

opportunity and 'saved' policy 4/22 of the NYWLP seeks to ensure that restoration of waste management facilities will restore and enhance, where appropriate, the character of the local environment. The application site is a former clay quarry, what has not yet been restored via the approved method of landfilling which would further result in the creation of a mountain bike skills centre; therefore, it is considered that prolonging waste management operations at the site and to a height which would impact on the local environment would be contrary to paragraph 205 of the NPPF, paragraph 7 of the NPPW and 'saved' policy 4/22 of the NYWLP as restoration of the site at the earliest opportunity would not be the case if operations were to continue on the application site, nor would the restoration enhance the character of the local environment.

- 7.27 Draft Policy D10 of the emerging Minerals and Waste Joint Plan, although afforded limited weight at this stage, states that proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and, where appropriate to the scale and location of the development, have demonstrably reflected the potential for the proposal restoration and/or afteruse to give rise to positive and adverse impacts, including cumulative impacts, and provided for progressive, phased restoration where appropriate, providing for the restoration of the site at the earliest opportunity in accordance with an agreed timescale. Again and as stated above, restoration of the site at the earliest opportunity would not be achieved if operations were to continue for another 10 years, therefore contrary to this draft policy.
- 7.28 'Saved' Policy 5/3 of the NYWLP seeks to ensure that proposals '*will not have an unacceptable impact on local amenity or the environment*'. The proposal development therefore conflicts with this in terms of impact on local amenity and the character of the local environment.

Flood risk and drainage

- 7.29 An assessment of the potential impacts of the proposed development upon hydrology and flood risk was undertaken as part of this application, and the report identifies that the entire site and immediate surrounding area is located in Flood Zone 2 and the proposed development and restoration to mountain bike skills centre is a water-compatible development and a low fluvial flood risk is deemed acceptable according to Planning Practice Guidance. Furthermore, the proposed development would have raised surface levels above the current topographical levels within the site, which should reduce the fluvial flood risk.
- 7.30 The report also confirms that there is no sewer network present on site and there are no historical flood records. The report concludes that the proposed development is a water compatible development and is deemed appropriate. The development's effect on flood risk elsewhere is estimated to be insignificant and it is anticipated that a detailed scheme of surface water management would be requested following any grant of planning permission. This is further endorsed by the consultation response from the Environment Agency which confirms no objection to the proposed development.
- 7.31 For the reasons detailed above, it is considered that the proposed development would not have an adverse impact upon flood risk or drainage in the locality. Therefore, the proposed development is considered to be consistent with the paragraphs 149, 155 and 163 of the NPPF with regard to flood risk and drainage.

Ecology

- 7.32 The application is accompanied by an Ecology Report, undertaken by BSG Ecology on behalf of the Applicant. The report comprises the results and assessment of an Extended Phase 1 Habitat Survey and subsequent further survey work.

- 7.33 The report identifies that there are no statutory sites of nature conservation recorded within 2 kilometres of the application site. The report does note though that there are four non-statutory sites recorded within 1 kilometre of the application site. The report also identifies that the application site lies within the impact risk zone for Skipwith Common Site of Special Scientific Interest (SSSI). Inert landfill operations are included under the Skipwith Common SSSI as development types for which Natural England will need to be consulted. Furthermore, Natural England confirmed in their consultation response that they had no comments to make in respect of the proposed development.
- 7.34 The surveys assessed the suitability of the application site to support protected species, focussing particularly upon Great Crested Newts, Badger, Bats, Water Voles and Birds. The report concluded with recommendations for protection measures, which the County Council's Ecologist has confirmed are sufficient to deal with any mobile species and/or changes that may take place across the site prior to works continuing. It has been asked that a condition be included on any grant of planning permission to deal with these. The Ecologist has also requested that a condition be added to any grant of planning permission which deals with the habitat creation, establishment and management plan in addition to the species protection measures. Policy SP15 (part d) of the Selby District Core Strategy relates to Sustainable Development and Climate Change and requests that schemes should be resilient to the effects of climate change and should 'Protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise biodiversity to contribute to climate change mitigation and adaptation'. It is considered that the imposition of a condition on any grant of planning permission to deal with habitat creation would be compliant with this policy.
- 7.35 It is therefore considered that the proposed development would not have an adverse impact upon ecological matters in the locality. Therefore, the proposed development is considered to be consistent with paragraphs 175 of the NPPF, 'Saved' Policy 4/6A of the NYMLP and Policy SP15 of the Selby District Core Strategy in terms of ecological matters.

