



Report Reference Number: 2019/1344/FULM

To: Planning Committee
Date: 2 September 2020
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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 st 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 27th 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 -1st 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 – 2nd 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 (245m²) 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 (165m²) 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 7th 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

Parcel B - Tree Removal Retention and Protection Drawing 1985-19-13A

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

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

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

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:

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Appendices: None