



**Report Reference Number:** 2019/1027/EIA

**To:** Planning Committee  
**Date:** 28 April 2021  
**Author:** Gareth Stent (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1027/EIA	PARISH:	Barlby And Osgodby Town Council
APPLICANT:	Olympia Park Developments Ltd	VALID DATE: EXPIRY DATE:	4th October 2019 24th January 2020
PROPOSAL:	Proposed site preparation and construction of an access road to facilitate the wider Olympia Park development site with associated development and infrastructure including: modification of existing junctions; ground re-profiling and creation of an earth embankment; temporary site compound; drainage infrastructure including temporary and permanent drainage ditches, new culverts and discharge to watercourse; new landscaping and an ecological enhancement zone; creation of new junctions, pedestrian and cycle routes; a new gatehouse to the existing Potter Group Logistics site; and other associated infrastructure		
LOCATION:	Brownfield Site Olympia Park Barlby Road Barlby Selby North Yorkshire		
RECOMMENDATION:	Grant subject to the completion of a S106		

This application has been brought before Planning Committee as it is for a key major strategic development within the Selby District, and it is accompanied by an Environmental Impact Statement.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 This full application relates to the construction of a new access road to facilitate the future development of Olympia Park, which is a 60h regeneration site allocated for major mixed-use development comprising of potentially residential, employment,

community and retail uses. The site plays a key part in the Local Planning Authority's strategy for growth and a substantial expansion to the main urban area.

- 1.2 The proposal is the outcome of a collaborative approach through pre-application discussions between the Applicant (Olympia Park Development Ltd), Selby District Council as Local Planning Authority ('LPA') and North Yorkshire County Council as Local Highways Authority ('LHA').
- 1.3 Olympia Park's strategic importance to the district is set out in the 2013 Core Strategy. The Spatial Development Strategy for the district recognises that Selby is the principal town and provides the main focus for housing, employment, shopping, leisure, health and culture and serves a large rural catchment. It is the most self-contained settlement within the district and is also the most sustainable location for further growth. The Spatial Development Strategy sets out that, as a settlement, Selby is an important location to accommodate growth stemming from the Leeds and York City Regions and help contain the level of outward commuting to larger urban centres.
- 1.4 The road proposed by this application was initially being brought forward with the benefit of funding secured through the Housing Infrastructure Fund (HIF), which is a Government capital grant programme to help secure the delivery of housing. However, the emphasis changed early in the life of the application, as the residential use of this part of the site is no longer appropriate. The road will now provide the platform for key strategic future employment generation for Selby and will assist in securing the delivery of the Olympia Park development and unlock the site's regeneration benefits. The proposed road will also help consolidate the existing businesses within Olympia Park and significantly reduce vehicle movements on Barlby Road.
- 1.5 In terms of the site characteristics, the red line boundary primarily comprises of land that is predominately in agricultural use. The red line boundary does extend to include some employment land at the Potters site. Access is taken from the partially built spur from the A63, which is surfaced, and laid out for approximately 65m, before turning to a gravel road of poor quality.
- 1.6 The gradient of the site is largely flat, however there is a considerable difference in levels between that of the A63 and the land in agricultural use. To achieve a suitable form of development, which mitigates flood risk, earthworks will be required to deliver the road. The site comprises a number of features associated with electricity and water infrastructure. Pylons of varying heights dissect the site from north to south. A number of drainage ditches are also present, with a pumping station located outside the red line boundary.

## **The Proposal**

- 1.7 The proposal is essentially for the construction of a central road with 2 roundabouts and spurs leading to separate parcels of land for development. The proposal includes all essential infrastructure which includes:
  - the modification of existing roundabout where it meets the bypass;
  - ground re-profiling and creation of an earth embankment;
  - temporary site compound;

- drainage infrastructure including temporary and permanent drainage ditches, new culverts and discharge to watercourse;
- new landscaping and an ecological enhancement zone;
- creation of new junctions, pedestrian and cycle routes; and
- a new gatehouse to the existing Potter Group Logistics site.