Highways matters - Traffic and transport

- 7.36 Escrick Parish Council object on the basis of the impact on highways and state that the majority of lorries deliver to the site via the A19 through Escrick, contributing to road safety concerns in the village and causing noise and vibration for residents along the A19. The planning application does not propose to change any of the current operating practices including hours of operation or methods of working, and HGV lorries would continue to travel through Escrick village causing further impact on the condition of the highway and on the residential amenity of those who live in Escrick village. The only change to operational practice has been that the applicant has purchased a road sweeper to maintain the public highway outside of the site entrance. It has been informally agreed with the Parish Council that the sweeper would also maintain the highway up to the village, which spans up to three kilometres north of the site. Prior to the submission of this application, the County Planning Authority had not received any complaints regarding existing operations at the site since January 2018, whereby the condition of the highway became an issue and the Applicant subsequently purchased the road sweeper. Since the submission and publicity of this application, one complaint has been received regarding noise and dust issues occurring due to operations at the site which are causing disturbance in the locality.
- 7.37 The Highway Authority has no objection to the planning application in highways terms as it is considered that the local highway network would have enough capacity to accommodate the proposed vehicle movements during continuation of the works,

which is sought in 'Saved' Policy 4/18 (Traffic Impact) of the North Yorkshire Waste Local Plan and 'saved' policy T1 of the Selby District Local Plan (Development in Relation to the Highway network) in terms of vehicles numbers being accommodated on the highway. However, it is considered that it has not been demonstrated that there would not be unacceptable impacts on local amenity and local businesses in the area from the continuation of vehicle movements at the site and through Escrick village for another 10 year period. 'Saved' Policy 4/18 also seeks to ensure that there would be no unacceptable impact on local communities resulting in traffic from waste developments, and as such, it is considered that the proposed development would be contrary to 'Saved' Policy 4/18 of the NYWLP and emerging MWJP Policy D02 (Local Amenity and cumulative impacts) and national policy.

- 7.38 It is considered that the proposed development would not have an adverse effect on the local highways network, in capacity terms, however, the proposed extension of time, effectively doubling the time period for restoration could have the potential to impact upon amenity through further noise, dust and vibration of the vehicle movements from the site.
- 7.39 Given the assessment regarding adverse impact on the local landscape character that would occur as a result of this proposal, together with the potential for impact on restoration of the site it is considered on balance that the proposed development would not be acceptable. The applicant has not demonstrated that there is any other good reason that this development should be granted planning permission other than the continued use of a waste management operation. Therefore, the proposed development is considered to be inconsistent with paragraphs 170 and 180 of the NPPF. It also conflicts with the landscape and character protection elements of 'saved' policies 4/1, 4/14 of the North Yorkshire Minerals Local Plan (NYMLP), 'saved' policies 4/19, 4/22, 5/3, 6/1 of the North Yorkshire Waste Local Plan (NYWLP), policies SP18 and SP19 of the Selby District Core Strategy, 'saved' policies ENV1 and ENV21 of the Selby District Local Plan and draft policies D01, D10, W11 of the emerging Minerals and Waste Joint Plan.

