



Meeting: **PLANNING COMMITTEE**  
Date: **WEDNESDAY, 2 SEPTEMBER 2020**  
Time: **2.00 PM**  
Venue: **MICROSOFT TEAMS - REMOTE**  
[\(Click here\)](#)  
To: **Councillors J Cattanach (Chair), I Chilvers, R Packham, P Welch, M Topping, K Ellis, D Mackay, M Jordan and J Mackman (Vice-Chair)**

## Agenda

- 1. Apologies for Absence**
- 2. Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at [www.selby.gov.uk](http://www.selby.gov.uk).

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

- 3. Chair's Address to the Planning Committee**
- 4. Minutes (Pages 1 - 6)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 12 August 2020.

**5. Planning Applications Received (Pages 11 - 12)**

**5.1. 2019/1343/EIA - Eggborough Power Station, Selby Road, Eggborough (Pages 13 - 80)**

**5.2. 2019/1344/FULM - Eggborough Power Station, Selby Road, Eggborough (Pages 81 - 124)**

*Janet Waggott*

**Janet Waggott, Chief Executive**

**Dates of next meeting (2.00pm)**

Wednesday, 7 October 2020

Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or [vforeman@selby.gov.uk](mailto:vforeman@selby.gov.uk).

**Live Streaming**

This meeting will be streamed live online. To watch the meeting when it takes place [click here](#).

**Recording at Council Meetings**

Selby District Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meetings should inform Democratic Services of their intentions prior to the meeting by emailing [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk)

# Agenda Item 4



## Minutes

### Planning Committee

Venue: Microsoft Teams Live Event - Remote  
Date: Wednesday, 12 August 2020  
Time: 2.00 pm

Present remotely via Teams Live Events: Councillor J Cattanach in the Chair  
Councillors J Mackman (Vice-Chair), I Chilvers, R Packham, M Topping, K Ellis, D Mackay and M Jordan

Officers Present remotely via Teams Live Events: Martin Grainger – Head of Planning, Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor, Fiona Ellwood – Principal Planning Officer, Rebecca Leggott – Senior Planning Officer and Victoria Foreman – Democratic Services Officer

#### 12 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P Welch.

#### 13 DISCLOSURES OF INTEREST

Councillors J Cattanach, I Chilvers, R Packham, D Mackay, M Jordan, K Ellis and M Topping declared a non-pecuniary interest in agenda item 4.1 – Land at Viner Station, Roe Lane, Birkin, Knottingley, as they had all received an additional email representation on the application from the agent for the application.

#### 14 CHAIRS ADDRESS TO THE PLANNING COMMITTEE

The Chair informed Members that an Officer Update Note had been circulated, and that the order of business as set out in the agenda would be altered and agenda item 4.2 – Lodge Farm, Wistow Lordship, Wistow considered by Members first.

The Committee also noted that details of any further representations received on the applications would be given by the Officers in their presentations.

## 15 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following applications.

### 15.1 2020/0475/FUL - LODGE FARM, WISTOW LORDSHIP, WISTOW

*Councillor J Mackman joined the meeting at this point.*

**Application:** 2020/0475/FUL

**Location:** Lodge Farm, Wistow Lordship, Wistow

**Proposal:** Conversion of the existing barn into a dwelling house after Class Q permitted approval (retrospective)

The Senior Planning Officer presented the application which had been brought before Members of the Planning Committee as the proposal was contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan), but it was considered that there were material considerations which would justify approval of the application.

The Committee noted that the application was for the conversion of the existing barn into a dwelling house after Class Q permitted approval (retrospective).

An Officer Update Note had been circulated to Members and made available on the Council's website that set out the amendments made to section 7 of the report, which included an update to condition 5, requiring works to be carried out in accordance with the drainage plan provided, and an additional informative regarding a permit for the septic tank, as advised by the Environment Agency. It was not considered that the information in the Update Note would alter the assessment made of the application.

*At this point Councillor J Mackman left the remote meeting due to technical difficulties and did not return.*

Members expressed their support for the scheme and it was subsequently proposed and seconded that permission be granted; a vote was taken on the proposal and was carried.

#### **RESOLVED:**

**To GRANT permission subject to the conditions set out in paragraph 7 of the report and with reference to the additional informative in the Officer**

## Update Note.

### 15.2 2017/1381/FULM - LAND AT VINER STATION, ROE LANE, BIRKIN, KNOTTINGLEY

**Application:** 2017/1381/FULM

**Location:** Land at Viner Station, Rose Lane, Birkin, Knottingley

**Proposal:** Proposed erection of a new grain store including a chemical store and roof mounted solar PV

The Principal Planning Officer presented the application which had been reported to the Planning Committee at its meeting held on 6 June 2018, and was deferred for the following reasons, as set out in the minutes of that meeting:

*“Members felt that they required more information on the application including on the unauthorised uses of some of the buildings before they could take a decision. Some members expressed a preference for a site visit; however, it was agreed that a decision on such a visit would be taken at a later date.”*

Subsequently a retrospective application, under reference 2018/0681/FULM for the Change of Use of the buildings and land from agricultural use to industrial B2 use (which included 5 Biomass Boilers for the drying and heating of woodchip) was reported to Planning Committee in December 2018 and subsequently refused permission on 6 February 2019. An appeal had been lodged against the refusal and would be the subject of a hearing later in August. Members were directed to the relevant planning history section of the report, from paragraph 1.7, for the refusal reasons.

Officers explained that the current application for consideration by Members related solely to the new agricultural grain store. In view of the time period that had passed, the report was re-written, updated and addressed the queries which had arisen previously at committee. An appraisal had been obtained by an Independent Agricultural Consultant on behalf of the Council which justified the need for the grain store, independent of the other buildings on the site. Further information had also been provided on the following:

- Blue line ownership for the entire holding;
- Further details of the farm business;
- Greater justification for the agricultural need for the

- building and why the existing buildings were to be discounted; and
- Advice by an Agricultural Consultant on behalf of the Council.

The Committee noted that the application was for the proposed erection of a new grain store including a chemical store and roof mounted solar PV.

An Officer Update Note had been circulated to Members and made available on the Council's website that responded to comments and queries raised when the application was previously considered at the CEO Planning Decision Session on 24 June 2020.

The Officer's report concluded that the application could be determined ahead of the appeal decision because there was clear evidence of sound agricultural justification for the new grain store, even if the appeal was dismissed and the biomass building was again available for agricultural use.

Members asked questions relating to the difference between multiple planning and business units within agricultural holdings, the bunding on site and the grain storage capacity and its relation to the proposed grain cash and carry business.

The Committee also asked about Condition 13, which specified that no drying of grain from other farms could take place on site; Officers confirmed that the purpose of the condition was to restrict the drying and storage of grain to that which had been produced on the land which served the agricultural business and to prevent the site being used for commercial grain storage.

The Committee debated the application, with some Members expressing concerns around the capacity of the roads surrounding the site to accommodate increased farm traffic and heavy vehicles. Officers confirmed that North Yorkshire County Council Highways had expressed no such concerns and had agreed that the proposed application for grain storage would not result in more than normal agricultural traffic, as was expected in the countryside.

The Committee debated the application further and accepted that as submitted, it was acceptable to policy and should be supported. Some Members stated that the proposed grain business was in context with the existing

uses on the site, and that the bunding and screening allowed for the proposed building to blend in.

It was subsequently proposed and seconded that permission be granted; a vote was taken on the proposal and was carried.

**RESOLVED:**

**To GRANT permission for the application subject to the conditions set out in paragraph 7 of the report.**

The meeting closed at 3.02 pm.

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## **Planning Committee – Remote Meetings**

### **Guidance on the conduct of business for planning applications and other planning proposals**

1. The reports are taken in the order of business on the agenda, unless varied by the Chairman. If the order of business is going to be amended, the Chairman will announce this at the beginning of the meeting.
2. There is usually an officer update note which updates the Committee on any developments relating to an application on the agenda between the publication of the agenda and the committee meeting. Copies of this update will be published on the Council's website alongside the agenda.
3. You can contact the Planning Committee members directly. All contact details of the committee members are available on the relevant pages of the Council's website:

<https://democracy.selby.gov.uk/mgCommitteeMailingList.aspx?ID=135>

4. Each application will begin with the respective Planning Officer presenting the report including details about the location of the application, outlining the officer recommendations, giving an update on any additional representations that have been received and answering any queries raised by members of the committee on the content of the report.
5. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
6. The role of members of the planning committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework and the Council's planning code of conduct.
7. For the committee to make a decision, the members of the committee must propose and second a proposal (e.g. approve, refuse etc.) with valid planning reasons and this will then be voted upon by the Committee. Sometimes the Committee may vote on two proposals if they have both been proposed and seconded (e.g. one to approve and one to refuse). The Chairman will ensure voting takes place on one proposal at a time.
8. This is a council committee meeting which is viewable online as a remote meeting to the public.

9. Selby District Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting on [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk)
10. The arrangements at the meeting may be varied at the discretion of the Chairman.
11. For the time being, the Code of Practice for Dealing with Planning Matters is modified so that the public speaking scheme will not apply to Remote Meetings. This is due to the need to manage the duration and security of the meetings. Instead, written representations on planning applications can be made in advance of the meeting and submitted to [planningcomments@selby.gov.uk](mailto:planningcomments@selby.gov.uk). All such representations will be made available for public inspection on the Council's Planning Public Access System and/or be reported in summary to the Planning Committee prior to a decision being made.
12. The Remote Meetings Regulations provide flexibility in light of the Covid-19 pandemic, and allow meetings to be moved, called or cancelled without further notice. For this reason, the public are encouraged to check the Council's website in case changes have had to be made at short notice. If in doubt, please contact either the Planning Department on [planningcomments@selby.gov.uk](mailto:planningcomments@selby.gov.uk) or Democratic Services on [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk) for clarification.
13. A provisional Calendar of Meetings is operating, with Planning Committees usually sitting on a Wednesday every 4 weeks. However, this may change depending upon the volume of business as we emerge from lockdown. Please check the meetings calendar using this link for the most up to date meeting details:  
<https://democracy.selby.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>
14. To view the meeting online, find the relevant meeting from the list of forthcoming Remote Planning Committee meetings. The list of forthcoming meetings is here:  
<https://democracy.selby.gov.uk/ieListMeetings.aspx?Committeeld=135>  
  
Find the meeting date you want and click on it. This will take you to the specific meeting page. Under the section on the page called 'Media' is the link to view the online meeting – click on this link.
15. Please note that the Meetings are streamed live to meet with the legal requirement to be "public" but are not being recorded as a matter of course for future viewing. In the event a meeting is being recorded the Chair will inform viewers.
16. These procedures are being regularly reviewed as we start to operate in this way and will include reviewing the feasibility of introducing public speaking at the Remote Meetings in the future.

**Contact:**

Democratic Services

Email: [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk)

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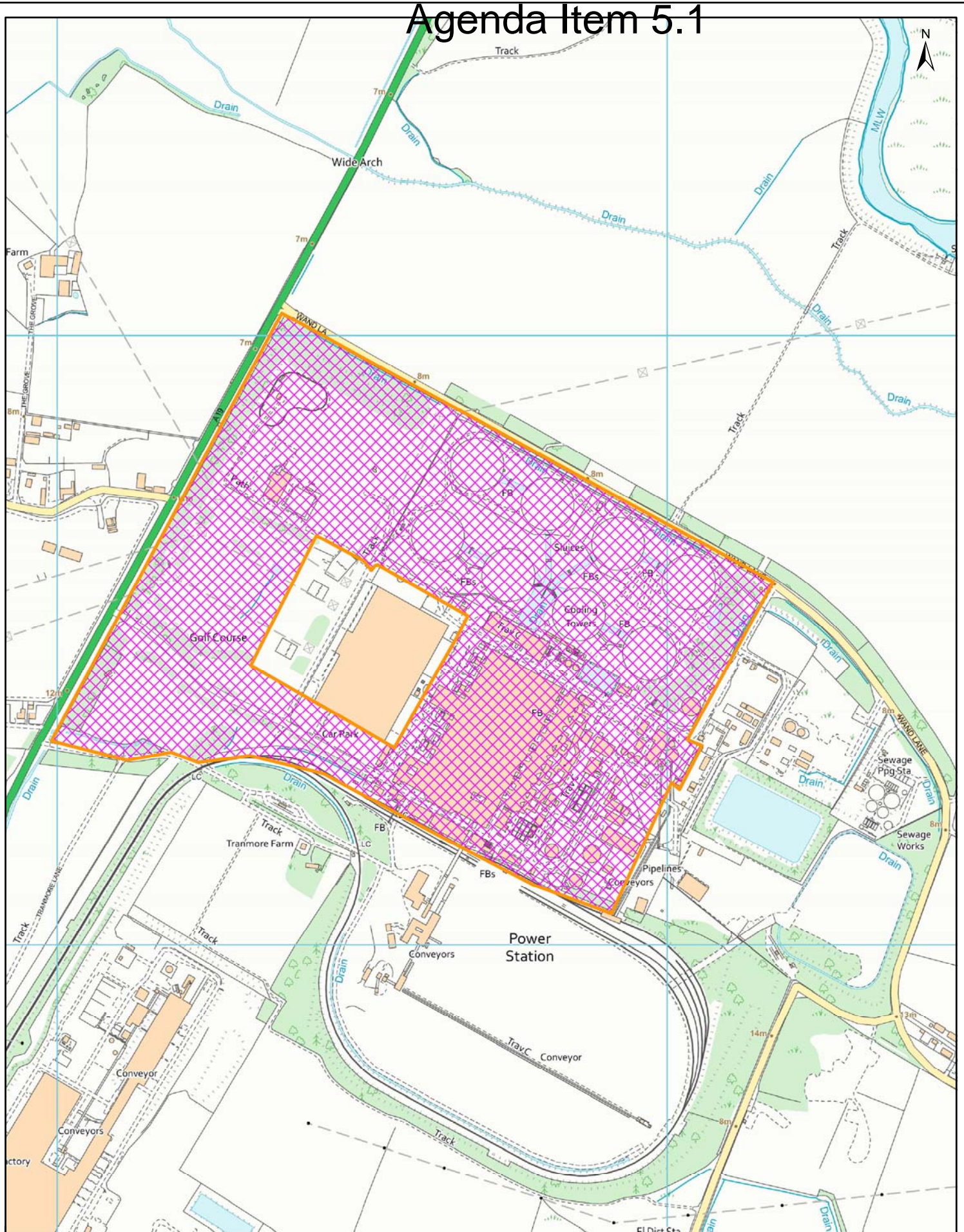
# Agenda Item 5

## Items for Planning Committee

2 September 2020

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2019/1343/EIA	Eggborough Power Station, Selby Road, Eggborough, Goole	Hybrid application for demolition of part of the former power station and ancillary buildings and its redevelopment (i) access into the site, internal roads, employment units, car parking, drainage infrastructure and landscaping and (ii) outline for the scale of redevelopment of the remainder of the site for employment floorspace, proposed buildings with ridge being between 9.5 metres and 24.5 metres, car parking, drainage infrastructure and strategic landscaping	GAST	13 - 80
5.2	2019/1344/FULM	Eggborough Power Station, Selby Road, Eggborough, Goole	Proposed change of use of land, formation of sports pitches and the erection of pavilions (use class D2) with car parking, landscaping and access on sites A and B off Wand Lane and Hazel Old Lane	GAST	81 - 124

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## APPLICATION SITE

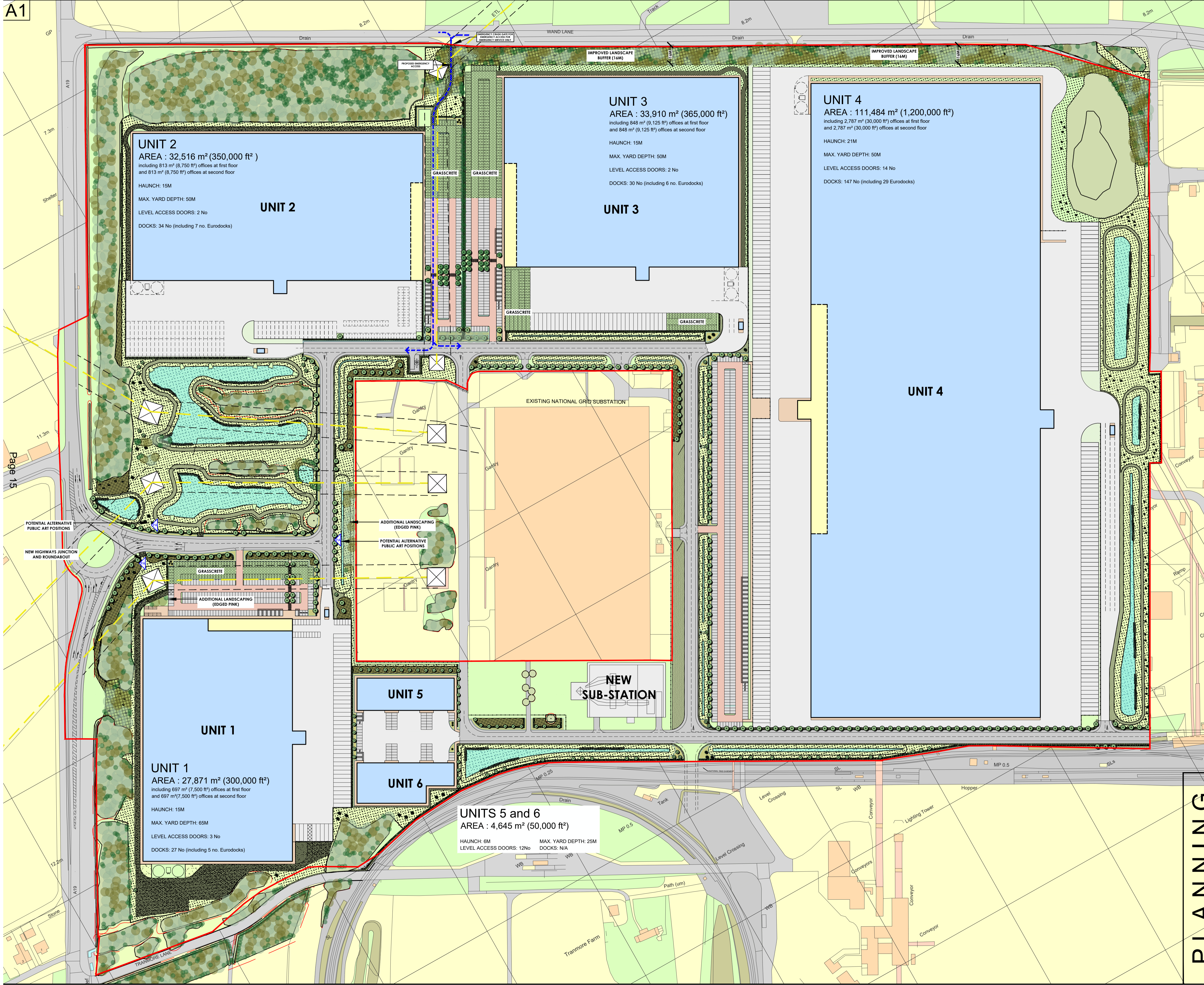
Eggborough Power Station, Selby Road, Eggborough  
2019/1343/EIA

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This drawing and the building works depicted are the copyright of BHP Design LLP and may not be reproduced or amended except by written permission. No liability will be accepted for amendments made by other persons.

The Contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before work starts. The Contractor is to comply in all respects with current Building Legislation, British Standard Specifications, Building Regulations, Construction (Design & Management) Regulations, Party Wall Act, etc. whether or not specifically stated on this drawing. This drawing must be read with and checked against any structural, geotechnical or other specialist documentation provided.

This drawing is not intended to show details of foundations, ground conditions or ground contaminants. Each area of ground relied upon to support any structure depicted (including drainage) must be investigated by the Contractor. A suitable method of foundation should be provided allowing for existing ground conditions. Any suspected or fluid ground, contaminants on or within the ground, should be further investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only & should be further investigated by a suitable expert.

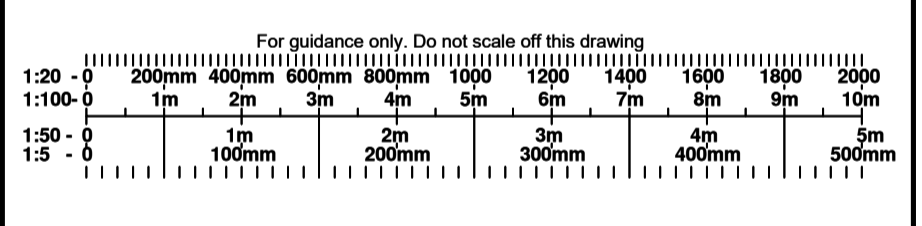
Where existing trees are to be retained they should be subject to a full Arboricultural Inspection for safety. All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accommodate the proposed tree planting.

Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage design & planning/conservation negotiations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey. Sketch proposals have not been considered in respect of CDM Regulations.

- Notes:
- THIS DRAWING HAS BEEN PRODUCED USING INFORMATION TO BE FOUND ON RPS TOPOGRAPHICAL SURVEY DRAWING UAK 3031 REV B SHEETS 1 TO 18 DATED MARCH 2017
  - FOR EXTERNAL LANDSCAPING DETAILS REFER TO BCA DRAWINGS.

AMENDED DRAWING

Revisions	Amendment	Date	Name
M	HEDGE ADDED BETWEEN UNIT 2 SERVICE YARD & ATTENUATION AREAS.	16.06.20	JC
L	LAYOUT UPDATED AS PER URBAN DESIGNERS COMMENT.	10.06.20	JC
K	EMERGENCY ACCESS ROUTE ADDED AS PER SFG INSTRUCTION.	19.05.20	JC
J	LAYOUT UPDATED FOLLOWING URBAN DESIGNER COMMENTS RECEIVED	12.12.19	RD
H	ROUNDBOUT LAYOUT UPDATED	12.12.19	RD
G	WATER REMOVED FROM SWALES	15.11.19	JC
F	LOCATION AND SIZE OF DOCK DOORS ADDED	13.11.19	RD
E	GRASSCRETE TO FIRE ROUTES AND TARMAC ADDED TO ALL REAR FOOTPATHS AS PER SFG REQUEST.	31.10.19	JC
D	TREES REMOVED FROM SWALES.	30.10.19	JC
B	PARKING SCHEDULE ADDED.	24.10.19	D.N.
A	FIRE ROUTE AMENDED TO UNIT 2.	24.10.19	JC



**st francis group**  
**bhpdesign**

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CLIENT: ST FRANCIS GROUP (EGGBOROUGH) LIMITED

PROJECT: PROPOSED DEVELOPMENT AT EGGBOROUGH POWER STATION, GOOLE

TITLE: ILLUSTRATIVE MASTER PLAN

Scale:	1:1500@A1	Date:	APR 2020
Drawn:	JC	Checked By:	DB
Drg No:	17-178- P-02	Revision:	M

PLANNING

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**Report Reference Number:** 2019/1343/EIA

**To:** Planning Committee  
**Date:** 2 September 2020  
**Author:** Gareth Stent (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1343/EIA	PARISH:	Eggborough Parish Council
APPLICANT:	St Francis Group (Eggborough) Limited	VALID DATE: EXPIRY DATE:	8th January 2020 1 <sup>st</sup> October 2020
PROPOSAL:	Hybrid application for demolition of part of the former power station and ancillary buildings and its redevelopment (i) access into the site, internal roads, employment units, car parking, drainage infrastructure and landscaping and (ii) outline for the scale of redevelopment of the remainder of the site for employment floorspace, proposed buildings with ridge being between 9.5 metres and 24.5 metres, car parking, drainage infrastructure and strategic landscaping		
LOCATION:	Eggborough Power Station Selby Road Eggborough Goole Selby East Yorkshire DN14 0BS		
RECOMMENDATION:	Minded to Grant subject to referral to the Secretary of State		

This application has been brought before Planning Committee as the proposal represents a departure from the Development Plan as it proposes new industrial development within the open countryside. However, officers consider that there are material considerations which would support the recommendation for approval.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The proposed development site is part of the former coal fired Eggborough Power Station site within the south of district. The site is bound to the immediate north and east by Wand Lane, with agricultural land and the River Aire beyond; and to the south by agricultural land and the Saint Gobain Glass Factory. Eggborough Village is situated to the south west. The M62 motorway is 1 mile to the south and is where junction 34 of the M62 intersects the A19.
- 1.2 The area surrounding the site is predominantly flat and for the most part comprises agricultural land interspersed with small settlements and farmsteads. The area is however crossed by transport infrastructure, notably the A19 and railway lines, including the East Coast Mainline, in addition to overhead electricity lines associated with the existing coal fired power station and other power stations within the wider area i.e. Drax Power Station to the north east and Ferrybridge Power Station to the west.
- 1.3 The Power Station was originally consented in October 1961 by the then Minister of Power. The Central Electricity Generating Board started construction in 1962 and the Power Station began supplying electricity to the National Grid in 1967. The official opening of the Power Station was on 18 September 1970. The October 1961 consent does not contain any conditions that place obligations upon the operator in respect of the demolition of the Power Station.
- 1.4 The coalfired power station includes a turbine hall and boiler house, an emissions stack (chimney) of approximately 198 m in height, eight concrete cooling towers of approximately 115 m in height, an administration and control block, a coal stockyard and a dedicated rail line for the delivery of coal, in addition to ancillary buildings, structures and infrastructure and utility connections.
- 1.5 The western and frontage of the site consists of a landscape buffer adjacent to the A19, where sports and leisure uses were undertaken for employees of the Power Station i.e. cricket pitch, football pitch, model steam railway and now the redundant golf course and bowls facility together with a club house.
- 1.6 The Secretary of State for the Department of Trade and Industry granted consent in December 2001 for the installation of Flue Gas Desulphurisation (FGD) equipment to two of the coal-fired boiler units (Units 3 and 4). The FGD works commenced in 2001 and the FGD plant was fully commissioned on both units in 2005.
- 1.7 The Power Station ceased to generate electricity in April 2018. The site is now split in two parts the land to the south and east is owned by Eggborough Power Limited and to the north and west by St Francis Group, who are the current applicants.
- 1.8 EPL are in the process of decommissioning the southern part of the site and coal stock yard through a series of demolition consents and the discharge of the demolition conditions attached to the 2001 FGD consent. This south part of the site has consent for an 'NSIP' National Strategic Infrastructure Project for the construction of a new gas-fired power station. This is yet to be implemented.

## **The Proposal**

- 1.9 The proposal is a hybrid application which means its part full permission, part outline consent for demolition of part of the former power station and ancillary buildings and its redevelopment for up to 211,000 sq.m. of mixed B1c, B2 and B8 industrial development on the site.
- 1.10 The full element includes; A new access into the site from the A19, internal roads, 2 employment units (Unit 1 and Unit 2), car parking, drainage infrastructure and landscaping and off site highway improvement works.
- 1.11 The outline is for the scale of redevelopment of the remainder of the site for employment, floorspace, proposed buildings with ridge being between 9.5 metres and 24.5 metres, car parking, drainage infrastructure and strategic landscaping.
- 1.12 The application is to be considered alongside application 2019/1344/FULM which replaces the sports facilities (cricket and football) lost by the redevelopment of this site. 2019/1344/FULM also provides the details for off site Biodiversity Net gain enhancement area which is necessary to offset the biodiversity loss of both this and the sports field applications.
- 1.13 The application site involves the majority of main power station site and includes the removal of the cooling towers, stack and main turbine hall. The proposal however excludes the National Grid sub-station at the centre of the site. This heavily influenced the layout and design, due to the clearance required for existing overhead power lines which serve the sub-station from the west.
- 1.14 The application has been accompanied by an Environmental Impact Assessment relating to matters such as flood risk and drainage strategy; landscape; biodiversity and traffic and transportation.
- 1.15 The creation of the power station was an anomaly and a unique structure that required a large land holding within the countryside, borne out through the need for power generation. The site along with several other power stations nearby was chosen for its unique geographical location, taking advantage of the access to the river, road and rail linkages. The site prior to the construction of the power station was farmland. The 1961 permission never considered the implications of the power stations closing and becoming redundant in part, hence there is no requirement to demolish the buildings within the original permission.
- 1.16 The NSIP that was permitted on the south of the site did however, require the demolition of the cooling towers if the NSIP was to be implemented as visual trade off. At this stage it is unclear if this will be developed out with the permission expiring in September 2023. The site is now redundant, with the power station ceasing to generate electricity and is subdivided to allow the NSIP (owned by EPL) to potentially be developed out, leaving this windfall application site available for redevelopment.

## **Relevant Planning History**

- 1.17 The site has a detailed planning history from its first construction in the 1960's. A number of planning applications were submitted (and approved) up to 1993 for ancillary buildings and works. In total, 30 separate applications were submitted up to 1993. None of these are directly relevant to the current proposal.