1.8 The red line site extends only to include land necessary to facilitate the delivery of the access road and supporting infrastructure, with additional land required for ecological mitigation and temporary site works (23.06 ha). This includes a western spur for the new road and land required to modify the junction of the A63. The remainder of the 60 ha site (36.9 ha) is excluded from the site and would come forward with separate planning submissions.

1.9 The application is accompanied by a full Environmental Impact Assessment ('EIA') presented within the Environmental Statement ('ES'). The form and content of the ES has been agreed following the submission of a Scoping Report.

### **Relevant Planning History**

1.10 Below is the relevant planning history connected to the site.

- CO/2001/0741 - Proposed construction of a roundabout connection to the Selby Bypass and an access road into the Potter Group Site, Barlby Road, Barlby, Selby. Permitted 05.04.02.
- 2012/0541/EIA - Hybrid planning application was submitted by BOCM Pauls Limited for : "Application for Olympia Park comprising of 863 dwellings, Public House/Restaurant, food retail unit, fast food unit, primary school, public open space, landscaping works and other associated infrastructure works (outline application) and highway & drainage infrastructure (including road bridge over the existing railway line and new access road from A63 Bypass), landscaping works, demolition, remediation and restoration of site, construction of playing field, bowling green, play spaces, sports and community hub building, allotments and noise mitigation. The application was approved 17.12.2015 and has since lapsed.
- 2016/1325/ADV - Description: Advertisement consent for display of 3 No non-illuminated sponsorship signs placed on the roundabout, Selby Bypass, Selby, Decision: Permitted 05.01.17.
- 2018/0875/SCP - Description: EIA scoping request for the proposed residential led mixed use development at Olympia Park, Barlby Road, Barlby, Selby: Issued 16-NOV-18.
- 2019/0360/SCP -EIA Scoping request for access Road. Issued 30.5.19.

## **2. CONSULTATION AND PUBLICITY**

2.1 **Contaminated Land Consultant** – No objections based on the Preliminary Sources Study Report / Phase 1 Preliminary Risk Assessment supplied, which review previous Phase 1 and 2 reports for the wider Olympia Park site.

Parts of the proposed Olympia Park access road cross land with past industrial/commercial uses, including sugar factory lagoons, an asphalt plant and a

distribution depot. Made ground and peat deposits are also known to be present at the site. The report states that the contaminated land risk to the proposed access road development is low. However, it does acknowledge that there is the potential for contaminated land to be present due to the historical localised industrial land use.

- 2.2 The report recommends that a supplementary intrusive ground investigation is undertaken to support the findings of the combined Preliminary Sources Study Report / Phase 1 Preliminary Risk Assessment and refine the conceptual site model. This can be controlled by suitable planning conditions.
- 2.3 **Historic England** – No objections.
- 2.4 **Conservation Officer** – No response received.
- 2.5 **HER Officer (Archaeology)** - The EIA includes the necessary information within chapter 9 on Archaeology and Cultural Heritage and is supported by an archaeological desk-based assessment (Appendix 9.1) and a geophysical survey (Appendix 9.3).
- 2.6 The County Archaeologist was concerned that the palaeoenvironmental aspects are addressed in the archaeological desk based assessment but are barely mentioned in the EIA chapter and non-technical summary. In 2013 AECOMM produced a filenote on an Archaeological Mitigation Strategy for Olympia Park. This is referenced in the archaeological desk-based assessment but has not been revised or resubmitted with this application. This document sets out a programme for palaeoenvironmental and geoarchaeological works to advance our understanding of this dynamic landscape, particularly in the prehistoric and early historic periods. It is presumed that it is the intention for the guidance set out in this document to be followed but this is not clear from the application.
- 2.7 It is concerning that the EIA chapter and non-technical summary set out the mitigation in the form of geophysical survey (already completed) and trial trenching (which is unlikely to be appropriate due to depths of deposits). Section 9.2 of the non-technical summary specifically states that no further archaeological work will be required once trial trenching has taken place.
- 2.8 The County Archaeologist agrees with the overall outcome of the assessment, i.e. that archaeological deposits are likely to be of local interest and any loss can offset by appropriate mitigation, the application understates the likely extent and purpose of the mitigation. On this basis the County Archaeologist recommends that a Written Scheme of investigation is necessary to secure the archaeological recording.
- 2.9 **North Yorkshire Bat Group** – No response received.
- 2.10 **Yorkshire Wildlife Trust** - The Trust feels that the plans for this link road, cannot realistically be viewed without taking account of the future environmental implications of the wider Olympia site itself. The Trust notes the site has been promoted by the Selby Local Development Framework as it's only strategic site for a mixed-use development. As such, the Trust will not be objecting to the development of this site, based on the overall size and loss of arable land within the central area of Selby, as otherwise may have been the case.

