

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

3 AUGUST 2021

**C8/2020/1338/CPO - PLANNING APPLICATION FOR THE PURPOSES OF THE REPLACEMENT AND UPGRADE OF LOCAL INFRASTRUCTURE TO REDUCE IMPACT FROM LOCAL SEWERAGE FLOODING. THE APPLICATION INCLUDES A FENCED COMPOUND TO ENCLOSE SITE, FOUR WEATHERPROOF PLANT ENCLOSURES ON RAISED CONCRETE SLABS, A VENT STACK, NEW ACCESS TRACK FROM HIGHWAY ON LAND AT YORKSHIRE WATER SEWAGE PUMPING STATION, MAIN STREET, COLTON, TADCASTER, LS24 8EP
ON BEHALF OF YORKSHIRE WATER
(SELBY DISTRICT) (ESCRICK ELECTORAL DIVISION)**

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the purpose of the replacement and upgrade of local infrastructure to reduce impact from local sewerage flooding. The application includes a fenced compound to enclose site, four weatherproof plant enclosures on raised concrete slabs, a vent stack, new access track from highway on land at Yorkshire Water Sewage Pumping Station, Main Street, Colton, Tadcaster, LS24 8EP on behalf of Yorkshire Water.
- 1.2 This application is subject to an objection having been raised in respect of this proposal on the grounds of residential amenity and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Colton Village is a small rural village formed of a mix of private dwellings and principally arable farms between the urban areas of York to the north east and Tadcaster to the north west. Colton village benefits from a public sewerage system within the Tadcaster catchment operational area. Sewage flows from the outlying villages of Bilbrough, Colton, Appleton Roebuck and Bolton Percy and are linked via a strategic chain of pumping stations and pumped rising main pipelines with all flows transferred for treatment at the Tadcaster sewerage treatment works.,
- 2.2 The existing sewage pumping station serving Colton village is located at the eastern end of the village, within its own compound area with access from the public highway. The pumping station manages flows from the villages of Colton Bilbrough, Appleton Roebuck, and Bolton Percy. Flows are comprised of combined wastewater, primarily foul, and additional surface water flows. The existing Colton pumping station has now reached the end of its operational lifespan as it is unable to effectively store and pass forward increasing volumes of flows exceeding its original design parameters, resulting in exceedance and sewage flooding affecting surrounding private properties. There is now a lack of capacity and inadequate pumps to deal with the increased requirements.

Yorkshire Water has recently mitigated against the risk of sewage flooding and associated environmental risk by installing a temporary above ground storm water storage tank until a new sewage pumping station is approved. Due to the limited size of the current compound curtilage, and its requirement as essential infrastructure to remain operational at all times, building a replacement pumping station at the same location is not possible.

- 2.3 The proposed development is to be situated on land directly adjacent to the existing sewage pumping station. The current land use of the development site is privately owned farmland (pastureland) for the grazing of livestock. The proposed site is boarded by a drainage ditch to the south and mature hedgerows to the north and east, offering natural screening. In the wider context the proposed development is located opposite houses to the north and west and boarded by predominantly arable and grazing farmland and the mainline railway to the south and east.
- 2.4 In terms of constraints the proposed site lies within the Green Belt and the land is classed as Grade 2 Best and Most Versatile Land (BMVL), the amount of BMVL affected is 1525 square meters. The proposed development lies within a flood zone 1 so there is low probability of flooding.
- 2.5 A plan showing the application site is attached to this report.

Planning History

- 2.6 There is no planning history relating to the proposed development site relevant to the determination of this application.

3.0 The proposal

- 3.1 Planning permission is sought for the new underground sewerage pumping station to replace and upgrade the existing local infrastructure to reduce impact from local sewerage flooding. The proposal includes a fenced compound to enclose the site, four weatherproof plant enclosures on raised concrete slabs, a vent stack, new access track from highway on land at Yorkshire Water Sewage Pumping Station, Main Street, Colton, Tadcaster, LS24 8EP on behalf of the Yorkshire Water.
- 3.2 The site for the proposed development is to the east of Colton Village on land adjacent to the current sewage pumping station to the south of Main Street. The site is currently an agricultural field used for grazing and located outside the historic centre of the village but within its development limits. The location was chosen because the incoming flows are from a gravity sewage system. Hydraulically, it is of paramount importance to locate the new development in close proximity to the existing pumping station to avoid additional and extensive works to the local sewerage system and the disruption this would cause to local residents. The site is proposed to be accessed from the main public highway of Main Street, Colton via a new verge crossing and gated entrance. The principal access route would be via the A64 and Bilbrough Services from the north and west.
- 3.3 The new site access from Main Street would have a 21 metre wide radius apron with a 4 metre wide 1.2 metre high, galvanised steel, secure gateway leading to a 4 metre wide access track to the compound. A second 4 metre wide 1.2 metre high, galvanised steel, secure gateway would provide access to the compound area housing the below ground pumping station (housing the well and pumps) and the above ground operational apparatus comprising four GRP weatherproof plant enclosures which would provide protection for the pump control systems, telemetry, valve management, chemical dosing and power. The enclosures would be placed on raised concrete bases, with a 2 metre high 150mm diameter vent stack and 150mm diameter steel

Bauter tanker connection pipework, and a manual isolation valve. The remaining compound area is comprised of a concrete tanker turning head with concrete safety bollards and a gravel surface for weed suppression. All manhole access covers are to be flush with the concrete cover slab. The operational compound would have drainage connected directly to the wet well.

- 3.4 The proposed development is proposed to be surrounded by a 1.2 metre high tantalised post and five rail timber fence. The operational site is proposed to be surrounded by a 1 metre wide 0.5 metre high earth bund, to be seeded with grass for screening with additional planting proposed and to be agreed between all parties on the northern and western elevations, facing the neighbouring properties. All above ground GRP weatherproof enclosures are to be proposed to be dark green (14-C-39) in colour, as is the vent stack and above ground pipework. The radius of the proposed new entrance from the highway would be edged with 1.2 metre high timber post and rail fence and planted with mixed native species hedging whips (specific species to be agreed with the County Planning Authority). Both gateways would be made from galvanised steel and would not be painted in favour of developing a natural patina. A new Yorkshire Water asset nameplate would be bolted to the outermost gateway. The safety bollards, required to stop operational vehicles accidentally striking apparatus, would be made from concrete and have a reflective strip.
- 3.5 Approximately 21 metres of hedgerow is proposed to be removed to create the new site access. The removal of any vegetation would be undertaken in strict accordance with the recommendations suggested in the submitted ecological assessment. No mature trees would be affected by the proposed works and all the proposed development lies outside the root protection zone. The ecological assessment found no evidence of the presence of any invasive species on the proposed development site.
- 3.6 The proposed operational compound is proposed to be located to the south of the development site to mitigate against the impact of operational disturbance and potential odours so addressing the initial concerns of local stakeholders. The proposed development is not expected to have a direct impact on the social or economic context of the local areas as it is an infrastructure development, with capacity for remotely operated/automatic apparatus which offers no permanent new employment opportunities. It would ensure environmental compliance with water quality standards and would provide environmental enhancement to the local area mitigating against potential sewer flooding pollution.
- 3.7 The proposed development is not within direct proximity of neighbouring properties and gardens. The proposals include the construction of a chemical dosing unit to further limit the potential of odour. Post construction noise emitted from the site would be negligible with mechanical apparatus located underground. Tanker access would only be required during routine maintenance of the new asset. The proposed development is not located within close proximity to a main river, or main river floodplain, lies within a flood zone 1, indicating a 'Low probability' of flooding. Drainage ditches are not within an internal drainage board area. There is an unnamed drainage ditch located to the south, south west of the site which would not be affected by the proposed development.
- 3.8 As no heritage assets nor their settings would be affected by the proposed development, no heritage impact assessment has been prepared. Early discussions with the County Council heritage services confirmed that the proposed site contains evidence of ridge and furrow earthworks and although no formal permissions are required it was recommended that an archaeologist conducts a 'archaeological recording' prior to any groundworks.

- 3.9 The existing pumping station would remain fully operational during the construction of the replacement one. Access to the site would be made by the constructing of a new site entrance/verge crossing with the necessary relocation of street furniture. Site safety signage would be displayed on the highway verge throughout the construction period, which is estimated to be 10 months, to warn members of the public. A temporary site compound would be located in the field directly adjacent to the proposed development site. All construction access would be from the A64 via Bilbrough Top Services. All efforts would be made both with signage and instruction to deter site deliveries using Hagg Lane. Construction activity would be within normal working hours 7:00 to 18:00 on weekdays, occasional weekend works may be required, for example if bad weather delays construction, any weekend work would be limited to between 8:00 and 13:00 on a Saturday. Temporary fencing would surround the site during the construction period with no public access permitted at any time, as the construction requires deep excavations. Temporary parking restrictions would be required around the new entrance during the construction period, during working hours. A road sweeper would be used, if required, to ensure the public highway remains in a safe condition and remains free from mud and debris. Reversing activities during construction would be conducted with a banksman. A temporary site compound would be located in the field adjacent to the proposed development site, the temporary compound would be removed and the field restored to pastureland following completion of the works.
- 3.10 The new pumping station would be fitted with automatic pumps, with remotely accessible telemetry. Operational staff would visit the site regularly for inspection and routine maintenance. Tanker access would be limited to periods of pump maintenance, or flow management. All vehicles would enter the site forwards, then use the turning head to turn within the site boundary, so would leave facing forwards, to avoid reversing activities on the public highway.

4.0 Consultations

- 4.1 The consultees responses summarised within this section of the report relate to responses to the consultation on 4 December 2020:
- 4.2 **Selby District Council (Planning)** - a response was received on 21 December 2020 with no objection or comments in respect of the application. In relation to the site being situated in the Green Belt, it is considered that a key issue of the proposal is an assessment to consider whether the proposal constitutes inappropriate development in the Green Belt and consideration of the proposal on the wider landscape.
- 4.3 **Selby District Council (Environmental Health)** – a response was received on 11 January 2021 with no objection to the proposal.
- 4.4 **Natural England** – a response was received on 10th December 2020 stating they had no comments to make.
- 4.5 **Environment Agency York** - a response was received on 22 December 2020. In terms of groundwater protection, the adjacent use of the proposed development site as a sewage works represents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development is located on a principal aquifer. Therefore, we would ask for the following condition to be included in any planning permission.
 Condition – *'If, during development, contamination not previously identified is found to be present at the site then no further development (unless agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.'*

Reasons – To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework, and

- To prevent deterioration of a water quality.

- 4.6 **Coal Authority** – a response was received on 8 December 2020. The application site lies within the defined Development Low Risk Area. If this proposal is granted planning permission, it will be necessary to include The Coal Authority’s standing advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety. The standing advice for Development Low Risk Area states ‘*The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.*
- 4.7 **NYCC Heritage – Ecology** - a response was received on 7 December 2020. The application is supported by a Preliminary Ecological Appraisal (PEA) from November 2017, which appears to have been carried out before the current scheme was finalised. It is important that environmental assessments submitted for planning purposes accurately reflect the proposed works. The PEA is non-committal about potential impacts of the proposed scheme such as in relation to trees, hedgerows and ditches. It is recommended that the applicant either revises the PEA to reflect the scheme which has been submitted or provides a summary table identifying the ecological impacts and any proposed mitigation/compensation measures. Would then look to secure those measures by condition. The use of netting to exclude birds from hedgerows is not supported, which has been recommended in section 4.4 of the PEA. Should any hedgerow pruning/removal be necessary, this must take place outside the bird breeding season, (March to August inclusive for most species). Although 21 metres of hedgerow would need to be removed to form the new access, the Site Plan shows new hedge planting at either side of the access and to the west of the proposed pumping station. If native trees and shrubs appropriate to the location are used, this will provide welcome net gains for biodiversity but details are needed.
- 4.8 An Ecology report was provided by the applicant for consideration by the Ecologist. An updated response was received on the 12 February 2021 which stated that the ecology update was satisfactory and requested adherence to the recommendations contained in the MMB Memo report ‘Ecology walkover – Colton SPS, dated 4th February 2021 which are
- *All vegetation should be removed outside of the bird breeding season (March to August inclusive). Where this is not possible a check by a suitably qualified person should be carried out no more than 48hrs prior to removal.*
 - *The recommendation made in the PEA (Section 4.4) regarding the use of netting on the hedgerows should not be implemented. This is due to the potential for birds to become trapped within the netting and therefore being more detrimental to the species.*
 - *The hedgerow that is to be replanted either side of the new access should consist of native trees and shrubs of local provenance, such as blackthorn *Prunus spinosa* elder *Sambucus nigra* and hawthorn *Crataegus monogyna*. This will replace species that were lost and match what is abundant in the local landscape.*
 - *A survey of the trees within the hedgerow to the east should be carried out to BS5837 standard to identify the root protection zones are not impacted by the proposed works. Suitable fencing should be erected during the construction works to ensure these are not affected.*

One point raised by the Ecologist is that the use of elder in new hedges is not recommended as it grows too quickly and shades out other species, suggest using hazel instead.

