enforced. In response it was stated that Condition 16 of the original Planning permission related to returning the mine site to agricultural use. Enforcement of the condition had not been pursued initially as 75% of the buildings on the site had been demolished, negating the need for enforcement. Subsequently the 10 year legal period for enforcement to be undertaken had elapsed. It was clarified that the land was intended to be returned to agricultural use, but this did not require arable land to be provided.
- It was noted that a Liaison Committee, involving the applicant and the local community, had been highlighted in the report, and it was asked why this had not yet been established. In response it was stated the establishment of the Committee was included within the s106 Legal Agreement and was not intended to be in place until planning permission had been granted.
- The objections had highlighted issues around ecology which they considered to be high value in that area, and a Member asked for clarification on this matter. In response it was stated that there were protected species located at the site are, the NYCC Ecology Officer had raised no objections, and ecology would not be adversely affected.
- A Member noted that a local farmer had complained that he had not been informed that the application was due to be considered by the Committee. In response it was stated that there was no statutory responsibility for NYCC to advise neighbouring properties when the application was due to be considered, however, every effort had been made to do this, there had been a large number of communications received from the area, the application had been deferred for consideration from the previous meeting, but the issues raised by the farmer had been addressed in the report and presentation.
- Clarification was provided as to what was covered by the Environmental Permit, and that it was issued by the Environment Agency.
- A Member considered that the report contradicted the existing saved policies of Selby District Council's saved Local Plan and Core Strategy. In relation to that he suggested that the issues raised by the District Council's Head of Planning had not been appropriately addressed during the presentation of the report. In response it was stated that the report and presentation had comprehensively addressed the issues raised. The views submitted by Selby District Council were acknowledged but it was considered that contrary to the views the application was not large scale, intensive or in a remote location. It was emphasised that the application had been considered in relation to the relevant policies, and the representations received and, on balance, the recommendation for approval was acceptable.
- It was clarified that the site had not been included within the proposed Joint Minerals and Waste Plan.
- It was noted that there were other Gypsum recycling operations highlighted in the report and it was asked at what capacity they were operating and whether that could impact on the viability of the proposal. In response it was emphasised that these details were commercial matters and did not relate to the planning consideration.
- It was clarified that the application site, despite being surrounded by green fields, was not in the Green Belt.
- Further concern was expressed regarding the potential for HGVs turning left into Stillingfleet village, along the C307, particularly, as that route included a weight limited bridge at Cawood village. It was considered appropriate, therefore, that an

additional Condition to ensure that HGVs turned right out of the site, should be included. It was again clarified that this matter would be addressed by the s106 agreement, but if Members so moved, a Condition relating to this would be included.

Members summarised their discussion points in relation to the application, highlighting the following:-

- The facility was a specialist recycling provision that would prevent gypsum from going to landfill
- A Condition preventing HGVs from travelling through Stillingfleet village should be included
- The lack of enforcement in respect of Condition 16 for the original planning permission for the mine site had created a great amount of concern for the local community
- The interpretation of SP2 and SP13 of the Selby Core Strategy had resulted in two very conflicting views having been provided to the Committee
- Selby DC had not identified the site as being for development
- Escrick Business Park was located much nearer to the A19 and would be more suitable for this facility.
- The site had not been identified in the emerging Joint Minerals and Waste Plan.
- Many ex mining sites had been returned to fields and farming
- There would be significant detrimental impact on the local community should the application be approved.
- Sufficient weight was not being given to the existing Local Plan.
- The process would create a great deal of dust and dirt that would be detrimental to the surroundings.
- It was suggested that the existing buildings could be used for agricultural purposes.
- Advice had been provided that the emerging Selby District Plan should be given little weight.
- Concern was raised regarding the potential health impacts on the local community should the application be approved.
- A number of amended/additional Conditions had been outlined during the discussion of the report by Members and the Committee's Legal representative stated that any proposed amendments could be delegated to the Head of Planning in consultation with the Chairman and Vice-Chairman.

Resolved –

That the application be refused.

Members were advised that an adjournment of the meeting would be undertaken and upon the resumption of the meeting, reasons should be provided as to the decision to refuse the application.

The meeting adjourned at 1.10pm

The meeting re-started at 2pm.

The meeting resumed with a discussion involving Members and officers relating to the

reasons for the refusal of the application above.