- 1.18 The most significant application was post 2000 was the approval in 2001 for consent to extend the Eggborough coal-fired generating station by the installation of flue gas desulphurisation plant.
- 1.19 Then in 2017 permission was given under a Development Consent Order (DCO) under the Planning Act 2008 for construction and operation of a combined cycle gas turbine (CCGT) power station including electrical connection to the existing National Grid substation and a gas pipeline connection to the National Transmission system along with other associated infrastructure. The NSIP DCO 2017 did include the requirement to demolish the power station buildings (Clause 4) but only upon that scheme going ahead. This scheme is yet to be implemented and expires in September 2023.
- 1.20 Below is a list of the more pertinent applications in recent years.
- 2001 - GDBC/001/003 dated 10th December 2001 - Application for consent to extend the Eggborough coal-fired generating station by the installation of flue gas desulphurisation plant.
  - 2012/0295/OUT, Outline application for the construction and operation of new biomass handling and storage facilities together with ancillary development to enable the expanded use of co-firing with biomass. Permitted 22.6.12
  - 2013/0818/FUL: Section 73 application for the variation of conditions 3 (development height) and 13 (approved drawings) of outline approval 2012/0295/OUT (8/37/13AE/PA) for construction and operation of biomass handling and storage facilities. Permitted 6.09.13
  - 2013/0875/FUL, Erection of a suspended conveyor belt, 3 x transfer towers and an electric substation to be used in conjunction with the operation of new biomass handling and storage facilities to enable the expanded use of co-firing with biomass. Permitted 11-10-13.
  - 2014/0051/FUL, Section 73 application for the variation of conditions 7 and 10 (access) of approval 2013/0818/FUL for construction and operation of biomass handling and storage facilities. Permitted 14.03.14.
  - 2017/0070/GOV - Description: Application for Development Consent Order (DCO) under the Planning Act 2008 for construction and operation of a combined cycle gas turbine (CCGT) power station including electrical connection to the existing National Grid substation and a gas pipeline connection to the National Transmission system along with other associated infrastructure. Permitted 20-SEP-18
  - 2017/0003/SCN, EIA screening opinion request for demolition of Eggborough Power Station. EIA not required. 11-AUG-17
  - 2017/1023/SCP, EIA scoping request for the proposed Eggborough CCGT Enabling Works, 24-OCT-17.
  - 2018/1447/DEM, Description: Prior notification for proposed demolition of buildings and structures including the cooling water intake area on the River Aire Permitted 18-JAN-19.

- 2019/0854/DOC, Discharge of Conditions 53 (scheme) & 54 (scheme) of approval GDBC/001/003 Application for consent to extend the Eggborough coal-fired generating station by the installation of flue gas desulphurisation plant. Issued 05.03.2020.
- 2019/0721/DEM, Prior notification for extension of the boundary of the overall demolition area (as consented in January 2019) to encompass a number of buildings and structures that straddle the boundary between the Phase 1 demolition area and the remainder of the Power Station site, Decision Date: 16-AUG-19.
- 2019/0795/SCP, EIA scoping request for the proposed demolition of buildings and redevelopment of land at Eggborough Power Station for B1c, B2 and B8 uses. Issued 13-DEC-19
- 2019/1265/DEM, Prior notification for proposed demolition of buildings. Issued 03-FEB-20.

## **2. CONSULTATION AND PUBLICITY**

### **2.1 National Grid – Holding objection.**

14.1.2020 - initial response highlighting that there is apparatus in the vicinity of the site which may be affected by the activities specified. Advised to contact the plant protection team.

23.1.2020 – Asset Protection advised third party guidance notes and commented the application was being assessed by an engineer.

4.3.2020 –The developer has indicated they are going to amend details of the plans. National Grid needs to keep the access routes into our gates and they were not clear on the plan. Please consider getting in touch for solutions to retain a road known as Dock Road on the north side of the substation and also, the ground attenuation ponds shown on the drawing can't be constructed on our land as we have a large number of 400kV cables running through out that land probably laid at 0.6 to 0.9 m below the surface and promises to introduce us to a demolition consultant. The National grid were reconsulted on the amended plans. The response is awaited.

**2.2 Chapel Haddlesey Parish Council -** Raised concerns about the increased volume of traffic on the A19 as a result of the redevelopment. There are already regular accidents at Haddlesey crossroads and an increase in traffic will potentially increase the risk of further accidents.

**2.3 Eggborough Parish Council -** Eggborough Parish Council to strongly object to the above planning application. Councillors object to the siting of the roundabout at the junction onto the A19 due to the additional volume of HGV traffic exiting the site onto the major road. The plans show 238 lorry ports across the four proposed units. The proposed roundabout needs to be relocated to encompass the entrance to the proposed Power Station redevelopment and Roall Lane junction where there are already a large number of vehicles joining the A19 exiting from the Euro Auctions site. If this is not viable then the entrance to the proposed Power Station redevelopment needs to be located on Wand Lane and not the A19. Councillors are

disappointed that despite numerous request for the HGV situation to be looked at and, despite commitments from Highways, no action has been taken. Councillors are also disappointed at the lack of commitment of North Yorkshire Highways and their willingness to continue to allow the public to be put at risk. The volume of vehicle movements through Eggborough has increased and there is a high potential for death or serious injury and Highways will be culpable. The solution is to direct HGV traffic along the A19 to the M62 to avoid the A645 through Eggborough. This must be an enforceable action as Eggborough cannot cope with this level of HGV traffic

- 2.4 HSE Web Consultation** – The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Selby District. No objections are raised on safety grounds but it is advised that the LPA check with the Pipeline operator before proceeding.
- 2.5 Planning Casework Unit** - no comments to make on the environmental statement.
- 2.6 North Yorkshire Highways And Transportation North Yorkshire** – No objections subject to conditions. The Highway Authority recognised the substantial impact the development may have on the highway network and have liaised with the applicants transportation representatives throughout consideration of the application.

NYCC Officers have scrutinised the TA, discussing queries such as survey data, suitable trip, rates and levels of parking with the applicant, which have been addressed accordingly. The TA considers committed developments, future growth, full 100% occupancy of the site and agreed junction modelling up to 2025. The off site highways works i.e. the new roundabout of the A19, together with roundabout upgrades to the existing A19/A645 roundabout and footpath improvement works have been examined in detail and amended accordingly. The submitted Framework Travel Plan for the development makes a clear aim of promoting and encouraging sustainable modes of transport to and from the site by helping staff and visitors to make their journeys without the use of a car, thus cutting Co2 emissions and easing pressure on the local highway network.

The LHA do not consider the impact of the additional traffic generated by the development, with the proposed mitigation of the 2 highway schemes described above, will result in an unacceptable impact on highway safety or that the residual cumulative impact on the road network will be severe. A series of detailed conditions have been recommended to control future parking provision, the works to the highways, visibility, footpath upgrades, access, parking, future travel plan delivery and construction management.

- 2.7 Highways England (HE)** – No objections subject to a condition requiring the submission of a Construction Traffic Management Plan. The site is located approximately two miles from M62 Junction 34, which forms part of the Strategic Road Network. Highways England previously reviewed a draft Transport Assessment produced as part of the scoping of the planning application in August / September 2019 and agreed with the approach taken to the TA.

A Construction Traffic Management Plan and Construction Workers Travel Plan will be required and can be secured via planning condition should the application gain approval. The structure and content of the TA is considered appropriate. In broad



terms, HE are content with the contents of the Transport Assessment the content of the Frame work Travel and delegated both Selby District Council and North Yorkshire County Council – to take the lead on and agree its contents. Finally, in broad terms, the principles of the CEMP are considered acceptable at this point in the process. However more detail is required as to which time periods will see arrivals and departures from the site, and in addition, no information regarding construction trip generation is provided. It is considered by HE that this section needs to be enhanced with and can and equality be dealt with by condition requiring further information.

- 2.8 SuDS And Development Control Officer** – Holding objection. Whilst the submitted documents are comprehensive, further information and justification is required in relation to the drainage network calculations, exceedance flow plans and the maintenance.
- 2.9 Yorkshire Water** – No objections subject to conditions requiring details the protection of the public water supply, separate systems of foul and surface water required and outfall of the public sewerage system.
- 2.10 Danvm Drainage Commissioners Shire Group Of IDBs** - No objections.
- 2.11 Conservation Officer** – No response received.
- 2.12 Historic England** – No objections

30.1.2020 - Historic England has no objection to the application on heritage grounds. Historic England recognises the important role power stations such as Eggborough played in meeting the nation's energy needs during the 20th-century, their high technological interest and wider landscape impact. We agree with the advice of the local authority archaeological advisor that a condition is attached to any future planning permission for the recording of Eggborough Power.

Station in advance of its demolition. The recording should be undertaken in accordance with published Historic England advice - *England's Redundant Post Coal- and Oil-Fired Power Stations: Guidelines for Recording and Archiving their Records* (2016 - <<https://historicengland.org.uk/imagesbooks/publications/englands-redundant-post-war-coal-and-oil-fired-power-stations/>>).

In terms of the landscaping around the power station, this was inspired by Brenda Colvin, one of the country's leading post-war landscape architects with mass planting to provide balance to the height of the buildings and to screen unsightly elements. The Masterplan submitted with the application appears to largely respect the original landscaping scheme, other than the proposed new access road. Further screen planting around the perimeter of the site is also proposed, which is in the spirit of the original design.

14.5.2020 – 2<sup>nd</sup> response following consideration of the A Written Scheme of Investigation. No objection.

- 2.13 North Yorkshire Bat Group** – No response received.
- 2.14 Yorkshire Wildlife Trust** – No objections.

7<sup>th</sup> Feb 2020. The majority of the habitats identified on site are of low ecological importance and the proposed landscape plan shows large areas of habitat creation.

Further detail was requested in the form of the Defra Metric for the nett gain areas and a series of recommendations made.

20.5.2020. Noted the amendments to the mitigation/compensation strategy following a site meeting between Brooks Ecology and NYCC ecologists and raised no further concerns.

- 2.15 NYCC Ecologist** – No objections. The application is supported by an ecology chapter in the Environmental Statement, which has been based on thorough and comprehensive survey work. The overall conclusions are reasonable and well-evidenced.
- 2.16 Designing Out Crime Officer** – No objections. Officer notes the consultation response relates to a different site in York, however this was an error. Officers have confirmed no objections.
- 2.17 North Yorkshire Fire & Rescue Service** – No objections.
- 2.18 Vale Of York CCG** – No response received.
- 2.19 Public Rights Of Way Officer** - No response received.
- 2.20 NYCC Archaeology** – No objections.

9.3.2020 - The application was accompanied by Heritage Desk Based Assessment with the application. This sets out the heritage interest at the site and makes recommendations for the recording of the existing power station facility prior to its demolition. A condition requiring building recording (in line with Understanding Historic Buildings: A Guide to Good Recording Practice' (2016) and 'England's Redundant Post War Coal- and Oil-Fired Power Stations: Guidelines for Recording and Archiving their Records' (2016)) was suggested.

14.5.2020 - A Written Scheme of Investigation WSI was produced and agreed. – This was deemed satisfactory and a condition was added to ensure no demolition or development shall take place other than in accordance with the 'Written Scheme of Investigation for Building Recording' prepared by CSA Environmental )Report No. Therefore no objections subject to a condition requiring no demolition/development shall take place other than in accordance with the 'Written Scheme of Investigation for Building Recording' prepared by CSA Environmental (Report No: CSA/4414/02B; March 2020).

29.6.2020 – No conditions now required as result of the submission of the Building recording document.

- 2.21 North Yorkshire County Council** - No response received.
- 2.22 Burn Gliding Club Ltd** - No response received.
- 2.23 Leeds East Airport (Makin Enterprises)** – No response received.
- 2.24 Leeds Bradford International Airport** - No response received
- 2.25 Robin Hood Airport, Doncaster Sheffield** – No response received.

**2.26 Network Rail** - No observations to make. It doesn't appear from proposals that there is any intention to use the site's rail link to the main network. However, should this change, the developer would be required to agree train access with Network Rail.

**2.27 The Environment Agency (Liaison Officer) –**

14.2.2020

Ground Water and Contaminated Land – The EA understand that the site investigation to date has been limited due to access on the ground, and that as such not all ground conditions have been fully characterised. There is the potential for land contamination to exist on site that has been missed by the site investigation completed to date, as such recommend conditions for further investigative work.

Remediation Strategy

The previous use of the proposed development site as a power station presents a high 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 site is located upon a principal aquifer and within source protection zone 3. The application's existing ground investigation reports suggest that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken which can be controlled by condition. Conditions were also suggested to cover piling as penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Flood Risk

Provided all development is located in flood zone 1 and no development takes place outside of flood zone 1 as detailed within the FRA and shown on the masterplan then no objections are raised on flood risk grounds.

**2.28 Waste And Recycling Officer** - No response received.

**2.29 Council's Landscape Consultant** – Objection.

14.4.2020 - Objection to the application in its current form, which does not sufficiently demonstrate that landscape and visual effects are within acceptable limits and with a suitably agreed landscape mitigation, maintenance / aftercare scheme.

The proposed scheme includes 6 large-scale commercial buildings between 9.5 and 24.5m high on the Eggborough Power Station Site. These buildings would be in proximity to existing site boundaries and likely to be highly visible from a long distance. There is potential for significant adverse landscape and visual effects particularly in relation to sensitive receptors in proximity to the site including residential housing around nearby settlements (Eggborough, Hensall, Kellington, West Haddlesey, Temple Hirst), , local roads, PROW and the River Aire corridor to the north side of the site.

I do not agree with the overall summary of adverse effects within the Applicant's LVIA which are generally understated and taken out of context; the change of use from power generation; the landscape and visual effects of large-scale commercial

warehousing; the stated benefits of the development; direct loss of existing landscape and community sport facilities.

The current LVIA mainly uses demolition of the existing cooling towers and reduced structure height in order to demonstrate reduced impacts and benefits. This gives me concern because it does not take account of change in character and use on the site, increased development area and massing, wider rural context; that the original power station was a national infrastructure project.

Little priority seems to be given to reducing the overall landscape and visual impacts of the development (by consideration of scale, layout and design of buildings and structures, and to protecting and improving existing screen planting and wider Green Infrastructure). Adverse landscape and visual effects are not likely to reduce over time due to the proposed removal of some existing trees and woodland, the scale of the buildings and limitations of the retained and proposed planting. I have listed below the key points where further consideration is needed:

1) LVIA – The basis of the modified ZTV is not clear and should be explained (existing / proposals height / development area used, Full or Outline area).

Additional photomontages are needed to explain the landscape and visual effects of the development. These should be from agreed viewpoints, render level, and to current LI guidelines.

2) Scheme Design, Landscape Proposals, Mitigation – Built proposals should be at a reduced scale, height and massing, set back from site boundaries, with materials and finishes to reduce visual dominance, to reduce wider visibility, and which can be screened.

Existing boundary screen planting should be protected and retained (currently reduced). Proposed boundary planting and internal site planting should be sufficient to screen and reduce the overall massing and height of buildings, parking and service areas.

3) Lighting – the LVIA should explain night-time lighting and how adverse effects will be minimised, considering the site as a whole (reflected light from buildings and service areas overall visibility in wider setting).

4) Tranquillity – this should be sufficiently assessed and explained.

5) Existing Trees and Vegetation – this should be reviewed, protected and retained where possible. The design layout should be adjusted to reduce tree loss and adverse effects, particularly at the boundaries, with meaningful stand-off.

6) Existing Sport Facilities – the existing sport facilities should be explained within the LVIA together with effects of removal and replacement on separate sites to the east.

7) Landscape Strategy, Maintenance and Management- Objectives should be clear and include landscape, biodiversity and green infrastructure. Landscape and visual mitigation should drive the strategy and be linked through to the management plan (rather than just a maintenance schedule).

The strategy should consider the impact of the site as a whole, to reduce the wider cumulative effects. Proposals should incorporate Green Infrastructure capable of

delivering a range of environmental and quality of life benefits (landscape, biodiversity, access, health and wellbeing, reducing flood risk etc).

5.8.2019 - I wish to maintain the Landscape objection to the application, which does not sufficiently demonstrate that landscape and visual effects are within acceptable limits and with a suitably agreed landscape mitigation, maintenance / aftercare scheme.

The Applicant has submitted additional and updated information in relation to landscape and visual effects: - Response to the Selby District Council Principal Landscape Architect's Consultation Comments dated 14.04.2020, WYG, 28th April 2020 - Illustrative Masterplan 17-178-P-02M - Landscape Proposals Plan dwg - 1985-19-14-Lscp-Proposals-Plan Rev H - Landscape Proposals Plan dwg - 1985-19-15-Lscp-Proposals-Plan Rev E - Landscape Proposals Plan dwg - 1985-19-16-Lscp-Proposals-Plan Rev D - Landscape Proposals Plan dwg - 1985-19-17-Lscp-Proposals-Plan Rev D - Landscape Masterplan dwg - 1985-19-14-Lscp-Proposals-Plan Rev H

I have reviewed the updated information but in my opinion the application is not sufficiently improved or clear to demonstrate a well-designed and mitigated scheme. The applicant has not provided illustrative photomontages from agreed viewpoints to help explain the visual effects as would be expected on a scheme of this scale.

I do not agree with the overall summary of adverse effects within the Applicant's LVIA which are generally understated and taken out of context. There is potential for significant adverse landscape and visual effects particularly in relation to sensitive receptors in proximity to the site.

There are issues relating to the change of use from power generation and greenfield site, the cumulative effect of the consented NSIP, scale and visibility of the proposals, loss and replacement of sport facilities that are not sufficiently explained or assessed in the LVIA or the Design and Access Statement.

The LVIA incorrectly suggests that the whole site has low sensitivity due to its predominantly industrial use, with few landscape features of note other than some mature trees associated with the existing sports and leisure complex. Approximately one third of the site is a currently a greenfield site incorporating sport pitches and general landscape areas forming the western part of the site. The remainder of the site is made up of previously developed land associated with the former Eggborough Power Station.

The proposed scheme includes 6 large-scale commercial buildings between 9.5 and 24.5m high located in proximity to existing site boundaries, which would be visible above the existing perimeter screen planting and visible over a long distance affecting local character and setting.

The LVIA does not sufficiently explain or assess the change in nature and use of the site, from an NSIP to commercial use. National Planning Policy EN-1 recognises that virtually all nationally significant energy infrastructure projects will have an effect on the landscape in a way that commercial developments do not.

There are a number of planning applications and consents on the former Eggborough Power Station site including a recent NSIP for a new Generating Station (PINS Ref:

EN010081). Within the NSIP there is a requirement to demolish the existing cooling towers if the new generating station goes ahead.

The LVIA does not correctly explain or consider that cumulative effects of these developments, with a future base-line where existing buildings and the cooling towers are removed as part of the NSIP scheme, thereby overstating benefits with the current Application. This incorrect base-line is used within the assessment of cumulative landscape visual effects LVIA paras. 6.120 – 6.135.

The wider site has woodland screen planting and earth bunding around the boundaries intended to help screen the original power station infrastructure and will continue to be important to screen existing and proposed buildings.

A proportion of existing screen planting along the north west boundary will be removed (approx. 10m depth) in order to accommodate commercial Unit 2, thereby reducing its integrity and effectiveness. Proposed new screen planting along the northern boundary will take many years to be effective, but will never be sufficient to screen the development.

The effects of removing and relocating the sports facilities to the north side of Hensall are not explained in the LVIA (loss, change of use to relocate, earthworks and re-grading, proximity to residential housing).

In my opinion the Applicant is over-developing the site and putting very large warehouse buildings too close to site boundaries to allow sufficient stand-off and screening, adversely affecting local character and setting and the integrity of existing green infrastructure needed to screen and absorb retained parts of the existing power station.

Little priority seems to be given to reducing the overall landscape and visual impacts of the proposed development (by consideration of scale, layout and design of buildings and structures, and to protecting and improving existing screen planting). There is no explanation of alternative designs and layouts considered.

In relation to the submitted landscape proposals plans, these are an extended masterplan. If the scheme were approved then I would expect to see a detailed hard and soft landscaping scheme and a commitment to the long-term maintenance and management of existing and proposed planting on the site, to ensure that screening is sufficiently maintained during the life of the development. Screen planting should include a higher proportion of larger growing tree species and some evergreens within the proposed perimeter woodland.

Notwithstanding the above, if the application were to be approved then I would recommend that the following is secured by suitably worded conditions (or legal agreement):

- Detailed hard and soft landscaping scheme, with an initial 5 year replacement defects period. The scheme should include details of tree protection (to BS5837), topsoil stripping and storage, earthworks and grading, hard surfacing, boundary treatments, proposed planting works, establishment maintenance.
- Long-term maintenance and management plan, existing and proposed landscape, for the life of the development.
- Landscape maintenance and management plan will need to be secured.
- Landscaping and layout are a reserved matter for the outline application.

Proposals for replacement sport facilities should be secured together with their long-term maintenance and management (by condition or legal agreement).

**2.30 Contaminated Land Consultant** - No objections subject to conditions requiring additional investigation work needed in the main process area, submission of a remediation scheme, verification of remedial works and the reporting if unexpected contamination.

**2.31 Urban Designer** – No objection.

4<sup>th</sup> March 2020 – The design office set out principles that the LPA would expect for a development of this type. Specific recommendations were made to increase depth of planting along Wand Lane to mitigate impacts of proposed development. (Comments were made about the position of several buildings however these were the outline consent and therefore siting wasn't being considered.) Other points raised were to improve setting of proposed building on southern side of primary access road, break up the outline of parking areas to set them within landscape, rather surrounding buildings with massive aprons of tarmac, challenge highways requirements for such vast quantities of parking provision. A number of other ideas were suggested to the applicant, which included painting of pylons, public art, lighting, retention of human touches i.e. the boat mast" flag pole.

The business park should be an experience and can the physical environment can be designed in a way that excites interest, to attract businesses and workers as well. Raised a number of issues/suggestions, regarding tree planting, further detail required.

11.8.2020 -Following amendments to the masterplan and landscape plan the urban design officer welcome locations for public art at the site entrance, welcomed the new landscaping and better relationship between the buildings, sort to control over fencing types, and suggested a landscaping cutting regime.

**2.32 Sport England** – Holding objection.

19.2.2020 - Sport England initially submitted a holding objection to this application because it is was considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. In principle, the proposed replacement facilities are acceptable to both the FF (Football Federation) and ECB (English Cricket Board) , however their detailed comments on the parallel planning application need to be addressed before the replacement sites can be considered acceptable. Both the FF and ECB would expect the replacement sites to be available for use before the existing sites are lost.

17.8.2020 - Sport England has withdrawn its holding objection to the planning application for the provision of the new sport facilities today (LPA reference 019/1344/FULM). Sport England maintains its holding objection until the conditions covering he replacement facilities have been agreed.

Sport England noted the letters from the applicant (30<sup>th</sup> March 2020 and 28<sup>th</sup> April 2020) over the timings of the replacement facilities. The first letter of the 30 March 2020 states: "we have already forwarded a separate letter to Selby District Council which includes our response under separate cover to the matters raised in Sport England's consultation response on the planning application (2019/1343/EIA) for the

employment scheme on part of the former Eggborough Power Station site. We do, however, wish to discuss further the wording of a suitable condition controlling the timing of the provision of new sports facilities proposed on site A and B with the replacement of the existing facilities on the power station site.”

The second letter dated 28 April 2020 suggest the use of suitable worded planning conditions to cover the following:

1. No development to be commenced until pitch creation and ground works on the sport site had been completed; the agronomic maintenance period commenced and development on the pavilions and car parks had commenced.
2. Prior to the completion of the building on plot 2 the football pitch and associated pavilion and car parking shall be made available for use.
3. Prior to the completion of the building on plot 1 the cricket pitch and associated pavilion and car parking shall be made available for use.
4. Reference can be made in the conditions to the need to accord with the delivery schedule of the type we have attached.

Sport England requested to see any draft conditions in this respect and until this time maintains its holding objection.

21.8.2020 – An update on the latest response will be provided at the committee meeting.

### **2.33 Environmental Health – No objections**

27.1.2020 - Chapter 11 of the ES considers noise impacts in terms of noise from construction in addition to noise from the operational phase of the development. The EHO requested the cumulative impacts of noise be revisited. Chapter 12 of the ES considers air quality impacts in terms of dust from construction in addition to significance of air quality impacts from the operational phase of the development. Construction impact due to dust is discussed in greater detail in appendix 4.1 and is considered below. The assessment submitted uses appropriate methodology and concludes that so long as the mitigation measures proposed are embedded in to the scheme by the use of conditions air quality is not considered to be a significant consideration. The Framework Construction Environmental Management Plan also needed amendments.

21.5.2020 - The applicant has identified the difficulty in assessing the cumulative impact of a large development of this type at this stage since the development is likely to be phased. The technical note suggests that new occupants undertake their own noise assessments. This can be controlled by condition. Other minor adjustments were necessary to the technical documents.

29.6.2020 - It appears to me that the applicant has reduced the monitoring period from 12 hours to 10 hours in terms of continuous A weighted equivalent sound pressure level expressed in decibels. This does not address my points raised in my response dated 21 May 2020, 10 hours, in my opinion, is far too long, I have already highlighted the relevant section in the British Standard. For the avoidance of doubt I have not recommended that 10 hours is the appropriate monitoring period, I merely pointed out the discrepancy between the proposed monitoring period and the construction hours. Clearly the difficulties and issues of using a 12 hour monitoring period will not be addressed by reducing the period by 2 hours to 10 hours.



1.7.2020 – Comments relate to updated CEMP V4 which is suitable to protect the residential amenity from construction impacts of the nearest residential receptors taking in to account the most appropriate guidance.

### **Neighbour Comments**

- 2.34 The application was widely advertised with site notices erected alongside the site and within surrounding villages of Eggborough, Kellington, Whitley, Hensall, West Haddlesey, Chapel Haddlesey and Temple Hirst. The application was publicised in the Pontefract and Castleford Express well as individual neighbour letters to the surrounding dwellings. 1 letter was received concerning the traffic impacts and 4 further letters concerning the loss of the model railway. The concerns are as follows:
- The development will cause huge inconvenience to the A19 road because of the position of the roundabout. There are significant HGV movements into and out of the egress of Roall Lane which come from and to Euro Auctions.
  - This has been pointed this out at the local meetings and ignored it except to say that it was commented on. Surely prevention should be important above any material costs. The obvious place to put the roundabout is at the junction with Roall Lane or if that is not possible to have access from Wand Lane.
  - Seriously worried about the number of HGV movements that this development will create and the impact that it will have on the health and well-being of local residents.
  - The Government want to be carbon free very soon but these type of developments will only add to it because of the pollution created by HGVs. It is high time that the planners and planning committee put people's health before jobs because if these continue there will be no people healthy enough to take the jobs. The A19 is busy enough as it is but proposed developments at Kellingley and Gale Common as well as this one will mean the possibility of an extra 1,000 HGVs per day using Junction 34 of the M62 and going past Eggborough and Whitley.
  - The redevelopment of the site will lead to the to the loss of the amenity in particular loss of a miniature railway which formerly occupied an area of the site prior to the site being sold. It has been taken into consideration that the sports facilities will be replaced and some token thought has been given to a railway but no reference to the amenity is apparent in the planning application. To give a little background, the miniature railway occupied the site for over 40 years and was built and operated by a group of enthusiasts, Leeds Society of Model and experimental Engineers (84 members). The track provided a focus for their interest in building and running locomotives but more importantly, it was an opportunity for social interaction amongst a forgotten part of society, men over the age of 50.
  - LSMEE is well known nationally in the model engineering community for its quality activities and as well as monthly public running days, held an annual rally each August which would attract visitors to ride on the railway, many bringing their own locomotives to run, from all around the country. We also exhibit members' work at nationally recognised exhibitions and operate a portable track to give rides at galas, fetes and other functions around the wider local area.
  - The railway provided the means for younger people to learn about engineering and learn skills which are much sought after in an increasing technical age. The loss of

an amenity to the District means that the skills and resources of the society will either move elsewhere in the region or may possibly be lost altogether. A miniature railway can be an invaluable asset to an area, it is an inviting leisure venue for young families, the more senior individuals can enjoy the camaraderie and social interactions, whether or not they are engineers, and people can be inspired to take up new hobbies and leisure interests.

- Railways and steam engines have been an important part of our Social History and the need to educate our young ones into their workings is as real today as it ever was. I ask that the planning committee consider asking for the owners of the site to make a railway an integral part of the development.
- LSMEE moved to Eggborough in the late 1970's from its former location in Temple Newsam Park, Leeds, having been established there in 1955.
- It is a shame that such local amenities such as the miniature railway, bowling green, and golf/football and cricket which have been an asset for many are being pushed to the side by such a development.
- I believe that originally the land was to be returned to its original use (farm land/quarry) when the power station closed, not for further industry uses.