- 4.9 **NYCC Heritage - Principal Landscape Architect** - a response was received on 25 January 2021. They have no landscape objection providing the following can be conditioned:
- Detailed hard and soft landscaping scheme. Soft planting to be implemented in the first available planting season following completion of the works and to include a 3 year replacement defects period (to protect local amenity, landscape character and setting).
 - Arboriculture method statement and tree protection plan to BS5837, as a pre-commencement condition (to protect existing trees and hedgerows to be retained, in proximity to the site).
- 4.10 **NYCC Public Rights of Way Team** - a response was received on 4 December 2020 where they stated that it was not considered that the line of any Public Right of Way is likely to be affected by the application.
- 4.11 **Bolton Percy, Colton & Steeton Parish Council** – a response was received on the 3 June 2021 stating that Parish Councils had no objection to the proposal as Bolton Percy is the village next online with sewage going to Tadcaster sewage plant. Hopefully the new pumping station will solve many issues Colton have on a regular basis with sewage.
- 4.12 **Highway Authority** – an initial response was received on 9 February 2021 which requested information relating to the visibility splays on the drawings, including annotated measurement of achievable distances of visibility; also requested information relating to the number of vehicle trips expected per day and the type of vehicles which would be using the proposed new access they also stated that the proposed movement of the location of the 30mph extent would be processed as a Traffic Regulation Order, which is a consultation process and therefore may be objected to. A speed survey at the location of the proposed new access may be conducted to provide data, which may allow the visibility distance to be relaxed rather than moving the speed limit extent. Will await amended documents before making a formal recommendation.
- 4.13 The applicant undertook a speed survey on the highway network adjacent to the proposed entrance to the site. The speed survey covered a period of seven days. This information was provided to the Highway Authority for consideration and they responded stating that *'based upon the results of the speed survey would be happy to accept a visibility splay of 2 meters by 45 meters without the requirement of the existing speed limit to be moved. Once a plan to detail this is received can make a formal recommendation.'* Subsequently it was agreed that a plan of the visibility splay be provided prior to the commencement of development and this is included as Condition 9 in Section 9 of this report.
- 4.14 **NYCC Heritage – Archaeologist** – a response was received on 4 June 2021 stating *'The field in which the proposal is located contains faint earthworks of ridge and furrow ploughing. The ridges in this field and its neighbour to the east are fairly broad suggesting a medieval origin. The field relate to the medieval settlement at Colton. The proposal may have an impact on the ridge and furrow. However, this will be limited to a strip along the eastern edge of the field. The ridges appear to peter out towards the southern end of the field meaning the impact of the pumping station will be more limited. The overall impact of the proposal is therefore low. I have no objection to the proposal and no further comments to make.'*
- 4.15 Notifications
County Cllr. Richard Musgrave was notified on 4 December 2020.

5.0 Advertisement and representations

- 5.1 The proposal has been advertised by means of 2 Site Notices posted on 4 December 2020 (responses to which expired on 27 December 2020). The Site Notices were posted in the following locations: On a fence next to the Parish Council notice board in the centre of the village and on the gate at the entrance to the field where the development is proposed to go. A Press Notice appeared in the Selby Times/Post on 17 December 2020 (responses to which expired on 2 January 2021).
- 5.2 Neighbour Notification letters were sent on 4 December 2020 and the period in which to make representations expired on 25 December 2020. The following properties received a neighbour notification letter:
- The Meadows, Main Street, Colton, Tadcaster, North Yorkshire. LS24 6EP
 - 4, 5, 6, 7 and 8 Main Street, Colton, Tadcaster, North Yorkshire. LS24 6EP.
- 5.3 Three representations have been received in response to the abovementioned advertisement of the application. One was an objection and two were in support of the proposal. The objection was submitted on the grounds that the vehicles currently associated with the current pumping station come through the village from the A64, and when flooding occurs either tankers or tractors with tankers park over night with their engines running disturbing the residents. They suggest that the whole new site and access road should be sound proofed and no vehicles associated with the pumping station should use the road through the village after the development is completed. Tankers instead of tractors should be used to pump flood water as they are quieter. The 30 mph sign should not be moved as there is an issue with speeding through the village.
- 5.4 The letters of support stated that *'there is an ongoing issue that sometimes when it rains sewage backs up and overflows from a drain and into the drive of The Old Post Office. As a result, the property has no internal drainage and cannot flush the toilets. Once the sewage is cleared a smell remains in the bathrooms. The present situation necessitates the regular pumping out of the pumping station as a mitigation measure. It is apparent that the present sewage system is a combined system serving both foul and storm water, and that the capacity of the system is inadequate to function properly. It may be that the system became overloaded when the new development at Bilbrough Top started to discharge into the pre-existing system that runs through Colton Village. The proposal is for a new pumping station close to the existing one but a little further downstream, this will do nothing to increase the capacity of the gravity sewerage pipe system feeding into the pumping station. If it is the capacity of the pipes causing the flooding then a new pumping station will not resolve the problem. If this is the situation the capacity of the pipes should be increased or an attenuation be installed upstream in order to limit the flow through the system to less than its capacity. Confirmation that the whole system, not just the new pumping station, will be adequate to avoid back up and flooding is required. The revised system should also be capable of dealing with all future development which could increase the required capacity. Concerns have been raised about the potential noise from the proposed new pumping station, which would likely arise from the pump itself. It is assumed that any pump and standby pump would be electrically powered and not particularly noisy, not aware of any noise issues with the existing pump. If required additional measures could be used to meet appropriate environmental standards or assuage residents' concerns such as using an appropriately rated acoustic enclosure.'*
- 5.5 The concerns of the resident who objected were forwarded to the Agent and they provided a response to the Local Authority and directly to the resident the replies from the Agent have been combined below:
- *The current SPS has reached the end of its operational lifespan and currently operating beyond its original design parameters, with increasing flow demand from development within the catchment. Colton Village has suffered inundation issues for many years, there have been 28 incidents of external flooding since 2009, 18 of the 28 incidents have been repeats. During heavy rainfall Colton SPS cannot cope with incoming flows leading to surcharging of the sewer into the curtilage of the properties and the highway. The new SPS will incorporate additional storage in accordance with Yorkshire Water guidelines. The type of vehicle used to respond to a situation cannot be guaranteed as it depends on availability at the time. Tankers will operate off the public highway and within the compound area which will greatly*

- reduce any disruption for residents whilst increasing safety. The work at Colton SPS is going to be in two phases, the replacement of the SPS will be Phase 1. Phase 2 is likely to include some lining work within Colton village and work on the SPSs downstream of Colton SPS.*
- *There is currently unrestricted access to the site via public highways allowing access from either direction through the village. An appropriate route will be written into the sites operational and maintenance regime to favour access from Copmanthorpe, however this route is not suitable for larger vehicles. Tanker operations would also in all probability deposit any tankered waste at Tadcaster works, these will be time critical operations meaning the most appropriate route will be utilised to guarantee turn around times. The foreseeable frequency of such events and requirement for tanker operations will be infrequent and negligible, for example, routine maintenance would be once every 6 months.*
 - *The proposed development will utilise submersible pumps which will be located in the sump of the west well. Any mechanical noise associated with the pumps will therefore be negligible/non audible at ground level especially from the public highway. The only mechanical apparatus above ground is the above ground valve chamber and air valve. There is potential the air valve may emit an audible sound but only when the pumps are activated and air is escaping from the wet well, this is unlikely to be heard from the public highway. All above ground kiosks contain primarily electrical apparatus for example the Motor Control Centre, these emit no audible sound. Post construction vehicle movements will be infrequent and limited to times of routine maintenance, approximately every 6 months requiring a planned shut down, in response to planned or emergency work and visits by operations staff who oversee the finished asset. Works vehicles will utilise the proposed turning head within the site to limit reversing and therefore mitigate against noise emitted from vehicle reversing. It is proposed to use screening in the form of hedging as detailed in supporting documents and plans. Once the hedging is established this will further mitigate against operational activities on site.*

5.6 Following the communication from Yorkshire Water and the Agent the resident has indicated that they are satisfied with the response to the comments they raised and if they can be assured that the routing of vehicles via Copmanthorpe is going to be conditioned, a sign reminding drivers of the route is erected near the exit of the site and that there will be no overnight sleeping on site then they now have no objection to the proposal. The comments about having a condition routing vehicles via Copmanthorpe was passed to the Agent for Yorkshire Water to consider, they responded stating that would not commit to this condition as the route suggested is a single track road minimal width unlit public highway with minimal passing places, unsuitable construction and soft verges, it is therefore not suitable for tanker operations without having a detrimental impact on road safety, or damage to the road itself or the verges. The new asset has been designed specifically to incorporate a turning head contained within the site itself to avoid reversing activities of operations vehicles associated with the current site. Overall vehicle numbers will be minimal. The resident was made aware of the response from Yorkshire Water and stated that their objection remained.

6.0 Planning policy and guidance

The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with ~~the planning policies that comprise~~ the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
 - any planning policies contained within *Development Plan Documents* adopted under the Local Development Framework regime.

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

- The extant 'saved' policies of the North Yorkshire Waste Local Plan 2006;
- The extant policies of the Selby District Core Strategy Local Plan (2013);
- The extant 'saved' policies of the Selby District Local Plan.

During discussion of the development plan, reference is made to the National Planning Policy Framework (NPPF) and National Planning Policy for Waste (NPPW) which are referred to and discussed later in this report from paragraph 6.59 below. The NPPF and NPPW are considered in the context of the 'saved' policies to ensure they are considered in relation to, and in terms of consistency with current national policy.

6.3 The North Yorkshire Waste Local Plan (adopted 2006) has particular relevance in the determination of this application and the policies most relevant include:

- 4/1 – Waste Management Proposals;
- 4/3 - Landscape
- 4/7 – Protection of Agricultural Land;
- 4/18 – Traffic Impact;
- 4/19 – Quality of Life;
- 7/2 – Waste Water Treatment Works.

6.4 'Saved' Policy 4/1 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the nature of the development is for a waste management facility. The policy advises that *'Proposals for waste management facilities will be permitted provided that:-*

- a) The siting and scale of the development is appropriate to the location of the proposal;*
- b) The proposed method and scheme of working would minimise the impact of the proposal;*
- c) There would not be an unacceptable environmental impact;*
- e) The landscaping and screening has been designed to effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character;*
- g) The proposed transport links are adequate to serve the development;*
- h) Other environmental and amenity safeguards would effectively mitigate the impact of the proposal;*
- i) It can be demonstrated that the proposal represents the best Practicable Environmental Option for dealing with the waste;*
- j) The location is geographically well located to the source of the waste thereby according with the proximity principle'.*

6.5 Both the NPPF and the NPPW are silent on matters raised in criteria b), i) and j) of 'saved' Policy 4/1. With regards to criteria a), it is noted that the NPPF is silent on the matters raised, whilst paragraph 7 of the NPPW notes that consideration should be given to the type and scale of a proposed waste management facility. Therefore, only partial can be afforded only to criteria a) of this policy in the determination of this planning application.