Resolved –

That the application be refused for the following reasons:-

1. The proposal is contrary to Policy SP2 of the Selby District Core Strategy in that the development is in the countryside outside the development limits of Stilligfleet and would not contribute towards and improve the local economy and would not enhance or maintain the vitality of rural communities, in accordance with Policy SP13 of the Selby District Core Strategy.

2. The proposal is contrary to Policy SP13 D of the Selby District Core Strategy in that, it would be an unsustainable use of an inappropriate scale and type to its location that would harm the character of the area or seek a good standard of amenity.

- 193. C3/19/01184/CPO - Planning application for for the variation of conditions no.s 2 and 30 of planning permission ref. C3/16/01918/CPO (dated 1st August 2018) to increase the tonnage of waste received at the Green Energy Facility to up to 130,000 tonnes per annum (around 120,000 tpa processed) up from the currently granted 80,000 tpa (65,000 tonnes processed), increase maximum stored waste from 600 tonnes to 1080 tonnes 3 days fuel) at any time and increase vehicle movements from 40 to 48 per day on land to the south of Knapton Quarry, East Knapton near Malton**

Considered -

The report of the Corporate Director, Business and Environmental Services requesting Members to determine a planning application for the variation of conditions no.s 2 and 30 of planning permission ref. C3/16/01918/CPO (dated 1st August 2018) to increase the tonnage of waste received at the Green Energy Facility to up to 130,000 tonnes per annum (around 120,000 tpa processed) up from the currently granted 80,000 tpa (65,000 tonnes processed), increase maximum stored waste from 600 tonnes to 1080 tonnes 3 days fuel) at any time and increase vehicle movements from 40 to 48 per day on land to the south of Knapton Quarry, East Knapton near Malton.

The application was subject to objections having been raised in respect of this proposal, relating to need, sustainability, impact upon amenity, air quality, visual impact, highway impact and the principle of development by members of the public (detailed in Section 5.0 of the report) and also concerns raised by Wintringham and Scampston Parish Councils (detailed in Section 4.0 of the report) and was, therefore, reported to the Committee for determination.

The following statements were submitted to the Committee:-

Tim and Elaine Butler

Unfortunately, with much regret, it will not be possible for either my wife or I to join in the meeting today; but would hope that our comments already noted in our previous correspondence of 24 June 2020 regarding the percentage volume increase figure imbalances, emission increases, road traffic management requirements, public safety, public hygiene, and litter control are asked/ addressed during the conference.

With overall regard for the complete Planning Application;, we understand that the original application, based on the figures and information available from the applicants at the local public meetings at the beginning of the process, were given approval; but it has

NYCC Planning and Regulatory Functions Committee -
Minutes – 16 March 2021/16

not been possible, for any length of time yet, to monitor/check/address all parts of the emissions, road traffic management, public safety, public hygiene, litter issues are being achieved, adhered to or not met, for the operation in progress, in this unique environment.

Let us ensure that all the original, approved viable, criteria of the operation can be met safely before increasing the targets by 20% for the transport, or 62.5% for the production and emissions. If all criteria are met, without breach, the increase application could be resubmitted, with a clean bill of health, in say 3-5 years.

We are all at present living under the present unforeseen public health situation, therefore future public health/ hygiene issues must be taken seriously however they occur.

We trust this, and previous more detailed, correspondence can be used in the conference, but if one concise question needs to be used it should relate to the fact that .” the original ‘viable’ application was given approval, therefore why not ensure that all the operating conditions covered within that approval regarding emissions, road transport management, public safety, public hygiene and litter issues, can be achieved safely and without breach, and if those are all achieved re apply for the increased tonnage/transport based on an unblemished track record.”

We trust this correspondence maintains our concerns for the project, yet offers a responsible view on how it could progress, if all the safeguards to the local community and the public using the A64 are achieved and maintained.

Chris Jarvis – MEWP Ltd – on behalf of the applicant

This statement is made in support of an application submitted by Tetrigen (Knapton) UK Ltd in respect of their proposed facility on land to the south of Knapton Quarry and Landfill

The applicant would like to thank the Head of Planning Services and the report author for their efforts to ensure this matter is presented to the Committee today.

The application before Members proposes a number of minor amendments to a scheme that was first approved by the Planning & Regulatory Functions Committee, subject to a legal agreement, in December 2017. The minutes of that decision record that Members welcomed the establishment of sustainable energy sources in the Ryedale Area.

The application was formally approved in August 2018 and the applicant has spent the intervening period securing the necessary investment to enable the development to proceed. That investment is now forthcoming but requires the minor changes proposed to allow the site to operate effectively.