### **2.35 Pre submission consultation by the applicant:**

The applicants undertook a series of consultation with officers at Selby District Council, local focus groups and a public consultation event.

- Presentation to Cabinet Group 21/11/2019.
- Community Consultation 3 December 2019 at Eggborough Methodist Chapel, Selby Road, Eggborough.
- Presentation to Planning Committee 4/12/2019

A detailed review of feedback from the above consultations is available within the Statement of Community Involvement document that accompanies this planning application.

## **3 SITE CONSTRAINTS**

### **Constraints**

- 3.1 The application site lies within the Countryside, is within a ground water protection zone (3), is crossed by National Grid over head lines, with a HSE consultation zone, partly within flood zone 2 & 3 and within low risk coal mining area.

## **4 POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*“213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

#### **Selby District Core Strategy Local Plan**

#### **4.6 The relevant Core Strategy Policies are:**

SP 1 - Presumption in Favour of Sustainable Development  
SP2 - Spatial Development Strategy  
SP12 - Access to Services, Community Facilities and Infrastructure  
SP13 - Scale and Distribution of Economic Growth  
SP15 - Sustainable Development and Climate Change  
SP16 - Improving Resource Efficiency  
SP17 - Low-Carbon and Renewable Energy  
SP18 - Protecting and Enhancing the Environment  
SP19 - Design Quality

#### **Selby District Local Plan (saved policies)**

#### **4.7 The relevant Selby District Local Plan Policies are:**

ENV1 - Control of Development  
ENV2 - Environmental Pollution and Contamination  
ENV3 - Light Pollution  
EMP 2 - New Employment Development  
EMP 7 - Small scale employment in the countryside.  
EMP 9 - Expansion of existing employment uses in rural areas.  
EMP10 - Additional Industrial Development at Drax and Eggborough Power Stations  
RT1 - Recreation Open Space  
RT3 - Formal Sport and Recreational Facilities

T1 - Development in Relation to the Highway Network  
T2 - Access to Roads  
T8 - Public Rights of Way’.

#### **4.8 Other relevant documents**

- Landscape Sensitivity Study 2019

#### **NPPF 2019**

- Section 6 Building a Strong, competitive economy.
- Section 8 - Promoting healthy and safe communities.
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land.
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change.
- Section 15 Conserving and enhancing the natural environment.
- Section 16 Conserving and enhancing the historic environment.

### **5 APPRAISAL**

**5.1** The main issues to be taken into account when assessing this application are:

- Principle of the development
- Loss/replacement to the existing sports facilities
- Heritage Impacts of the proposal
- Impact on the landscape character
- Design and layout
- Highways and Transportation
- Flood Risk & Drainage
- Ecology
- Contamination and Ground Conditions
- Construction impacts and residential amenity
- Planning balance

**5.2** Principle of Development

**5.3** The Core Strategy sets out the Vision for the District which includes a diverse economy with a wide range of job opportunities to assist in reducing the dependency on surrounding towns and cities. One of the objectives stemming from the Vision is the promotion of the efficient use of previously developed land for appropriate uses giving preference to land of lesser environmental value.

**5.4** Core Strategy Policy SP1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible.

**5.5** The application site lies within the open countryside and is not allocated for development but is wholly within the curtilage of the power station which is landscape on its outer boundaries. The site lies approximately 1 mile away from the Designated

Service Village of Eggborough, has good road connections via the A19 and M62 and is for the large part considered previously developed land. The scale of the development proposed is similar in scale and character to the former power station use.

- 5.6 Policy SP2 of the Core Strategy sets out the spatial development strategy for the district and states that the majority of new development will be directed towards the district's towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints.
- 5.7 Selby is identified as the Principal Town which will be the focus for new housing, employment, retail, commercial and leisure facilities. Sherburn in Elmet and Tadcaster are designated as Local Service Centres where further housing, employment, retail, commercial and leisure growth will take place appropriate to the size and role of each settlement.
- 5.8 The countryside is defined as areas outside of Development Limits. Part A(c) of SP 2 limits development in the countryside to the replacement or extension of existing buildings, the re-use of buildings and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 of the Core Strategy, or meet rural affordable housing need or other special circumstances.
- 5.9 The application site covers approximately 53.5 hectares, with the front part of the site regarded greenfield being approximately 19 hectares. This means the majority of the site, 34.5 hectares is regarded a previously developed land owing to the buildings, cooling towers and surface infrastructure connected with the power station that will be cleared to make way for the development. The proposal provides for up to 27,871 sq m (unit 1) and 32,516 (unit 2) as the full elements of the permission and the remaining 150,613 sq m up to 211,000 in outline. Units 1-2 (60,387sq m) are regarded to occupy greenfield land, whilst the remaining 150,613 sq m on previously developed land. The proposal would therefore develop both the previously developed and greenfield parts of the site and would result in built development covering a significantly greater area than at present for example the front part of the site.
- 5.10 This proposed new commercial floorspace clearly goes beyond what might be anticipated by the strand of SP2 referring to "*well designed new buildings of an appropriate scale*" aimed at improving the local economy. New commercial floorspace of the scale proposed is clearly considered more widely than the economy of the immediate area.
- 5.11 Core Strategy Policy SP13 provides policy guidance with regards to the scale and distribution of economic growth. Part C states that in rural areas, sustainable development (on both greenfield and previously developed land) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example:
- The re-use of existing buildings and infrastructure and the development of well-designed new buildings
  - The redevelopment of existing and former employment sites and commercial premises
  - The diversification of agriculture and other land based rural businesses

- Rural tourism and leisure developments, small scale rural offices or other small scale rural development
- The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy SP14.

- 5.12 Policy SP13D states that in all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity. As stated above the proposals are to provide for up to 211,000sqm of new floorspace spread across however the proposed scheme does not represent small-scale rural development envisaged by Policy SP13. Therefore, in view of the site's location in the open countryside, the overall scale of development proposed is not considered to be in strict accordance with Policy SP13.
- 5.13 However, Policy SP13 is supportive of the redevelopment of existing and former employment sites and commercial premises. As the proposed scheme is a redevelopment of a former major employment site for employment uses and will generate jobs for the local economy and maintain the vitality of the existing rural communities the proposal is, although a departure with the Core Strategy the proposals are within the spirit of Policy SP13 of the Core Strategy. It is also important to note that given the previous use of the site as a Power Station the principle of employment use in this location has already been established.
- 5.14 Furthermore, Selby District Local Plan Policy EMP2 sets out the provision for the location of future economic development across the district. The policy states that encouragement will be given to proposals for small-scale development in villages and rural areas in support of the rural economy. The scheme cannot be regarded as small scale and, on this basis, the proposal is not specifically supported by Policy EMP2.
- 5.15 Given the above, the location, scale and intended use of this site is not related to the present rural economy and Officers consider that it is not the intention of CS Policies SP2 and SP13 and SDLP Policy EMP2 to allow major new commercial floor space in the open countryside. On this basis it cannot be concluded that the application is in accordance with the Development Plan.
- 5.16 Section 38(6) of the Planning and Compulsory Purchase Act states that any determination shall be in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF does however state that local planning authorities may take decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed. The material considerations that weigh in favour of the proposal are considered below.

#### Redevelopment of a large brownfield site

- 5.17 The application site is predominantly a brownfield site, which is located within the open countryside. The NPPF (annex 2) defines previous developed land as 'land which was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed surface infrastructure.'
- 5.18 The majority of the site is clearly brownfield as it is occupied by permanent buildings associated with the former power station. The front (western) part of the site has the appearance of being greenfield as it is grassed and remains free from development

except for an amenity sports and social club building. Whilst this recreational land sits within the curtilage of the former power station, this land has been undeveloped and used for recreation i.e. the cricket and football pitches where the proposed units 1-2 are proposed and un developed central section where the golf course once existed. Although the majority of the site is regarded as brownfield there is still an element of greenfield. Despite being within the curtilage of the power station the western frontage of the site where units 1 & 2 are proposed is regarded as being Greenfield. The remaining two thirds of the site is clearly previously developed.

- 5.19 The NPPF allows curtilage of buildings to fall within the definition of previously developed, however suggestions it should not be assumed the whole of the curtilage is previously developed. In this case the recreational land at the front of the site sits within the curtilage of the power station and has 2 roads and some minor fixed surface infrastructure and has a sports amenity building and car parking. However, there is a clear divide where the power station operational land starts and finishes.
- 5.20 The proposal would clearly make efficient use of brownfield land without encroaching into the open countryside and the new proposals would all be contained within the exiting boundary of the former PowerStation. The NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and supports appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

#### Economic Benefits

- 5.21 The NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development and requires there to be sufficient flexibility to accommodate needs not anticipated in the plan.
- 5.22 The Planning Statement stipulates that the proposals during the demolition and construction phase which is anticipated to take up to five years will generate the equivalent of approximately 228 full time equivalent direct construction jobs per year and a further 268 full time equivalent jobs per year indirectly generated through the construction and demolition process. In the operational stage of the development, when the units are occupied, the site is anticipated to contribute to a total number of jobs of between 3,700 and 4,100 (with a circa of 3,300 of those being generated locally). The Planning Statement also stipulates that the proposed gross direct employment wages likely to be generated per annum from employees on the scheme would be in excess of £134m of which £74m would benefit the local economy.
- 5.23 Selby District Council is committed to improving job opportunities for local residents, especially those who are disadvantaged in the labour market. This commitment aligns itself with the objectives of the NPPF, which highlights the importance of promoting development that is economically as well as socially and environmentally sustainable. Therefore it is considered important that a regeneration project of this size and scale helps to tackle unemployment and provide training through employment and training initiatives.
- 5.24 Prior to development the developer has agreed to a Local Employment Training Framework which will help to improve local economic activity. The developer will be required to submit an Employment and Skills Framework Statement detailing arrangements to promote local employment and skills development opportunities related to the development. This plan must include proposals for working with Selby

District Council's Economic Development Team and their Local Enterprise Partnership and explain how they have been consulted on the submitted plan. The Employment and Skills Framework Statement shall be supplemented by further detailed Statements for each subsequent Phase of development. It has also been agreed that the Employment and Skills Framework Statement must be implemented and maintained for the duration of the construction and use of the development.

### Summary

- 5.25 As concluded above, the application is not considered to be in accordance with the Development Plan. On balance, however, the submitted proposals are considered to be acceptable in principle given that the proposals for development of previously developed land align with the stated economic benefits.
- 5.26 Whilst the site is located in a rural area and it is a large previously developed site. The NPPF states that the use of previously developed land and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist. The proposals will bring about the effective re-use of the site and will represent a scale of development not considered to be inappropriate, subject to Officers being satisfied that the scheme will not cause significant harm to local amenity and the character of the area (addressed below in this report).
- 5.27 Significant weight should be given to the need to support economic growth and productivity. The site provides a key employment opportunity to redevelop and transform a large redundant brownfield site with good transport links into an important and valuable employment site. In summary, this defines the special circumstances which weigh in favour of the proposal in a location which would normally be restricted to small scale rural development. The scheme would also be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development.
- 5.28 For the reasons above, it is considered that the material considerations are of sufficient weight in the planning balance to enable the Council to depart from the Development Plan subject to there being no identified harm when considering other material considerations as discussed below.

### Loss/replacement to the existing sports facilities

- 5.29 The Eggborough Power station on its frontage adjacent to the A19 hosts several sport and recreation facilities that were originally provided for as an amenity for the employees of the power station. These include, a cricket square, football pitch, golf course, bowling green, model railway and recreational building. The redevelopment of this site will mean the direct loss of these facilities, as Unit 1 is essentially on the cricket pitch and Unit 2 on the football pitch, which are the only two uses in active use.
- 5.30 Whilst not allocated open space and privately owned land, these are required to be replaced by Paragraph 97 of the NPPF which states "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.



5.31 This is also echoed in Core Strategy policies SP12, SP18 and Local Plan Policy RT 1 which states:

RT1 Proposals which would result in the loss of existing recreation open space and allotments will not be permitted unless:

- 1) The use has been abandoned and the site is not required to remedy an existing deficiency for recreation or allotment use elsewhere in the locality; or
- 2) Alternative provision of at least the equivalent size, accessibility and quality is made within the locality to serve the needs of the existing community; or
- 3) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site.

5.32 In addition Exception E4 of Sport England's Playing Fields Policy states: 'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

5.33 The accompanying planning application 2019/1344/FULM deals with the direct replacement of these facilities and is for separate cricket and football pitches complete with pavilions and car parking to be located to the rear (east) of the power station off Wand Lane and Hazel Old Lane.

5.34 The application was accompanied by a Sports Needs Assessment, which detailed the current facilities that would be lost by the Power Station redevelopment and those which were no longer in use and therefore not needing to be replaced. The conclusions which were agreed to by Sport England were that only the cricket (Eggborough Power Station CC) and football pitches (Whitley Wolves FC) were still in use and were needed to be directly replaced. The bowling club had ceased use and the golf course long since become overgrown and redundant.

5.35 The specifics of the design, layout and landscaping of each facility which includes maintenance is discussed in detail in the accompany full application (2019/1344/FULM). Both clubs that use the current facilities have been actively involved in the design and application process and fully support the relocation initiative. Both clubs recognise that some time delay may occur from construction of the hybrid application and the facilities for sport being ready and have made arrangements to deal with the transition using other grounds, to allow the new pitches to bed in and become established.

5.36 The key aspect for members to consider is the mechanism to ensure the replacement facilities are delivered as per the plans and in a timely manner. Sport England expect the replacement sites to be available for use before the existing sites are lost.

5.37 The applicants have given this consideration and explained how the timing of the provision of the sports facilities for both football and cricket could be done practically in the context of the development programme for the Eggborough Power Station site.

5.38 Within the submission are letters from the Cricket and Football Club explaining the provision, alternatives, and an indicative programme for both the construction of sports pitches/facilities and the construction of the buildings. The schedule explains

that dependant on planning permission it's the clients intention to commence ground works and pitch creation on both sports sites January 2021. The ground works will take around five months to finish and will be done in accordance with the approved plans and the methodology set out in the supporting reports that Sport England has accepted as being appropriate. Following the completion of the ground works, there is then a period of 'agronomic maintenance' which means ensuring the pitches constructed settle down and bed in and that acceptable standards of football and in particular cricket pitches are established. This is a 13 months period overall; however, the football pitch will be established earlier than the cricket pitch – at about 10 months. The construction of the pavilions and car parks on each site will take place during the agronomic maintenance period. This is going to be a period of about 11 months.

- 5.39 A condition is drafted to ensure no development of the buildings permitted on plots 1 and 2 would take place before the completion of the ground works and pitch creation; the commencement of the agronomic maintenance period and the commencement of construction on the pavilions and car parks.
- 5.40 The anticipated build time of plot 2 (football pitch) and plot 1 (cricket pitch) are shown to be 10 months and 9 months respectively. The position on the cricket pitch is that development of the building on plot 1 would commence upon the cessation of the 2021 season. The completion of the plot 1 building is likely to be two or three months into the following season 2022 – although the use of the cricket pitch is also determined by the completion of the agronomic maintenance period.
- 5.41 In terms of linking the ultimate completion of the buildings of plots 1 and 2 to the delivery of the sports facilities, it is suggested that it would be reasonable to require that the making available of the use of the football pitches, changing facilities and car parking permitted should be prior to the completion of the approved building on plot 2. Then a similar restriction requiring the making available of use of the new cricket pitch, pavilion, car park etc should be prior to the completion of the building on plot 1.
- 5.42 The mechanism is in the form of a Grampian condition which has been devised and agreed to by Sport England. This will ensure that the loss of the current sport facilities is temporary until the new facilities are constructed and made available for use. The provision of the new facilities will ensure this proposal accords with paragraph 97 of the NPPF Core Strategy policies SP12, SP18 and Local Plan Policy RT 1.
- 5.43 Finally, it is also necessary to consider the loss to the model railway as a result of this development. Up until recently the Eggborough Power station site used to be the home of a Leeds Society of Model and Experimental Engineers (LSMEE) which had a track and buildings in the north west corner of the site. The facility was run by former employees of the power station and local enthusiasts. LSMEE is well known nationally in the model engineering community for its quality activities and as well as monthly public running days and has 84 members. The applicants have been in discussions with the club/chairman about potentially providing alternative provision within the site once developed (possibly in the drainage basin/swale areas). The potential loss of this facility has been commented on significantly in the third-party representations.
- 5.44 Whilst the loss of the facility would be a unfortunate, given there is no policy or other requirement to provide the model railway as part of the scheme redevelopment, the Local Planning Authority would not be able to insist on its replacement provision by condition. The applicants are however to the Society about doing something in terms

of replacement provision but that is really outside normal planning requirements, and this will be a matter for the two parties to agree. Any future provision may require a separate planning application or an amendment to any future consent.

5.45 Heritage Impacts of the proposal

- 5.46 In determining applications regard should be had to the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.47 Whilst the cooling towers and power station site are not listed nor in a Conservation Area, they have significance as a non-designated heritage asset. Consideration therefore needs to be given as to the effect on the asset. Paragraph 197 of the NPPF states; “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 5.48 Paragraph 199 states “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.” The relevant Local Plan policies include Core Strategy Policy SP 18 ‘Protecting and Enhancing the Environment’.
- 5.49 The heritage issues were adequately discussed in the scoping opinion. The planning submission contained Heritage Desk Based Assessment with the application. This sets out the heritage interest at the site and makes recommendations for the recording of the existing power station facility prior to its demolition.
- 5.50 Historic England regarded the cooling towers of Eggborough Power Station as being distinctive features within the surrounding landscape. Power stations also created their own distinctive industrial landscapes, through coal and fuel oil transmission, ash and dust disposal, road and rail access systems etc.
- 5.51 Historic England recognises the important role power stations such as Eggborough played in meeting the nation’s energy needs during the 20th-century, their high technological interest and wider landscape impact. Historic England have commissioned a report on the historical context of post-war power stations and published an ‘*Introduction to Heritage Assets*’ guide on power stations.
- 5.52 Both the council’s Heritage advisor and Historic England considered that a condition should be attached to any future planning permission for the recording of Eggborough Power Station in advance of its demolition in line with paragraph 199 of the NPPF.
- 5.53 Historic England stated “The recording should be undertaken in accordance with published Historic England advice - *England’s Redundant Post Coal- and Oil-Fired Power Stations: Guidelines for Recording and Archiving their Records*. This would generally equate to a Level three record culminating in a well-illustrated analytical report that discusses the historical, architectural, and technological development of the station, and its component parts. The phased development, functional areas,

production of energy, process flows (including the movement of coal and waste products), together with its landscape setting should also be considered.

- 5.54 The condition can also be used for the selective retention and deposition of archives and artefacts in a suitable repository, as described in the Historic England guidelines. In most instances the local record office (archives) and local museums (artefacts) will be the most appropriate location for deposition. At Eggborough, we understand most of the building drawings appear to have been transferred to aperture cards held on site, whilst the application documents indicate that historic photographs also remain on site.”
- 5.56 Historic England also commented that the landscaping around the power station, was inspired by Brenda Colvin, one of the country’s leading post-war landscape architects with mass planting to provide balance to the height of the buildings and to screen unsightly elements. Historic England were content that the Masterplan submitted with the application appears to largely respect the original landscaping scheme, other than the proposed new access road. Further screen planting around the perimeter of the site is also proposed, which is in the spirit of the original design.
- 5.57 The applicants were encouraged to commence building recording at Eggborough Power Station as soon as possible given the amount of demolition consents in place and the demolition work that was being undertaken. CSA Environmental prepared a Written Scheme of Investigation for Building Recording (CSA ref. 4414/02/B). The WSI details the site history, the aims and objectives of recording, the methodology for recording, the reporting details, publication and archiving and the relevant timetable. The on-site recording commenced 11 March 2020. This satisfied both Historic England and Principle Archaeologist from North Yorkshire County Council.
- 5.58 The report was completed 28.4.2020 and issued to the Local Planning Authority. The conclusion of the report stated that the programme of historic building recording has allowed for a detailed study and record of the surviving constituent buildings of Eggborough power station. Their construction, operation and general development history has been undertaken in the non intrusive survey which is in accordance with paragraph 199 of the NPPF and in line with the project aims and objectives. The report was assisted by a large collection of on site, site specific records, which has allowed for a contextual historical and technical assessment to be made. The study noted that it is unfortunate that several areas of the complex which are outside the applicant’s ownership have been demolished prior to the commissioning of the study, however alternative records and sources have allowed for a full overview and assessment of the site. The report is to be stored at county archives as well as on the planning file.
- 5.59 No further conditions were necessary as all the recording was complete. With regards to the apparatus and artifacts, the applicant has been in contact with the Science Museum who did not identify anything that they would like to acquire. Discussions are ongoing with the Yorkshire Museum about whether they wish to retain any artefacts, and this will be dealt with informally outside the planning process. There will also be the opportunity to retain some artefacts on site as the applicant feels necessary.
- 5.60 The application to demolish the power station which regarded as a non-designated heritage asset has been satisfactorily considered and recorded in line with paragraph’s 197 and 199 of the NPPF and the advice Core Strategy Policy SP18.

#### 5.61 Impact on Landscape character

- 5.62 The National Planning Policy Framework states that planning policies and decisions should “contribute to and enhance the natural and local environment” by: “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)” (paragraph 170.a); and “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” (paragraph 170.b).
- 5.63 Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings. Policy SP19(e) requires that proposals look to incorporate new landscaping as an integral part of the scheme. Policy SP13 states that in all cases economic growth should be sustainable and appropriate in scale and type to its location, not harm the character of the area and seek a good standard of amenity.
- 5.64 The impact on the landscape is particularly important in this proposal as the proposed development will inevitably change the character and form of buildings on the site. In short, the existing cooling towers, chimney and turbine hall dominate views in this part of the district. This height and scale is being reduced to something much lower and more visually compact, albeit more dense in terms of actual footprint. There is an acknowledgement within the submission that the new proposed building will be visible within the landscape.
- 5.65 The Landscape Sensitivity Study Sept 2019 indicates this area as being levels farmland, predominantly low lying farmland, rectilinear fields defined by hedgerows. The area has a strong human influence in the form of the power station. The area may be sensitive to relatively small changes, due to its openness and slight elevation, with development potentially highly visible throughout the landscape.
- 5.66 The key landmarks are the Eggborough Power Station cooling towers, visible for miles around, and the church at Kellington, smaller but no less important locally. Skylines are generally indistinct except in the more elevated areas and are generally highly influenced by structures such as pylons that may limit their sensitivity to certain development types. The topography of the landscape enables long ranging, open views across the landscape to the north and south, which are generally more sensitive to change.
- 5.67 Chapter 6 of the ES details the visual impact through an assessment of the areas character against the Landscape Sensitivity Study and Landscape Visual Assessment document. This was assessed by the County Landscape Officer who objected to the original proposal and then maintain his objection following the receipt of further information. Due to the nature of the objection, this is detailed in full in the consultation response section of this report. The Landscape officers’ position is that the site if redundant, should be restored to its former agricultural use prior to the power station being erected. Whilst there is no requirement to undertake this in the original permission, the NSIP did include this as a visual trade off. The applicants disagree with this baseline position and suggest this should be the current power station buildings, as at present there is no indication of whether the NSIP is to be developed.

- 5.68 Whilst the NSIP is yet to be developed, the approval of this scheme may lead to both the NSIP and this scheme being developed, meaning more overall massing on the former power station site, albeit at a lower scale. Members in wishing to support this scheme will have to acknowledge this and the applicant has taken account of both developments in its assessment.
- 5.69 Notwithstanding the above issue, the landscape officer considered the proposed scheme to be too intensely developed close to the boundaries and likely to be highly visible from a long distance. The Landscape officer did not agree with the overall summary of adverse effects within the Applicant's LVIA which are generally understated and taken out of context. A series of changes were requested.
- 5.70 The applicants did not agree with the Landscape officer position however did make some landscaping changes, however maintained their position in relation to overall impact and the scale and massing was not reduced. The Landscape officer maintained his objection as detailed in the consultation response section.
- 5.71 Given the above it is important for members to fully consider the landscape impact position. Both the landscape officer and applicants are clearly in conflict about how the site should be developed. The applicants wish for their application to be considered as submitted and therefore a view must be reached.
- 5.72 Having considered all the above information and officers acknowledge the view of the Landscape Officer however do not feel sufficient grounds exists to refuse the application based on the landscape visual effects. It is acknowledged that a cleared and landscaped site would be an obvious improvement to the area, however the impact of the new buildings will be significantly less than what currently dominates the skyline. Officers acknowledge that a less intensive scheme with lower buildings would further improve the scheme, however the current scheme is not sufficiently harmful as to warrant a refusal.
- 5.73 Therefore, some conflict does exist with Selby District Local Plan Policy ENV1(4), and Core Strategy Policies SP13 and SP18 which count against the proposal and this must be balanced against the other considerations outline din the report. The recommendation seeks to control landscaping matter through a series of conditions.
- 5.74 Design and Layout
- 5.75 It is considered that Policy ENV1 of the Selby District Local Plan (2005) is relevant in the consideration of this application. Policy ENV1 provides that proposals for development will be permitted providing that a good quality of development will be achieved. Policy ENV1 specifies that in considering proposals the Council will take into account the effect upon the character of the area or the amenity of adjoining occupiers and will also consider the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping.
- 5.76 Policy SP19 of the Selby District Core Strategy Local Plan (2013) states that all proposals for 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. It seeks to ensure that both residential and non-residential development makes the best, most efficient use of land without compromising local distinctiveness, character and form and positively contributes to an area's identity and heritage in terms of scale, density and layout.

- 5.77 The layout and design of the proposed industrial complex is largely dictated by National Grid substation that exists in the centre of the site. The layout stems from the new centrally located new access off the A19, then serves 2 new buildings that are applied for in full i.e. unit 1 & 2. The site entrance has a series of swales for surface water management then the access skirts the National Grid building to unit 3, which sits alongside Wand lane. To the rear and east of the site is a much larger building (unit 4) spanning almost the entire width of the site. Two further smaller units 5-6 are proposed to the north of coal stock yard alongside the eastern elevation of unit 1. The final position and makeup of units 3-6 will form part of the reserved matters application as flexibility needs to exist.
- 5.78 The individual plots have been designed to bring service yards into the site so that they are shielded by the buildings to keep both noise and light pollution to a minimum thus softening the impact on the existing landscape. Units are set back into the site to allow for the incorporation of large landscape strips to further soften the impact of the new structures. In terms of building heights, the development will be much more dense and compact than the buildings it replaces, with large sheds effectively filling a significant proportion of the site. These however will be much lower than the current buildings on site which stand at:
- Turbine Hall - 60m  
Cooling Towers 114m  
Substation 40m
- 5.79 The parameter plan and the use of conditions will control the building heights which range from 7m to 24.5m. Unit 3 has a ridge height of 18.5m, unit 24.5m and units 5 & 6 being significantly smaller with a ridge height 9.5m.
- 5.80 Unit 1 provides for a 27,871 sq.m (300,000 sq.ft) GIA single volume unit with 1,394 sq.m (15,000 sq.ft) of office space at first and second floor. A 50m deep service area provides access to 3 level and 27 dock type sectional overhead doors. There is space allocated within the service area for the parking of a range of operational vehicles from small vans to articulated lorries.
- 5.81 Unit 2 has a haunch height of 15m (ridge height 18.5m)) and provides for a 32,516 sq.m (350,000 sq.ft) GIA single volume unit with 1,626 sq.m (17,562 sq.ft) GIA of office space at first and second floor.
- 5.82 The buildings will be of steel framed construction, with a composite cladded exterior with a 6 degree roof pitch to minimise the height of the overall structure. Each unit will be provided with an independent concrete service yard to give sufficient vehicular circulation and manoeuvring. It is intended that the landscaping once matured will be of a suitable massing to give an attractive frontage and screening to each unit and the external site boundaries.
- 5.83 In terms of appearance units 1-2 are of a modern functional design demonstrating that clean sharp lines, crisp functional detailing, a limited range of surface materials and a restricted palette of neutral colours, combine most effectively to reduce the perceived mass of these types of building and ensure that they do not quickly date. Simple design details such as shadow recesses and subtle changes in surface texture are incorporated where necessary to improve proportion and give variety and rhythm to elevations. The proposed colours are silver and anthracite grey which give a contemporary appearance.