6.6 Criterion g) 'Saved' Policy 4/1, is considered to not conflict with the provisions of the NPPF. However, there are differences in the objectives in that criterion g) states that transport links should be adequate, whereas the NPPF states that improvements to the transport network should be considered as part of proposals. However, Appendix B of the NPPW, which is the National Policy document on waste, notes that considerations should be given to the suitability of the of the highway network in the determination of an application and assessing the suitability of a site. Furthermore, consideration should be given in the extent to which a development would rely upon the existing highway network, rail networks and transport links to ports. Therefore, this policy is considered to be largely compliant with the NPPW and as such substantial weight can be afforded to this element of the policy in the determination of this application.

- 6.7 In terms of criteria c), and h) of 'saved Policy 4/1, the NPPF states that developments should contribute to and enhance the local environment, not give rise to unacceptable risks from pollution and cumulative effects should be taken into account rather than the wording in 'saved' Policy 4/1 which states that there should not be unacceptable impacts and that safeguards should mitigate the impacts. Although there is a slight difference in emphasis, the provisions of the Policy are considered to be generally conforming to the NPPF. Furthermore, Paragraph 7 of the NPPW notes that the potential harm to the local environment should be assessed in the determination of a planning application against the criteria set out in Appendix B of the document, the general thrust of which seeks to ensure that the suitability of a proposed site is assessed against a number of environmental criteria. Therefore, partial weight should be given to this element of the policy in the determination of this application.
- 6.8 Criterion e) of 'saved' Policy 4/1 requires that landscaping and screening should mitigate the impact of the development, being sympathetic to local landscape character. Therefore, it is considered that the Policy is consistent with the provisions of the NPPF, in particular paragraph 57 of the Framework, and Appendix B of the NPPW, both of which note the importance of developments responding to local character and landscapes, however more emphasis should be given to protecting and enhancing valued landscapes. Therefore, this element of the policy should be afforded partial weight in relation to this planning application.
- 6.9 'Saved' Policy 4/3 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the development has the potential to impact upon the local landscape. The policy advises that *'Proposals for waste management facilities will only be permitted where there would not be an unacceptable effect on the character and uniqueness of the landscape. Wherever possible, proposals should result in an enhancement of the local landscape character'*. It is considered that this Policy is broadly in line with the principles of the NPPF in conserving and enhancing the natural environment as detailed within Chapter 15 of the Framework. However, whilst the Framework outlines the importance of protecting and enhancing landscapes, this relates to those described as 'valued landscapes' and therefore, does not relate to all landscapes. The NPPF does advise on the importance of the planning system in enhancing biodiversity. This is in part supported by Appendix B of the NPPW which makes reference to considering 'landscapes or designated areas of national importance however, the NPPW further notes the importance of considering whether a development respects landscape character in ascertaining the suitability of a site in the determination of planning applications. It is, therefore, considered that full weight can be given to this Policy in the determination of this planning application with regards to the NPPW.
- 6.10 'Saved' Policy 4/7 of the North Yorkshire Waste Local Plan is considered relevant to this application as the proposed development is to be located on Grade 2 Best and Most Versatile Land. The Policy advises that *'Proposals for waste management facilities on the best and most versatile agricultural land will only be permitted where: i) there is an overriding need for the development; ii) there is lack of development opportunities on non agricultural land; iii) there is sufficient land available in grades below 3a; and iv) other sustainability considerations on land below 3a outweigh issues of agricultural land quality.'* It is considered that this Policy is broadly in line with the principles of the NPPF in conserving and enhancing the natural environment as detailed within Chapter 15 of the Framework which states that planning decisions should recognise the benefits of Best and Most Versatile Agricultural Land. It is, therefore, considered that substantial weight can be given to this Policy in determination of this planning application with regards to the NPPF.

- 6.11 'Saved' Policy 4/18 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the access to the proposed development is directly from the public highway and a new access would need to be created. The Policy states *'Where rail, waterway and other environmentally preferable modes of transport are not feasible, waste management facilities will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway and trunk road network and would not have an unacceptable impact on local communities.'* This Policy is largely in line with paragraph 110 in the NPPF which promotes safe access to development sites and any significant impacts on the highway network can be mitigated. It is also in line with paragraph 111 of the NPPF which states that the application should only be refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is, therefore, considered that substantial weight can be given to this Policy in determination of this planning application.
- 6.12 'Saved' Policy 4/19 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the development has the potential to impact upon the local environment and residential amenity. The policy advises that *'Proposals for waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity'*. The NPPF provides guidance in relation to how planning decisions should aim to conserve and enhance the natural environment. Paragraph 174 of the Framework advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. In addition, Paragraph 185 of the NPPF states:
'Planning Policies and decision should aim to:
- a) *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
 - b) *identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
 - c) *limit the impact of light pollution from artificial light on the local amenity, intrinsically dark landscapes and nature conservation.'*
- 6.13 Furthermore, it is noted that the NPPW confirms that environmental impacts and impacts upon amenity are to be considered against the Locational Criteria set out in Appendix B when determining planning applications. It is noted that Appendix B includes factors such as visual impacts, air emissions including dust, odours, noise, light and vibrations. It is, therefore, considered that 'saved' Policy 4/19 is consistent with the NPPF and NPPW. Therefore, this policy should be given substantial weight in the determination of this planning application.
- 6.14 Under 'saved' Policy 7/2 (Waste Water Treatment Works) of the North Yorkshire Waste Local Plan (adopted 2006) *'Proposals for new works, or extensions to works to treat waste water and sewage sludge will be permitted provided that:*
- a) *The proposal is required to improve the treatment of sewage sludge and waste water or discharge standards; or*
 - b) *The proposal is required to provide increased capacity;*
 - c) *The highway network and site access can satisfactorily accommodate the traffic generated; and*
 - d) *The proposal will not have an unacceptable adverse impact on local amenity or the environment.'*
- Paragraph 20 of the NPPF supports the provision of strategic policies to deal with different types of development including wastewater, but the main document which deals with waste is the National Planning Policy for Waste (NPPW). The NPPW does not include specific policies relating to specific types of waste but provides criteria for

identifying the need for waste management facilities. This policy should be given substantial weight as supported by NPPF.

- 6.15 The Selby District Core Strategy Local Plan (adopted 2013) has particular relevance in the determination of this application and the policies most relevant include:

Selby District Core Strategy Local Plan:

- SP1 – Presumption in favour of sustainable development;
- SP3 – Green Belt;
- SP15 – Sustainable development and climate change;
- SP19 – Design quality

- 6.16 Policy SP1 is 'Presumption in Favour of Sustainable Development' and states that a positive approach that reflects the presumption in favour of sustainable development should be taken when considering development proposals in line with the NPPF. Planning applications that accord with policies in the Local Plan should be approved without delay, unless material considerations indicate otherwise.

- 6.17 Policy SP3 deals with Green Belt, and states that the areas covered by the Green Belt are defined on the Proposals Map and '*In accordance with the NPPF, within defined Green Belt, planning permission will not be granted for inappropriate development and that very special circumstances exist to justify why permission should be granted.*' The policy is supported by paragraph 147 of the NPPF which states '*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*'

- 6.18 Policy SP15 of the Selby District Core Strategy relates to Sustainable Development and Climate Change and specifically Part B is of relevance to this application, and states (inter alia):

B. Design and Layout of Development

In order to ensure development contributes toward reducing carbon emissions and are resilient to the effects of climate change, schemes should where necessary or appropriate:

- d) *Include tree planting, and new woodlands and hedgerows in landscaping schemes to create habitats, reduce the 'urban heat island effect' and to offset carbon loss;*

- 6.19 Policy SP19 of the Selby District Core Strategy states '*Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design. Both residential and non-residential development should meet the following key requirements:*

- *Make the best, most efficient use of land without compromising local distinctiveness, character and form.*
- *Positively contribute to an area's identity and heritage in terms of scale, density and layout;*
- *Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate;*
- *Preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.'*

Selby District Local Plan

- 6.20 Notwithstanding the adoption of the Selby District Core Strategy Local Plan in 2013, referred to above, some of the policies in the existing Selby District Local Plan (adopted in 2005 and saved in 2008 by Direction of the Secretary of State) remain extant following the adoption of the Core Strategy.

- 6.21 Within the Selby District Local Plan, the 'saved' policies relevant to the determination of this application are:
- ENV1 – Control of development;
 - T1 – Development in relation to the highway network;
 - T2 – Access to roads
- 6.22 'Saved' Policy ENV1 - Environment, provides that *'proposals for development will be permitted provided a good quality of development would be achieved.'* When considering proposals matters to take into account include *'the effect upon the character of the area or the amenity of adjoining occupiers'; 'the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and arrangements to be made for car parking', 'the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping.'* *'The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area;'* and *'any other material considerations.'* This policy is consistent various paragraphs of the NPPF including 174, 180 which deal with improving the natural and local environment and biodiversity paragraph 183 and 185 which deal with ground conditions and impact on amenity, and paragraphs 104, which promotes the considering transport issues early in the process, paragraph 110 which deals with access to the development and impacts on the transport network, paragraph 111 which states that proposals should only be refused on highway grounds if there is an unacceptable impact on highway safety or the cumulative impacts on the highway network would be severe and paragraph 113 which promotes the need for a travel plan if a development would generate significant amounts of movement..
- 6.23 'Saved' Policy T1- Development in Relation to the Highway network states that development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer. It is considered that 'saved' Policy T1 is consistent with the NPPF and should be given full weight in the determination of this application. This is because the objectives in the NPPF state that improvements to the transport network should be considered, and paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.24 'Saved' Policy T2 - Access to roads states *'Development proposals which would result in the creation of a new access or the intensification of the use of an existing access will be permitted provided: 1) There would be no detriment to highway safety; and 2) The access can be created in a location, and to a standard acceptable to the highway authority.'* It is considered that 'saved' Policy T2 is consistent with the NPPF and should be given full weight in the determination of this application. This is because the objectives in the NPPF state that improvements to the transport network should be considered, Paragraph 110 states that access to a site should be safe and suitable for all users and paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Emerging Plans:

- 6.25 Weight in the determination process may also be afforded to emerging local policies, depending on their progress through consultation and adoption. In this respect, there are emerging local policies in the Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority) (MWJP) and Selby Local Plan. Policies are afforded an increasing amount of weight as the Plans progress through their stages to adoption. The NPPF

(paragraph 48) permits authorities to give weight to policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies [in the NPPF] (the closer the policies in the emerging plan to the policies [in the NPPF], the greater the weight that may be given).*

- 6.26 The degree of weight to be attached to the MWJP must have regard to the fact that the draft Plan is still ‘under examination’ and, consequently subject to change. It must, therefore, be approached for development management purposes with an element of caution proportionate to the breadth and scope of representations made in respect of the content of the draft policies contained therein. The degree of weight should also be mindful of the fact that consultation on Main Modifications to the draft Plan has still to take place and, therefore, the precise policy wording may well be subject to change and will not become formal policy, to which full weight will be able to be afforded, until such time as the Plan is adopted. The emerging Selby District Council New Local Plan is at the Preferred Options stage and the wording of the proposed Policies may change so less weight should be afforded to these. It is important to note that emerging plans are not part of the Development Plan documents until they are formally adopted.

The emerging Minerals and Waste Joint Plan
The emerging Selby District Council New Local Plan

Emerging Minerals and Waste Joint Plan (in examination)

- 6.27 The following document contains emerging local policies that are of relevance to this application:

- Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).

The emerging MWJP was published in November 2016 to receive representations and submitted to the Secretary of State for Communities and Local Government on 28 November 2017. While the Hearings have taken place, the Plan continues to remain under ‘examination’. Upon receipt of the appointed Inspector’s report, it is anticipated the Plan could be adopted at some point during 2021. Paragraph 48 of the NPPF outlines how weight may be given to relevant policies in emerging plans according to the stage of preparation of the plan, whether there are any unresolved objections in relation to the policies and the degree of consistency with of the relevant policies with the NPPF. The more advanced the Plan the greater the weight; the extent of unresolved objections: the less significant the objection the greater the weight, and the degree of consistency with the policy to the Framework. The consultation on the Main Consultations is currently ongoing. There are no significant matters proposed in the Main Modifications in respect of the policies listed below which would affect the general policy position on those topics. Therefore, some weight can be given to the MWJP Policies in light of paragraph 48 of the NPPF. The most relevant policies in regards to the determination of this application are:

- W08 – Managing waste water and sewage sludge
- W10 – Overall locational principles for provision of waste capacity;
- W11 – Waste site identification principles;
- D01 – Presumption in favour of sustainable minerals and waste development;
- D02 – Local amenity and cumulative impacts;
- D03 – Transport of minerals and waste and associated traffic impacts;
- D05 – Minerals and waste development in the Green Belt;
- D06 – Landscape;

- D07 – Biodiversity and geodiversity;
- D09 – Water environment;
- D12 – Protection of agricultural land and soils.