- 2.11 The Trust has no immediate concerns re the development of the access road and notes the mitigation measures suggested in the latest survey re water vole activity on site across the various drainage ditches, including the construction of culverts. As far as plans for the wider site are concerned, we would only ask that sensitive landscape schemes with deliverable long-term plans for management are provided, which would best support a future net gain for biodiversity.
- 2.12 Yorkshire Wildlife Trust would expect and encourage any development of this size to retain at its' core, the development principle stated in Section 5 of the Selby District Local development Framework, Policy CP2A - "to maximise and opportunity to retain, enhance and create green infrastructure," to best maintain any green corridors for wildlife.
- 2.13 **County Ecologist** –The County Ecologist was content with the survey work undertaken but required ecology chapter of the Environmental Statement be revised accordingly to take account of some deficiencies in the report. The reports needed updating following the discovery of opposite-leaved pondweed.
- 2.14 Further information was required in terms of the future management of ditches in section 8.111 of the ecology chapter of the Environmental Statement, it is observed that, "A lack of appropriate management could result in the colonisation of ditches by tall ruderal and scrub species, as seen in other ditches on the wider development. Conversely, over management could remove vegetation. This impact is likely, medium scale and adverse and would act in the long term.
- 2.15 They have stated that the ES should identify what the future management arrangements for the watercourses will be and assess impacts accordingly and do not support re-planting of ditches with aquatic or emergent plants if this is what is implied in para 8.123 of the ecology chapter. There is adequate flora in nearby ditches to ensure natural colonization.
- 2.16 Impact on Grass Snake - The potential impact of road casualties and habitat degradation on the Grass Snake population is assessed as 'Minor Adverse at the Local Level'.
- 2.17 It is their belief that this understates the level of impact as there is anecdotal evidence of Grass Snake road deaths in the local area. Grass Snakes have been recorded frequently in the area around Staynor Wood in the past and it is likely that animals on the Olympia Park site form part of the same meta-population. The County Ecologist suggests that there would be at least a Moderate impact at a local level.
- 2.18 Cumulative impacts - Section 8.136 of the ES states that, "As they are intrinsically linked, it is important to be able to view the proposed Access Road development within the framework of the wider site, therefore the in-combination assessment considers these two developments together, including all assumed elements of the wider Olympia Park Development site". However, there is no consideration of cumulative impacts on Water Vole, which has been identified as a key ecological receptor. Water Voles are likely to be vulnerable to human disturbance and predation by domestic pets once the associated development is completed. This impact needs to be addressed.
- 2.19 Overall impact - The claim that "Following the development of the Ecology Enhancement Area the Access Road development will comfortably deliver a

biodiversity net gain" seems reasonable, provided all the proposed mitigation and compensation measures are delivered.

2.20 If Selby District Council is minded to approve this application, it is recommended that a Condition requiring that a Landscape and Ecology Management Plan and Construction Environment Management Plan be agreed prior to commencement. These plans should incorporate all the relevant recommendations of a revised ecology chapter of the ES.