- 5.84 Finally the landscaping ethos has to be to retain as much of the existing tree groups and mature landscaping as possible. The creation of a landscape boulevard infrastructure which will run along the estate roads. The site boundaries are reinforced with landscaping.
- 5.85 The Urban Design Officer has had input into the arrangement of the masterplan and the applicants have made a series of changes based on the suggestions of the Urban Design Officer.
- 5.86 On the basis of the above it is considered that the proposal is acceptable in its design and scale in accordance with advice contained with Policy ENV of the Selby District Local Plan (2005) and Policies SP13 and SP19 of the Selby District Core Strategy Local Plan (2013) and guidance in the NPPF.
- 5.87 Highways and Transportation:
- 5.88 SDLP Policy T1 requires new development to be well related to the existing highway network and Policy T2 states that development resulting in the intensification of the use of an existing access will be supported provided there would be no detriment to highway safety. The guidelines in SDLP Policy similarly require that the cumulative impact of generated traffic does not exceed the physical and environmental capacity of the surrounding road network, or create highway problems and the provision of satisfactory highway infrastructure.
- 5.89 Local Plan Policy ENV1 Control of Development states proposals for development will be permitted provided a good quality of development would be achieved. In considering proposals the District Council will take account of various matters including 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 the arrangements to be made for car parking.
- 5.90 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. Paragraph 108 sets out the key 'tests' for the consideration of transport aspects of development, noting that: 'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) 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.'
- 5.91 Paragraph 109 confirms 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.'
- 5.92 Given the size and industrial nature of the scheme in particular its access on to the A19 and its proximity to junction 34 of the M62, the application details within chapter 8 of the Environmental Statement the full impact on the highway network.



This information assessed the baseline and future year traffic conditions; the traffic flows generated by the site; and describes the results of the assessment of the impacts of the proposals. Effects have been assessed for the demolition, construction and operational phases of the proposed development. The assessment is based upon the consideration of the traffic and transport conditions without and with the development proposals. The assessments were based on a comprehensive series of traffic surveys conducted in the vicinity of the site prior to submission.

- 5.93 It is important to consider the base line, in which the majority of raw material (coal) used to arrive by rail to the former power station. A significant number of employees will have once lived local to the site. This proposal therefore represents a shift away from this with new B1c, B2 and B8 uses being proposed, which will naturally impact on movements to and from the site.
- 5.94 The application was accompanied by a Transport Assessment (TA) and Framework Travel Plan (FTP) and a series of detailed drawings showing the new off-site highway works, detailed road and parking layouts and secondary accesses.
- 5.95 The proposal was assessed by NYCC being the Local Highway Authority and by Highways England. Highways England were supportive of the scheme and largely content with the information presented. Highways England were involved with the TA Scoping and suggested a number of conditions, which have been subsequently considered by the NYCC Highway response. These include the need for a 'Construction Traffic Management Plan' and 'Construction Workers Travel Plan'. Highway England also delegated the finer revisions of the Travel Plan to the Country Highway Authority to agree.
- 5.96 The County highways team considered the proposal to substantially change the type of use on the site which will in turn have a potential substantial impact on the surrounding Highway network. The County Highway Authority were heavily involved with redesign of several aspects of the scheme, which included, revisions to the Travel Plan, access details, internal road configuration, the provision of 2<sup>nd</sup> accesses, off site highway improvement works and parking level discussions. The conclusion was that the proposal was acceptable subject to a series of detailed conditions. Each main highway aspect is discussed below:
- 5.97 Transport Assessment
- 5.98 The Transport Assessment (TA) submitted with the application presents a thorough and robust assessment of the redevelopment of the power station from a Highway point of view. NYCC officers have scrutinised the TA, discussing queries such as survey data, suitable trip rates and levels of parking with the applicant, which have been addressed accordingly. The document provides an appropriate basis for the assessment of the impact of the development on the local area also considering a number of relevant committed developments along with traffic growth factors for future years, as agreed at the scoping stage. The TA has assessed the full 100% occupancy of the site and applied percentages of possible uses for the six units on the site, planning use categories B1/B2/B8, using agreed trip rates and growth factors. Junction modelling in the base year reflects the traffic counts undertaken and thus is considered to be fit for purpose for modelling future scenarios up to full occupancy of the site at 2025.

## 5.99 Highway Works

5.100 The Transport Assessment identified the need for two offsite carriageway improvements schemes in addition to one scheme of off-site footway improvements. These being the new direct access to the site from the A19 formed by a new roundabout to the north of the existing access, altering of the existing A19/A645 roundabout to the south of the site and refurbishing the footway from Eggborough Village to the new site entrance.

5.101 The design of the roundabout has been examined against national guidance, the Design Manual for Road and Bridges and specifically CD116. It is concluded that the roundabout will adequately service the development and the local highway network, within its capacity.

5.102 With regards to the roundabout improvement works to the existing roundabout to the south of the site. The A19/A645 roundabout has been closely examined and a number of iterations of the design worked through. The accepted proposal ensures the roundabout is significantly improved mainly by providing two longer approach lanes on the A19 in both the northbound and southbound directions. The proposals utilise as much of the available highway land as is practicable without affecting the ability of the proposed improvements to meet national design standards. The design of the improvements has maximized the capacity of the roundabout within the constraints present. The delays and queues have been reduced to acceptable levels.

5.103 Finally the proposal includes the upgrading of the footway to the site to the western side of the A19, from the direction of Eggborough Village, and tie it into the new roundabout and associated footway leading into the site. This will improve pedestrian access to the site.

## 5.104 Travel Plan

5.105 The submitted Framework Travel Plan for the development makes a clear aim of promoting and encouraging sustainable modes of transport to and from the site by helping staff and visitors to make their journeys without the use of a car, thus cutting Co2 emissions and easing pressure on the local highway network. The plan considers job forecasts (total 4,340), the accessibility of the site by car, bus, on foot and by bike and travel movements providing details on their viability and likelihood of being utilised.

5.106 For employees who may not have the option of more sustainable modes of transport other options are discussed, eg car sharing schemes, where staff can buddy up with other members of staff so as to reduce the number of single occupant vehicle journeys on the highway. Where sustainable modes of transport are viable, or even to increase their viability, incentives can be provided to make these options more attractive to staff, these incentives include 'cycle to work schemes', 'Taster Passes' for busses and pointing out the health benefits of walking or cycling. A condition requiring the submission of a travel plan for each building is recommended.

## 5.107 Detailed design and Layout

5.108 The proposal involves the western half of the site to be considered under a full application. The full includes unit 1 & 2, which are north and south of the access. The units are speculative, and no end user is identified, hence it's unclear if the uses will be B1, B2 or B8. The detailed plans have been assessed in terms of their

functionality to ensure they are fit for purpose, include all the necessary safe access, parking and turning. The internal roadway will be an unadopted private estate road, however designed to adoptable standard.

- 5.109 The designs have included various iterations to include additional parking, additional access to the main National Grid Building, the provision of an alternative emergency access off Wand Lane and cycle parking cycle shelters for units 1 & 2 each capable of accommodating 100 cycle parking spaces.
- 5.110 The Local Highway Authority have confirmed the layout and design of the final proposals are fit for purpose and envisage that there will be no detrimental impacts on the existing highway due to the layouts within the site.
- 5.111 Parking levels
- 5.112 Parking levels are critical on this type of self-contained development, as the site needs to function properly and ensure cars are appropriately parked and not littered on the internal road network, which would impede the flow of vehicle around the site and cause for a unsightly layout. Also, no opportunity exists for vehicles to spill out into surrounding land due to the nature of the A19. It is therefore critical that parking levels are appropriate for the use. The parking levels for the site has been the subject of several discussions with the County Highway Authority. This is mainly because the nature and type of the submission being speculative B1c, B2 and B8 and only phase 1 units 1-2 being applied for in full.
- 5.113 The parking levels required (as set out in the 2003 NYCC document 'Transport Issues and Development – A Guide') for B1, B2 and B8 differ considerably, with B2 being at 1:50 sq.m. and B8 1:200 sq.m. (GFA) and one space per 30 sq.m. for offices within B8.
- 5.114 The County Highway Authority have to plan for the scenario that units 1-2 will both be in B2 use as the worst-case scenario, as it is B2 that would require the most spaces. The applicants have explained that with regard to the latter phases of development, the adequacy of any parking proposed for each phase would be assessed at the time of determination of reserved matters for that particular phase. The masterplan submitted shows indicatively areas of parking that are anticipated will be required assuming the scale and nature of the buildings on the masterplan are developed. However, the actual level of parking will vary depending on the scale and use of the individual buildings. There are a number of possibilities that could well result in the development of buildings not taking place as currently intended on the masterplan. The applicants suggest the general strategic location of the site would tend to make it more attractive for B8 users rather than B2 users. So on that assumption fewer car parking spaces may be required across the site as a whole.
- 5.115 The current detailed spaces shown for units 1 & 2 show 490 spaces are assigned to unit 1 and 557 to unit 2. This represents 86% and 88% respectively of NYCC's 'minimum' requirements in their 2003 'Guide'. The applicant contended that some flexibility should be shown and used examples to demonstrate their position. The applicants explained that the level of car parking allocated for units 1 and 2 would be known to potential occupiers through the marketing particulars of the Eggborough redevelopment scheme before they committed to pursue an interest. It is therefore the case that occupiers would consider their parking requirements and take a view on whether there is adequate parking for units 1 and 2 before deciding to progress any interest in that unit.

- 5.116 In the light of these considerations, NYCC officers were satisfied with the arguments presented and recognised that future parking could be controlled by the reserved matters submission. It may also be the case that units 1-2 do not fall within B2 use, as such the parking originally applied for is over subscribed. A condition has been added to the recommendation that enables the Local Planning Authority to control parking for any B2 and B8 use on the site prior to the operational use of the building.
- 5.117 Finally the offsite highways works predominantly lies outside the application site and therefore a condition has been imposed to ensure these works are completed in accordance with the approved details prior to any unit being first occupied.
- 5.118 Highway impacts was also the primary concern for both Eggborough and Chapel Haddlesey Parish Council's. Whilst these comments are noted the concern was not supported by the Local Highway Authority. The Local Highway Authority does not consider the impact of the additional traffic generated by the development, with the proposed mitigation of the 2 highway schemes described above, will result in an unacceptable impact on highway safety or that the residual cumulative impact on the road network will be severe. The proposals do more, in achieving the aim of minimising the impact on the local highway network to an acceptable level. The LHA therefore considers the final submitted proposals to be acceptable.
- 5.119 As such subject to a series of detailed highways conditions as per the consultation response, it is therefore considered that the scheme is acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 108 of the NPPF with respect to the impacts on the highway network.
- 5.120 Flooding and Drainage
- 5.121 Paragraph 155 of the NFFP indicates inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Policy SP15 of the Selby District Core Strategy Local Plan (2013) seeks to ensure that developments contribute towards reducing carbon emissions and are resilient to the effects of climate change. Policy SP15 states that schemes should incorporate water-efficient design and sustainable drainage schemes which promote groundwater recharge.
- 5.122 Flood risk and drainage is fully considered within Chapter 9 of the Environmental Statement and demonstrates that the site is located almost entirely within Flood Zone 1, except for a small area to the north-west corner, where no development is proposed. The land immediately north of the Site is within Flood Zone 3 and an active floodplain for the River Aire and Ings and Tetherings Drain, with existing flood defence works located to the far east of the site protecting the adjacent village of Hensall. These areas however do not impinge on the main development area within the site. Ground water levels have been recorded generally between 6.5m and 8.5m below ground level, and do not therefore pose a flood risk.
- 5.123 Likewise the proposed development considers the adjacent flood zones and does not impact on levels outside of the site boundary. There is therefore no change to current floodplain volumes. The Environment Agency also raise no objections on Flood Risk Grounds. No sequential or exceptions test is necessary.

#### 5.124 Drainage

- 5.125 The existing site comprises previously developed land and is split into two key areas; the mainly hardstanding brownfield decommissioned power station works to the east; and the mainly greenfield existing sports facilities to the west. The cooling towers currently drain via an historical sluice overflow directly to the River Aire approximately 600m north of the site. The remainder of the site drains via two separators into two outfalls into the Ings and Tetherings Drain approximately 350m north of the Site.
- 5.126 As part of the proposed development, the two existing discharge points are to be retained in addition to new Sustainable Drainage Systems (SuDS). The surface water drainage system will include a treatment train consisting of permeable paving, natural swales and ponds, and interceptors, to ensure water quality is maintained and pollutants are not introduced into the watercourses. Surface water flow rates and quality control are included in the embedded mitigation measures, and therefore no additional mitigation is required.
- 5.127 These details were assessed by the LLFA who considered that whilst the submitted drainage documents are comprehensive, further information and justification is required in relation to the drainage network calculations, exceedance flow plans and the maintenance. This additional information was provided by the applicant and the response from the drainage officer is awaited. Yorkshire Water also raised no objection subject to conditions which required further detail on the foul drainage connection.
- 5.128 To conclude the development is lies within Flood Zone 1 and is therefore at low risk from flooding. The site has been designed to ensure that all potential effects are avoided, reduced or offset by the proposed embedded mitigation measures. This includes the use of best practice SuDS drainage, avoidance of works within the floodplain areas, and a detailed CEMP during the construction works stage. The residual effect of the Proposed Development in relation to surface water drainage and flood risk, taking into account the proposed mitigation measures, is assessed to be neutral. Taking the above matters into account, it is concluded that the scheme accords with Section 14 of the NPPF, SP15 and SP19 of the Core Strategy and ENV1 of the SDLP.

#### 5.129 Ecology

- 5.130 Policy in respect of impacts on nature conservation interests and protected species is provided by Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 170 to 177 of the NPPF. The presence of a protected species is a material planning consideration as is tree loss and landscaping.
- 5.131 Chapter 7 of the ES adequately addresses the ecological implications for the development. The County Ecologist concurs that there are relatively few ecological constraints on this site and those concerning protected species (principally Grass Snake and Peregrine Falcon) can be dealt with via appropriate mitigation measures as set out in paras 7.129 to 7.141 of the Ecology chapter. The principal loss which cannot be mitigated is the removal of potential Peregrine nesting habitat with the demolition of the cooling towers. The ecologist accepts that there is no practical means of delivering alternative habitat as Peregrines require ledges high on vertical structures for nesting. This is unlikely to affect Peregrine populations in a wider context as the species is increasing on urban/industrial sites.

- 5.132 The loss of various small areas of habitat, none of special intrinsic value, will be offset through creation of new habitats, including the off-site habitat creation proposed under application 2019/1344/FULM. Calculations using the DEFRA Biodiversity Metric have been provided and show the combined proposals offer considerable net gain for biodiversity, well in excess of the 10% uplift currently recommended as a target. The nett gain area consider under 2019/1344/FULM has been significantly amended and provides a satisfactory enhancement to off set any loss of biodiversity on this particular site. A condition is recommended to control the implementation and timing of the Biodiversity Nett gain area to ensure it is delivered in a timely manner.
- 5.133 The proposal therefore causes no significant impacts on nature conservation interests in respect of either site and together with the proposed net gain areas, provides habitat enhancement. The proposal is therefore in accordance with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 170 to 177 of the NPPF.
- 5.134 Contamination/Ground Conditions
- 5.135 In considering a previously developed site, contamination and ground conditions are of particular importance. The UK legislation on land contamination is principally contained in Part 2A of the Environmental Protection Act, 1990. This legislation endorses the principle of a “suitable for use” approach to contaminated land, where remedial action is only required if there are unacceptable risks to health or the environment, taking into account the use of the land and its environmental setting.
- 5.136 Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 5.137 In terms of the Development Plan, Core Strategy Policy SP18 Part 7 states that; “The high quality and local distinctiveness of the natural and manmade environment will be sustained by: Ensuring that new development protects soil, air and water quality from all types of pollution”. Policy ENV2 Part B states that; “Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary”.
- 5.138 Chapter 10 of the Environmental Statement prepared a detailed appraisal of the ground conditions and likely impacts of the proposal. This was in line with the Environment Agency’s Contaminated Land Report 11 which describes the main processes in the management of contaminated land. The chapter assesses the likely significance of effects from ground conditions, specifically land contamination. The significance criteria consider impacts, both adverse and beneficial, to human health, controlled waters, ecological receptors and property, which are covered by Part IIA of the Environmental Protection Act 1990.
- 5.139 The assessment of baseline conditions was based on a Phase I Contaminated Land Assessment and Ground Investigation undertaken by RPS in 2017, a review of available data undertaken in 2018 and further ground investigation undertaken in

2019. The site covers an area of approximately 50.7ha with respect to land contamination, the area of most significance is the process area in the south-east where all the main power generation processes and storage tanks were located. To the north of this area are the cooling towers, while in the west of the Site are a social club and sports pitches, which are less significant in terms of potential land contamination.

- 5.140 The site is within Zone 3 of a groundwater Source Protection Zone. The nearest significant watercourse appears to be the Ing and Tethering Drain, approximately 310m to the north, beyond which is the River Aire approximately 550m to the north and which flows from west to east.
- 5.141 The Environmental Statement details the site history showing how the land was generally agricultural with some mineral workings prior to the construction of the Power station in the 1960's. The report assesses Soil Contamination, Ground Gases, Groundwater Chemical Contamination and the Current Impacts of Contamination. The report considers mitigations within the submitted scheme, the likely environmental effects of the scheme in the construction and operational phase for instance the effect on controlled waters in particular the high sensitivity of the principal aquifer, the effects on the proposed buildings structures and services and ecological receptors. The report goes on to consider the additional mitigation, compensation, enhancement measures and residual environmental effects.
- 5.142 The information was assessed by both the Environment Agency and the council's Contaminated Land Consultant in respect of contamination. The EA were concerned over the limited site investigation activity due to access on the ground, and that as such not all ground conditions have been fully characterised. There is the potential for land contamination to exist on site that has been missed by the site investigation completed to date, as such The EA recommended a series of conditions.
- 5.143 The Council's Contaminated Land Consultant reiterated the EA's approach and indicated that the investigation works found little obvious evidence of contamination, with observations limited to the presence of ash and occasional hydrocarbon odours. The results found only low levels of contamination, with no contaminant concentrations in excess of the Generic Assessment Criteria (GAC) for a commercial land use. However, asbestos fibres were detected in approximately 8% of the samples analysed. The asbestos detected was commonly in the form of small bundles of chrysotile fibres and there was no obvious pattern to the distribution across the site.
- 5.144 The investigation works found concentrations of contamination in groundwater to be low and ground gas monitoring did not identify any significant risks from hazardous gases (carbon dioxide and methane). Based on the findings of the ground investigations, no significant pollutant linkages associated with land contamination and a proposed commercial development have been confirmed as present. However, although low risk, it may be necessary to consider measures to mitigate exposure to the low level asbestos contamination recorded in made ground (such as the installation of a clean cover layer in soft landscaped areas).
- 5.145 G&J Geoenvironmental Consultants Ltd consider that the investigation works undertaken to date are sufficient to provide suitable characterisation of the ground within the sports pitches and the cooling tower areas. However, investigation works within the main process area was limited by the presence of buildings and structures and further investigation and/or validation works is recommended after demolition.

There is a strong possibility that localised areas of contamination (hotspots) will be identified during future earthworks

- 5.146 With mitigation measures in place, the residual effects from land contamination during the construction phase are considered to be negligible effects on human health, groundwater, surface water, construction materials and ecological receptors. During the operational phase the residual effects are considered to be minor beneficial effects on human health, groundwater and flora / site landscaping, and negligible effects on surface waters, construction materials and ecological receptors.
- 5.147 The desk study, data review and ground investigation reports provide a good overview of the site's history, its setting and its potential to be affected by contamination. Significant site investigation work (including soil sampling, groundwater sampling and ground gas monitoring) has been carried out at the site. In conclusion the Contaminated land officer agrees with the recommendations that additional site investigation work is needed in the main process area, post demolition, and that mitigation measures to limit exposure to asbestos are needed.
- 5.148 Four conditions were suggested covering the need for additional investigation, submission of a remediation scheme, verification of remedial works and the reporting if unexpected contamination.
- 5.149 The conditions were discussed in detail, in particular the need for clarity on what was considered extent and location of the 'main process area' for additional land investigation.
- 5.148 The main process area is referred to in the G&J Site Investigation Interpretative Report which states 'In summary, the site essentially consists of three areas. In the west of the site is a sports club, golf course and cricket pitch, which has little in the form of previous permanent development. The north-east of the site is occupied by eight cooling towers, to the south of which is the main process area which included the main turbine hall, precipitators, ash pits, transformers, workshops, pipelines, flue gas desulphurisation system and fuel oil store.'
- 5.149 Therefore, for large parts of the site do not need 'remediation', for example, for new buildings on the current sports pitches. The proposed additional investigation work required was therefore tailored to a report requiring validation / investigation works that will be undertaken during demolition and earthworks of the main process areas. The approach was agreed by the Contaminated Land Consultant and the Environment Agency in a revised wording of the condition to make the wording of the 'main processing area' more explicit. Also, the need for a verification plan was added into the condition. Further conditions covering the need for a remediation scheme, verification report, reporting of unexpected contamination and piling are included in the recommendation.
- 5.150 In light of the above conditions, the proposed development is considered acceptable if a planning and in line with paragraph 170 of the National Planning Policy Framework. Subject to the remediation strategy being the effective development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.



## 5.151 Construction Impacts and Residential Amenity

- 5.152 SDLP Policy ENV1 requires a good standard of layout and design and that the effect of new development upon the amenity of adjoining occupiers to be taken into account. Policy ENV2 Part A states that; “Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element to the scheme. Such measures should be carried out before the use of site commences.”
- 5.153 The application Chapter 11 of the ES considers noise impacts in terms of noise from construction in addition to noise from the operational phase of the development.
- 5.154 Chapter 12 of the ES considers air quality impacts in terms of dust from construction in addition to significance of air quality impacts from the operational phase of the development.
- 5.155 The submission was also supported by a Framework Construction Environmental Management Plan (CEMP) for the development of the site. The framework CEMP has been designed to include details of monitoring and mitigation measures to control the potential environmental impacts during the demolition and construction phases of the proposed development. It also includes procedures for handling and investigating complaints. The framework CEMP was amended on several occasions until version 4 satisfied the Environmental Health officer. A condition is included to ensure that a detailed CEMP will be worked up, based on this framework CEMP, prior to the commencement of demolition and construction operations on site. Also a condition is recommended to require that prior to occupation of each phase of the development (phase being the units 1-2, and any subsequent phases) a noise assessment relating to the impact of any proposed fixed external plant shall be submitted to, and agreed by, the Local Planning Authority. On this basis the proposal is considered to be in compliance with SDLP Policies ENV 1 and ENV 2.

## **6 CONCLUSION**

- 6.1 This hybrid application seeks full planning permission for the erection of two employment units with floorspace of 27,871 sq.m. and 32,516 sq.m for B1c, B2, B8 purposes and outline consent with matters of scale and access approved for up to 150,613 sq.m. of B1c, B2, B8 floorspace. The application is considered alongside 219/1344/FULM which seeks to replace the sports facilities lost as a result of this development. The application also includes a larger net gain biodiversity enhancement initiative on land also in the control of the applicant.
- 6.2 As concluded above, the application is not considered to be in accordance with the Development Plan. On balance, however, the submitted proposals are considered to be acceptable in principle given that the proposals for development of previously developed land align with the stated economic benefits.
- 6.3 Whilst the site is located in a rural area and it is a large previously developed site. The NPPF states that the use of previously developed land and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist. The proposals will bring about the effective re-use of the site and will represent a scale of development not considered to be inappropriate, subject to Officers being satisfied that the scheme will not cause significant harm to local amenity and the character of the area.

- 6.4 Significant weight should be given to the need to support economic growth and productivity. The site provides a key employment opportunity to redevelopment and transform a large redundant brownfield site with good transport links into an important and valuable employment site this defines the special circumstances which weigh in favour of the proposal in a location which would normally be restricted to small scale rural development. The scheme would also therefore be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development.
- 6.5 Other matters of acknowledged importance such as the impact on the highway network, flood risk, drainage, impact on residential amenity, nature conservation, layout, scale and design are considered to be acceptable and in accordance with the Development Plan and national advice contained within the NPPF. Taking account of, the detailed submission and the presumption in favour of sustainable development and which seeks to support economic growth and productivity, approval of the application is justified.
- 6.6 In recommending that the Committee approve this application, Members are requested to recognise the comments and objection of the landscape officer with regards to the visual impact of the development and weigh these against the positive elements in favour of the proposals.
- 6.7 The application is therefore considered to accord with Policies ENV1, ENV2, ENV 3, Emp 2, EMP 7, EMP 9, EMP 10, RT1, RT 3, T1, T2 and T8 of the Selby District Local Plan (2005), Policies SP1, SP2, SP12, SP13, SP15, SP16, SP17, SP18 and SP19 of the Selby District Core Strategy Local Plan (2013) and the advice contained within the NPPF.

## **7 RECOMMENDATION**

- a) The Planning Committee resolves that they are minded to approve this application subject to the attached schedule of conditions.
- b) Authority is confirmed to officers to refer the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 with the Chief Executive Officer's resolution to support it.
- c) In the event that the application is not called in by the Secretary of State, authority is delegated to the Planning Development Manager to approve this application subject to the imposition of the attached schedule of conditions. That delegation to include the alteration, addition or removal of conditions from that schedule if amendment becomes necessary as a result of continuing negotiations and advice and provided such condition(s) meet the six tests for the imposition of conditions and satisfactorily reflect the wishes of the Chief Executive Officer.
- d) In the event that the application is called in for the Secretary of State's own determination, a further report will come to the Planning Committee.

This application is recommended to be GRANTED for the development listed below and subject to the following conditions:

1. The grant of full planning permission within the area shown on plan 178-P-21A for two employment units with floorspace of 27,871 sq.m. and 32,516 sq.m. for B1c, B2, B8 purposes in accordance with the schedule of plans listed in condition 4.
2. Outline planning permission (with matters of scale and access approved) for up to 150,613 sq.m. of B1c, B2, B8 floorspace on the area shown for outline purposes on plan 178-P-21A in accordance with the schedule of plans listed in condition 4.

01. The development for which full planning permission is hereby granted shall begin no later than three years from the date of this decision.

Reason:

To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended.

02. Details of the appearance, landscaping and layout, and scale (hereinafter called "the reserved matters") for any particular Phase of the development hereby granted outline planning permission shall be submitted to and approved in writing by the local planning authority before any development takes place within that Phase. The Phases shall be in general accordance with those shown in the Design & Access Statement, Illustrative Master Plan - 17-178-P-02-Rev M, & Landscape Master Plan - 1985-19-21 Rev H.

Reason:

To ensure compliance with Section 92 (5) of the Town and Country Planning Act 1990 as amended.

03. Applications for the approval of the reserved matters referred to in Condition No.2 and within the area shown on plan 178-P-21A (or phases of it) herein shall be made within a period of five years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Plans List**

04. The development hereby permitted shall not be carried out otherwise in complete accordance with the approved plans and specifications.