- 6.28 Policy W08 deals with managing waste water and sewage sludge and states *'Proposals for the development of new infrastructure and increased capacity for the management of waste water and sewage sludge will be permitted in line with requirements identified in asset management plans produced by waste water infrastructure providers active in the Plan area. Preference will be given to the expansion of existing infrastructure in appropriate locations rather than the development of new facilities. Where it is not practicable to provide required additional capacity at existing sites, support will be provided for the development of new sites for the management of waste water and sewage sludge in line with the requirements of Policies W10 and W11.* This policy is supported by paragraph 20 of the NPPF which covers strategic policies which states that strategic policies should make sufficient provision for specific infrastructure including wastewater. Therefore this policy should be allocated the moderate weight of the NPPF.
- 6.29 Policy W10 titled *'Overall locational principles for provision of waste capacity'* provides principles for the location of different waste management facilities. The relevant part of the policy is *'3) Supporting proposals for development of waste management capacity at new sites where the site is compatible with the requirements of Policy W11; and the site is located as close as practicable to the source/s of waste to be dealt with. This means b) For larger scale or specialised facilities expected to play a wider strategic role (e.g. serving multi-district scale catchments or would meet specialised needs of particular industries or businesses), these will be located where overall transportation impacts would be minimised taking into account the market area expected to be served by the facility.'* Paragraph 83 of the NPPF states that *'Planning policies and decisions should recognise and address the specific locational requirements of different sectors.'* Therefore this policy should be allocated moderate weight as it accords with the NPPF.
- 6.30 Policy W11 titled *'Waste site identification principles'* provides principles for identifying locations for new waste management facilities. The most relevant part of the policy is: *5) Siting facilities to provide additional waste water treatment capacity, including for waste water containing Naturally Occurring Radioactive Materials, at existing waste water treatment work as a first priority. Where this is not practicable, preference will be given to use of previously developed land or industrial and employment land. Where development of new capacity on greenfield land is necessary then preference will be given to sites located on lower quality land agricultural land.'* and *'In all cases sites will need to be suitable when considered in relation to physical, environmental, amenity and infrastructure constraints including existing and proposed neighbouring land uses, the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities, in line with national policy.'* Paragraph 83 of the NPPF states that *'Planning policies and decisions should recognise and address the specific locational requirements of different sectors.'* Therefore this policy is consistent with the NPPF. The policy also is also consistent with the site identification paragraphs in the NPPW. The was the inclusion of reference to hazardous waste in the Main Modifications so substantial weight should be given to this policy.
- 6.31 Emerging Policy D01 deals with presumption in favour of sustainable minerals and waste development and reflects paragraph 11 in the NPPF. There are no changes to the emerging policy in the Main Modifications therefore substantial weight of the NPPF should be applied to this policy.
- 6.32 Emerging Policy D02 deals with local amenity and cumulative impacts and states that proposals for minerals and waste development will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity and includes noise and visual intrusion as two of the factors to be considered. Paragraph 180 of the NPPF states that new development should be appropriate for its location and take into account the likely effects the development will have on living conditions including

mitigating and reducing noise from the new development to a minimum. Therefore, Policy D02 is supported by the NPPF. In the Main Modifications table reference to impact on public health to the EIA has been added —and so should be allocated moderate weight.

- 6.33 -Emerging Policy D03 deals with the transport of minerals and waste and associated traffic impacts. It promotes the use of alternative methods to road transport for moving minerals and waste, and where road transport is necessary there should be capacity within the existing road network and any impacts from the traffic can be mitigated, a safe a suitable access should be provided and there should be space for on-site manoeuvring, parking and loading/unloading. Paragraph 104 of the NPPF states that the potential impacts of traffic and transport should be addressed, including opportunities to avoid and mitigate adverse effects, this is partially reflected in Policy D03- so moderate weight should be applied to this policy.
- 6.34 Emerging Policy D05 covers minerals and waste development in the Green Belt. Part 2) deals with waste and states *'Proposals for waste in the Green Belt, including new buildings or other forms of development which would result in an adverse impact on the openness of the Green Belt or on the purposes of including land within the Green Belt, including those elements which contribute to the historic character of York, will be considered inappropriate. Substantial weight will be given to any harm to the Green Belt and inappropriate waste development in the Green Belt will only be permitted in very special circumstances, which must be demonstrated by the applicant, in which the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations.* Paragraph 147 of the NPPF states *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'* Paragraph 148 states *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'* The Main Modification table adds in more reference to the importance of the Green Belt to reflect the NPPF, therefore as Policy D05 reflects the wording of the NPPF and full weight should be applied as it accords with national policy.
- 6.35 Emerging Policy D06 deals with Landscape and states *'1) All landscapes will be protected from the harmful effects of development. Proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures.'*
- 6.36 Emerging Policy D07 deals with biodiversity and geodiversity and the relevant part states *1) Proposals will be permitted where it can be demonstrated that there will be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites and features.* This policy reflects paragraph 174 of the NPPF and so accords with national policy. In the Main Modifications table additional text has been added to take into account mitigation measures and increased protection for designated sites. Therefore, it is considered that this Policy should be given substantial weight.
- 6.37 Emerging Policy D09 deals with the water environment and states:
1) Proposals for minerals and waste development will be permitted where it can be demonstrated that no unacceptable impacts will arise, taking into account any proposed mitigation, on surface or groundwater quality and/or surface or groundwater supplied and flows;
2) in relation to surface and groundwater quality and flows, a very high level of protection will be applied to principal aquifers and groundwater Source Protection Zones. Development which would lead to an unacceptable risk of pollution, or harmful disturbance to groundwater flow, will not be permitted.
3) permission for minerals and waste development on sites not allocated in the Joint Plan will, where relevant, be determined in accordance with the Sequential Test and Exception Test for flood risk set out in national policy. Development which could lead to an unacceptable risk of, or

be at an unacceptable risk from, all sources of flooding (i.e. surface and groundwater flooding and groundwater flooding from rivers and coastal waters) will not be permitted.

4) Proposals for minerals and waste development should, where necessary or practicable taking into account the scale, nature and location of the development proposed, include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures including use of sustainable urban drainage systems.’ Paragraph 174 of the NPPF states that ‘Planning policies and decisions should contribute and enhance the natural and local environment by e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land stability. Development should, wherever possible, help improve the local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.’ Policy D09 reflects part e) of NPPF Paragraph 174 in terms of water protection and enhancement and so full weight should be applied to this policy as it accords with national policy.

- 6.38 Emerging Policy D12 ‘Protection of agricultural land and soils’ states *‘Best and Most Versatile agricultural land will be protected from unnecessary and irreversible loss. Where development of best and most versatile agricultural land is justified proposals should prioritise the protection and enhancement of soils and the long term potential to recreate areas of best and most versatile land. Where relevant development will be subject to aftercare requirements to ensure that a high standard of agricultural restoration can be achieved. Development proposals will be required to demonstrate that all practicable steps will be taken to conserve and manage on-site soil resources, including soils with environmental value, in a sustainable way. Development which would disturb or damage soils of high environmental value such as peat or other soil contributing to ecological connectivity or carbon storage will not be permitted.’* Paragraph 174 of the NPPF states *‘Planning policies and decisions should contribute to and enhance the natural and local environment by b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.’* In the Main Modifications Table there has been a slight rewording around the protection of peat but this does not change the focus of the policy, therefore full weight should be applied to this policy as it accords with national policy.

Emerging Selby District Local Plan

- 6.39 The emerging Selby District Local Plan is currently at Preferred Options stage and as such only very limited weight can be applied to any relevant policies in the emerging plan. The relevant policies are:
 Preferred Approach SG9 – Design of new development;
 Preferred Approach NE6 - Trees, woodland and hedgerows.
- 6.40 The Preferred Approach SG9 – Design of new development states that all new development should be high quality design which responds positively to the special character and local distinctiveness of the area. The policy include points to aspire to including:
8. Seek to protect residential amenity by ensuring proposals do not have adverse impact on overlooking, loss of privacy, light or disturbance from noise, vibration, odour or fumes;
10. Make sure that adequate access and internal roads are provided to ensure safe internal vehicular movements.
- 6.41 The Preferred Approach NE6 – Trees, woodland and hedgerows is to prevent the loss, and enhance, trees, woodland and hedgerows, and proposals will be supported where:
 3. There has been an appropriate replacement planting scheme agreed in writing to the Local Planning Authority, where the felling of trees or removal of hedgerow is proved necessary; and
 5. Any proposals for the removal of trees, woodland and/or hedgerows should not increase the risk of flooding.

Other policy considerations:

National Planning Policy

- 6.42 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published July 2021)
 - National Planning Policy for Waste (NPPW) (published October 2014)

National Planning Policy Framework

- 6.43 The National Planning Policy Framework (NPPF) sets out the Government's national planning policies for England and how these are expected to be applied.
- 6.44 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development as that which fulfils the following three roles:
- a) 'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*
- 6.45 Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- i.) *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - i.) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*
- 6.46 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.47 Paragraph 83 within Section 6 (Building a strong, competitive economy) of the NPPF states '*Planning policies and decisions should recognise and address the specific locational requirements of different sectors*'
- 6.48 Paragraph 104 within Section 9 (Promoting Sustainable Transport) of the NPPF states that '*a) the potential impacts of development on transport networks can be addressed*' and '*d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating and adverse effects, and for net environmental gains,*'
- 6.49 Paragraph 110 within Section 9 (Promoting Sustainable Transport) of the NPPF states for specific applications for development it should be ensured that '*b) safe and suitable access to the site can be achieved for all users; and*

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

- 6.50 Paragraph 111 within Section 9 (Promoting Sustainable Transport) of the NPPF states *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 6.51 Paragraphs 126-130 within Chapter 12 (Achieving well-designed places) of the NPPF states that *'Good design is a key aspect of sustainable development, creates better places in which to and work and helps make development acceptable to communities.'* It also states *'Planning policies and decisions should aim to ensure that developments:*
a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- 6.52 Paragraphs 137 – 138 within Chapter 13 (Protecting Green Belt land) of the NPPF states that *'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. 'Green Belt serves five purposes:*
a) to check the unrestricted sprawl of large built up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.53 Paragraphs 147 – 148 within Chapter 13 (Protecting Green Belt land) and states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. When considering a planning application substantial weight should be given to any harm to the Green Belt and 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.54 Paragraph 167 within Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) states: *'When determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'*
- 6.55 Paragraph 174 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. These include:
a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

- 6.56 Paragraph 180 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles relating to habitats and biodiversity including *'d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*
- 6.57 Paragraph 183 within Chapter 15 (Conserving and enhancing the natural environment) states that planning decisions should ensure that:
'a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation, including land remediation (as well as potential impacts on the natural environment arising from that remediation).'
- 6.58 Within paragraph 185 of Chapter 15 of the Framework it is noted that decisions should ensure developments are appropriate for their locations taking into account impacts of pollution on health and the natural environment, as well as the sensitivity of the wider site and cumulative impacts. Therefore, the NPPF states developments should mitigate and reduce potential adverse impacts resulting from noise and avoid noise being a significant adverse impact on the health and quality of life in the area, furthermore the paragraph also states the impact of light pollution on local amenity should also be limited and mitigated where necessary.