8.0 Conclusion

- 8.1 It is considered that the material planning considerations considered above warrant the refusal of this application for the variation of Condition No. 2 of Planning Permission Ref. C8/10/3AC/CPO dated 4 November 2013 which relates to raising landfill levels.
- 8.2 The proposed development is considered to not be compliant with the policies which comprise the Development Plan currently in force for the area and taking account of all other relevant material considerations. On balance, it is considered that the proposed development would result in a level of harm to the local landscape character which would not be appropriate for the location of which the development is proposed and that the harm that could be caused would outweigh any potential economic benefits. There would also be likely continued adverse impacts on local amenity.

9.0 Recommendation

- 9.1 That, the County Council submits to the Secretary of State that **PLANNING PERMISSION BE REFUSED** for the following reasons:
1. The proposed development would give rise to adverse landscape and visual effects in the local area due to the proposed landraising operations creating a landform

height of up to 8 metres above the approved restored levels. It is considered that the proposal would create an incongruous feature in the landscape adversely affecting local landscape character and setting. As such the proposal is inconsistent with Paragraphs 170 and 180 of the NPPF. It also conflicts with the landscape and character protection elements of 'saved' policies 4/1, 4/14 of the North Yorkshire Minerals Local Plan (NYMLP), 'saved' policies 4/19, 4/22, 5/3, 6/1 of the North Yorkshire Waste Local Plan (NYWLP), policies SP18 and SP19 of the Selby District Core Strategy, 'saved' policies ENV1 and ENV21 of the Selby District Local Plan and draft policies D01, D10, W11 of the emerging Minerals and Waste Joint Plan.

2. The proposed development is considered to be inconsistent with paragraph 205 of the NPPF and paragraph 7 of the NPPW and conflicts with 'Saved' policy 4/22 of the North Yorkshire Waste Local Plan (NYWLP) and draft Policy D10 of the emerging Minerals and Waste Joint Plan. The prolonging of operations on site by an additional 10 years of operations on site (8 years in addition to the current expected life of the site) would be inconsistent with these policies which seek to ensure that restoration of minerals workings (of which the site is a former mineral working) and waste sites is carried out at the earliest opportunity and to a high standard.

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 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.