#### Location Plan

Location Plan 17-178-P-01 Rev B

Site Context Plan 17-178-P-00 Rev A

Parameters Plan 17-178-P-10B

#### Site Plans

Unit 1 site plan 17-178-P-03 Rev C

Unit 2 site plan 17-178-P-04 Rev D

Illustrative Master Plan - 17-178-P-02 (Rev M)

Detailed and Outline Consent Plan 17-178-P21 Rev A

Phasing Plan 17-178-P-11 Rev C

Site Sections 17-178-P-09

Elevations

Unit 1 Elevations and Sections 17-178-P-07 Rev A

Unit 2 Elevations and Sections 17-178-P-08

Floor Plans

Unit 1 Floor Plans 17-178-P 05

Unit 2 Floor Plans 17-178-P 06

Landscaping

Landscape Cross Section 1/2 Drawing 23 Rev C

Landscape Cross Section 2/2 Drawing 24 Rev C

Landscape Master Plan - 1985-19-21 Rev H

Landscape Species schedule 1985-19-07B

Landscape Proposals Plan 1 of 4 1985-19-14 Rev H

Landscape Proposals Plan 2 of 4 1985-19-15 Rev E

Landscape Proposals Plan 3 of 4 1985-19-16 Rev D

Landscape Proposals Plan 4 of 4 1985-19-17 Rev D

Tree Pit Staking and Planting details Drawing 20 Rev A

Tree Removal and Protection Plan 1 of 4 Drawing 08 Rev B

Tree Removal and Protection Plan 2 of 4 Drawing 09 Rev B

Tree Removal and Protection Plan 3 of 4 Drawing 010 Rev B

Tree Removal and Protection Plan 4 of 4 Drawing 11 Rev B

## Drainage

Proposed Drainage Strategy CWA-18-233-530 P3

Typical Cross Sections Sheet 1 of 2 CWA-18-233-525 P2

Typical Cross Sections Sheet 2 of 2 CWA-18-233-526 P1

Road Long sections sheet 1 of 3 CWA-18-233-516 P1

Road Long sections sheet 2 of 3 CWA-18-233-517 P1

Road Long sections sheet 3 of 3 CWA-18-233-518 P1

Proposed Levels CWA-18-233-510 P4

Proposed Long sections sheet 1 of 2 CWA-18-233-511 P4

Proposed Long sections sheet 2 of 2 CWA-18-233-512 P4

CWA-18-233-505 P1 Impermeable Area Plan

CWA-18-233-506.P1 Exceedance Plan

## CEMP

Construction Environmental Management Plan CEMP V4 dated 30.6.2020

## Biodiversity

Biodiversity Management Plan R-4164-11a dated 11.3.2020

Landscape proposals Plan (that deals with the Biodiversity nett gain attached to 2019/1344/FULM – 1985-19-18F

## Highways

Unit 1 Proposed Cycle Shelter – 17-178-SK-04-05-20/01

Unit 2 Proposed Cycle Shelter – 17-178-SK-04-05-20/02

Proposed Emergency Access Route - 17-178-SK-5-05-20/01

Vehicle Tracking Fire Access CWA-18-233 P1

## A19 Main Access

Proposed site access ITM15052-GA-001 Rev D

## A19/A645 Roundabout Proposed Improvement

Improvement to existing roundabout ITM15052-GA-028 Rev A

Swept Path Analysis for existing roundabout ITM15052-GA-029

Swept Path Analysis for existing roundabout ITM15052-GA-030

Swept Path Analysis for existing roundabout ITM15052-GA-031

### Emergency Access

Emergency Access off Wand Lane - ITM15052-GA-034

### Travel Plan

Framework Travel Plan dated 14<sup>th</sup> April 2020 ITM15052 -002 Rev C

### Site Wide Tracking

Site-wide vehicle Tracking CWA-18-233-555 P2

Vehicle Tracking A19 Access CWA-18-233-550 P2

A19 Proposed external Works and levels CWA-18-233-521 P2

Proposed External Works CWA-18-233-520 P6

#### Reason:

To ensure that future reserved matters applications are in accordance with the outline planning permission hereby granted and that the development hereby granted full planning permission is undertaken in accordance with the approved details in the interests of the character and amenities of the area in order to comply with Plan Policies SP12, SP15, SP18, SP19, and ENV1.

### Materials

05. The materials to be used in the construction of the units 1-2 hereby approved in full shall be those shown on Plans 17-178-P-7a and 17-178-P- 8 and hard surfaces shown on Plans 17-178-P-03c and 17-178-P- 04d.

#### Reason:

To ensure the development accords with the approved details in accordance with Policy ENV 1 of the Local Plan.

### Landscape Management Plan

06. A Landscape Management Plan, including long term design objectives, management responsibilities, implementation and maintenance schedules for all landscaping within the application site shall be submitted to and approved by the Local Planning Authority prior to 1st occupation of the development within any phase. The Landscape Management Plan shall be implemented in accordance with the approved timescales.

#### Reason:

In accordance with the details of the application and to ensure the retention and management of all landscaping and planted areas in order to protect the character and amenities of the area in order to comply with Plan Policies SP18, SP19 and ENV1.

### Soft Landscaping for each plot on Reserved Matters

07. Any reserved matters application for the erection of a building shall include an accompanying landscaping scheme for the associated development plot. The landscaping scheme shall include full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. No development within the development plot for which reserved matters approval is sought shall commence until the landscaping scheme has been approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details.

Reason:

In order to mitigate the visual impact of the proposed development on the setting having had regard to Policy SP18 of the Selby Core Strategy.

### 08. Hard landscaping for individual building as Reserved Matters

Reserved matters applications for each individual development plot or building shall include full details of hard landscape works associated with that respective plot or building. These works shall be carried out as approved prior to the occupation of any part of the building hereby approved. These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; furniture; refuse and on-site storage facilities for trade waste or other storage units and any signs; proposed.

Reason:

In the interests of visual amenity and to ensure that suitable hard landscape is provided as part of the development having regard to Policy SP18 of the Selby District Core Strategy.

### Landscaping for the full element

09. All planting, seeding or turfing comprised in the approved structural landscaping scheme shown on landscape plans 1985-19-14H, 1985-19-15E, 1985-19-16D, 1985-19-17D, 1985-19-21H and species Planting Schedule 1985-19-07B shall be fully carried out in accordance with a landscaping phasing plan that is submitted to and approved in writing by the local planning authority. Any trees or plants shall be maintained for a period of 2 years from implementation and any trees, shrubs or plants that are removed or become seriously damaged or diseased, shall be replaced within the 5 year period thereafter during the next planting season with others of similar size and species as those originally planted, unless the local planning authority gives written consent to any variation.

Reason:

In order to mitigate the visual impact of the proposed development on the setting and of the area, the retained Green Belt, and surrounding open countryside having regard to Policy SP18 of the Selby District Core Strategy and Part 13 of the National Planning Policy Framework.

## Tree Protection

10. Prior to commencement of any phase of the development the measures for tree protection and removal within that phase shall be carried out in accordance with the approved plans ref 1985-19-08B; 1985-19-09B; 1985-19-10B and 1985-19-11B.

Reason:

This condition is necessary in order to ensure the preservation and planting of trees in the interests of the amenities and biodiversity of the area to comply with Plan Policies SP19, ENV1 and ENV12.

11. The buildings approved in full and within the plots known as units 3,4,5 & 6 on the Illustrative Master Plan are to be used for B1c, B2 and B8 employment Use only. The heights of the buildings which will subject of reserved matters shall not exceed the maximum height parameters for each part of the site in accordance with the approved Parameters Plan 17-178-P-10B.

Reason:

To protect the amenities of nearby residents and to ensure the impact on the countryside is minimised having regard to Policy ENV1 of the Selby District Local Plan.

12. The total amount of development floorspace authorised by this permission shall not exceed 211,000 sqm (GIA) and any reserved matters application (s) pursuant to Condition 2 shall be limited to this maximum in total.

Reason:

The impacts of the development on existing infrastructure and the surrounding countryside have been assessed on the basis on this maximum in total, having regard to Part 6,8,12 and 15 of the National Planning Policy Framework.

## CEMP

13. No building, engineering or other operations shall take place with the exception of ongoing demolition works within a particular Phase until a Construction & Environmental Management Plan for that Phase broadly in accord with the approved Framework CEMP has been submitted to and approved by the local planning authority. The submitted Plan shall include:

- hours of delivery, demolition and construction working
- details of on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the highway
- loading and unloading of plant and materials o details of on-site materials storage area capable of accommodating all plant and materials required for the operation of the site
- details of measures for the mitigation and monitoring the effects upon identified species in the CEMP and their protection during development
- details of any temporary or construction lighting
- a Soil Management Plan to ensure soils are retained on site where appropriate
- details of measures for the mitigation and monitoring of impacts of noise, vibration, dust and dirt upon residential property in close proximity and the amenities of local residents
- measures to provide for regular and effective communication with local residents



- a scheme for recycling/disposing of waste resulting from demolition and construction works
- measures to control the spread of mud including, if necessary, wheel washing facilities.
- details of the routes to be used by HGV construction traffic
- a traffic management plan
- a communications plan

The approved Plan shall be adhered to throughout the construction works associated with that Phase of the site to which the Plan relates.

Reason:

This condition is necessary in order to address construction management issues before works commence and in the interests of protecting the character and amenities of the area in order to comply with plan Policies SP18, SP19. ENV 1, ENV 2, T1 and T2.

#### Local Employment Framework

14. No development (excluding demolition) shall commence until an Employment and Skills Framework Statement detailing arrangements to promote local employment and skills development opportunities related to the development has been submitted to the local planning authority. The plan must include proposals for working with Selby District Council's Economic Development Team and their Local Enterprise Partnership and explain how they have been consulted on the submitted plan. The Employment and Skills Framework Statement shall be supplemented by further detailed Statements for each subsequent Phase of development. The Employment and Skills Framework Statement must be implemented and maintained for the duration of the construction and use of the development.

Reason:

This is a pre-commencement condition which is necessary in order that the local need to retain jobs within the Selby District and support economic development is a part of this development and in order to recognise that the development can assist in working towards the CS objective of promoting diversification into new growth sectors.

#### EV Charging

15. Prior to occupation of any Phase of the development hereby permitted, details of charging points for electric vehicles shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be provided in accordance with the approved details and subsequently retained for that purpose.

Reason:

To encourage the use of low emission vehicles, in turn reducing CO2 emissions and energy consumption levels in accordance with Plan Policy SP15.

#### Lighting

16. Prior to the erection or installation of any outdoor lighting associated with the development of an individual building or development plot, a detailed outdoor lighting scheme applicable to that plot and associated building/s shall be submitted to and approved in writing by the local planning authority. The scheme shall specify the

method of lighting (including details of the type of lights, orientation/angle of the luminaires, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land and measures to be taken to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason:

In the interests of visual amenity and to ensure that the development will not result in unacceptable light pollution having had regard to Policies ENV1 and ENV2 of the Selby District Local Plan.

#### 10% Renewables

17. No above ground works in any Phase of the development shall be commenced until either it has been demonstrated that at least 10% of the energy requirements supply of the development for that phase has been secured from decentralised and renewable or low-carbon energy sources; or an alternative to reduce energy consumption, such as a 'fabric first' approach, has been agreed with the local planning authority. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be first submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be implemented in accordance with the approved details and timetable and retained, maintained and retained thereafter.

Reason:

In the interest of sustainability, to minimise the impact of development in accordance with Plan Policy SP16.

#### Drainage

18. Prior to commencement of plots 1 and 2 a scheme detailing the phasing of the development in relation to Foul and storm drainage provision, is to be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage masterplan CWA-18-233-530-P3. The works shall be implemented in accordance with the approved phasing and no development shall be brought into use until the drainage works approved for that phase have been completed.

Reason:

This condition is necessary in order to ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in accordance with Plan Policy SP15.

#### Foul and surface water

19. Concurrently with any application for reserved matters a scheme detailing foul and surface water drainage for that phase in accordance with the approved drainage masterplan CWA-18-233-530-P3 shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The works shall be implemented in accordance with the approved phasing and no

development shall be brought into use until the drainage works approved for that phase have been completed.

Reason:

This condition is necessary in order to ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in accordance with Plan Policy SP15.

#### Drainage management

20. Prior to commencement of each development plot or phase, with the exception of the ongoing demolition work a detailed design and associated management and maintenance plan of surface water drainage for those respective plots or phases in accordance with the approved drainage masterplan CWA-18-233-530-P3 shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

#### Water Supply

21. No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. Furthermore no, trees shall be planted within 5 meters either side of any water main located within or adjacent to the site boundary. If the required stand-off or protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area , the approved works have been undertaken.

Reason:

In the interest of public health and maintaining the public water supply

#### Foul Water

22. No additional piped discharge of Foul water sewerage shall take place until a scheme to ensure that on -site and off-site foul water sewerage, in accordance with the approved drainage strategy shown on drwg CWA-18-233-530-P3 designed to serve the whole development, to ensure proper disposal to the receiving public sewer

network and associated waste water treatment works has been submitted to and approved in writing with Local Planning Authority . The approved scheme shall be fully implemented and subsequently maintained and also agreed in writing by the Local Planning Authority.

Reason:

To ensure the site can be properly drained without risk of flooding /pollution to the local aquatic environment, public health and public amenity.

Timetable for the sports pitch construction (subject to Sport England change to wording)

23. No development in accordance with this permission on the area of the application site used for football and cricket (as defined on plan Illustrative Master Plan - 17-178-P-02J (Rev M) shall take place until the pitch creation and ground works permitted under permission ref 2019/1344/FULM have been completed; the agronomic maintenance period commenced and development on the permitted pavilion buildings and car parks have commenced in accordance with plans 17-178-SFP-200 Rev. D, Land Parcel A & B -Sports Facility Illustrative Masterplan, 17-178-SFP-202 Rev. G Land Parcel A - Site Plan (extract), Floor Plans, Elevations and Section, 17-178-SFP-203 Rev. K Land Parcel B – Site Plan (extract), Floor Plans, Elevations & Section and CWA-18-233-1520 Rev. P1 External Works.

Prior to the completion of the building hereby permitted for Unit 02 in accordance with plan ref 17-178-P-04D Unit 02 Site Plan, the football pitch, associated pavilion and car parking permitted under permission ref 2019/1344/FULM shall be made available for use.

Prior to completion of the building hereby permitted for Unit 01 in accordance with plan ref 17-178-P-03C Unit 01 Site Plan, the cricket pitch and associated pavilion and car parking permitted under ref 2019/1344/FULM shall be made available for use.

The construction shall follow the schedule known as DS01-Sport Delivery Schedule.

Reason:

To ensure that alternative sport provision is delivered in a timely manner accordance with Policy RT 3 of the Local Plan.

Timing of biodiversity works

24. The biodiversity offset works detailed within the Biodiversity Management Plan 11.3.2020 R-4164-11A on the land identified in the blue on plan Landscape Proposals Plan 1985-19-Drawing 18 Rev F shall be implemented in accordance with the timescales contained within the Management Plan. Any subsequent variation shall be submitted to and agreed in writing by the Local Planning Authority. The grassland shall be sown in late summer/early autumn and planting of the woodland in winter. The seeding and tree planting shall be completed within 12 months of commencement of development hereby permitted on units 1-2.

Reason:

To ensure the habitat creation is undertaken in a timely manner to off set the ecological loss and disruption caused by the development in accordance with policy SP18 of the Core Strategy.

### Additional Investigation of Land Contamination

25. A post demolition investigation and risk assessment should be undertaken to assess the nature and extent of any land contamination in the main process area (which includes the main turbine hall, precipitators, ash pits, transformers, workshops, pipelines, flue gas desulphurisation system and fuel oil store). The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate):
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### Submission of a Remediation Scheme

26. Prior to commencement of construction in the main process area (which includes the main turbine hall, precipitators, ash pits, transformers, workshops, pipelines, flue gas desulphurisation system and fuel oil store), a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### Verification of Remedial Works

27. Prior to the main process area (which includes the main turbine hall, precipitators, ash pits, transformers, workshops, pipelines, flue gas desulphurisation system and fuel oil store) being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the

effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason:

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework. To prevent deterioration of water quality within the principal aquifer.

#### Reporting of Unexpected Contamination

28. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### Piling

29. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details. The applicant should provide information to demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This information should include foundation design proposals, supported by risk assessments that show there are design options available that will ensure that pollution is prevented. A piling risk assessment should consider the potential for piling techniques to cause pollution and the likely environmental consequences. This will require an understanding of site specific conditions such as the hydrogeology, contaminant properties and piling emplacement methods.

The piling risk assessment should include, but not be limited to, the following:

- Description of the site setting (inc. geology, hydrogeology, contamination etc.)
- Initial selection and justification of preferred piling method,
- Identification of potential adverse environmental impacts,
- Site specific assessment of the identified risks to the environment, workers and end users,
- Identification of any changes to preferred methods, and consideration of necessary mitigation measures,
- Identification of quality assurance and control (QA/QC) methods,
- Justification of selected methodology in the context of the considerations above.

Reason:

To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

#### Piling Noise

30. In the event that the foundations of any building require piling, prior to any piling taking place in association with that building, a method statement shall be submitted to and approved in writing by the local planning authority detailing the type of piling to be used, potential noise and vibration levels at the nearest noise sensitive locations in accordance with British Standard 5228 - Part 4 and mitigation measures to be undertaken in order to safeguard the amenity of adjacent residents. The piling mitigation shall be carried out in accordance with the approved details.

Reason:

To protect the amenity of nearby residents/occupiers having had regard to Policy ENV1 of the Selby District Local Plan.

#### Noise:

31. Prior to occupation of each phase of the development (phase being the units 1-2, and any subsequent phases) a noise assessment relating to the impact of any proposed fixed external plant shall be submitted to, and agreed by, the Local Planning Authority. The development and use shall then be carried out with the approved details.

Reason

To protect the amenity of nearby residents/occupiers having had regard to Policy ENV1 of the Selby District Local Plan.

#### Travel plan

32. Prior to occupation of any building hereby approved the occupier/operator shall submit a travel plan for its constructed building which shall accord with the approved framework travel plan dated 14.4.20. The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason:

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

#### Construction traffic management plan

33. Prior to development commencing with the exception of ongoing demolition works, there shall be the submission and approval of a construction traffic management plan. Once approved the construction of the site shall be implemented in accordance with the agreed details.

Reason:

This condition is necessary in order to address construction management issues before works commence to ensure the construction has no impact on the Strategic Road Network in order to comply with Local Plan Policies ENV 1, T1 and T2.

#### New Private Access from the A19 at Eggborough Power Station

34. The development must not be brought into operational use until the new access to the site from the A19 at Eggborough Power Station has been set out and constructed in accordance with the requirements of the local highway authority and that the following requirements:

The access must be formed broadly in accordance with drawing ITM15052-GA-001 Rev. D and the following requirements.

- Any gates or barriers must be erected a distance back from the carriageway of the existing or proposed highway so as to not be able to swing over the existing highway.
- Provision to prevent surface water from the site discharging onto the existing or proposed highway must be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
- The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason:

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

#### Closing of Existing Access with the A19 at Eggborough Power Station

35. The development must not be brought into operational use until the existing access onto A19 at Eggborough Power Station and the access between the centre of the 4 cooling towers adjacent to Wand Lane have been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and the amenity of the area.

#### Visibility Splays at Eggborough Power Station

36. There must be no access or egress by any vehicles between the highway and the application site at the A19 new site access until splays are provided giving clear visibility as shown in drawing ITM15052-GA-001 Rev. D. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.



### Pedestrian Visibility Splays at Eggborough Power Station

37. There must be no access or egress by any vehicles between the highway and the application site at the A19 new site access until visibility splays as shown in drawing ITM15052-GA-001 Rev. D, providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all time.

Reason:

In the interests of highway safety.

### Delivery of off-site highway Works

38. No development hereby permitted should be brought into operational use until the provision of:
- The new roundabout, at the new site entrance with the A19, broadly in accordance with drawing ITM15052-GA-001 Rev. D.
  - Junction improvement works, at the A19 / A645 roundabout, broadly in accordance with drawing ITM15052-GA-028 Rev. A.
  - A footway refurbishment and widening scheme to a maximum of 2m where possible within the existing Highway boundaries, along the A19 from the new roundabout towards Eggborough Villlage, broadly in accordance with drawings ITM15052-SK-035 Rev. A, ITM15052-GA-010 Rev- and ITM15052-GA-011 Rev-. Where the maximum 2m footpath width could not be achieved within the adopted public highway land, a lesser footpath width will be acceptable up to the limits permitted by the extent of available adopted public highway land.

Reason:

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

### Provision of Approved Access and Turning at Eggborough Power Station

39. No part of the development must be brought into operational use until the access, manoeuvring and turning areas for all users at Eggborough Power Station is formed broadly in accordance with CWA-18-233-520 Rev. P6 and has been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

### Parking for Buildings

40. No building must commence operational use until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times. Parking provision must comply with the minimum standards or the latest Adopted parking standards of the local highway authority for B2 or B8 uses

Reason:

To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

### Travel Plan Delivery

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

Reason:

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

### Construction Management Plan (Site & Phase Specific)

42. No development of any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of the Emergency Access onto Wand Lane for construction purposes only in circumstances where the main access into the site is inoperable due to an accident or other similar event;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;

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

Reason:

In the interest of public safety and amenity

#### Details of Access, Turning and Parking at Eggborough Power Station

43. The reserved matters submissions for the employment development hereby permitted or phases of it shall include details of the following:
  - vehicular, cycle, and pedestrian accesses;
  - vehicular and cycle parking;
  - vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
  - loading and unloading arrangements.

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

Reason:

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

#### Parking for Buildings

44. The submission of reserved matters shall include a scheme for parking for each building and/or phase of the permitted development. The parking provision shall be in compliance with the adopted parking standards of the local highway authority for B2 and B8 buildings. The parking spaces approved shall be made available for use prior to the operational use of each building the spaces relate to and shall be maintained clear of any obstruction and retained for the intended purposes at all times.

Reason:

To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

### CEMP (Biodiversity) and an on-site Biodiversity Management Plan

45. No development shall take place with the exception of the ongoing demolition works until CEMP (Biodiversity) and an on-site Biodiversity Management Plan have been submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be carried in accordance with the approved details.

Reason:

To ensure the ecological impacts of construction and future management are adequately controlled in accordance with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 170 to 177 of the NPPF.

### **Informatives:**

#### **Pollution Prevention**

The land and assets included in this planning application are still covered by an active Environmental Permitting Regulations permit, VP3930LH, held by Eggborough Power Limited. Whilst the infrastructure left on the land in question has been decontaminated there are still some residual pollution risks associated with various storage tanks and pipe work. The applicant will need to provide the permit holder and the EA details on how the integrity of these structures are to be maintained in order to ensure that pollution risks are minimised and on how they will undertake and manage the final decontamination as part of the demolition process.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506.

#### **Landfill**

We note that Appendix 10.1 of the Environmental Impact Assessment has identified the presence of methane and carbon dioxide at the development site, from a variety of potential sources including the historic and permitted landfill sites in the vicinity. As a result it recommends (6.6.2) risk assessment of each new structure to identify any gas protection measures that may be required. This risk assessment may involve further ground investigation and gas monitoring.

#### **National Grid**

The applicant's attention is drawn to the response from National Grid dated 14/01/2020 concerning the third-party responsibilities and obligations for working near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

#### **Yorkshire Water**

There is a waste water treatment works (WWTW), under the control of Yorkshire Water, located near to the site. Vehicular access, including with large tankers, could be required at any time. The proximity of the existing waste water treatment works

(WWTW) to the site may mean a loss of amenity for future occupiers. To reduce the visible impact of the installation, the erection (by the developer) of suitable screening is advised.

The applicants attention is drawn to the Yorkshire Water consultation response dated 18<sup>th</sup> August 2020 which details the apparatus with the vicinity of the site.

1) At the location of the proposed Roundabout on the A19, there are recorded 6", 160 HPPE and 21" water mains. The construction of the roundabout will require all of these assets to be diverted, which would be at the developers cost. The developer can apply for a mains diversion by contacting tech.support.engineer.central@yorkshirewater.co.uk.

2) On the statutory records, there is a 24" main in the south west corner of the site which appears to be located within the existing landscape area and, so may be unaffected. No trees must be planted within 5 metres of this water main and it could require protective measures during the construction phase of the development.

3) On the Statutory Sewer Map, there is a 175 mm diameter public foul rising main recorded in Wand Lane. It is essential that the presence of this infrastructure is taken into account in the design of the scheme but it does not appear to be affected.

A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

## **IDB**

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant

## **THE COAL AUTHORITY**

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- o Collapse of shallow coal mine workings.
- o Collapse of, or risk of entry into, mine entries (shafts and adits).
- o Gas emissions from coal mines including methane and carbon dioxide.
- o Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- o Transmission of gases into adjacent properties from underground sources through ground fractures.
- o Coal mining subsidence.
- o Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out of their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

## **Highways**

### **MHi-C New and altered Private Access or Verge Crossing – (MHC-03)**

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's

web

site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification for housing and street works 2nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20and%20street%20works%202nd%20edition.pdf) .

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

#### **MHi-H Details of Access, Turning and Parking –(MHC-09A)**

The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at [https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim guidance on transport issues including parking standards.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim%20guidance%20on%20transport%20issues%20including%20parking%20standards.pdf)

#### **MHi-K Travel Plan Delivery –(MHC-14)**

Details of issues to be covered in a Travel Plan can be found in Interim Guidance on Transport Issues, including Parking Standards at: [https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim guidance on transport issues including parking standards.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim%20guidance%20on%20transport%20issues%20including%20parking%20standards.pdf)

#### **MHi-A Other Permissions required from the Local Highway Authority**

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

#### **MHi-F Delivery of off-site highway works –(MHC07)**

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

#### **MHi-P Overhead Cables**

You are advised that there are overhead cables within the existing highway in the vicinity of the site. You should contact the owner of the cables to find out what protective measures are required before you can work in the vicinity of the cables. In addition, a separate licence will be required from the Local Highway Authority in order to allow any works in the existing adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this informative.

## **8 Legal Issues**

### **8.1 Planning Acts**

This application has been determined in accordance with the relevant planning acts.

### **8.2 Human Rights Act 1998**

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

### **8.3 Equality Act 2010**

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

## **9 Financial Issues**

Financial issues are not material to the determination of this application.

## **10 Background Documents**

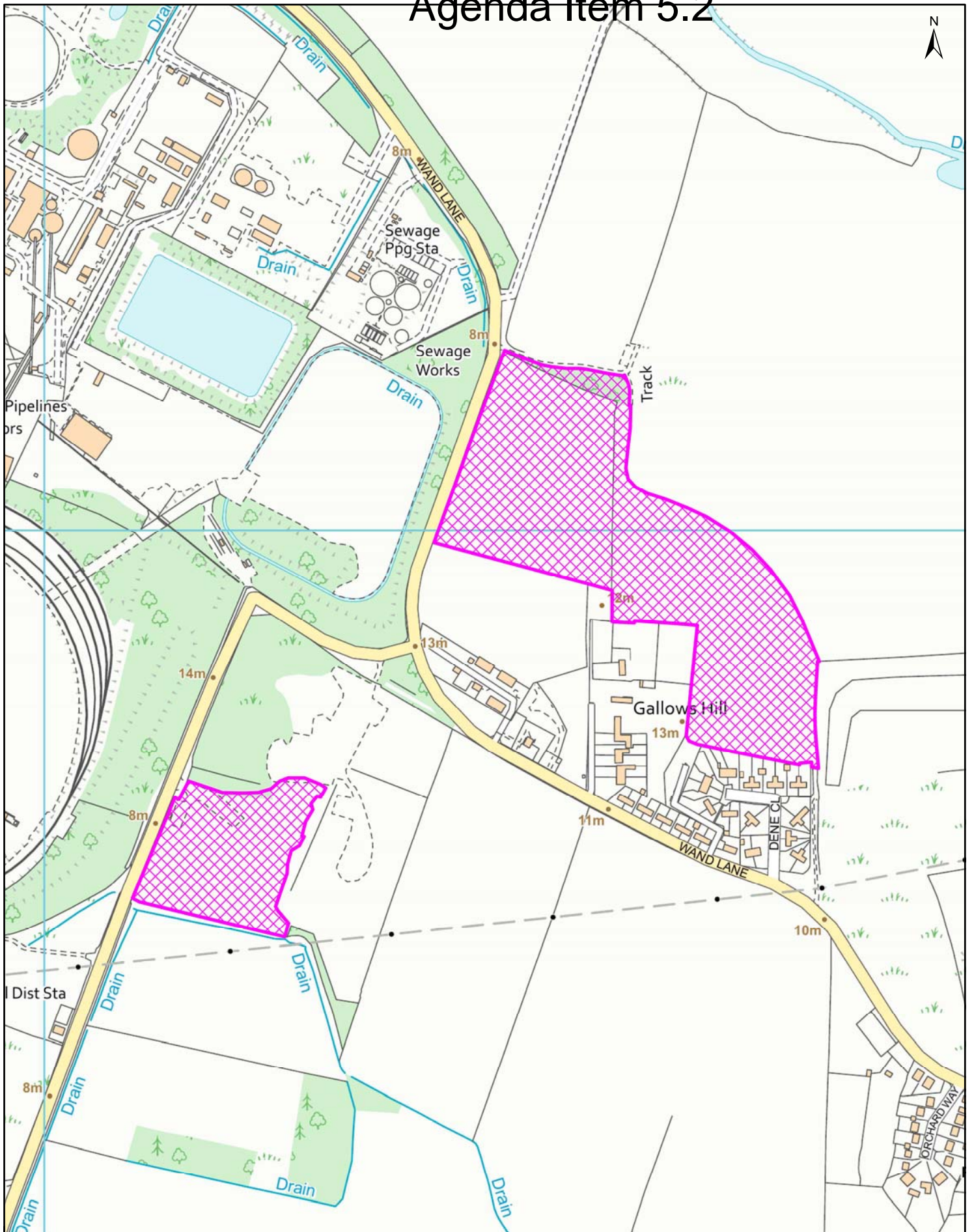
Planning Application file reference 2019/1343/EIA and associated documents.