Following the advice of officers, the applicant has made the current application to regularise those changes and allow the Council to retain adequate control of the development. Furthermore, the applicant has proposed, through the submission of a signed Unilateral Undertaking, measures to ensure that vehicle movements to the wider Knapton site are controlled and restricted. The signing of this Undertaking demonstrates the applicant’s commitment to the local environment and amenity and provides a significant planning gain to the Council and local community.

The applicant has demonstrated through assessment of the proposed changes that they would have no significant impact upon the environment or amenity, including landscape,

ecology, greenhouse gas emissions or air quality. The controls set out in the Unilateral Undertaking would bring significant benefits to the local highway network.

Members approval of this application today would ensure that the very significant inward investment opportunity provided by this scheme would be secured along with those associated benefits to the local economy and community.

The applicant welcomes the Officer's report and would gratefully request that Members endorse their officer's recommendation.

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

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

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

- A Member recalled a previous site visit to the application site by the Committee and queried whether the layout remained the same. It was clarified that this was the case.
- Clarification was provided that the amended condition, if approved, in relation to vehicle movements, would see an additional four in and four out per day.
- A Member asked how many NYCC staff were involved with ensuring compliance with Planning Conditions. In response it was stated that the Planning Department had an establishment of eleven posts at various levels and all staff were responsible for checking sites to ensure compliance with planning conditions.
- It was asked whether HGVs were parking up on the A64 waiting to access the site. In response it was stated that there was some use of the nearby lay-bys when HGVs were waiting to access the site, however, this was at any detriment to the use of the highway, and Highways England had not raised concerns in relation to this.
- A Member asked if there was sufficient parking facilities on the site. In response it was stated that currently the facility on the site was in the construction phase, however, there was sufficient space for traffic movements, and Highways were satisfied that the site would have sufficient space to accommodate appropriate vehicles when this had been completed.
- A Member asked that, where possible, it be ensured that HGVs used the main A64, and did not cut through local villages.

(It was noted that County Councillor Zoe Metcalfe had lost connection with the meeting during the presentation of the application, and would not take part in the vote on this matter.)

Resolved –

That the application be approved for the reasons stated in the report and in accordance with the Conditions outlined.

194. **C8/8/52/164C/PA (NY/2017/0219/FUL) Planning application for drilling of a single borehole, testing of the borehole including flaring, erection of three containerised units with exhaust stacks, associated plant and equipment, including the erection of acoustic fencing, landscaping and the extraction of mine gas and generation of electricity together with ancillary operations on land off Weeland Road, Kellingley**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting members to determine a planning application for drilling of a single borehole, testing of the borehole including flaring, erection of three containerised units with exhaust stacks, associated plant and equipment, including the erection of acoustic fencing, landscaping and the extraction of mine gas and generation of electricity together with ancillary operations on land off Weeland Road, Kellingley, WF11 8DN on behalf of Alkane Energy UK Limited.

Seven representations have been received objecting to the proposal in view of its potential impact on the Green Belt, visual impact on the landscape, noise, flood risk, traffic, detriment to horses, and potential alternative locations for the development and is therefore, reported to the Committee for determination.

A representative of the Head of planning Services briefly introduced the report.

The following statement was submitted to the Committee:-

Matthew Carpenter of Pinsent Masons Solicitors representing Harworth Estates.

He stated that he was representing Harworth Estates, and a full letter setting out the details of this statement had been sent to Members prior to the Meeting.

The major concerns raised related to the impact of the proposal on the Green Belt and the use of alternatives.

In terms of the Green Belt he considered that the special circumstances required for development had not been adequately identified within the report. The primary use and purpose of the proposed facility was to generate electricity. Such power generation had an adverse impact upon the Green Belt and constituted inappropriate development. It was also considered that the application did not relate to mineral extraction.

In respect of alternatives it was considered that the assessment of alternatives accompanying the planning application was deficient. The proposed development was considered to be contrary to the intentions of this policy 16 of the emerging Minerals and Waste Plan in terms of how it sought to direct developments of this nature to previously developed sites. Consideration of alternatives was not always clear and that alternative sites should have been eliminated.

In the event that the Council was minded to grant planning permission, given that the site is located in the Green Belt it would require notification to the Secretary of State for him to determine whether or not to call-in the application. In those circumstances, our Harworth Estates would wish to be notified of that notification having been made.