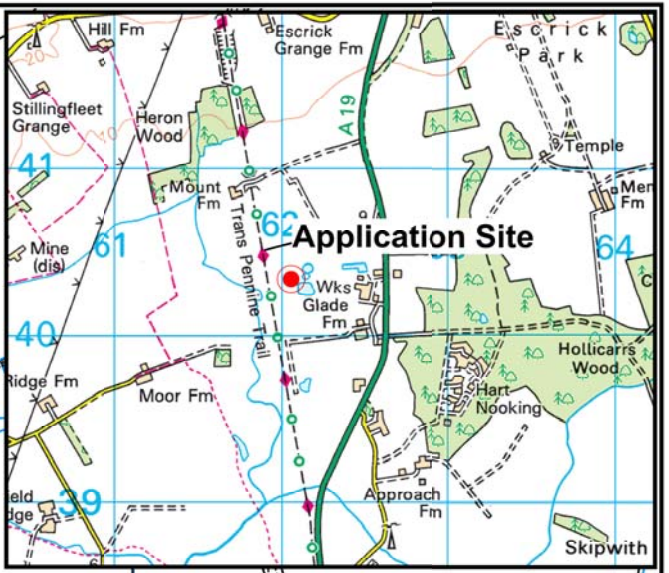
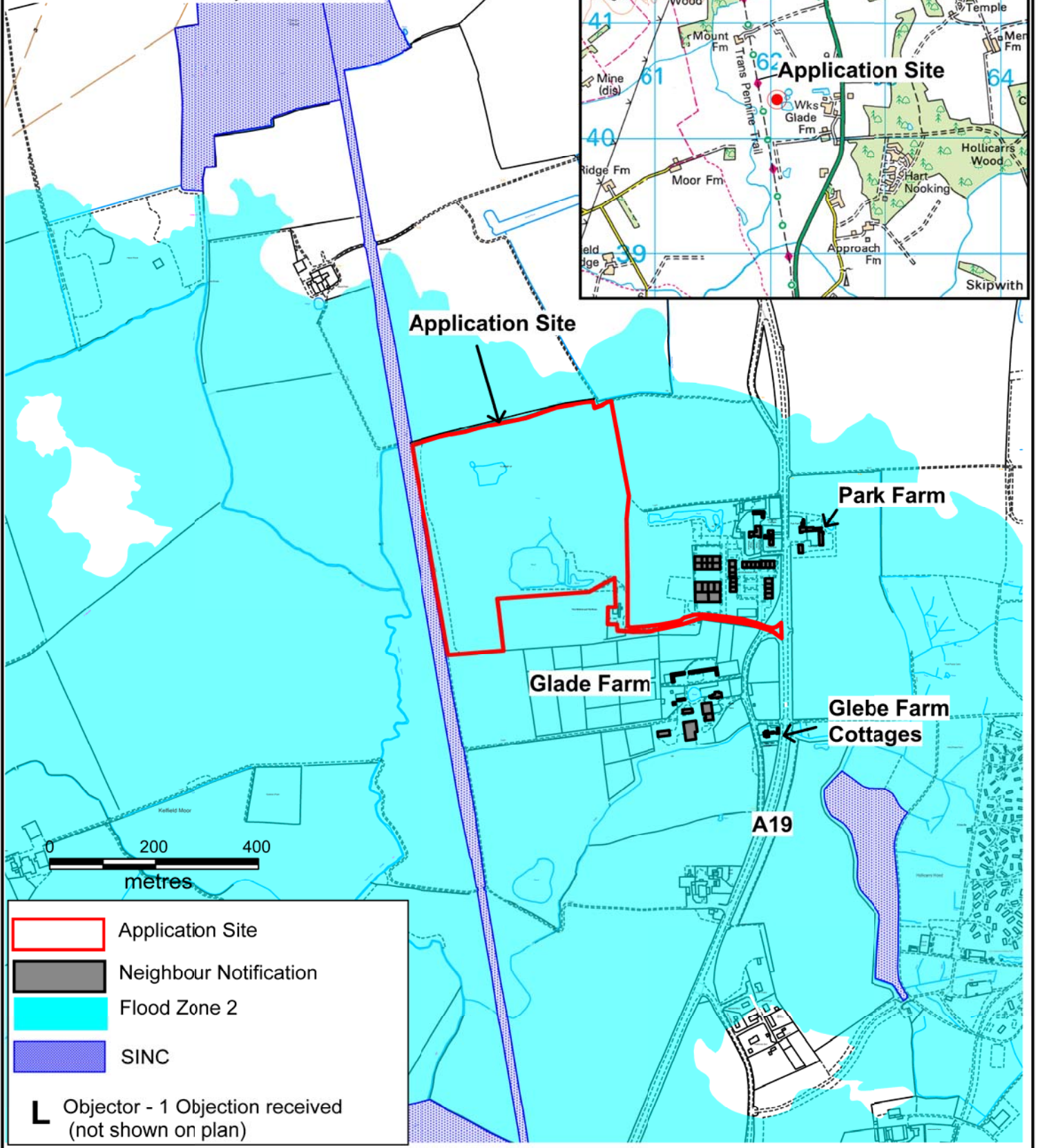
D BOWE
Corporate Director, Business and Environmental Services
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: C8/2019/0061/CPO (NY/2018/0029/73) registered as valid on 18 January 2019. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

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The Old Brick And Tile Works, Riccall Road, Escrick



Application No : C8/10/3AC/CPO

Title: Variation of Condition No. 2 of Planning Permission Ref. C8/10/3AC/CPO which relates to raising landfill levels at Escrick Environmental Services Ltd, Brickworks Riccall Road, Escrick, York

Business and Environmental Services
North Yorkshire County Council
County Hall, Northallerton,
North Yorkshire. DL7 8AH

Scale : 1:10,000
Date : July 2019
Filename : Escrick
Compilation & Analysis : AT/JB