National Planning Policy for Waste

- 6.59 Within the National Planning Policy for Waste (2014), Chapter 1 of the document notes that the planning system plays a key role in delivering the country's waste ambitions through *'recognising the positive contribution that waste management can make to the development of sustainable communities'*. Furthermore, it is noted that it is important that ambitions are also achieved by *'helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment'*. Furthermore, it is advised that *this document provides a framework to enable waste to be disposed of or recovered 'in line with the proximity principle'*. It also states that the National Planning Policy for Waste should be read in conjunction with the National Policy Statement for Waste Water.
- 6.60 Paragraph 7 of the National Planning Policy for Waste, provides guidance to Local Planning Authorities in the determination of waste planning applications, advising that they should:
- *'only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
 - *consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
 - *ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
 - *concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.'*
- 6.61 Within Appendix B of the National Planning Policy for Waste, it is noted that in addition to the type and scale of any proposed facility, Local Planning Authorities should consider the following factors in assessing the suitability of a proposed waste site:
- a) *'protection of water quality and resources and flood risk management;*

- b) land instability;
- c) landscape and visual impacts;
- f) traffic and access;
- j) noise light and vibration;
- l) potential land use conflict'.

National Policy Statement for Waste Water

- 6.62 The National Policy Statement for Waste Water states '*This NPS sets out Government policy for the provision of major waste water infrastructure defined in section 1.2 below. It will be used by the decision maker as the primary basis for deciding development consent applications for waste water developments that fall within the definition of Nationally Significant Infrastructure Projects (NSIP) as defined in the Planning Act 2008*' Paragraph 1.2 sets out the thresholds for the infrastructure covered by the NPS for waste water and they are
- construction of waste water treatment plants which are expected to have capacity exceeding a population equivalent of 500,000 when constructed; or
 - alterations to waste water treatment plants where the effect of the alteration is expected to be to increase by more than a population equivalent of 500,000 the capacity of the plant.
- 6.63 Although this application proposal falls below the threshold of a NSIP, it may be a material consideration in decision making on applications under the Town and Country Planning Act 1990 (as amended). Paragraph 4.8.18 of the NPS provides : '*When located in the Green Belt, waste water infrastructure projects may comprise 'inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it. The decision maker will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the decision maker will attach substantial weight to the harm to the Green Belt when considering any application for such development.*
- 6.64 Section 4: Generic impacts cover impacts which will be relevant to any waste water infrastructure and include noise, odour, landscape and visual impacts, land use including green belt and traffic and transport impacts. In terms of noise the document states that the quietest plant should be selected, noise should be contained within buildings where possible and use landscaping, bunds or noise barriers to reduce noise transmission. One of the points made in relation to odour is to locate the waste water infrastructure away from sensitive developments such as houses. In terms of visual impact the document states that '*within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of proposed project.*' . Another generic impact is traffic and transport and the document states that these should be taken into account when considering new development.

National Planning Practice Guidance (PPG) (2014)

- 6.65 On 6th March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a *Written Ministerial Statement* which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -
- Design
 - Green Belt
 - Natural Environment
 - Noise
 - Water supply, wastewater and water quality
 - Health and Wellbeing

Design

- 6.66 This states how good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It though must also “*reflect an areas function, history, culture and its potential need for change*’. Ensuring a development can:
- enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing;
 - address the need for different uses sympathetically.

Green Belt

- 6.67 This states that when assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case. Some matters which have been identified which need to be taken into account which include:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
 - the degree of activity likely to be generated, such as traffic generation.

Natural Environment

- 6.68 This states the Agricultural Land Classification assesses the quality of farmland to enable informed choices to be made about its future use within the planning system. There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. Planning policies and decisions should take account of the economic and other benefits of the best and most versatile agricultural land.

Noise

- 6.69 This states how noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. Local planning authorities’ plan-making and decision taking should take account of the acoustic environment and in doing so consider:
- *whether or not a significant adverse effect is occurring or likely to occur;*
 - *whether or not an adverse effect is occurring or likely to occur; and*
 - *whether or not a good standard of amenity can be achieved.*
- 6.70 It also states that ‘*neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development*’.
- 6.71 In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Water supply, wastewater and water supply

- 6.72 This advises on how planning can ensure water quality and provides guidance on how development can indirectly affect water bodies. The impacts upon water quality will depend on the location and character of the proposed development. The guidance acknowledges that there are likely to be options for mitigating the impact and mitigation should be practicable and proportionate to the likely impact.

Health and wellbeing

- 6.73 The NPPG advises that health and wellbeing should be taken into consideration by Local Planning Authorities in their decision making, including '*potential pollution and other environmental hazards, which might lead to an adverse impact on human health*'.

7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are:

Principle of the proposed development

- 7.2 The principle of the proposed development is already established as it is to provide a new sewage pumping station (SPS) to replace the outdated existing one, although not on the same piece of land, it is on land adjacent to the existing SPS, and in doing so provide an improved facility and additional capacity to deal with waste water and sewage generated by Colton village and outlying villages of Bilbrough, Appleton Roebuck and Bolton Percy. This is in compliance with 'saved' Policy 4/1 of the NYWLP as the development is an appropriate scale for the location with impacts being minimised by the site compound being set back from the highway and screened. 'Saved' Policy 7/2 includes criteria which should be considered when developing proposals for waste water treatment works, these criteria include requirement to improve treatment of sewage sludge and waste water, to provide increased capacity, the highway network and site access to satisfactorily accommodate the traffic generated and the proposal would not have an adverse impact on local amenity or the environment. The proposal is a pumping station rather than a treatment facility but it would provide an increased capacity, the new site access has been designed to be safe and accommodate any traffic using the site and it is considered that the proposed development would not have an adverse impact on local amenity or the environment, these considerations are expanded on in the following paragraphs in Section 7. It is considered that these criteria have been met with this proposed development and so will improve the sewage treatment standards.
- 7.3 The NPPF does not contain specific policies relating to waste management. However, the National Planning Policy for Waste (2014) sets out the national framework for waste planning, includes the requirement that appropriate waste infrastructure is available. The new SPS infrastructure is required to provide increased capacity for the waste water which is currently dealt with by the existing SPS, however during periods of heavy rain flooding often occurs in the vicinity of the current SPS so additional capacity is required to deal with this. The proposal is thought consistent with the NPPF as the site appropriately uses the space provided as it is located close to the existing SPS, by being in an adjacent field, making it possible to link into the existing drainage infrastructure. Furthermore the proposal is consistent with the NPPF in regards to Achieving Sustainable Development by satisfying the requirements, visions, aims and objectives set out to maintain reliable waste water infrastructure which is critical to public health, environmental protection and necessary for meeting the economic growth aspirations of the area. The proposal complies with Policy SP1 of the Selby District Core Strategy Local Plan 2013, Policy D01 of the emerging MWJP and Paragraph 11 of the NPPF which all promote the presumption of sustainable development. The proposal also complies with 'saved' Policy 7/2 and emerging Policy W08 in terms of providing suitable facilities for dealing with waste water and sewage sludge.
- 7.4 For the reasons listed above it is considered that the principle of development for providing improved sewage pumping station facility is acceptable and meets the requirements of local and national policy.

Need

- 7.5 The current SPS at Colton has reached the end of its lifespan and does not have the capacity to deal with the amounts of waste water currently generated. This is a particular problem when it rains as there is often flooding in on Main Street, Colton. The current SPS is unable to effectively store and pass forward increasing volumes of flows which exceed the original design parameters. The current SPS limitation is due to lack of capacity and inadequate pumps which cannot pass forward the increasing volumes of wastewater and sewage. The floodwater includes sewage as well as rain water and enters some of the gardens of the properties near the current SPS and also affects their internal drainage systems. When the flooding occurs Yorkshire Water supply tankers, either in the form of HGV's or tankers on tractors, to collect the floodwater and take it away. This activity, although dealing with the floodwater, does cause disruption to the residents by generating noise, sometimes through the night, and impact on the highway which is a narrow road. The new SPS would link into the current drainage system and would provide an increased capacity to deal with the current level of wastewater and sewage and would aim to prevent future flooding on Main Street. The new SPS would also have the increased capacity for any additional waste water and sewage generated by new development located at any of the villages in the catchment area of Colton, Bilbrough, Appleton Roebuck and Bolton Percy.
- 7.6 The proposal would not have been put forward by Yorkshire Water unless they had identified a need for it and the locational requirements are based on the proposed development being a replacement facility with the requirement to be as close as possible to the existing one to link into the existing drainage infrastructure to facilitate this, which is in accord with 'saved' Policy 7/2 part a) and b) as it is required to improve the facilities for dealing with waste water and sewage sludge and to provide increased capacity.
- 7.7 Policy W08 in the emerging MWJP deals with managing waste water and sewage sludge and states that proposed development should be in line with asset management plans produced by the waste water infrastructure providers. As this proposal has been submitted on behalf of Yorkshire Water, it is in line with the emerging policy W08 1) as it is part of their asset management plan. Therefore the need for the proposed development is supported and accords with Policy 7/2 of the NYWLP and emerging Policy W08 1) of the MWJP.

Location

- 7.8 The incoming flows are from a gravity sewage system which naturally flows to the current SPS so any replacement infrastructure needs to be at the equivalent level or lower to enable the gravity system to continue working effectively. The proposed development is to be located in a field which is adjacent to the current SPS, located at the eastern end of Colton Village, but is still within the development limits of the settlement. The location has been selected to enable the new SPS to be linked up to the existing drainage system with the minimum of disruption. The SPS compound would be located in the southern area of the field so there would be a distance between the SPS and residential properties of over 100 meters to mitigate for any noise which will be generated by the equipment.
- 7.9 'Saved' Policy 4/1 of the NYWLP contains several criteria which relate to the location of a waste development the most relevant being a) which states that the scale of the development should be appropriate to the location, c) states that there would not be an unacceptable environmental impact, e) which states that the landscape and screening mitigates the impact of the proposal so it is sympathetic to the local landscape character, g) which states that the transport links are adequate to serve the development and j) which states that the location should be geographically well located to the source of waste in line with the proximity principle. Paragraph 183 of the NPPF states that it should be ensured that a site is suitable for its proposed use taking

account of ground conditions and any risks arising from land instability and contamination. This proposal is considered to be small in scale with an overall area of 1525m² which is appropriate for the location with no land instability issues, the potential environmental impact, landscaping and transport considerations are discussed in later paragraphs of this section. In terms of j) the location of the development is close to the existing SPS and so it is close to the source of waste it will be dealing with. Emerging Policy W08 of the MWJP states that new development for waste water required by infrastructure providers active in the Plan area will be permitted in line with requirements identified in asset management plans produced by waste water infrastructure providers active in the Plan area, preference will be given to expansion of existing infrastructure but where this is not practicable support will be given to the development of new sites in line with W10 and W11. Emerging policy W11 deals with site identification principles and in terms of waste water should look at existing waste water facilities, where this is not possible previously developed land or employment or industrial land should be considered. Where it is necessary to locate new capacity on greenfield land then preference will be given to sites located on lower quality agricultural land. The proposed development does not fit with the criteria of Emerging Policy W11 although the last paragraph does state that waste sites will need to be considered in relation to physical, environmental, amenity and infrastructure constraints. The relevant factors have been taken into account by the applicant and are considered by this report. The proposal has been submitted by Yorkshire Water to increase the capacity to deal with waste water in Colton, but it is not possible to extend the existing site so a new site in a field adjacent to the existing SPS is proposed. Policy W10 deals with the locational requirements of waste management facilities including being close to the source of waste and specialised facilities expected to play a wider strategic role would be located where transportation impacts would be minimised and Paragraph 83 of the NPPF states that planning decisions should recognise and address specific locational requirements of different sectors. The proposed development would play a strategic role as it would be the pumping station for the catchment area which includes several villages and surrounding areas and is required to replace the existing SPS which does not have sufficient capacity to deal with the waste water and sewage generated effectively. The proposed development lies in a field adjacent to the existing SPS, which it is proposing to replace, so is located close to the source of the waste to be dealt with and it is also set back from the road with an area included to accommodate vehicles when they visit the site compound so minimising the transportation impacts and so accords with 'saved' Policy 4/1 a), c), e), g) and j) of the NYWLP, emerging Policies W08 and W10 of the MWJP and Paragraph 82 and 178 of the NPPF. Therefore, given the reasons listed above the location proposed for the new SPS is considered acceptable and accords with local and national policy.