### **Contact Officer:**

Gareth Stent, Principal Planning Officer  
[gstent@selby.gov.uk](mailto:gstent@selby.gov.uk)

**Appendices:** None





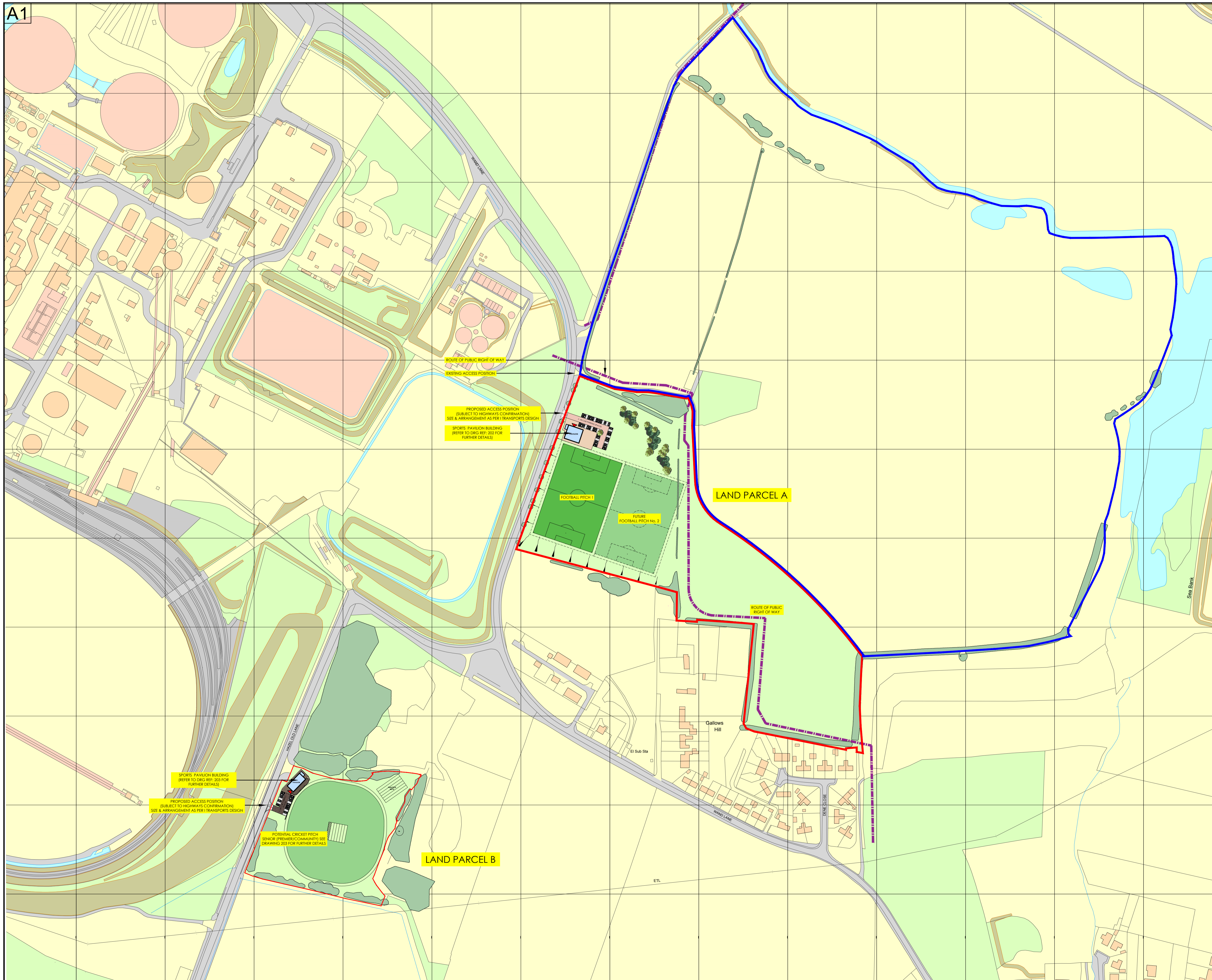
## APPLICATION SITE

Eggborough Power Station, Selby Road, Eggborough  
2019/1344/FULM

1:5,000



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This drawing and the building works depicted are the copyright of BHP Design (UK) LTD, and may not be reproduced or amended except by written permission. No liability will be accepted for amendments.

The Contractor is to check and verify all building and site dimensions, levels and sewer invert levels of connection points before work starts. The Contractor is to comply in all respects with current Building Regulations, British Standard Specifications, Building Regulations, Construction (Design & Management) Regulations, Party Wall Act, etc. whether or not specifically stated on this drawing. This drawing must be read with and checked against any structural, geotechnical or other specialist documentation provided.

This drawing is not intended to show details of foundations, ground conditions or ground contaminants. Each area of ground relied upon to support any structure specified (including drainage) must be investigated by the Contractor. A suitable method of foundation should be provided allowing for existing ground conditions. Any suspect or flat ground, contaminants on or within the ground, should be further investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only & should be further investigated by a suitable expert.

Where existing trees are to be retained they should be subject to a full Arboricultural inspection for safety. All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accommodate the proposed tree planting.

Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage, design & planning/consent negotiations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features; accuracy will therefore need to be verified by survey. Sketch proposals have not been considered in respect of CDM Regulations.

**AMENDED DRAWING**

- APPLICATION BOUNDARY
- LAND PARCELA APPLICATION SITE AREA: 6.3 HECTARES
- LAND PARCELA LAND UNDER APPLICANTS CONTROL (OUTSIDE APPLICATION SITE) SITE AREA: 28.4 HECTARES
- LAND PARCELB APPLICATION SITE AREA: 1.9 HECTARES

**LEGEND:**

- ROUTE OF EXISTING PUBLIC RIGHT OF WAY (INTERPOLATED FROM NORTH YORKSHIRE COUNTY COUNCIL PROW MAPPING INFORMATION-PROVIDED TO BHP BY SFG).

DRAWING & DEMOLITION PHASES PRODUCED IN LINE WITH MARKED UP DRAWING PROVIDED BY DSM

**PLANNING**

D	MASTER PLAN UPDATED FOLLOWING CHANGES FROM SPORT ENGLAND/COMMENTS.	14.05.20	JC
C	REDRAWN LINE BOUNDARIES ADDED AS PER CWA FLOOD COMPLETION INFORMATION SUPPLIED.	28.11.19	JC
B	BUILDING FOOTPRINTS UPDATED TO SUIT SFG REQUEST.	28.11.19	JC
A	CLUB HOUSE FOOTPRINT ALTERED.	08.11.19	RD
Revisions:	Amendment:	Date:	Name:

For guidance only. Do not scale off this drawing.

1:20 - 0	100mm	200mm	300mm	400mm	500mm	600mm	700mm	800mm	900mm	1000mm
1:50 - 0	50mm	100mm	150mm	200mm	250mm	300mm	350mm	400mm	450mm	500mm
1:3 - 0	30mm	60mm	90mm	120mm	150mm	180mm	210mm	240mm	270mm	300mm

bhpdesign

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 t. +44(0)121 314 6618 e : info@bhp-design.co.uk

<b>CLIENT:</b> ST FRANCIS GROUP (EGGBOROUGH) LIMITED	
<b>PROJECT:</b> PROPOSED DEVELOPMENT AT EGGBOROUGH POWER STATION, GOOLE	
<b>TITLE:</b> LAND PARCEL A & B - SPORTS FACILITY ILLUSTRATIVE MASTER PLAN	
<b>Scale:</b> 1:2000@A1	<b>Date:</b> NOV 19
<b>Design:</b> DB	<b>Drawn:</b> JC
<b>Drw No:</b> 17-178-SFP-200	<b>Revision:</b> D

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**Report Reference Number:** 2019/1344/FULM

**To:** Planning Committee  
**Date:** 2 September 2020  
**Author:** Gareth Stent, Principal Planning Officer  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1344/FULM	PARISH:	Eggborough Parish Council
APPLICANT:	St Francis Group (Eggborough) Limited	VALID DATE: EXPIRY DATE:	6th January 2020 1 <sup>st</sup> October 2020
PROPOSAL:	Proposed change of use of land, formation of sports pitches and the erection of pavilions (use class D2) with car parking, landscaping and access on sites A and B off Wand Lane and Hazel Old Lane		
LOCATION:	Eggborough Power Station Selby Road Eggborough Goole Selby East Yorkshire DN14 0BS		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the proposal is to be considered alongside the full hybrid application 2019/1343/EIA which requires determination by committee.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application covers two separate sites both of which lie to the south east of the main power station site and within open countryside.

## Parcel A

- 1.2 The land entitled parcel A, is to the east and accessed off Wand Lane and consists of an undulating agricultural field, with hedgerows and semi mature trees that border agricultural fields. A Public Right of Way runs through this greenfield site. The site has a significant fall from south west to north east. Surface levels at the highest point (south west corner) are c.12 metres AOD whereas surface levels at the lowest point are c.7 metres AOD (north east corner).
- 1.3 The site extends to the south east behind the cluster of dwellings off Wand Lane. This irregular shaped 6.3 hectare site is partially screened from the roadside by hedgerows.
- 1.4 To the north and east of the site is further 28.4 hectares of land owned by the applicant, consisting of mainly agricultural fields and, which is to be planted as part of the wider biodiversity net gain required for the power station redevelopment. To the south of the application site is a grassed paddock then a small commercial business premises on the site of the former Waterworks. Further to the south east are a cluster of residential dwellings formed by dwellings that front Wand Lane, and the two further residential developments known as Gallows Hill and Dene Close.

## Parcel B

- 1.5 Parcel B is smaller, at 1.9 hectares, sits to the south west of Parcel A and lies to the east of Hazel Old Lane. This more remote site lies opposite the former coal stock yard and is tree lined with an existing access to the site. This brownfield site, is the southern part of a larger site that included land to the east and north and was previously used in connection with the power station known as the Cemex Lytag plant. This plant produced a pulverised fuel ash aggregate using the waste product of coal combustion from the adjacent Eggborough Power Station. The plant ceased operating in 2005 and was demolished soon afterwards. The site is surrounded to the east and south by agricultural fields and to the north by a tree coppice that has naturally revegetated the land following the active use of the site.
- 1.6 The site is relatively flat with a fall running from the north east corner to the southern boundary. Surface levels at the highest point (north east corner) are c.8 metres AOD whereas surface levels at the lowest point are c.6 metres AOD (southern boundary).

## **The Proposal**

- 1.7 The proposal is to create a cricket pitch and 2 football pitches with associated parking, pavilions (D2 Use) and landscaping to offset the loss of current facilities through the redevelopment of the main Eggborough Power Station site under application 2019/1343/EIA. The football facility will occur on land parcel A and the cricket facility on land Parcel B. A further biodiversity improvement area lies to the north and east of parcel A. This area is to be used for net gain to off-set the impact of the hybrid application for the redevelopment of the power station and the creation of the sports facilities.
- 1.8 Following a sports needs assessment, alternative provision was necessary to compensate for the loss of the current facilities. Concentrating the development on one site was considered by the applicants (site A), however due to the flooding constraints of that site it was not possible to combine all the required pitches for football and cricket. The proposal was therefore split between two sites:

- 1.9 Site A consists of 2 football pitches, a pavilion and a 40-space car park all served by a new vehicular access. The proposal also includes landscaping which extends to the south east of the site. The land earmarked for a potential bowling green on parcel A was later removed from the proposal due to lack of need.
- 1.10 Site B is for the creation of a cricket pitch with pavilion, new vehicular access, 25 space car park and landscaping.

### **Relevant Planning History**

- 1.11 Both sites have very little in terms of history. Site A has always been an agricultural field and therefore has no relevant history.
- 1.12 Regarding Site B, the following historical applications are considered to be relevant to the determination of this application.
- CO/1977/33127, Erection Of Lightweight Aggregate Plant, Address: Hazel Old Lane Hensall Selby, Decision: PER, Officer: Decision Date: 09-MAR-77
  - CO/1977/33113, Description: Installation Of 2 12 Steel Pipes & Bridge For Supplying Ash, Address: Hazel Old Lane Hensall, Decision: PER, Officer: Decision Date: 15-JUL-77
  - CO/1981/33131, Proposed Crushing of Lytag Pellets, Address: Lytag Ltd Hazel Old Lane Hensall, Decision: PER, Officer: Decision Date: 22-MAY-81
  - CO/1983/33132, Proposed Erection Of 2 Pulverised Ash Storage Silos, Address: Hazel Old Lane Hensall, Decision: PER, Officer: Decision Date: 16-MAR-83
  - CO/1976/33125, Erection Of Light Weight Aggregate Plant, Address: Hazel Old Lane Henwall, Decision: PER, Officer: Decision Date: 14-MAY-76
  - CO/1995/0684, Proposed repositioning of 200 tonne freestanding fines silo unit together with the use of a mobile screening plant as required at, Address: Boral Lytag Factory, Hazel Old Lane, Eggborough, Goole, Decision: PER, Officer: DIKH, Decision Date: 11-SEP-95
  - CO/1976/33126, Use Of Land For Open Stock Piling Of Lightweight Aggregate In Existing Sand Pit, Address: Hazel Old Lane Hensall Selby, Decision: PER, Officer: Decision Date: 29-JUN-76
  - CO/1976/33128, Erection Of Covered Link Between Factory And Amenities Block, Address: Hazel Old Lane Hensall Nr Eggborough, Decision: PER, Officer: Decision Date: 06-DEC-76

## **2. CONSULTATION AND PUBLICITY**

- 2.1 **Parish Council – (Eggborough)** – Objection. The proposed recreational facilities are duplicates of those already available in the Parish. Due to the loss of the golf course the Parish Council would strongly recommend and support the provision of alternative facilities such as a floodlit, all weather sports surface, tennis court and fishing pond.

- 2.2 **NYCC Highways Canal Rd** – No objections subject to conditions.
- 2.3 North Yorkshire County Council acting as the Local Highway Authority (LHA) initially requested further detail in respect of design of the new junctions and wanted sight of the speed survey data. Secondly further detail was requested in respect of Land Parcel A as the proposed long sections plan shows the proposed football pitch site access road sloping towards the existing public highway, this could result in water discharging onto the existing highway without adequate drainage in place.
- 2.4 Further detail was also requested in respect of the detailed junction design i.e. engineering drawings showing the junction geometry, dimensions, construction thicknesses, materials, vehicle tracking and drainage.
- 2.5 All this information was supplied in a series of additional plans and information. This satisfied the County Highway Authority subject to a number of planning conditions controlling the works to be implemented in accordance with the approved plans, closure of existing accesses, provision of visibility splays and the need for a Construction Phase Management Plan.
- 2.6 **Yorkshire Water** – No objections given the foul water in both parcels of land are draining to private treatment facilities and surface water to local land drains/watercourse.
- 2.7 **Danvm Drainage Commissioners Shire Group Of IDBs** – No objections subject to suggested standard conditions. One of which is that consent from the IDB will be required for any surface water run-off. The applicant is aware of this and has the agreements in place for this to occur. The remainder of the suggested conditions are all details contained within the drainage strategy.
- 2.8 **County Ecologist** – No objections following the receipt of amended ecological information. The comments also relate to the wider net gain enhancement area to the north of land Parcel A.

28 January 20 response:

Land Parcel A

- 2.9 The County ecologist raised a number of queries in respect of the submitted PEA and requested full sight of the necessary net gain calculations. Concern was also raised over the proposed habitat improvement area i.e. the planting of large blocks of wet woodland. This was recommended to be reduced in favour of wildflower meadow which were more characteristic of the area and better for habitat creation. The composition of woodland and hedgerow planting, as shown on the Landscape Proposals Plan, was also required to be revised to ensure it is in keeping with the locality and most likely to offer biodiversity benefits. The ecologist also required more explanation of how the large areas of wildflower grassland will be managed.

Land Parcel B

- 2.10 This is an ex-industrial site mainly covered by hard surfacing with sparse, patchy regeneration of short vegetation and areas of birch and sallow scrub. It is proposed to construct a cricket pitch with some retained habitat and landscape planting at the margins of the site. No specific protected species issues have been identified. The



County Ecologist required more details as to how retained/created habitats will be managed and requested a Method Statement showing how site clearance will be undertaken in a way which reduces risks to reptiles and other small wildlife

- 2.11 The county ecologist recommended an Ecological Management Plan covering both land parcels and A precautionary survey should be undertaken prior to site clearance, encompassing both the site itself and its immediate surrounds.

27.4.2020

- 2.12 Response following the submission of the additional Biodiversity Management Plan and Construction Environmental Management Plan documents. This plan deals with Site A and proposes to create a mosaic of wetter and drier grassland with shallow surface pools, as well as wet and dry woodland. It also proposes to strengthen the hedgerow network by planting up gaps in existing hedges. The layout of the proposed habitats provides better landscape connectivity than the original proposals, maintaining the distinction between the more enclosed and well-timbered setting of Wand Lane and the open-ness of the river floodplain. This is likely to improve the ecological functionality of the created habitats.

- 2.13 The Biodiversity Management Plan (Parcel B) is acceptable and retains the existing woodland along the northern and southern boundaries of the parcel, as well as along Old Hazel Lane. The Construction Environmental Management Plan, Biodiversity submitted for Parcel B is acceptable and sets out measures to safeguard environmental features during the construction of the cricket field and incorporates a Method Statement for avoiding risks to reptiles during construction. The Biodiversity Management Plans for Parcels A & B, it will require the involvement and supervision of an Ecological Clerk of Works.

- 2.14 **Sport England - Yorkshire** – No objections.

- 2.15 29.1.2020 – The Football Foundation and the England Cricket Board have raised a number of issues in respect of the design of the proposal and also the issue of ball strike. A holding objection was made and the applicants invited to provide additional information.

- 2.16 11.5.2020 – Based on the revised information and amended plans being submitted the Football Federation (FF) are happy to support the proposal. English Cricket Board (ECB) accepted the reduction from 8 to 6 turf wickets being proposed providing a non turf (astro) wicket was installed. The development of this cricket provision should continue to be overseen and informed through a fine turf specialist to ensure the pitch meets ECB requirements, details of which are still required. There were also some concerns raised over no apparent step free access from the players changing rooms to the actual playing area, the internal configuration of the pavilion and layout of the changing rooms. With regards to the response regarding Ball Strike and the Labosport report ECB have no objection with the recommendations by the applicant, thus a 3m net provided to protect the car park.

- 2.17 Sport England notes that the applicant states that the potential second football pitch will be provided on Parcel A – however this is not a replacement pitch for an existing one being lost on the power station site so there should be flexibility in the timetable of its provision.

- 2.18 Bowls England have commented that the club on this site is unaffiliated (and has been for a number of years) therefore they are unable to comment further. Sport England notes in the Sports Needs Assessment the bowling green was not prepared for the 2019 season due to the club disbanding. Given the comments of BE and the fact that club have disbanded, Sport England does not consider that there is a requirement for the provision of a replacement bowling green.

10.6.2020

- 2.19 Response following the additional information in response to Sport England's holding objection of the 11 May 2020. The timings for the replacement football are acceptable. The previous ECB comments in respect of the changing rooms, access, shower area and position of the NTP pitch have been addressed. There still appears to be no detailed Fine Turf Specialist specifications for the development of the cricket pitch as such the holding objection remains. ECB have no objection to the proposed timing of cricket facilities.

17.08.2020

- 2.20 Sport England withdraws its holding objection to this application and considers the need for a Fine Turf Specialist report to be conditioned is acceptable. The ECB would expect the project to be compliant with ECB Technical Standards for the construction of cricket outfield and fine turf TS4. Given the comments of the ECB and the Football Foundation, the proposed new sport facilities are considered acceptable as replacement facilities for those lost to proposed redevelopment of the power station. A series of planning conditions are recommended covering the need for Fine Turf Specialist specification for the cricket pitch, details of the design and specification and layout of the ball stop mitigation, details of the ground conditions for the football pitches, details of maintenance and management of the football and cricket facilities, a condition requiring details of new cricket and football facilities are available for community use for use by local clubs.

2.21 **Public Rights of Way Officer** – No objection.

2.22 **Urban Design Officer** - No response received.

2.23 **The Environment Agency (Liaison Officer)** – No objections subject to conditions.

Ground Water and Contaminated Land

- 2.24 13.2.2020 – Initially objected to this development because there was insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. The site (B) was previously used for plant processing pulverised fuel ash (PFA), relating to the power station. While PFA in itself is likely to pose a relatively minor pollution risk, the EA needed to confirm that other pollution sources were not present.

- 2.25 The applicants supplied a series of documents which included an Interpretative Desk Study (Geo Environmental Consultants, November 2019) which assesses the contamination risks in relation to the sports facilities application and notably Land Parcel B. In addition, the applicants resupplied the Phase 1 Contaminated Land Assessment Report for Eggborough Power Station (Main Site) (RPS, April 2017) and a Phase 2 Environmental Due Diligence: Former Cemex Lytag Plant, Hazel Old Lane (Enviros, September 2007).

- 2.26 The EA were reconsulted and withdrew their objection in their response dated 27<sup>th</sup> February 2020 subject to a condition covering the need to report any new contamination.

#### Flood Risk

- 2.27 The land is within Flood Zones 2 and 3, with a medium and high probability of flooding from rivers and/or sea. The proposal is for a 'water compatible development' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. The FRA provided was acceptable and detailed a level for compensatory storage which was to be conditioned. The EA recommended a condition to ensure the development was carried out in accordance with the FRA details in respect of water storage and the schemes timing/phasing arrangements.
- 2.28 **HSE Web Consultation** - The proposed development lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline. Based on the information provided the HSE do not advise on safety grounds against the granting of consent.

- 2.29 **Landscape officer** – Objection.

#### 14.5.2020 -1<sup>st</sup> response

- 2.30 The Landscape officer initially objected to the application as it did not sufficiently demonstrate that landscape and visual effects are within acceptable limits and with a suitably agreed landscape design, maintenance/aftercare scheme. Further information and adjustment are needed to demonstrate that landscape and visual effects are within acceptable limits and with suitably agreed design, maintenance/aftercare scheme.

#### 5.8.2020 – 2<sup>nd</sup> response

- 2.31 Objection maintained until further details have been clarified. The Applicant has provided additional information and revised plans, but there are some outstanding issues. This application is linked to application 2019/1343/EIA for redevelopment of Eggborough Power Station. The landscape and visual effects should be considered in conjunction with application 2019/1343/EIA. Below are the key points where further clarification or adjustment is needed:

- 2.32 Scheme Design, Landscape Proposals

- Generally the broad masterplan is improved and the wider amenity areas and Biodiversity Net Gain areas to the NE linked to Land Parcel A is accepted. Detailed proposals will be needed at a later stage for wider landscape areas.
- Proposed boundary treatment and internal site planting is not sufficient on the masterplan to screen the main site facilities; buildings, parking and service areas etc. and enhance local character and setting. This remains outstanding and should be improved and clarified on the masterplan.
- The hedgerow boundaries to the road frontages are particularly weak and likely to be impacted by access visibility sight lines. The Masterplan should set out broad principles. Detailed proposals will be needed at a later stage.

- 2.33 Long-term Maintenance and Management (not Net Gain Areas) – details for long-term management and management are needed, how are the site and facilities to be maintained and managed together with mechanism of how this is to be secured. Notwithstanding the above, if the application was to be approved then the following should be secured by condition:
- A detailed landscape hard and soft scheme (all areas), to include: details of topsoil stripping and storage, levels and grading, sport pitch grading and drainage, hard surfacing, boundary treatments, soft planting proposals (plans, planting schedule, outline specification), establishment aftercare.
  - Initial 5 year replacement defects period for all planting
  - Details for long-term maintenance and management (landscape and amenity use, wider landscape areas and sport pitches). NB not Biodiversity Net Gain Areas.
  - Tree protection measures for all trees and hedgerows to be retained (to BS5837).
  - Replacement sport facilities will need to be secured together with their long-term maintenance and management (condition of legal agreement).
- 2.34 **Environmental Health** - No objections.
- 2.35 **Contaminated land** - No objections subject to conditions.
- 2.36 Parcel A currently comprises agricultural land and the officer agrees with the contamination report that the risks from land contamination are very low and that ground investigation works are not considered necessary.
- 2.37 Land Parcel B is currently vacant but was previously occupied by the Cemex Lytag Plant. The report identifies a former landfill site located approximately 100m to the south of Land Parcel B. A ground investigation was undertaken on Land Parcel B in 2007. Elevated levels of petroleum hydrocarbons were detected in soil samples and hydrocarbon odours and staining were also identified in shallow soils. This was not considered to present a human health risk for an industrial use at the time, although was assumed to be a potential risk to the underlying groundwater. It is understood that remediation works were subsequently carried out, to remove waste materials and the hydrocarbon impacted material, but no supporting evidence is available.
- 2.38 The report concludes that there are unlikely to be any significant risks from land contamination on the proposed sports facility on Land Parcel B and that ground investigation works are not considered necessary at this stage. However, the quality of the upper soils is expected to be low and a clean soil layer is likely to be required to provide a suitable surface for the proposed cricket pitch. In addition, a gas assessment would likely be required if any buildings are proposed for the site, due to the proximity of a former landfill.
- 2.39 Conditions requested in respect of land Parcel B for a verification report the reporting of an unexpected contamination during works for both land parcels. These were amended slightly following discussions with the applicants.
- 2.40 **Yorkshire Wildlife Trust** – Initially requested to see the biodiversity Metric Calculations. These were supplied and the Trust confirmed they have no objection to the metric or the compensation proposed. Also usually propose that only one step change in habitat condition is appropriate for any enhancement proposals; as the ecologist proposes 2 step increases to enhance the lake (poor to moderate) and

would appreciate further information on how this will be achieved in the time frame suggested (3 years).

- 2.41 This information can be provided in a detailed Biodiversity Enhancement and Management Plan (BEMP) which can be conditioned. However, with the above amendments, the Trust still believes the metric will show a net gain for the site and as such have no major concerns over its delivery. The non-redacted CEMP was sent to the Trust and they confirmed they have no issues with it. The Trust wanted clarity over the uplift score which was provided as this related to the 2019/1343/EIA application where the land off Wand Lane was being used as a biodiversity enhancement area.
- 2.42 **Lead Local Flood Authority (LLFA)** – No objections subject to conditions.
- 2.43 The Flood Risk Assessment and Drainage Strategy document identifies Ings and Tethering and a suitable destination for surface water disposal from Parcel A, and Beck Drain for Parcel B. Both the above watercourses are located within Danvm Drainage IDB and therefore consent will be required from the IDB to discharge any surface water to these watercourses. The applicants have submitted (as above) to the LPA confirmation from the IDB of consent to discharge. The LLFA has no objection to the proposed discharge location.
- 2.44 The LLFA cannot recommend approval of the application since the proposed drainage system does not meet the recommended minimum operational standards, and no consideration has been given to the storage of flood water for the 1 in 100+ climate change events and exceedance flow routes. The Authority recommends that the following information is submitted to the Local Planning Authority prior to any planning permission being granted:
- Revised strategy for Parcel B with no flooding in the 1 in 30-year event.
  - Details of the areas designated to store the 1 in 100 year plus climate change event rainfall for parcels A and B.
  - Exceedance Flow Plan
- 2.45 24.8.2020 - In relation to the holding objection the LLFA has now reviewed the following information:
- DESIGN NOTE – RESPONSE TO NYCC AS LLFA
  - CWA-18-233 Sports Land Parcel A P2
  - Parcel A Drainage Design Report
  - CWA-18-233 Sports Land Parcel B P2
  - Parcel B Drainage Design Report
- 2.46 In its response dated 12th May 2020 that the following information needed to be provided prior to determination:
- Revised strategy for Parcel B with no flooding in the 1 in 30-year event.
  - Details of the areas designated to store the 1 in 100 year plus climate change event rainfall for parcels A and B.
  - Exceedance Flow Plan
- 2.47 In response to the LLFAs comments, the applicants have provided updated calculations that demonstrate that the drainage system can accommodate the 1 in

100 year plus 40% climate change event below ground. This satisfies the first bullet point and also addresses the second bullet by storing the surface water below ground. Notwithstanding this, the applicants have stated that the drainage design of the pitches will require refinement by the specialist pitch designers. The LLFA therefore recommends that a pre-commencement condition is applied to any permission granted to ensure that any changes to the detailed drainage design are in accordance with the principles agreed as part of this planning application.

- 2.48 The requested exceedance flow plan has not been provided. As per the LLFA's original comments, and exceedance flow plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system. In accordance with Paragraph 163 of the NPPF, site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Based on the submitted proposals and location, the LLFA is satisfied in this instance that this requirement can be conditioned. However, the applicant must be aware that at discharge of conditions stage, should the requirements not have been approved as part of a planning application, the applicant is exposed to the risk of being unable to discharge the relevant planning condition.

### **Neighbour Comments**

- 2.49 The application was advertised by site and press notices as well as individual neighbour letters to the surrounding dwellings. 1 letter of concern was sent in from a local resident. The concern is as follows:
- Concern about the proposed access egress to the site. By definition Wand and Hazel Old Lane, are lanes. It would be unsafe to allow traffic to use the Lanes, the rear exit of the site is concealed by a bend, coming out of the village, also the 'unused' emergency coal access, on Hazel Old Lane, is on a blind bend.