Following the statement a representative of the Head of Planning Services presented the Committee report, highlighting the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy

and planning considerations. The report also provided a conclusion and recommendations. He provided details to address the issues that had been raised during the public statement.

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

He noted that the published report was subject to amendments to Conditions 6 and 10 as follows:-

Condition 6 - replace plan no.14-2528-409 Rev K with Rev L

Condition 10 to read:-

“Prior to the commencement of use of the access from the A645 (except for the purposes of constructing the access) visibility splays of 2.4m x 215m to the west and 2.4m x 160m to the east as measured from a point down the centre line of the access and along both channel lines of the A645 shall be provided. The visibility splays shall have an eye height of 1.05m and an object height of 0.6m. The visibility areas shall thereafter be maintained clear of any obstruction for the operational life of the site including restoration”

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

- Clarification was provided in relation to the depth, and horizontal length of the proposed drilling and it was noted that this would be monitored by the Health and Safety Executive. The drilling lengths and depths were measured by the OGA.
- A Member asked whether the proposed acoustic barriers would be put in place for the drilling. In response it was clarified that these would be erected should the process move to the production phase.
- It was asked whether a specific Condition could be put in place to limit the drilling phase to 4 weeks. In response it was suggested that this could prove time consuming, as the applicant may have to return to the Committee to request a variation of the Condition, should there be issues during the drilling. It was considered more appropriate to provide some flexibility to avoid this situation. It was stated that, as a commercial venture, it was not expected that the drilling would continue for a lengthy period.
- Concern was raised regarding the 24/7 drilling process that would be required and the noise impact that could have on nearby residential properties, especially with sound travelling further at night. In response it was stated that noise was controlled by Condition 15, detailed in the report, and the anticipated noise levels were considered appropriate by Environmental Health. These would be monitored to ensure compliance with the Condition.
- A Member asked whether erecting the acoustic barriers contravened Green Belt policies. In response it was stated that these were temporary fixtures and were considered appropriate due to their temporary nature.
- It was asked how the development could be justified in terms of the NPPF guidance on the Green Belt. In response it was stated that the extraction of mineral and production of electricity were not considered to be inappropriate under the NPPF, indeed the use of methane to produce energy from former mines was given considerable support.
- A Member provided context in respect of the location of the proposed development.
- It was asked what would happen to the site should insufficient gas be found. In response it was stated that the drilled well would be capped 2 metres below the

surface and returned to agricultural use.

- A Member asked how the proposal accorded with the County Council's Carbon Neutral Policy. In response it was stated that tapping into the source of this gas would contribute to that Policy as it was utilising an existing resource and there would be a potential for the methane to leak out from the coal seam in future, creating a detrimental environmental effect. Utilising the gas in this way assisted in the generation of energy and reduced potential hydrocarbons.
- A Member noted that Harworth Estates had claimed that the proposal was not mineral extraction, and he asked for a definitive answer to that. In response it was emphasised that the extraction of the gas was defined as mineral extraction as defined by case law, and that this was supported by the NPPF. The Committee's Legal Adviser supported that view. The Member asked whether planning permission was in place for the extraction of the gas being undertaken for the safety of the former mine. In response it was stated that it was not known whether planning permission was in place, however, the OGA had provided a licence to extract methane, but not to generate electricity in this case.
- It was noted that Selby District Council had drawn attention to Green Belt policies, but had not objected to the proposal.
- It was asked whether the restoration Condition could state that the site should be restored to arable agricultural land or grass land, to avoid built agricultural use being provided. In response it was stated that planning permission would be required for built agricultural use to be provided in response to the restoration Condition, therefore, it was not considered necessary to amend that.
- A member asked whether the proposal would be affected by the extraction of gas by Harworth Estates. In response it was stated that this matter was for the OGA to determine and was not a factor in determining the application.

Members summarised their discussion points in relation to the application, highlighting the following:-

- The views of the Local Members were seen as paramount in respect of this application.
- There were two large energy from waste facilities located nearby, therefore, the area was already closely monitored.
- It was acknowledged that there would be an impact for that locality from the size of the drilling rig and the drilling process.
- This was a good use of the gas and could be used to provide energy in that area.
- The gas would be utilised appropriately rather than been allowed to rise to the surface and cause environmental problems.
- It was noted that the Flare Stack would not be visible which was welcomed.

Resolved –

That planning permission be granted for the reasons stated in the report and, subject to the alterations to Conditions 6 and 10, highlighted above, in line with the Conditions detailed in the report.

The meeting concluded at 4.15pm

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