Design and visual impact

- 7.10 The pumping equipment and wet well would be underground with the operational apparatus located above ground. The area of the field which would be fenced off to house the compound would be 1,525 square metres. Further details of the proposed development are contained within paragraphs 3.2 to 3.10 of this report.
- 7.11 'Saved' Policy 4/1 a) of the NYWLP states that the siting and scale of the development should be appropriate to the location of the proposal. Paragraph 7 of the NPPW states that waste management facilities should be well designed, so they contribute positively to the character and quality of the area in which they are located. Policy SP19 of the Selby District Core Strategy and Preferred Approach SG9 of the Emerging Selby District Local Plan supports high quality design which has regard to its surroundings. 'Saved' Policy ENV1 of the Selby District Local Plan (2005) supports proposals where good quality development would be achieved and Paragraphs 126 to 130 of the NPPF promote good design which creates better places in which to work and helps make development acceptable to communities. The proposed development lies within a small

site compound, set back from the highway and residential properties with the majority of the infrastructure below ground. The highest structures would be 2 metres high and all of the above ground equipment would be coloured dark green to minimise the visual impact. The corner of the site which would be viewed from residential properties would be screened via a new hedge minimising the visual impact. The design is in line with the requirements of local and national policy and the visual impact is considered minimal. Therefore, as the proposal accords with 'saved' Policy 4/1 a) of the NYWLP, Policy SP19 of the Selby District Core Strategy, 'saved Policy ENV1 of the Selby Local Plan and Policy SG9 of the Emerging Selby District Local Plan the proposal is considered acceptable in terms of design and visual impact and in line with local and national policy.

Local amenity (noise) and air quality (odour)

- 7.12 The current SPS includes pumps used to pump the contents of the wet tank onwards to the Tadcaster wastewater treatment works, these produce low level noise and nearby residents have not raised any issues regarding the noise generated by the SPS. The main source of noise disturbance on the local amenity is when flooding occurs on Main Street and tankers are used to remove the floodwater, both through the operation of the pumps and the running of the vehicles engines. It is during occasions of flooding that odour from the floodwater has an adverse impact on the local amenity, these points were raised in responses received from residents. The siting of the proposed SPS further away from residential properties would lessen the impact of the pumps in the SPS and the increased capacity and throughput of the pumps at the new SPS is intended to reduce the likelihood of flooding on Main Street reducing the need for tankers and eliminating any odour. Any vehicles which would be required to attend the new SPS would be accommodated within the new site compound so would not have an impact on the highway or park near residents properties. During the construction phase, which is expected to be approximately 10 months, the time of activity on site would be between 7:00 and 18:00 on weekdays and 8:00 to 13:00 on Saturdays as detailed in Condition 3 in Section 9 of the report, as it is considered that this condition is necessary to limit the impact on local amenity during the construction phase.
- 7.13 'Saved' Policy 7/2 d) and 'Saved' Policy 4/19 of the NYWLP states that waste management facilities will only be permitted where they would not be an unacceptable impact on the local environment and residential amenity, and Preferred Approach SG9 of the Emerging Selby District Local Plan also include this point. Policy D02 of the emerging MWJP states that waste development will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity. Paragraph 7 of the NPPW advises that when determining planning applications Planning Authorities should take into consideration the likely impact on the local environment and amenity against the criteria set out in Appendix B, these criteria includes odours and noise. The Generic Impacts detailed in Section 4 include noise and odour and suggests locating development away from sensitive receptors such as houses. Paragraph 185 of the NPPF states that potential adverse effects resulting from noise should be reduced and mitigated. Currently the main impact from noise and odour happens when flooding occurs on Main Street and tankers are sent to pump up the floodwater. The proposed development would have increased capacity to deal with any increased levels of waste water so flooding should not occur, eliminating the odour, and tankers would not be required thereby eliminating the noise. The screening of the new site compound with hedging would also help lessen any noise generated on the site. The proposed development would improve the quality of life for the residents especially in times of heavy rain when flooding may occur, the new SPS would reduce the likelihood of flooding and in turn would reduce the need for tankers to attend the village to remove the flood water and so reduce noise impact and impact on the highway. With the proposed development located further away from residential properties the any noise from the pumps or impact from vehicles visiting the site would be reduced for local residents and the impact of any odour will also be reduced.

Therefore, given the reasons above, the proposed development is considered acceptable in terms of local amenity issues and is in line with local and national policy.

Landscape impact and ecology

- 7.14 The location of the proposed development is to the south of a field adjacent to the current SPS which is in close proximity to nearby residential properties. To the east of the proposed site there is a hedge which contains some established trees, the applicant has committed to carry out a survey of these trees to ensure the root protection zones are not impacted by the proposed works. To ensure this occurs a pre commencement condition has been included in Section 9 of this report as Condition 5. The field is flat and has a hedge along the boundary with the highway, 21 metres of this hedge is proposed to be removed to enable the creation of a suitable access to the field for vehicles visiting the SPS site, a visibility splay would be installed which would include a hedge which would mitigate the loss of the original hedge. The site compound would be 1,525 square metres surrounded by a 1.2 metre high post and bar wooden fence with a hedge along the outside of the northern and north western boundary to provide screening for the local residents. There would be 4 kiosks within the compound with the tallest being 2 metres high along with a 2 metre high stack. All of the structures within the compound would be dark green in colour and screened behind the new hedging once it is established. The operational site is proposed to be surrounded by a 1 metre wide 0.5 metre high earth bund which is to be seeded with grass. The boundary treatment of the field would not be impacted apart from the northern boundary where the access is to be created. The boundary treatment of the field is in the form of hedgerow and trees which will not be affected by the proposed development. Prior commencement condition 5 in Section 9 of this report has been included to protect the existing trees and hedgerow near the location of the site compound.
- 7.15 The Landscape Architect raised no objection to the proposed development provided landscaping conditions were included, these are included as Conditions 4 and 5 in Section 9.0 of this report. 'Saved' Policy 4/3 of the NYWLP provides for landscape protection and that there should not be an unacceptable effect on the landscape character and where possible enhance it. Part B of Policy SP15 of the Selby District Core Strategy states that planting should be included in landscaping schemes to offset climate change. Preferred Approach NE6 of the emerging Selby Local Plan is to prevent loss and enhance trees, woodland and hedgerows, also any removal of trees woodland or hedgerows should not lead to increased flooding. Policy D06 of the emerging MWJP states that all landscapes should be protected from the harmful effects of development and proposals will be permitted where there will be no unacceptable impact on the quality or character of the landscape. Paragraph 7 of the NPPW advises that when determining planning applications, Planning Authorities should take into consideration the likely impact on the local environment and amenity against the criteria set out in Appendix B which includes considering the potential for design-led solutions to produce acceptable development which respects landscape character. Paragraph 174 of the NPPF promotes protecting the landscape including BMVL, the land is BMVL Grade 2 which is considered high value, the consideration of BMVL is included in paragraph 7.23. The proposed development is small in scale with structures of no more than 2 metres high. The site would also be screened by hedging and it is considered that it would not have an unacceptable impact on the landscape character of the area and so accords with 'saved' Policy 4/3, as considered there would not be an unacceptable effect on the character and uniqueness of the landscape due to screening which would be provided and colour of infrastructure, Selby DC Policy SP15 B d) is accorded with, as new hedgerows would be included in the landscaping scheme which is one of the considerations under this policy, and emerging Policy D06 1) as the landscape would be protected from the harmful effects of the development by the addition of screening with the introduction of new hedgerows as mitigation.

- 7.16 In terms of ecology, the proposed development does not impact on any designated sites. The applicant has provided a Preliminary Ecology Appraisal and follow up Ecology Report in relation to the site which includes recommendations. Part of the hedge would be removed at the new access but when the visibility splay is created a new hedge would be planted adjacent to the access, and also a hedge would be planted to screen the site from residential properties. The report recommended using blackthorn, elder and hawthorn, the County Ecologist recommended replacing the elder with hazel, which the applicant agreed to. The Ecologist was satisfied with the reports and suggested conditioning the recommendations in the Ecology report which have been included as Conditions 6 and 7 in Section 9.0 of this report. 'Saved' Policy 7/2 d) states that the proposal should not have an unacceptable impact on the local amenity or environment. 'Saved' NYWLP Policy 4/1 states that proposals for waste management facilities will be permitted provided that c) There would not be an unacceptable environmental impact and e) landscaping and screening is designed effectively to mitigate the impact of the proposal which is sympathetic to the local landscape character. Policy SP19 of the Selby District Local Plan includes a requirement to include incorporating new and existing landscaping as part of the design scheme for a site. Landscape Policy D07 in the emerging MWJP supports development where there would be no unacceptable impact on the biodiversity or geodiversity and Paragraph 180 of the NPPF encourages conserving or enhancing biodiversity. The development as proposed has taken care not to adversely impact the existing trees and hedges which surround the proposed site area, and where a hedge is to be removed to provide a safe access point to the site new hedging is being planted along the visibility splay, new hedging would also be planted to screen the site. The Ecologist has no objection to the proposal. The biodiversity of the field would be enhanced by the additional hedge planting and the proposal accords with 'saved' Policy 7/2. And 'saved' Policy 4/1 of the NYWLP, Policy SP19 of the Selby Local Plan and emerging Policy D07 of the MWJP and the NPPF
- 7.17 Therefore, it is considered that in terms of landscape impact and ecology, with the inclusion of the suggested conditions, the proposed development is acceptable and in line with local and national policy.

Green Belt

- 7.18 The village of Colton is within the York Green Belt, this applies to the site of the proposed development as well, as it is within the development limits of the village. The proposed development would be within a 1,525 square metre compound within a field at the eastern end of the village. The majority of the infrastructure would be below ground with 4 kiosks and a stack above ground. Paragraph 137 of the NPPF states: *'The Government attaches great importance to Green Belts. The fundamental aim of Policy is to prevent urban sprawl by keeping the land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'* Paragraph 138 states that the five purposes of the Green Belt are:
- a) to check the unrestricted sprawl of large built up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- These purposes will now be considered in relation to this proposed development, a) the proposed development is within the development limits of Colton Village, and so is not considered to be unrestricted sprawl, also Colton Village is not a large built up area; b) there are no merging of towns as a result of this proposal; c) the proposal is located in an open field within the Green Belt and so does not encroach on the countryside; d) the proposal does not impact on any historic town and e) the proposal is not in an urban area. Having considered the proposal under paragraph 138 it is considered that the proposal does not undermine one of the purposes of including land within the Green Belt in relation to point c) as it does not encroach on the countryside. Substantial weight is given

to protecting the Green Belt and the fundamental aim is to keep land permanently open and the essential characteristics of the Green Belt are their openness and their permanence. The SPS is a waste operation and so considered to be inappropriate development which is considered by definition harmful to the Green Belt, as the proposed development does not fall within any of the exceptions in the NPPF paragraph 149. It is also not considered to fall within paragraph 150 which lists certain other forms of development which are considered not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it. It is worth noting that the floor space is not entirely taken up by built development, there are four separate structures of limited size. The proposed development is not considered to be of a size or scale which would undermine the openness of the Green Belt and therefore in planning terms it has a limited effect.

- 7.19 Paragraph 147 of the NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Selby District Council stated that a key issue was an assessment of whether the proposed development would be considered inappropriate in the Green Belt and consideration of the development in the wider landscape. The surrounding landscape is made up of Colton Village to the immediately to the north and north west with the rest of the landscape being made up of open fields. Policies SP3, of the Selby Core Strategy Local Plan 2013 and emerging Policy D05 of the MWJP and the National Policy Statement for Waste Water reflect the text of the NPPF by stating that inappropriate development would not be permitted in the Green Belt except in very special circumstances. The PPG identifies matters which should be taken into account when considering the impact on the Green Belt and these include openness and degree of activity. The National Planning Policy for Waste states that one of the factors to be considered in assessing the suitability of a proposed waste site is potential land use conflict.
- 7.20 The proposed SPS has the majority of its infrastructure below ground but requires some to be above ground. The infrastructure will be within a site compound within an agricultural field which is within the Green Belt. The proposed development is considered inappropriate and will impact on the openness of the Green Belt, therefore 'very special circumstances' need to exist if this proposed development is to be considered for approval. One of the key features of the Green Belt is the openness of the land. The openness is impacted by the above ground built infrastructure of the proposal and impact of traffic associated with the proposal. Mitigation to the build development has been provided in terms of using a colour which will blend with the surrounding landscape, bunding and installation of hedging to screen the development. Also proposed development is small in scale within the development limits of Colton Village with limited infrastructure visible above ground, in terms of activity on site there would be no daily traffic, only when equipment checks are required on the equipment of the SPS or if there is flooding where tankers are required so the level of activity would be low. So in planning terms it is considered that the scale of the development is such that it will not undermine the openness of the Green Belt.