### **Pre submission consultation by the applicant:**

- 2.50 The applicants undertook a series of consultation with officers at Selby District Council, local focus groups and a public consultation event.
- Presentation to Cabinet Group 21/11/2019.
  - Community Consultation 3 December 2019 at Eggborough Methodist Chapel, Selby Road, Eggborough.
  - Presentation to Planning Committee 4/12/2019
- 2.51 A detailed review of feedback from the above consultations is available within the Statement of Community Involvement document that accompanies this planning application.

## **3 SITE CONSTRAINTS**

- 3.1 Both sites lie within the Countryside. Parcel A – Is partially within Flood Zone 3 and currently floods in a small portion south-west of the application area. Parts of the site are also within Flood Zone 1 and 2. An existing public right of way PROW runs through the site from Wand Lane towards Hensall.
- 3.2 Parcel B - The north of Land Parcel B is shown to be located in Flood Zone 2 and the south in Flood Zone 3.

## 4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*"213...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

### **Selby District Core Strategy Local Plan**

- 4.6 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
  - SP2 – Spatial Development Strategy
  - SP12 – Access to Services, Community Facilities and Infrastructure.
  - SP15 – Sustainable Development and Climate Change
  - SP18 – Protecting and Enhancing the Environment
  - SP19 – Design Quality

### **Selby District Local Plan**

- 4.7 The relevant Selby District Local Plan Policies are:
- ENV1 - Control of Development

- ENV 2 - Contaminated Land
- T1: Development in relation to the Highway Network
- T2: Access to Roads
- T8 -Public Rights of Way.
- RT1 - Loss of recreational open space.
- RT3 – Formal Sport and Recreational Facilities

#### **4.8 Other relevant document**

- Landscape Sensitivity Study 2019

#### **NPPF 2019**

- Section 8 - Promoting healthy and safe communities.
- Section 11 - Making effective use of land.
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change.
- Section 15 Conserving and enhancing the natural environment.

### **5 APPRAISAL**

5.1 The main issues to be taken into account when assessing this application are:

- Principle of the Development
- Sport Needs Assessment
- Impact on the Landscape Character
- Design and Layout
- Highways and Transportation
- Public Rights of Way
- Flooding
- Drainage
- Ecology
- Ground Water and Contamination
- Residential Amenity

#### **Principle of the development**

5.2 The proposal is to create 2 individual cricket and football facilities both with new pavilion buildings within the open countryside, as direct replacements for those clubs that are currently based within the Eggborough Power Station site.

5.3 These are required to be replaced by Paragraph 97 of the NPPF which states “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

5.4 These replacement facilities need to be located as close as possible to the existing provision, otherwise the accompanying 2019/01343/EIA application would not be policy compliant. Sport facilities generally require a countryside or edge of settlement



location due to their land take. The settlement of Eggborough is regarded as a sustainable settlement, being a 'Designated Service Village' within the settlement hierarchy. Both local policy and the NPPF allows for sport and recreation facilities to occur within the countryside.

- 5.5 In terms of the spatial strategy, the following policies are relevant. Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 5.6 Policy SP2A(a) of the Core Strategy states "The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints".
- 5.7 SP2A(c) controls development in the countryside and indicates development will be limited to the replacement or extension of existing buildings, the reuse of buildings, well designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities in accordance with SP13.
- 5.8 Policy SP12 (Access to Services, Community Facilities and Infrastructure) indicates that: 'In all circumstances opportunities to protect, enhance and better join up existing green infrastructure, as well as creating new Green Infrastructure will be strongly encouraged, in addition to the incorporation of other measures to mitigate or minimize the consequences of development'
- 5.9 Policy SP18 also makes reference to open space and sports facilities. Specifically, it seeks to protect and enhance the environment, indicating that the high quality and local distinctiveness of the natural and man-made environment will be sustained by 'identifying, protecting and enhancing locally distinctive landscapes, areas of tranquility, public rights of way and access, open spaces and playing fields through Development Plan Documents.'
- 5.10 The Core Strategy therefore reinforces the policies set out in the NPPF, which seek to protect playing fields and sports fields and promotes the location of sustainable new facilities close to existing settlements where they are accessible.
- 5.11 The Selby and District Local Plan has 2 specific policies that relate to the development. Policy RT1 deals with the loss of facilities, which is relevant to the 2019/1343/EIA application, and RT 3 which relates to new formal sport and recreational facilities. Policy RT3 states that proposals for sport and recreation development facilities will be permitted subject to four criteria. These criteria are (1) The proposal would not be so intrusive as to seriously detract from the character of the area by virtue of its appearance or associated noise; (2) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; (3) New building or structures would be well designed and appropriately landscaped; and (4) The facilities are designed in such a way as to allow easy access and active participation by disabled people in sport.

- 5.12 Policy RT3 acknowledges that proposals for formal sport and recreation facilities are acceptable in principle. The impacts of the proposal will be considered in the following sections.
- 5.13 The proposal is therefore acceptable in principle being a recreational use in the open countryside and involving the building of a well-designed new building of an appropriate scale to the locality. The proposal is close enough to the existing settlement to be regarded as a suitable and sustainable location for an appropriate recreational use within the countryside. The proposals are therefore compliant with Core Strategy Policies SP1, SP2A(c) SP12, SP19, Local Plan Policy RT 3 and advice with chapter 8 of the NPPF.

### **Sports Needs Assessment**

- 5.14 The application was accompanied by a Sports Needs Assessment, which detailed the current facilities that would be lost by the Power Station redevelopment. This would ensure the appropriate replacement provision was applied for given the implications for the loss of existing facilities under application 2019/1343/EIA.

#### Cricket

- 5.18 This relates to the Eggborough Power Station CC. The club has 56 members and the first team are members of the Pontefract and District Cricket League (Division 4) and play on a Saturday while a midweek team play in the Snaith and District Evening Cricket League in the T20 format.

#### Football

- 5.19 There is just one football pitch currently marked out on site. The ground is home to Whitley Wolves FC, who have been playing there for several years. The team are now U14, having progressed through each age group since U7. They play in the West Riding League and are a fully chartered standard club, with players from the local villages of Whitley, Eggbrough, Kellington, Kellingley, Hensall, Snaith, Pollington and Askern. The team plays home matches at Eggborough Power Station and also trains twice each week at the ground during the summer months, while winter training takes place at Campsmount Academy (Doncaster) on the 3g pitches. The club store their equipment on site in a self-purchased shed. There is no changing or showering provision. Teams arrive changed.

#### Bowling

- 5.20 The bowling green was not prepared for the 2019 season due to the club disbanding. The bowling green has therefore not been maintained since the run-down of the Power Station and is now overgrown with no sporting purpose.

#### Golf

- 5.21 Eggborough Power Station Golf Club was developed as a 'sports and social offer', largely for the employees of the Power Station utilising the land around the site. The course matched provision at neighbouring Power Station sites at Drax and Ferrybridge. The course is now closed and abandoned as a result of the rundown of the Power Station. Greens, tees and fairways are no longer distinguishable, and the course is not playable. The course was described as a 9-hole par 62 (4,304 yard)

compact public parkland course, which wends its way through the other sports facilities on the site.

- 5.22 There are therefore some active clubs on-site however these are generally single team clubs with limited developmental capacity and created for Power Station employees as opposed to the wider village e.g. the cricket clubs of Whitley Bridge and Hensall are more central and service Eggborough village.
- 5.23 The clubs are generally legacy Power Station clubs, which relied on funding and subsidies from the Power Station to survive, and whilst replacement provision can be provided, the long-term sustainability or potential for growth of the current clubs is unknown.
- 5.24 Given the above it is accepted that only the cricket and football provision should be provided for. Also, whilst only one football pitch is being used at the main Power Station site the Selby District Pitch Strategy identified the need for additional pitches to meet future demand, hence why the second pitch is being provided for.
- 5.25 Eggborough Parish Council objected to the proposals stating the proposed recreational facilities are duplicates of those already available in the Parish. Due to the loss of the golf course the Parish Council would strongly recommend and support the provision of alternative facilities such as a floodlit, all weather sports surface, tennis court and fishing pond.
- 5.26 The concerns raised by the Parish Council are noted, however the application is to replace those recreational facilities directly lost by the redevelopment of the Power Station. New facilities would not be precluded in this location; however these cannot be provided for by the developer as there is no planning mechanism for this to occur without a genuine planning reason. Also, Officers do not consider a fenced multipurpose floodlit facility would be characteristic of this more rural setting.
- 5.27 The application is welcomed by both clubs who have written in support of the application. Both clubs will be securing enhanced facilities should the proposals be developed out. The timing of the provision is to be controlled by condition through the accompanying hybrid application to ensure the facilities are created if the consent is implemented. Both clubs recognise that some time delay may occur from construction of the hybrid application and the facilities for sport being ready and have made arrangements to deal with the transition using other grounds, to allow the new pitches to bed in and become established.

### **Impact on the Landscape Character**

- 5.28 The National Planning Policy Framework states that planning policies and decisions should “contribute to and enhance the natural and local environment” by: “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)” (paragraph 170.a); and “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” (paragraph 170.b).
- 5.29 Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings. Policy SP19(e) requires that proposals look to incorporate new landscaping as an

integral part of the scheme. Policy RT3 states new sport and recreation development will be permitted, provided the proposal would not be so intrusive as to seriously detract from the character of the area by virtue of its appearance or associated noise.

- 5.30 The impact on the landscape is particularly important in this proposal as the proposed uses will inevitably change the existing rural character of both sites, to one of a recreational use. Both sit within a rural landscape, so are susceptible to wider visual impacts. The proposed use will inevitably increase vehicle movements to the site, increase on site activity and buildings on site, resulting in a change in character.
- 5.31 The Landscape Sensitivity Study Sept 2019 indicates this area as being levels farmland, predominantly low lying farm land, rectilinear fields defined by hedgerows. The area has a strong human influence in the form of the power station. The area may be sensitive to relatively small changes, due to its openness and slight elevation, with development potentially highly visible throughout the landscape. The key landmarks are the Egborough Power Station cooling towers, visible for miles around, and the church at Kellington, smaller but no less important locally. Skylines are generally indistinct except in the more elevated areas and are generally highly influenced by structures such as pylons that may limit their sensitivity to certain development types. The topography of the landscape enables long ranging, open views across the landscape to the north and south, which are generally more sensitive to change.
- 5.32 This proposal sits to the east of the landscape character area, immediately adjacent to the power station and is less vulnerable to long distance views to the north of the character area. Both are enclosed by tree hedgerows and parcel B being a former brownfield site.
- 5.33 Sport and recreation use are appropriate uses within the countryside and if appropriately located and designed cause no harm to landscape character. Both cricket and football facilities are commonplace on such sites across the UK on the fringes of settlements and this proposal is no different. Such uses remain open and unused for large parts of the year, meaning any visual harm is often limited. The only permanent development in both sites will be the pavilions and car parking areas. Both sites will however have ancillary structures and equipment associated with the use i.e cricket sight screens, football nets.
- 5.34 As previously described land parcel A is a current undulating agricultural field that is devoid from landscaping except for on its outer boundaries. A grouping of trees does exist on the northern boundary which is being retained. The boundary to Wand Lane is sporadic with gaps within the hedgerow meaning views into the site will occur. The upgraded access and pavilion will also be visible at the site entrance.
- 5.35 In terms of Parcel B, this sites character is somewhat different as views into the site are more limited with a tree belt to the north and east and the site is tree lined from Hazel Old Lane. This site had a former industrial use and has naturally revegetated in recent years.
- 5.36 Within the submission, the applicants explain the ethos for the landscape proposals, which is to retain as much of the existing tree groups and mature landscaping as possible, then amalgamate this with proposed landscaping to give a cohesive whole.
- 5.37 The submission contains a landscape master plan showing how each of the two sites are to be landscaped as well as the wider land to the north of parcel being used for

landscaping and ecological off setting, meaning the area is more ecologically and visually diverse than it is a present. The submission also includes tree protection and removal plans which are also linked by condition to ensure all the trees shown for retention are adequately protected.

- 5.38 Parcel B is mainly grassed and dominated by the cricket wicket and grassed outfield. 9 additional native trees are shown to be planted on the roadside frontage to help screen the development, with native woodland planting in the north eastern and south eastern corners of the site to thicken up the boundary planting in the site corners.
- 5.39 Parcel A again is mainly grassed in the central football pitch area, with a neutral wildflower grassed area to the north and a hedgerow to screen the car parking. All existing trees and boundary vegetation are to be maintained and the eastern and southern boundaries are to be enhanced by 22 heavy standards trees being planted to thicken up the boundary landscaping. The land is to be graded to allow a relatively flat football playing area with a gentle slope running to the north west corner of the site. A footpath is also shown around the pavilion area to the north of the football pitches.
- 5.40 The NYCC Landscape Officer initially objected to the proposals as it was considered the proposals did not sufficiently demonstrate that landscape and visual effects are within acceptable limits and with a suitably agreed landscape design, maintenance and aftercare scheme.
- 5.41 The applicants responded and did not consider the level of detailed requested by the landscape officer i.e. Landscape Visual Impact Assessment (LVIA) was necessary as the Design and Access Statement considers the landscape constraints of the two sites proposed. The built development in each case consists of small ancillary buildings to sport and recreation use which means the vast majority of each site will remain open. None of the existing tree cover on the perimeters of sites A or B – will be lost and there are landscape proposals submitted in connection with each site.
- 5.42 The applicants considered sufficient landscaping details were shown on both master plans without the need for further detailing. The plans were however amended with the detailing increased to show species, numbers, stock sizes all of which would normally be included on a detailed landscaping plan. The biodiversity net gain area was also significantly changed to remove large wet woodland areas in favour a wetland meadow and wildflower meadow grasslands. This appeased the Landscape Officer and better reflected the character of the surrounding landscape.
- 5.43 In relation to issues concerning long term maintenance and management of all the land and facilities, the applicants agreed this could be secured via a planning condition requiring a scheme to be submitted. The condition is framed in a way that requires the submission and approval of the maintenance regime prior to the occupational use of the facilities. The applicants have indicated previously they intend to put a management company in place for the maintenance/management of the sports facilities in conjunction with the main club users of the facilities.
- 5.44 Finally the Landscape Officer indicated that more should be done to screen the pavilion buildings, however the applicant did not consider this the correct approach. The applicants stated that the purpose of the landscaping shown is to enhance existing landscaping and provide an enhanced setting for the sports facilities – which in themselves are acceptable in planning policy terms.

- 5.45 Therefore to conclude, Officers are content that the level of landscaping detail is sufficient to assess the application. The pavilion buildings and uses will be visible from the roadside in winter months but adequately screened in spring summer months and green and unused for large parts of the year. The various conditions covering, tree protection measures, new landscaping and long-term maintenance and management regime will ensure the development comfortably sits within its rural landscape. The proposal is therefore acceptable in accordance with Selby District Local Plan Policies ENV1(4), RT 3 and Core Strategy Policy SP18.

### **Design and layout**

- 5.46 It is considered that Policy ENV1 of the Selby District Local Plan (2005) is relevant in the consideration of this application. Policy ENV1 provides that proposals for development will be permitted providing that a good quality of development will be achieved. Policy ENV1 specifies that in considering proposals the Council will take into account the effect upon the character of the area or the amenity of adjoining occupiers and will also consider the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping.
- 5.47 Policy SP19 of the Selby District Core Strategy Local Plan (2013) states that all proposals for 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. It seeks to ensure that both residential and non-residential development makes the best, most efficient use of land without compromising local distinctiveness, character and form and positively contributes to an area's identity and heritage in terms of scale, density and layout.
- 5.48 Policy RT3 (3) indicates that new sport and recreation facilities should be well designed and appropriately landscaped and designed in a way as to allow easy access and active participation by disabled people in sport.
- 5.49 The layout and design of the sports facilities has been largely dictated by Sport England Guidelines and has been amended on several occasions to ensure the facilities are fit for purpose. Sport England are the key consultee in respect of the sports provision and have liaised with Football Foundation (FF), England Cricket Board (ECB) and England Bowls. Sport England initially issued a holding objection over the design and layout of the pavilion buildings and had concerns over a series of technical matters like potential ball strike issues at the cricket pitch and cricket pitch construction details.

### **Parcel A - Football**

- 5.50 The football facility is located in the south west corner of the site furthest away from Flood Zone 3 to ensure the site doesn't flood. This has heavily influenced the siting, despite a much larger site being owned by the applicant to the north east of the site. The proposal shows 1 no. football pitch and the potential for a future additional football pitch, as well as a sports pavilion building and associated 40 space car park. The 106m x 70m pitch, which include run-offs, complies with FA guidelines and Sport England guidance. The wider site layout has also had the Sport England Design Guidance in mind i.e. locating the clubhouse away from the goals/goal posts for safety reasons and its position being in the north west corner of the pitch looking South East to make best use of daylight afternoon sunshine and views of the game. The site is also to be graded flat to ensure it complies with Sport England's maximum

slope limitations. The pavilion is a multi-use facility, being 14.8m x 16.5m (245m<sup>2</sup>) and laid out internally to include 2 changing rooms, kitchen, bar, first aid room and a social space. A mower and equipment store were later added.

- 5.51 In design terms, the building is a modern single storey building with a mono pitch roof rising from 4m to 5.7m at its highest point. The roof design enables the massing of the building to be reduced and lessen its impact on the countryside setting. The building is orientated to have clear views of the pitch from the social space with full height glazing.
- 5.52 Externally the building form is simple with clean sharp lines, functional detailing, a limited range of surface materials to ensure the building doesn't easily date. Some simple design details such as shadow recesses and subtle changes in surface texture have been shown to improve proportion and give variety and rhythm to elevations. The building is to be constructed of brick external walls with glazing and have a profile sheeted roof. Some landscaping is shown adjacent to the car parking area and throughout the site which is detailed later within the report.
- 5.53 The Football Federation were supportive of the application. The proposal aligns to the recommendations set out within the Playing Pitch Strategy. The additional pitch will address the issue of almost no spare capacity at peak time on other pitches within close proximity to Eggborough Power Station.
- 5.54 Finally the original proposal showed a bowls facility on Parcel A. Bowls England (BE) have commented that the club at the former power station was unaffiliated (and has been for a number of years) therefore they are unable to comment further. Sport England notes in the Sports Needs Assessment the bowling green was not prepared for the 2019 season due to the club disbanding. Given the comments of BE and the fact that club have disbanded, Sport England does not consider that there is a requirement for the provision of a replacement bowling green. The provision for a future Bowling Green shown on the Parcel A has been omitted.

#### Parcel B - Cricket

- 5.55 Land Parcel B which is more constrained in terms of scale and consists of a cricket pitch, sports pavilion building and 25 space car park. The cricket square has 6 grass cricket wickets, 1 artificial wicket and outfield boundary dimensions measuring 45.72 metres in length, which adheres to ECB guidelines. The club house is located in the north west corner of the site for best viewing. The scoreboard could be a mobile board or a scorer's hut.
- 5.56 The pavilion is again a multi use building, complete with 2 changing rooms, showers, bar servery area, clubroom and lobby seating area with views across the outfield. The building measures 8.6m x 19m (165m<sup>2</sup>) and designed with a mono pitch roof that includes a generous overhang and outside seating area. The design is similar to the football pavilion, in that it is elevated from the existing ground level, uses brick and glazing for the external walls and has a profile sheeted roof.
- 5.57 The ECB was again supportive of the scheme in terms of relocating the cricket club. The ECB requested a fine turf specialist's (agronomist) report to prove the ground conditions and site was suitable for a new pitch and that project management, and construction details have been considered. The need for such a report is controlled by condition. Comments were also made in respect of not having the building being stepped or raised in height, the position of the practice nets needed adjustment, the

changing room sizes needed increasing, sight of the pitch from the changing rooms, shower facilities, location of toilets, cleaning cupboards, umpire room, machinery storage provision, scoreboard with remote scoring facility were all needed to be amended and incorporated. Likewise, an artificial wicket was added to the proposal and a small mower store on the side of the pavilion building.

- 5.58 The ECB also raised issues over the adjacent pallet manufacturers being potentially at risk of ball strike as well as vehicles travelling along Hazel Old Lane. The ECB requested a Labosport UK ball strike risk assessment for the whole site. The applicants addressed these matters by the submission of a report by TGMS ref 1184.1 dated 7<sup>th</sup> October to address the pitch construction issues. A Labosport report was produced to address ball strike concerns which was considered low and accepted by Sport England subject to netting being added around the car park areas.
- 5.59 Given the above, Sport England were able remove their holding objection and were content that the two sports facilities being provided were designed in accordance with the latest guidelines, were consider safe and fit for purpose. Sport England considered the proposed new sport facilities were acceptable as replacement facilities for those lost to proposed redevelopment of the power station. A series of planning conditions are recommended covering the need for Fine Turf Specialist specification for the cricket pitch, details of the design and specification and layout of the ball stop mitigation, details of the ground conditions for the football pitches, details of maintenance and management of the football and cricket facilities, a condition requiring details of new cricket and football facilities are available for community use for use by local clubs. On the basis of the above it is considered that the proposal is acceptable in its design and scale in accordance with advice contained with Policies ENV1 and RT3 of the Selby District Local Plan (2005) and Policies SP13 and SP19 of the Selby District Core Strategy Local Plan (2013) and guidance in the NPPF.

### **Highways and Transportation, Public Rights of Way**

- 5.60 The proposal provides for two separate 'D2' recreational uses in a relatively remote part of the District in terms of access to surrounding services by foot. It's likely therefore that the majority of travel to the sites will be via car and both the cricket and football sites are proposing new accesses onto the existing highway network. Consideration of the safety of the accesses and the wider sustainability of the sites needs consideration to ensure the proposals comply with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.
- 5.61 The application was accompanied by a Transport Statement and a series of detailed plans showing the access arrangements. Access to the sites will be provided via T-junctions off both Wand Lane and Hazel Old Lane. The submitted drawings show the visibility splays that can be provided at the site access junctions, which are concluded to be satisfactory given the expected speeds on both roads.
- 5.62 The submission takes account of the location of the sports pitches together with the proximity to the existing pitches located on the power station site. The submission recognises existing pitches lie outside existing centres of population but are convenient for the sports clubs who use them. It is therefore anticipated that many of the users of the facilities will arrive by car, although it is expected that car sharing will also take place. Therefore, given the location of the sites, it is anticipated that the proportion of visitors accessing the site on foot will be much lower than the local average. Cycling trips could be higher than average, particularly given walking numbers are expected to be lower. The proportion of car passengers will likely be



higher. The pitches will be for teams and therefore it is anticipated that they are more likely to arrive in groups than the 'leisure' average. The parking levels on Parcel B were increased from 17 to 25 to reflect this likely car useage.

- 5.63 There is a Public Right of Way (PROW) that runs through parcel A, resulting in opportunity to access the site on foot. Cyclists will be able to access the site using the existing local road network. Traffic flows on Wand Lane and Hazel Old Lane are relatively low. Given the team nature of the sports to be played on the pitches, car sharing will be encouraged and is considered likely. Similarly, visiting teams may arrive together on a coach or mini-bus, reducing vehicular traffic accessing the site.
- 5.64 The North Yorkshire County Council acting as the Local Highway Authority (LHA) were consulted on the above application. They initially required some further information in respect of the speed survey data positions as the Transport Statement concluded speeds are satisfactory given the expected speeds on both roads. Speed survey positions and data sheets were provided. The applicants also submitted a Stage 1 Road Safety Audit for the proposed site access to the cricket pitch off Hazel Old Lane, along with the Design Team response.
- 5.65 Secondly the Local Highway Authority requested further details (engineering drawings) in respect of the new accesses to ensure they were properly drained, constructed, have appropriate tracking and refuge collection turning. This information was supplied in a series of amended plans and data which showed the required details. Further information in respect of visibility splays were also provided which satisfied the Highway Officer. In terms of the design and construction of the new junctions, detailed plans of the proposed junctions and drawings showing the swept paths of refuse vehicles were supplied.
- 5.66 Finally consideration was given to whether a footpath should be created between the site access (Parcel B) and the PROW which is located c.530m to the south. This would facilitate visitors on foot from Hensall coming to watch cricket games. The applicants reiterated that this is for Eggborough Power Station Cricket Club (EPSCC) and not Hensall, who already has its own village club. Therefore, it's unlikely anyone would walk from Hensall to come and watch Eggborough play.
- 5.67 The applicants also provided the addresses of their members which clearly indicates that few, if any, members are likely to walk to the cricket club. None of the members live in Hensall village (albeit noting the address of eight members is unknown). The distance between Hensall village and the proposed access, via the PROW, is c.1.6km and the route is across unsurfaced and unlit fields. Few visitors to the cricket pitch are anticipated to use the PROW. On this basis, the need for the footpath was not considered to be justified or proportionate.
- 5.68 The above satisfied the Local Highway Authority subject to a number of planning conditions controlling the works to be implemented in accordance with the approved plans, closure of existing accesses, provision of visibility splays and the need for a Construction Phase Management Plan.
- 5.69 Giving consideration to the above and all the additional information supplied, the proposal is considered to be acceptable and in accordance with Policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraphs 108-110 of the NPPF with respect to the impacts on the highway network.

## **Public Rights of Way**

- 5.70 The Council aims to protect, promote and enhance public rights of way within the district. Policy T8 of the Local Plan states development which would have a significant adverse effect on any route in the district will not be permitted unless alternative routes are provided, adequate signage is provided. Policy T8 then discusses the provision for new routes and the requirements for these. NPPF Paragraph 98 indicates planning decisions should protect and enhance PROW and access, including taking opportunities to provide better facilities for users.
- 5.71 A PROW exists to the north of the Land Parcel A and cuts through the site and runs along the eastern side of football pitch 2 through the flood compensation area provided through to the rear of the dwellings to the south of the site then onto Wand Lane.
- 5.72 The PROW remains in its current position and is unaffected by the application. No diversion would be necessary, and the land levels would not be affected by the flood compensation area as this is shown to the east of the footpath. The route would be enhanced by the adjacent proposed woodland planting mix, grassland and wildflower areas shown on the proposed landscape plan. No objections were received from the PROW team who's response mainly highlighted the PROW's presence and as a reminder that it should not be obstructed at any time. On this basis the proposal complies with Policy T8 of the Local Plan in that the PROW will remain in its current position and will be enhanced as a result of the development.

## **Flooding**

- 5.73 Paragraph 155 of the NFFP indicates inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.74 Policy SP15 of the Selby District Core Strategy Local Plan (2013) seeks to ensure that developments contribute towards reducing carbon emissions and are resilient to the effects of climate change. Policy SP15 states that schemes should incorporate water-efficient design and sustainable drainage schemes which promote groundwater recharge
- 5.75 The proposal is for outdoor sports and recreation facilities, which include pavilions, car parking and landscaping. These are regarded as water compatible developments. The application was accompanied by a Flood Risk and Drainage Assessment by CWA dated December 2019. This gave a detailed account of the sites flooding and drainage constraints, the main constraint being The River Aire which is approximately 500m to the north of Land Parcel A.
- 5.76 Based on the Environment Agency maps the site (A & B) lie within Flood Zones 2 and 3, with a medium and high probability of flooding from rivers and/or sea. Much of Land Parcel A, i.e. the biodiversity enhancement area to the north is within Flood Zone 3 and forms part of an active flood storage area. The area of proposed development i.e. pavilion and pitches, however, is shown to be mainly within Flood Zone 1 with only the north eastern corner of the site being within zones 2 and 3.

- 5.77 Whilst sports pitches are considered water compatible development and are permitted in the flood zone, the applicant intends to provide sports facilities that are usable in extreme rainfall events. In order to provide facilities that are not affected by the flood level, the development of Land parcel A will require lifting the existing levels of the site.
- 5.78 Lifting the levels in the existing flood zone will result in a loss of floodplain storage. In order to mitigate the impact of the development, the volume of storage lost should be compensated elsewhere on the site. CWA have assessed the volume of floodplain lost up to the maximum flood level of 7.97 m AOD. The volume of floodplain lost will be compensated to the east of the sports pitches, as shown in Appendix 8 of the FRA. Land parcel B is protected by an existing flood bund, however levels will not be increased and therefore no loss of floodplain will occur should the bund fail.
- 5.79 Land Parcel B is split between flood zone 2 (northern part) and flood zone 3 (southern part). The pavilion and car parking is located within zone 2. The site benefits from an EA maintained flood defence that is in good condition. The Environment Agency were consulted on the application and stated;
- “The application is for a change of use to form sports pitches and the erection of pavilions, which is classified as ‘water compatible development’ land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. It is therefore necessary for the application to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the ‘development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall’.
- 5.80 A Flood Risk Assessment was provided within the application by CWA, referenced CWA-18-233-FRA-002 and dated December 2019. The Environment Agency agreed with its content and suggested the proposal would meet the National Planning Policy Framework’s requirements in relation to flood risk if a condition was imposed ensuring the development be carried out in accordance with the submitted flood risk assessment, which included mitigation measures i.e. Level for level compensatory storage shall be provided as detailed within the FRA and Appendix 8 of the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 8.81 In terms of the Sequential Test this is intended to direct new development to area of lowest probability of flood risk, and ensure development is in the most appropriate flood zone. Changes of use of land area exempt from sequential testing, however this proposal also includes built development i.e. the pavilions and car parking.
- 8.82 Parcel A is mainly within Flood Zone 1, therefore there would be no sequentially preferable sites. The north eastern corner of the football pitch lies within Zone 2-3, however such a use is water compatible.
- 8.83 Parcel B does lie wholly within Flood Zones 2 and 3, however again the development is within the Water Compatible category. The cricket facility has to be as close as possible to replace the current facility and no suitable sites were identified within Zone 1, therefore the development can be considered appropriate for the proposed use, and passes the Sequential Test.