Very Special Circumstances

- 7.21 The matters which are considered to be 'very special circumstances' are that the existing SPS is becoming inefficient does not have the capacity to deal with the level of waste water and sewage generated, especially during heavy rain when flooding occurs on Main Street and spreads into resident gardens. This is a risk to public health, therefore increased capacity is required. The capacity of the current SPS cannot be increased, and a new SPS cannot be built on the same footprint as the existing SPS

as existing SPS will need to remain operational until a new SPS is constructed. The new SPS needs to be located close to the existing SPS so it can link into the existing drainage infrastructure. The only available space in proximity to the existing SPS is the adjacent field which is within the Green Belt. The proposed development is essential to deal with the increasing level of sewage and waste water which is being generated by new developments in the villages within the catchment of the existing SPS, and to protect the health and amenity of the local residents, especially when flooding occurs. Therefore the locating the proposed SPS in the Green Belt is considered to be 'very special circumstances'. Policy requires 'any other harm' to be considered when considering very special circumstances, the only comment received which could be considered 'other harm' is in relation to vehicles accessing the site. This is mitigated by the SPS being operated remotely and vehicles will not attend site unless for regular checks or maintenance. In fact the proposal will reduced the harm on the local community by providing additional capacity and reducing the likelihood of flooding in the village.

- 7.22 It is considered that the 'very special circumstances' associated with the proposed development clearly outweigh the potential harm to the Green Belt. This accords with paragraphs 147 and 148 of the NPPF, the NPPW, the National Policy Statement for Waste Water, Policy SP3 in the Selby District Local Plan and emerging Policy D05 in the MWJP
- 7.23 In conclusion, although it is considered that the proposed development does undermine one of the purposes of the Green Belt as detailed in paragraph 138 of the NPPF, although substantial weight is given to that harm and therefore cause 'harm', it is considered that the harm which would be caused to the Green Belt is clearly outweighed by the need of the community for the proposed development on health and amenity grounds and the proposal is considered to be 'very special circumstances'. The proposal has a strong public benefit and it is considered that the proposed development does not conflict with paragraphs 147 and 148 of the NPPF, Policy SP3 of the Selby Core Strategy Local Plan or emerging Policy D05 of the MWJP and so is acceptable..

Flood risk, drainage and water quality

- 7.24 The proposed development lies within Flood Zone 1 and is not in close proximity to a main river or main river flood plain which indicates a low risk of flooding. The drainage ditches are not within an internal drainage board area. Flooding has occurred during periods of heavy rain due to the fact that the drainage system and SPS do currently have the capacity to deal with the additional flow created by the rain fall. This is a particular problem for some residents on Main Street and the floodwater, which includes sewage, flows into their gardens and affects their domestic drainage systems. The proposed development would have increased capacity and improved pumps to deal with any sudden increase in flow and so would alleviate the potential for floodwater accumulating on Main Street. In terms of the capacity of the drainage pipes, Yorkshire Water have stated they are to review this and make improvements if required.
- 7.25 'Saved' NYWLP Policy 7/2 a) states that the proposal will be permitted where it is required to improve the treatment of sewage sludge and waste water and b) will produce increased capacity. Policy D09 of the emerging MWJP states that there should be no unacceptable impacts on surface or groundwater quality and/or surface or groundwater flows, and principal aquifers should have a high level of protection. Paragraph 7 of the NPPW advises that when determining planning applications, Planning Authorities should take into consideration the likely impact on the local environment and amenity against the criteria set out in Appendix B which includes protection of water quality and resources and flood risk management. Paragraph 174 of the NPPF states that new development should not contribute to water pollution. The Environment Agency responded to the consultation stating that, as the proposed

development is for sewage works, it presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters as the site is located on a principal aquifer. As a result, they requested that a condition be included to mitigate this, this is included as Condition 8 in Section 9.0 of the report. The proposed development is to be a pumping station for sewage with more efficient pumps and additional capacity compared to the SPS it is replacing. The pipes will be underground with some operational equipment above ground so, once the development is complete, there will be no unacceptable impact on surface or groundwater. The impact on the surface water will be positive as the additional capacity provided by the proposed development will reduce the risk of flooding within Colton Village. Paragraph 190 of the NPPF states that inappropriate development should not be located in areas at risk of flooding, the proposed development would be in Flood Zone 1 which has a low risk of flooding so this reflects paragraph 190. It is considered that the proposal accords with emerging 'saved' Policy a) and c), Policy D09 of the MWJP, paragraph 7 of the NPPW and paragraphs 184 and 190 of the NPPF.

Soils and agricultural land use

- 7.26 The proposed development compound is to be sited on Grade 2 Best and Most Versatile Land, (BMVL) Grade 2 BMVL is 'very good quality agricultural land' and 'Land with minor limitations that affect crop yield, cultivations or harvesting' and 'The level of yield is generally high but may be lower or more variable than grade 1. However, the land is currently part of a field used for grazing rather than growing crops. The soil within the compound is to be used to form a 1 metre wide 0.5 metre high bund which would follow the internal line of the boundary fence along the eastern, southern and western sides. The soil bund would be grass seeded with additional planting still to be agreed, a requirement for the planting scheme is covered by Condition 11 in Section 9 of this report. 'Saved' Policy 4/7 of the North Yorkshire Waste Local Plan states that one of the reasons where waste development would be allowed on BMVL is if there is an overriding need for the development. The 'need' for the development is covered within paragraphs 7.5 to 7.7. 'Saved' Policy 7/2 d) states that the proposal should not have an unacceptable adverse impact on local amenity or the environment. Policy D12 in the emerging MWJP states that BMVL should be protected from unnecessary and irreversible loss and steps should be taken to conserve and manage on site soil resources in a sustainable way. Where development of BMVL is justified proposals should prioritise the protection and enhancement of soils. Paragraph 184 of the NPPF states 'b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.' The site compound would take up a relatively small area, approximately sixteen percent, of the overall field and so would only impact a small area of BMVL. The soil which would be affected would remain on site in the form of a seeded bund which would form a permanent feature of the proposed development.
- 7.27 It is considered that the proposed development does not conflict with 'saved' NYWLP Policy 4/7 as there is an overriding need for the development as the existing SPS is coming to the end of its useful life and a replacement is needed. In terms of the emerging MWJP Policy D12 the proposed development is justified as it is needed, but since it is not temporary there will be a permanent loss of a small amount of BMVL. Paragraph 184 b) of the NPPF requires that the economic and other benefits of BMVL are recognised and 184 d) requires that impacts on biodiversity are minimised and net gains are provided. Natural England were consulted on the proposal and responded with no comments in relation to BMVL as the proposed development area is less than 20ha which is their threshold for providing comments. The installation of the SPS compound would result in the loss of some BMVL which is currently used for grazing. New hedging would be installed as part of the scheme and so provide a net gain in biodiversity which would accord with part d) of paragraph 184 of the NPPF. The loss of

BMVL is outweighed by the need for the proposed development, which accords with 'saved' Policy 4/7 and emerging MWJP Policy D12.

Highways matters- Traffic and transport

- 7.28 The site of the proposed development is currently accessed through a field gate over a grass verge. The proposal includes the provision of a new 21 metre access across the grass verge from Main Street into the field where a track up to the site compound will be installed. The new access would require the removal of some of the hedging on the highway verge, there was an original request to move the 30 mph sign further out of the village. Once the SPS has been installed it would be operated remotely and vehicles would only attend the site for checking of equipment, maintenance or if flooding occurs. With the site compound being set back from the highway and having hardstanding included within the compound, there would be no need for vehicles to park on Main Street as they do at present. The movement of the sewage and foul water would be carried out by a drainage system linking directly to the SPS. The remaining objection relates to the routing of vehicles associated with the SPS, they requested that no vehicles be allowed access to the new site through Colton Village, but to use the road to Copmanthorpe instead. The Applicant has stated that an appropriate route will be written into the sites operational and maintenance regime to favour access from Copmanthorpe, however this route is not suitable for larger vehicles and the number of vehicles attending site once the development was complete would be minimal. The objector was made aware of the information provided by the applicant but stated that their objection still stood. Given that once the proposed development was complete there would the SPS would be operated remotely negating the need for vehicles to visit the site except for routine checks or maintenance, and only if flooding occurred would tankers be required then on balance it is considered acceptable for the route through Colton Village to be used. If vehicles do attend the site there is room to park within the site compound rather than on the local highway. Whilst an objection has been raised it is considered that residents will not be adversely impacted by the limited number of vehicles attending the site and in line with local and national policy the local highway network will be able to accommodate this level of traffic.
- 7.29 The Highway Authority were consulted and they asked for further information in relation to visibility splays and measurement of achievable distances of visibility, information in relation to the number of vehicle trips expected per day and the type of vehicles. In terms of moving the 30 mph sign, they suggested undertaking a speed survey at the location of the proposed access to provide data which may allow the visibility distance to be relaxed rather than moving the speed limit extent. The applicant undertook a seven day speed survey at the location of the proposed site entrance, this information was supplied to the Highway Authority for consideration and they responded stating that they would accept a visibility splay of 2 metres by 45 metres and with this, the speed limit would not need to be moved. They requested a detailed plan for approval to demonstrate this, this requirement has been included in Section 9.0 of this report as pre-commencement Condition 9 which has been agreed with the developer.
- 7.30 'Saved' Policy 7/2 c) of the NYWLP states that the highway network and site access should be able to satisfactorily accommodate the traffic generated and 'saved' policy 4/1 g) states that the transport links should be adequate to serve the development, 'saved' Policy 4/18 states that waste management facilities will only be permitted where the level of vehicle movements generated by the development can be accommodated by the local highway network and so not have an unacceptable impact on the local communities. The movement of the sewage and foul water by a drainage system is supported by emerging Policy D03 of the MWJP which states that other methods of movement should be used instead of road transport, and the development should provide room for any vehicles to park and manoeuvre which has been provided in the design for this proposed development. 'Saved' Policy ENV1 of the Selby District Local Plan states that the relationship of the proposal to the highway network needs to be

taken into account, 'Saved' Policy T1 of the states that development proposals should be well related to existing highways network will only be permitted where the existing roads have adequate capacity for any additional vehicles and can safely serve the development 'Saved' Policy T2 states that the creation of a new access will be permitted provided there would be no detriment to highway safety and is in a location and to a standard acceptable to the highway authority. Paragraph 104 of the NPPF states that the potential impacts of development on the highway network should be able to be addressed, paragraph 110 promotes the use of sustainable transport modes and having a safe and suitable access, and paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. The applicant has liaised with the Highway Authority over the design of the access and once the construction of the proposed development is complete there will be a limited amount of vehicles attending the site as it will be operated remotely. The Highway Authority has recommended that the applicant would provide a plan of visibility splay for the access to the proposed development which has been included as pre-commencement condition 9 in Section 9 of this report.

- 7.31 In conclusion, although there is an outstanding objection to this proposal which relates to the routing of vehicles which would attend the site, this is mitigated due to the fact only a limited number of vehicles will attend the site as the SPS will be operated remotely. The Applicant has made efforts to minimise the impact of the proposed development on the highway and the Local Highways Authority are satisfied that the highway has sufficient capacity for the transport needs of the proposed development. Therefore, it is considered that this development accords with 'saved' Policies 7/2 c) 4/18 and 4/1 g) of the NYWLP and 'saved' Policies ENV1, T1 and T2 of the Selby District Council Local Plan, emerging Policy D03 of the MWJP and the NPPF and so is acceptable in terms of highway and transport matters with the pre-commencement condition recommended by the Highway Authority.