- 8.84 It is also important to consider the recent flooding that occurred this year on the A19 and surrounded much of the land the north and west of this proposal. The applicant visited the site during the floods and it was confirmed that the active flood plain functioned as it was supposed to and parts of the biodiversity enhancement area were flooded, however none of the waters reached the area designated for the football pitch or pavilion.
- 8.85 To conclude the development is classified as Water Compatible. Land Parcel A will be located within Flood Zone 1 on completion of the works and floodplain compensation areas will be provided to mitigate the impact of the development. Land parcel B is located in Flood Zone 2 and 3, however the site benefits from an EA maintained flood defence that is in good condition. The site does not pose any increased flood risk to the site itself or adjacent developments and is not susceptible to flooding by other techniques. Therefore, the proposal accords with Section 14 of the NPPF, SP15 and SP19 of the Core Strategy and ENV1 of the SDLP.

### **Drainage**

- 8.86 SDLP Policy ENV1 requires account to be taken of the capacity of local services and infrastructure and CS Policy SP19 seeks to prevent development from contributing to or being put at risk from water pollution. The application was supported by a series of drainage documents, which included a Flood Risk Assessment and Drainage Strategy and a series of technical documents for each land parcel. The Flood Risk Assessment and Drainage Strategy document identifies Ings and Tethering as a suitable destination for surface water disposal from Parcel A, and Beck Drain for Parcel B.
- 8.87 Both the above watercourses are located within Danvm Drainage IDB and the applicants have submitted to the LPA confirmation from the IDB of consent to discharge. The IDB raised no objections to the planning application. The LLFA raised an initial holding objection. No concern was registered over the proposed peak flow discharge rates, however concern over volume control were raised i.e. the LLFA raised concerns that the proposal has not provided any indication of where the additional volume will be stored on site.
- 8.88 The applicants revised the hydraulic model and the drainage information, which now illustrate no flooding in the 1 in 100 year storm event plus 40% for climate change. The revised information also shows the drainage systems have been designed to hold all flows up to the 1 in 30 year event and up to the 1 in 100 year storm event plus 40%. In the extreme event of the 1 in 100 year event plus climate change, neither sites experience flooding and all water will be safely contained within the below ground network. Therefore, the design of the sites ensures that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed to avoid risk to people and property. The above satisfied the LLFA however recommends that a pre-commencement condition is applied to any permission granted to ensure that any changes to the detailed drainage design are in accordance with the principles agreed as part of this planning application.
- 8.89 The requested exceedance flow plan has not been provided. As per the LLFA's original comments, and exceedance flow plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system. In accordance with Paragraph 163 of the NPPF, site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause

flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Based on the submitted proposals and location, the LLFA is satisfied in this instance that this requirement can be conditioned.

- 8.90 The maintenance of the drainage systems, requirement of an exceedance flow plan and detailed drainage design are recommended as planning conditions.
- 8.91 In terms of foul drainage, neither site is served by existing foul drainage nor are there gravity sewers in Wand Lane or Hazel Old Lane. It is proposed to drain each pavilion via a small proprietary sewage treatment plant which will discharge clean water to the surface water network on site. CWA have prepared a foul water strategy drawing which can be found in Appendix 9 of the FRA.
- 8.92 The proposal therefore has demonstrated that the site can be appropriately drained and causes no adverse run off to neighboring land or property. The proposal is therefore in accordance with SDLP Policy ENV1 and CS Policy SP19.

### **Ecology**

- 8.93 Policy in respect of impacts on nature conservation interests and protected species is provided by Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 170 to 177 of the NPPF. The presence of a protected species is a material planning consideration as is tree loss and landscaping.
- 8.94 The application was accompanied by a Preliminary Ecological Assessment (PEA) for both parcels A & B. Further documents also included a tree survey, tree removal and protection information and landscaping details. Biodiversity Management plans and Constructions Environmental Management plans were later provided at the request of the County Ecologist. The sites (parcel A & B) are not a protected site for nature conservation but house a number of ecological features and lie within a rural setting.

### Land Parcel A

- 8.95 Land Parcel A and the land designated for ecological enhancement is mainly arable farmland at present, where it is proposed to construct sports pitches adjoining Wand Lane; much of the rest of the parcel will be used for habitat creation as mitigation and enhancement for the redevelopment of the Eggborough Power Station site (application reference 2019/1343/EIA).
- 8.96 Historically, this section of the Aire corridor was characterised by large open meadows on the floodplain and sandy commons around the outskirts of each Parish. Existing features of biodiversity value include a group of mature hybrid poplars and wetland habitat alongside the drain which forms the northern boundary of the parcel.
- 8.97 The County Ecologist considered the initial PEA evaluation of the wetland contained some inaccuracies but was satisfied that proposed development would not result in the loss of wetland habitat but wanted to ensure its sympathetic long-term management. Although the western end of this zone is more degraded, the ecologist did not consider planting wet woodland to be appropriate and met with the applicants to discuss suitable alternatives.
- 8.98 The PEA shows that significant biodiversity net gain would be achieved through creation of woodland and species-rich grassland. Further detail (DEFRA Biodiversity Metric calculations) were supplied in respect of this. In terms of the net gain area following discussion with the County Ecologist the large blocks of woodland were

omitted as there is very little connectivity with woodland in the wider landscape, apart from late 20th century belts on and around the Power Station, so the biodiversity value of new woodland is likely to be limited.

- 8.99 The amended proposals create a mosaic of wetter and drier grassland with shallow surface pools, as well as wet and dry woodland. It also proposes to strengthen the hedgerow network by planting up gaps in existing hedges. The layout of the proposed habitats provides better landscape connectivity than the original proposals, maintaining the distinction between the more enclosed and well-timbered setting of Wand Lane and the openness of the river floodplain. This is likely to improve the ecological functionality of the created habitats.
- 8.100 Some new woodland was proposed, however this was located closer to Wand Lane (where there is a mature screening belt of pine) and in the area between Hensall and the proposed sports facilities, i.e. in the south-western half of Parcel A. The composition of woodland and hedgerow planting was also later amended to ensure it is in keeping with the locality and most likely to offer biodiversity benefits.
- 8.101 A Biodiversity Management Plan (R-4164-11 March 2020) was also provided to provide details over the future management of the site and an explanation of how the large areas of wildflower grassland will be managed. A condition was added covering the need to agreed planting and seed mixtures with the County ecologist prior to works being undertaken.

#### Land Parcel B

- 8.102 This is an ex-industrial site mainly covered by hard surfacing with sparse, patchy regeneration of short vegetation and areas of birch and willow scrub. It is proposed to construct a cricket pitch with some retained habitat and landscape planting at the margins of the site. No specific protected species issues have been identified within the PEA submitted.
- 8.103 The County Ecologist disagreed with some elements of the PEA in particular para 35 that states the birch scrub is “a common and ubiquitous habitat of relatively low value”; the Humberhead Levels is dominated by open arable farmland so semi-natural habitats which provide food, shelter and breeding places for wildlife are scarce. Although Parcel B is a brownfield site, birch and willow scrub would probably have occurred widely in the past on the sandy commons which were a feature of the area into the 19th century, while fragments of similar habitats occur today in disused sand quarries. The County Ecologist encouraged new tree planting should aim to replicate this type of habitat.
- 8.104 Further information was also supplied in respect of the DEFRA Biodiversity Metric to justify the claim within the submissions that the site use and landscaping “has the potential (if managed correctly) to achieve a gain for biodiversity of 12% on the current baseline. This is in excess of current guidelines / aspirations”. The applicant responded to the Ecologists comments by submitting a Biodiversity Management Plan, which showed the retention of existing woodland along the northern and southern boundaries of the parcel, as well as along Old Hazel Lane. The plan sets out how the ecological features will be created and maintained, including an annual management programme once habitats are established. The plan is listed in the recommendation of the approved documents and will ensure the development is carried out in accordance with the approved scheme.

- 8.105 Finally the applicants submitted a Construction Environmental Management Plan, (Biodiversity) in respect of land parcel B. This document sets out measures to safeguard environmental features during the construction of the cricket field. This incorporates a Method Statement for avoiding risks to reptiles during construction. The County Ecologist was satisfied this plan is clear and comprehensive. As with the Biodiversity Management Plans for Parcels A & B, it will require the involvement and supervision of an Ecological Clerk of Works. A condition is suggested to cover the need for details of this appointment.
- 8.106 The proposal therefore causes no significant impacts on nature conservation interests in respect of either site and together with the proposed net gain areas, provides habitat enhancement. The proposal is therefore in accordance with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 170 to 177 of the NPPF.

### **Ground Water and Contamination**

- 8.107 Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 8.108 In terms of the Development Plan, Core Strategy Policy SP18 Part 7 states that; “The high quality and local distinctiveness of the natural and manmade environment will be sustained by: Ensuring that new development protects soil, air and water quality from all types of pollution”. Policy ENV2 Part B states that; “Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary”.
- 8.109 The Environment Agency (EA) initially raised an objection to the scheme because there was insufficient information within the application to demonstrate that the risk of pollution to controlled waters was acceptable. The site (B) was previously used for plant processing pulverised fuel ash (PFA), relating to the power station. While PFA in itself is likely to pose a relatively minor pollution risk, the EA needed to confirm that other pollution sources were not present.
- 8.110 The site (B) lies on a Principal Aquifer which is used extensively for public water supply abstraction. It is also within Source Protection Zone 3, which means that it is within the catchment of these abstractions. This highlights the sensitivity of the site.
- 8.111 The applicants supplied an Interpretative Desk Study (Geo Environmental Consultants, November 2019) which assesses the contamination risks in relation to the sports facilities application and notably Land Parcel B. In addition, the applicants re-supplied the Phase 1 Contaminated Land Assessment Report for Eggborough Power Station (Main Site) (RPS, April 2017) and a Phase 2 Environmental Due Diligence: Former Cemex Lytag Plant, Hazel Old Lane (Enviros, September 2007).
- 8.112 The EA were reconsulted and responded on the 27.2.2020 and noted that the document Phase 2 Environmental Due Diligence: Former Cemex Lytag Plant, Hazel Old Lane (Enviros, September 2007) reported a slight exceedance in hydrocarbons

in one trial pit in site B. Site B is believed to have been remediated after the phase 2 investigation although no verification report has been provided. Given the localisation of the hydrocarbon exceedance and no other notable contaminants identified, the risk to groundwater is deemed low. The Environment Agency withdrew its objection to the proposal and considered the proposed development would meet the requirements of paragraph 170 of the National Planning Policy Framework, in relation to groundwater, if a condition was imposed covering any future contamination to be reported if found.

- 8.113 Similarly, the Council's Contaminated Land Consultant assessed the Interpretative Desk Study and considered it provides a good overview of the site's history, its setting and its potential to be affected by contamination. The Council's Consultant agreed that that risks from land contamination on Land Parcel A are very low and that ground investigation works are not necessary. However, the consultant recommended that site investigation works are carried out on Land Parcel B, due to its past use as a Cemex Lytag Plant and the nearby former landfill site.
- 8.114 Conditions in respect of the need for further investigation, remediation, and verification were suggested as conditions to relate to Parcel B only, and a wider condition relating to both sites concerning the reporting of an unexpected contamination. The investigation would be carried out as part of the preparatory groundworks so it was part investigation / part validation based on visual and olfactory evidence of contamination. The standard conditions were adjusted to reflect this.
- 8.115 On the basis the Council's Contaminated Land Consultant was satisfied with the submitted assessment and regarded the site is acceptable for recreational use without the need for further conditions in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

### **Residential amenity**

- 8.116 SDLP Policy ENV1 requires a good standard of layout and design and that the effect of new development upon the amenity of adjoining occupiers to be taken into account. Policy ENV2 Part A states that; "Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element to the scheme. Such measures should be carried out before the use of site commences."
- 8.117 Both the cricket and football uses have the ability to generate noise and disturbance both from a variety of sources, which include vehicles using the facility, noise from spectators and players on match days, or other social events held in the respective pavilions. The cricket use is generally considered a quieter sport with the football use less so. The majority of the activities will take place at weekends and evenings, with cricket occurring March until September and football normally year-round at weekends, with less use in the winter months due to lighting.
- 8.118 In terms of the football pitch the nearest residential dwellings are 130m south east of pitch 2. The cricket facility is somewhat more isolated at 200m south west of the nearest residential dwelling. The Environmental Health officer was consulted on the application and raised no objections. All construction of the pitches would be very similar in noise to a farmer ploughing the fields and due to the distances involved no concern is raised. Likewise, no concern was raised by any of the surrounding



residential properties who were consulted directly by letter. On this basis the proposal is considered to be in compliance with SDLP Policies ENV 1 and ENV 2.

## **Conditions**

- 8.119 In terms of the timing of the facilities the applicant's position is that provision of the sports facilities should be controlled by a Grampian condition relating to the Power Station redevelopment and that provision is made before occupation of phase 1. The existing sports clubs are supportive of that principle and have made arrangements to deal with the transition using other grounds

## **6 CONCLUSION**

- 6.1 The application seeks full planning permission for the erection of 2 sports facilities within the open countryside on part greenfield and part previously developed land, as a direct replacement of the facilities lost if the redevelopment of Eggborough Power Station is permitted. The application also includes a larger net gain biodiversity enhancement initiative on land also in the control of the applicant.
- 6.2 The proposed recreational use is appropriate within the countryside, as is the small scale, well designed new pavilion buildings. The need for the facilities has been adequately demonstrated and the facilities have all been designed and laid out in accordance with Sport England guidelines. The proposal is not regarded to have a significant impact on the character of the surrounding landscape and together with enhanced landscaping will sit comfortably in this rural setting, whilst being functional and operationally close enough to the facilities that are being replaced.
- 6.3 Other matters of acknowledged importance such as the impact on the highway network, flood risk, drainage, impact on residential amenity, nature conservation, layout, scale and design are considered to be acceptable and in accordance with the Development Plan and national advice contained within the NPPF. Taking account of, the detailed submission and the presumption in favour of sustainable development and which seeks to maintain recreational facilities, approval of the application is justified.
- 6.4 In recommending that the Committee approve this application, Members are requested to recognise that the application is only necessary if the current site of the Eggborough Power station is permitted, as the current facilities will be lost and in need of replacement. Also, whilst the landscape officer still maintains an objection, the nature and extent of the material considerations justify a recommendation of approval. The application is therefore considered to accord with Policies ENV1, ENV2, RT1, RT 3, T1, T2 and T8 of the Selby District Local Plan (2005), Policies SP1, SP2, SP12, SP15, SP18 and SP19 of the Selby District Core Strategy Local Plan (2013) and the advice contained within the NPPF.

## 7 RECOMMENDATION

7.1 This application is recommended to be Granted to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

### Land Parcel A

Land Parcel A – Site Plan, floor plans, elevations and section 17-178-SFP-202 Rev G.

### Land Parcel B

Land Parcel B – Site Plan, floor plans, elevations and section 17-178-SFP-203 Rev K.

### Master Plan

Land parcel A & B Sports facility Illustrative Master Plan 17-178-SFP-200 Rev D.

### Location Plan

Site Location Plan 17-178-SFFP-201 Rev A

### Ball Strike

Land B – Ball Strike Distances Plan 17-178-SFP-SK-13-03-20/02 Rev D

Land B Boundary Risk Assessment LSUK.20-0156 Rev 1 dated 6.3.2020

### Highways

Transport Statement - i-Transport Ref: SEE/ML/dc/ITM15052-009A R 12th Dec 2019

Stage 1 Road Safety Audit A115883/HOL/RSA1 Dec 2019 Cricket Parcel B

Sports Facility Access Arrangements CWA-18-233-1521-P2

Sports Facility Parcel A & B External Works CWA-18-233-1520-P1

Vehicle Tracking Land Parcel A – CWA-18-233-1550-P3

Vehicle Tracking Land Parcel B – CWA-18-233-2550-P3

Access proposals off Wand Lane ITM15052-GA-009 Rev A

Proposed access to cricket pitch ITM15052 - GA – 019 Rev B

Long-section showing visibility to the south. ITM15052-GA-033

Revised Design Team Response to stage 1 RSA ITM15052-010B

Parcel B refuse tracking CWA-18-233-2551 P2

### Sports

Sports Needs Assessment – WYG Oct 2019

### Trees and Landscaping

Pre-Development Tree Survey: Document reference: 410-19, Revision 0

Tree Constraints Plan Drawing 06 Rev B (Parcel A)

Tree Constraints Plan Drawing 05 Rev A (Parcel B)

Tree Removal Retention and Protection Drawing 12 Rev C (Parcel A)

Tree Removal Retention and Protection Drawing 13 Rev A (Parcel B)

Landscape Proposals Plan Drawing 19 Rev B (Parcel B)

Landscape Proposals Plan Drawing 18 Rev F (Parcel A)

### Flooding

Flood Risk Assessment and Drainage Strategy - December 2019 CWA-18-233-FRA-002

Parcel A – Flood Extents CWA-18-233-1500 Rev P1

### Ecology

Brooks Ecological - Preliminary Ecological Appraisal Report

Parcel A - Biodiversity Management Plan R-4164-11a dated 18.5.2020.

Parcel B - Biodiversity Management Plan R-4164-12a dated 18.5.2020.

Parcel B – Construction Environment Management Plan (Biodiversity) R-4164-13 dated 24.3.2020

### Sports Pitches

Land Parcel A Report Reference: R-4164-05.1 10/12/2019

Land Parcel B St Francis Group Report Reference: R-4164-06 06/12/2019

### Land levels

Parcel A- Flood Plain Compensation Proposed levels CWA-18-233-1535 Rev P1

Parcel B- Proposed levels CWA-18-233-2510 Rev P2

Parcel A -Proposed levels CWA-18-233-1510 Revision P5

### Drainage

Parcel A – Proposed Drainage Strategy Drawing CWA-18-233-1530 Revision P2

Parcel B – Proposed Drainage Strategy Drawing CWA-18-233-2530 Revision P2

Parcel B – Proposed long sections Drawing CWA-18-233-2511 Rev P2  
Parcel A – Proposed long sections Drawing CWA-18-233-1511 Rev P2

Discharge Consent Danvm Parcel A consent 407  
Discharge Consent Danvm Parcel B consent 408

CWA-18-233 Response to LLFA comments  
Parcel A CWA-18-233 Drainage Design report 14.5.2020  
Parcel B CWA-18-233 Drainage Design report 14.5.2020

### Miscellaneous

Feasibility Pitch construction report TGMS1184.1 dated 7.10.2019

Biodiversity Enhancement and Management Plan (BEMP)  
Land B 11.3.2020 R-4164-12A  
Land A 11.3.2020 R-416411A

### Materials

03. No development shall commence above slab level until details (including colour) of the materials to be used in the construction of the external surfaces of the pavilion's hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure suitable materials are used in respect of the countryside location in accordance with Core Strategy Policy CS 19 and Local Plan Policy ENV 1.

### Flooding

04. The development shall be carried out in accordance with the submitted flood risk assessment (ref CWA-18-233-FRA-002, dated December 2019) and the following mitigation measures it details:
- Level for level compensatory storage shall be provided as detailed within the FRA and Appendix 8 of the FRA
  - These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:

To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site.

### **Verification of Remedial Works (Parcel B)**

05. Prior to first occupation or use of Land Parcel B, a verification report should be submitted to demonstrate that the site is suitable for its proposed use and that any imported soil has been tested for contamination. The written report is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

### **Reporting of Unexpected Contamination (Parcel A & B)**

06. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **Cricket Ground - Ball Strike**

07. The cricket pitch hereby approved shall not be made available for use until full details of the design and specification and layout of the ball stop mitigation as per ball strike plan reference SK13-03-20/20 Rev D, including details of management and maintenance responsibilities, as set out in the document titled EGGBOROUGH POWER STATION CRICKET CLUB – BOUNDARY RISK ASSESSMENT, report number LSUK.20-0156' have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The approved ball stop mitigation shall be installed in full before the cricket ground is brought into use and maintained in accordance with the approved details.

Reason:

To provide protection for the occupants of the development from potential ball strike from the adjacent playing field and to accord with policy RT3 of the Local Plan.

### **Fine Turf Specialist.**

08. No development shall commence on the proposed cricket pitch hereby approved until a Fine Turf Specialist specification for the cricket pitch, in accordance with ECB specifications, as shown on the approved plan, has been submitted to and approved in writing by the local planning authority, following consultation with Sport England. The

cricket pitch, wickets and outfield shall be constructed in accordance with the approved details before it is brought into use.

Reason:

To ensure the cricket pitch is constructed to an appropriate standard and to minimise the long term risk of the viability of the use of the surface and to accord with policy RT3 of the Local Plan.

### **Football Pitch**

09. No development shall commence on the football pitches until the following documents have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England:

- a. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the new football pitches, which identifies constraints which could affect playing field quality; and
- b. Based on the results of the assessment to be carried out pursuant to a above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full before the new playing field is brought into use. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason:

To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Local Plan Policy RT3.

### **Community Use**

10. Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason:

To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy SP 18 of the Core Strategy and RT3 of the Local Plan.

### **Tree Protection**

11. No works shall commence until all existing trees, hedges, bushes shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications i.e.

Parcel A - Tree Removal Retention and Protection Drawing 1985-19-12C

and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the duration of any demolition and/or approved works.

Reason:

In the interests of amenity and in order to comply with Plan Policy ENV1

### **Landscaping**

12. All tree planting, landscaping, and seeding comprised in the approved Landscape Proposals Plan Drawing 19 Rev B (Parcel B) & Landscape Proposals Plan Drawing 18 Rev F (Parcel A) shall be carried out in the first planting seasons following the first use of the pitches/pavilion facility or the substantial completion of the development, whichever is the sooner. Any trees or landscaping areas which die, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of similar size and species.

Reason:

In order to ensure for the preservation and planting of trees and landscaping in accordance with s.197 of the Act and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

### **Management plan**

13. Before the football and cricket pitches including their ancillary sport facilities are brought into use, a Management and Maintenance Scheme for the sport facilities including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the football and cricket pitches including their ancillary sport facilities.

Reason:

To ensure that a new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Policy SP 18 of the Core Strategy and RT3 of the Local Plan.

### **Clerk of works**

14. No development or shall take place until there has been an appointment of ecological clerk of works to oversee the construction of the development and its future management in accordance with the following:

Parcel A - Biodiversity Management Plan R-4164-11a dated 18.5.2020.

Parcel B - Biodiversity Management Plan R-4164-12a dated 18.5.2020.

Parcel B – Construction Environment Management Plan (Biodiversity) R-4164-13 dated 24.3.2020

Details of the appointment and employment period shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the scheme is developed in accordance with the approved detail and therefore maintained. This will ensure the development accords with Policy SP 18 of the Core Strategy.

15. Prior to the relevant works being undertaken all planting and seeding mixtures for habitat creation areas identified within the blue line on 17-178-SFP-200 Rev D shall be submitted to and agreed by the Local Planning Authority. The seeding and planting shall then be implemented in accordance with the approved details.

Reason:

To ensure the maximum biodiversity enhancement of the land to ensure the development accords with Policy SP 18 of the Core Strategy.

## **Highways**

### **MHC-03 New Private Accesses at Wand Lane and Hazel Old Lane, Eggborough**

16. The developments must not be brought into operational use until the accesses to the sites at Wand Lane and Hazel Old Lane have been set out and constructed in accordance with the ‘Specification for Housing and Industrial Estate Roads (or any subsequent revision) and Private Street Works’ published by the Local Highway Authority and the following requirements:

The accesses must be formed broadly in accordance with drawing CWA-18-233-1521 Rev. P2 and the following requirements.

- Any gates or barriers must be erected a minimum distance back from the carriageway of the existing highway so as not to be able to swing over the existing highway.
- Provision to prevent surface water from the site discharging onto the existing highway must be constructed in accordance with the approved details shown on drawing CWA-18-233-1521 and maintained thereafter to prevent such discharges.
- The final surfacing of the site layouts must not contain any loose material that is capable of being drawn on to the existing public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason:

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.



#### **MHC-04 Closing of Existing Access at Hazel Old Lane, Eggborough**

17. The development must not be brought into use until the existing access onto Hazel Old Lane has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and the amenity of the area.

#### **MHC-05 Visibility Splays at Wand Lane and Hazel Old Lane, Eggborough**

18. There must be no access or egress by any vehicles between the highway and the application site at **Wand Lane and Hazel Old Lane** until splays are provided giving clear visibility as shown on drawing ITM15052 – GA – 009 REV: A and ITM15052 – GA – 019 REV: B respectively.

In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.

#### **MHC-15B Construction Phase Management Plan**

19. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. details of site working hours;
6. details of the measures to be taken for the protection of trees; and
7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity

### **Detailed Drainage Design**

20. Development shall not commence until a detailed surface water drainage design has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall be in accordance with the submitted documents and that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason:

To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk site in accordance with SP15 and SP19 of the Core Strategy and ENV1 of the SDLP.

### **Maintenance**

21. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason:

To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system in accordance with SP15 and SP19 of the Core Strategy and ENV1 of the SDLP.

### **Exceedance Flow Plan**

22. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason:

To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site in accordance with SP15 and SP19 of the Core Strategy and ENV1 of the SDLP.

### Informative

#### **MHi-C New Private Access – (MHC-03)**

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_\\_ind\\_est\\_roads\\_\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf)

### Public Footpath

The applicant's attention is drawn to the response from the Public Rights of Way team dated 7th August 2020 which advises the measures for the protection or works affecting the PROW. For further information please contact [CATO@northyorks.gov.uk](mailto:CATO@northyorks.gov.uk)

### Cricket Pitch Design.

The cricket pitch, wickets and outfield should accord with Technical Standards for the construction of cricket outfields and fine turf TS4.

### Football Pitch Design

The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011). The construction of Natural Turf Pitches should be project managed or signed off by a RIPTA registered agronomist that produced the design, and pitches should pass a PQS test to a 'good' standard before they are used. The testing should be arranged via the FA Pitch Improvement Programme.

### Sports Community Use:

A model Community Use Scheme is available on the Sport England website [www.sportengland.org](http://www.sportengland.org)

## **8 Legal Issues**

### **8.1 Planning Acts**

This application has been determined in accordance with the relevant planning acts.

## 8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

## 8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

## 9 **Financial Issues**

Financial issues are not material to the determination of this application.

## 10 **Background Documents**

Planning Application file reference 2019/1344/FULM and associated documents.

### **Contact Officer:**

Gareth Stent, Principal Planning Officer

[gstent@selby.gov.uk](mailto:gstent@selby.gov.uk)

**Appendices:** None

# Annex

## Glossary of Planning Terms

### **Community Infrastructure Levy (CIL):**

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

### **Curtilage:**

The curtilage is defined as the area of land attached to a building.

### **Environmental Impact Assessment (EIA):**

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

### **National Planning Policy Framework (NPPF):**

The National Planning Policy Framework was published on 27 March 2012 and sets out Government planning policies for England and how these are expected to be applied.

### **Permitted Development (PD) Rights**

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

### **Previously Developed Land (PDL)**

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

### **Planning Practice Guidance (PPG)**

The Planning Practice Guidance sets out Government planning guidance on a range of topics. It is available on line and is frequently updated.

### **Recreational Open Space (ROS)**

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

## **Section 106 Agreement**

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

## **Site of Importance for Nature Conservation**

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

## **Site of Special Scientific Interest (SSI)**

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

## **Scheduled Ancient Monument (SAM):**

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

## **Supplementary Planning Document (SPD)**

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

## **Tree Preservation Order (TPO):**

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

## **Village Design Statements (VDS)**

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.



DISTRICT COUNCIL

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# Planning Committee 2020-21



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