8.0 Conclusion

- 8.1 Notwithstanding the concerns expressed by the objector to the application in respect of highway concerns relating to the routing of vehicles, which have been addressed above it is a much needed development which finds support in both policy and consultation. It is considered that the proposed development is in compliance with the provisions of the North Yorkshire Waste Local Plan 'saved' policies 4/1, 4/3, 4/7, 4/18, 4/19 or 7/2 of the NYWLP. There are no significant impacts anticipated in respect of Green Belt, landscape, ecology and residential amenity upon the character of the area or upon the local highway network and therefore the proposed development would be consistent with paragraphs 104, 111, 126 – 130, 137 – 138, 150,174, 180 and 185 of the NPPF and the relevant locational criteria set out in Appendix B of the NPPW, policies SP1, SP3, SP15 and SP19 of the Selby District Core Strategy Local Plan (2013) and emerging Policies W08, W10,D01, D02, D03, D05, D06, D07, D09 and D12 of the MWJP.
- 8.2 There are no material planning considerations to warrant the refusal of this application for the Underground sewerage pumping station to replace and upgrade local infrastructure to reduce impact from local sewerage flooding. To include a fenced compound to enclose the site, four weatherproof plant enclosures on raised concrete slabs, a vent stack and new access track from highway.
- 8.3 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

Obligations under the Equality Act 2010

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

Obligations under the Human Rights Act

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

9.0 Recommendation

9.1 For the following reason(s):

i) The principle of the development is necessary as an element of the local sewerage infrastructure;

ii) The proposal would have minimal impact on residential amenity and environmental quality;

ii) The proposal is compliant with NPPF, NPPW, PPG guidance, 'saved' policies of the North Yorkshire Waste Local Plan (adopted 2006) and policies of the Selby District Core Strategy Local Plan (adopted 2013)

Recommendation:

Subject to any comments Members may have, the following be proposed to the Chief Executive Officer for consideration under his emergency powers:-

the application be approved for the reasons stated in the report in accordance with the conditions outlined.

Conditions:

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

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

2. The development hereby permitted shall be carried out in accordance with the application details dated 3 November 2020 and the following approved documents and drawings:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
UU32-MMB-00-ZZ-DR-T-0010 S2 P01	20.11.2020	Site Location Plan
UU32-MMB-00-ZZ-DR-T-0011 S2 P01	20.11.2020	Site Plan
UU32-MMB-00-ZZ-DR-T-0012 S2 P01	20.11.2020	Plan and elevation
UU32-MMB-00-ZZ-DR-T-0002	November 2020	Planning, Design and Access Statement
ME/17/454.00	24.11.2017	Preliminary Ecological Appraisal Report
100381144 UU32	4.2.2021	Ecological Walkover – Colton SPS Report

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

3. Construction work to be restricted to 07.00 – 18.00 hours on Mondays to Fridays, 08.00 -13.00 on Saturdays and no works carried out on Sundays and Bank and Public Holidays.

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

Landscape

4. Within six months of the decision notice a detailed scheme for hard and soft landscaping shall be submitted to and approved in writing by the County Planning Authority. Soft planting to be implemented in the first available planting season following completion of works. Any tree/shrub which dies within three years of the date of planting shall be replaced within the next available planting season to the satisfaction of the County Planning Authority.

Reason: To ensure the provision and establishment of planting to screen the site from Colton village, to protect local amenity, landscape character and setting.

5. Prior to commencement of the development, an arboriculture method statement and tree protection plan to BS5837 standard shall be submitted to and approved by the County Planning Authority and thereafter be adhered to once submitted.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to reserve the right of control by the County Planning Authority and to protect existing trees and hedgerows to be retained in the proximity of the site.

Ecology

6. Any vegetation removal is required to be undertaken outside the bird breeding season (March to August inclusive) in order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended) . Where this is not possible a check for nesting birds by a suitably qualified person should be carried out no more than 48 hours prior to removal.

Reason: *To protect the wildlife interests of the area .*

7. The hedgerow that is to be replanted either side of the new access and outside the site compound should consist of native trees and shrubs of local provenance, including blackthorn, hazel, and hawthorn.

Reason: *To protect the amenity of the area and to ensure the provision and establishment of acceptable landscaping..*

Groundwater protection

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: *To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.*

Highways

9. Prior to the commencement of development a plan showing the visibility splay where the highway joins the entrance to the site shall be submitted to and approved by the County Planning Authority within 3 months of the decision notice, and implemented in accordance with the submitted plan within 6 months.

Reason: *This is a pre-commencement condition and is required given the particular circumstance and imposed to reserve the right of control by the County Planning Authority and to protect highway safety.*

Soil and agricultural land

10. All top-soil and sub-spoil must be stripped separately and stored separately in storage mounds in accordance with the submitted application details. All screening mounds and all topsoil and subsoil storage mounds must be graded to an even slope and be no more than 0.5 meter high, must be seeded with grass and must be kept free of weeds. No topsoil or subsoil must be removed from site.

Reason: *To preserve the quality of BMVL soils.*

11. All storage mounds must be grass seeded and managed in accordance with a scheme that has requiring written approval of the County Planning Authority. The scheme must include a schedule to maintain the mounds free of weeds such as docks, thistles and ragwort. The scheme which must be implemented as approved by the County Planning Authority must be submitted no later than two months after the commencement of soil stripping.

Reason: To preserve the quality of BMVL soils.

Informatives

Coal Authority standing advice - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority . Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

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

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

K BATTERSBY

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

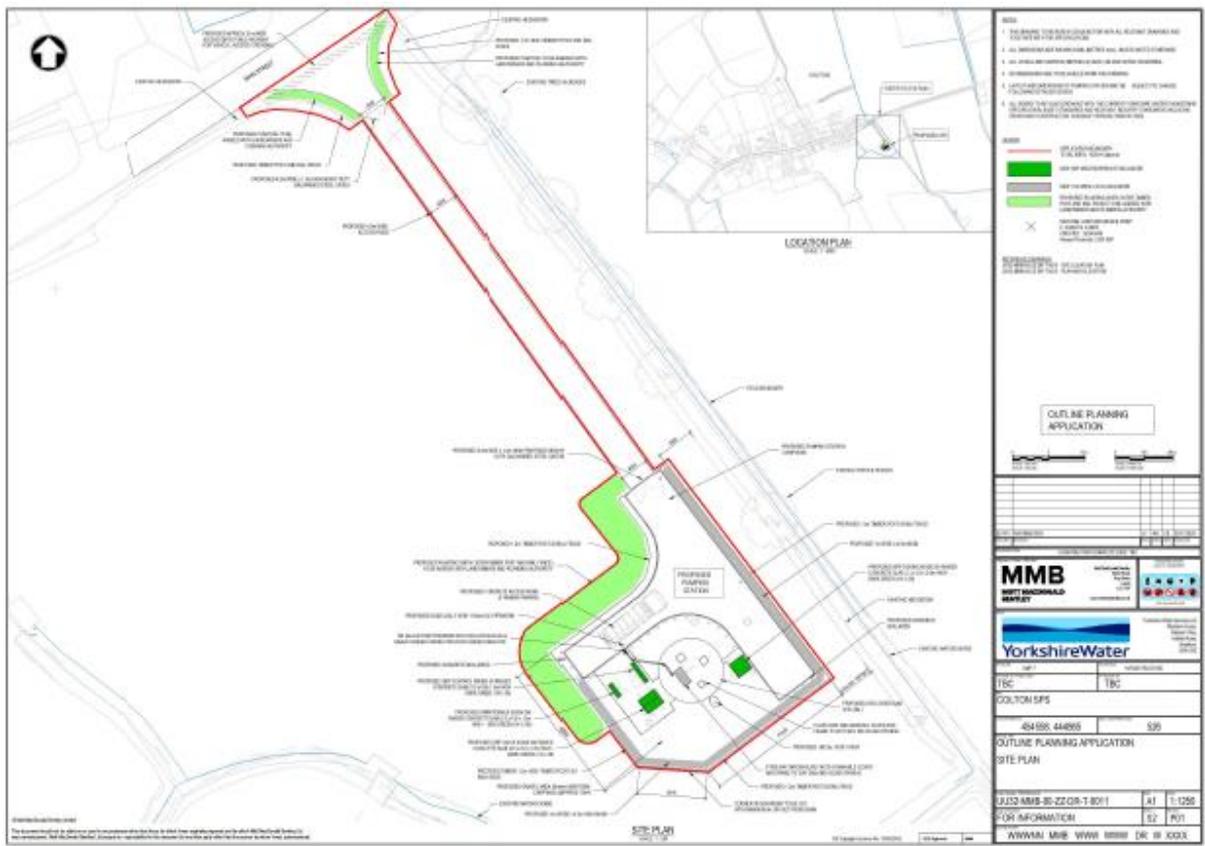
Background Documents to this Report:

1. Planning Application Ref Number: C8/2020/1338/CPO (NY/2020/0185/FUL) registered as valid on 3 December 2020. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

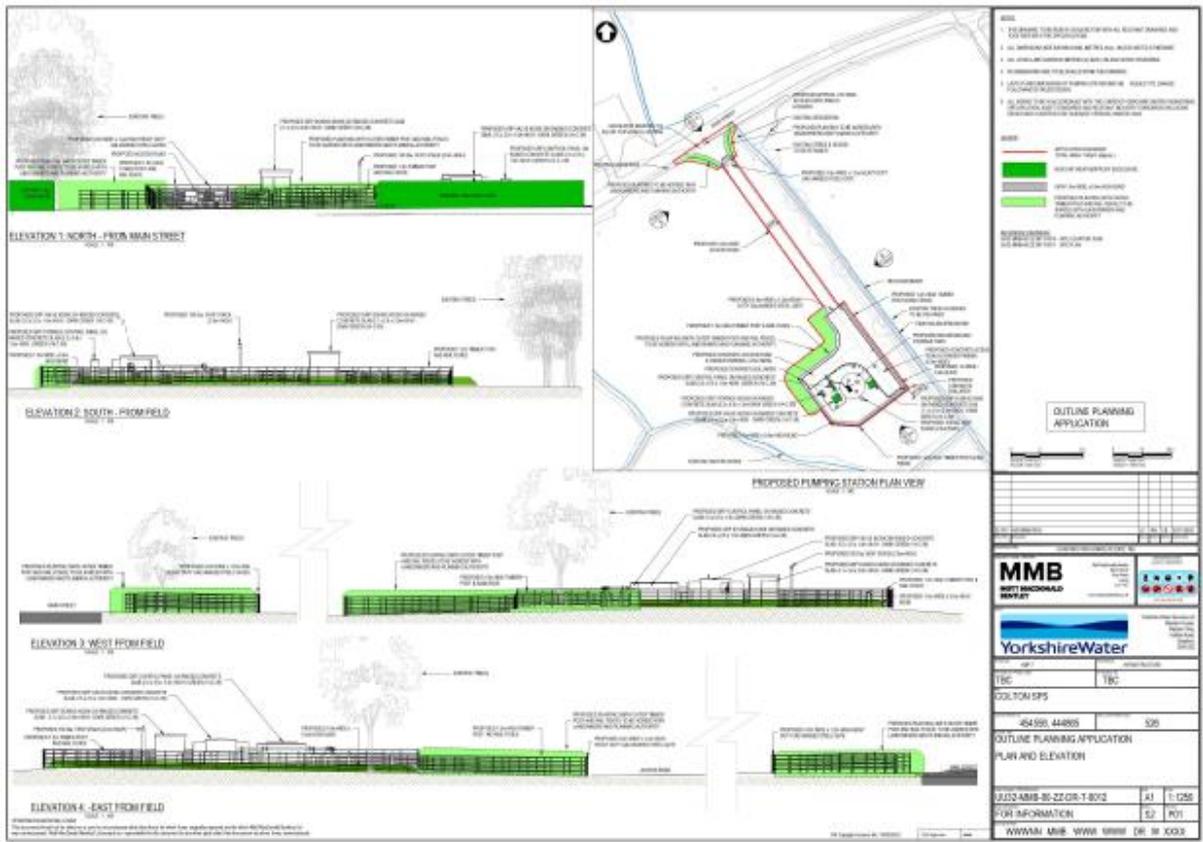
Author of report: Joan Jackson



Site Location Plan



Site Plan



Plan and elevations