2.21 16.3.2021 – Response to applicants’ comments that no update of the EIA was necessary - Concern from NYCC ecologist view that the applicant was understating the significance of certain ecological receptors, for the reasons explained. It is asked for the revision of the ecology chapter of the ES to reflect more accurately the importance of receptors such as Opposite-leaved Pondweed and Grass Snake. For example, failing to identify the significance of a nationally-threatened plant species is remiss and has the effect of under-valuing the ecological sensitivity of the ditch system.

If this was a Preliminary Ecological Appraisal or Ecological Impact Assessment for a non-EIA scheme, it would normally be expected that appropriate revisions to be made, not least for the sake of transparency, so that interested members of the public could understand accurately the implications of the proposed development and can't comment on how this fits in procedurally with EIA requirements.

In practical terms, however, NYCC Ecology are happy that these matters can be resolved by giving them appropriate weight and consideration in the Construction Environmental Management Plan (Biodiversity) and Biodiversity Environmental Management Plan.

2.22 **Designing Out Crime Officer** – No objections in principle but concerns the future permeability of the site. There are advantages in some road layout patterns over others, especially where the pattern frustrates the searching behaviour and limits escape opportunities of the criminal. Whilst it is accepted that through routes will be included, the designer must ensure that the security of the development is not compromised by excessive permeability by providing too many or unnecessary segregated footpaths. Movement frameworks based upon 'primary routes' and shared spaces, remove the need for underused alleyways, short-cuts, footpaths and a large number of minor access points that can become vulnerable to/or facilitate crime.

2.23 **North Yorkshire Fire & Rescue Service** – The means of escape appear satisfactory, and the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no further comments.

2.24 **Public Rights Of Way Officer** – No response. (Officer note – No PROW are affected by this proposal).

2.25 **Development Policy** - No response received.

2.26 **North Yorkshire County Council (CPO)** – No objections, but wanted to highlight that the Olympia Park site and surrounding land includes two established businesses (Potter Group Logistics, Clipper Logistics and Bowker Group) which are minerals related and are safeguarded under the emerging Minerals and Waste Joint

Plan (MWJP) which is being produced by North Yorkshire County Council, York City Council and North York Moors National Park Authority.

- 2.27 The Potter Group Logistics site is safeguarded under emerging MWJP Policy S04 – Transport Infrastructure Safeguarding which states:

*Railheads, rail links and wharves identified on the Policies Map, with a 100m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the infrastructure for minerals or waste transport purposes, unless:*

*i) The need for the alternative development outweighs the benefits of retaining the facility; and ii) Where the minerals or waste transport infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or*

*iii) The infrastructure is not in use and there is no reasonable prospect of it being used for minerals or waste transport in the foreseeable future.*

*Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals or waste transport infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.*

- 2.28 The Cemex asphalt plant and depot is safeguarded under emerging Policy S05 – Minerals ancillary infrastructure safeguarding which states:

*Minerals ancillary infrastructure sites identified on the Policies Map, with a 100m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for minerals ancillary infrastructure purposes, unless: i) The need for the alternative development outweighs the benefits of retaining the site; and ii) Where minerals ancillary infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or iii) The site is not in use and there is no reasonable prospect of it being used for minerals ancillary infrastructure in the foreseeable future.*

*Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals ancillary infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.*

- 2.29 Emerging Policy S06 – Consideration of applications in Consultation Areas states:

*Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed in an area safeguarded on the Policies Map for minerals resources, minerals transport infrastructure, minerals ancillary infrastructure and waste infrastructure, and the proposed development site is located outside the City of York and North York Moors National Park areas, consultation with North Yorkshire County Council will be required before permission is granted.*

- 2.30 These policies need to be taken into account to safeguard these two minerals sites and Policy S06 ensures that North Yorkshire County Council are consulted when required.
- 2.31 In terms of National Policy paragraph 182 states;
- Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*
- 2.32 This needs to be taken into account as it will ensure that mitigation is put in place by the developer to prevent adverse impact on the new development from existing businesses. This will also be important during the development of the wider Olympia site, not just the installation of the new access road.
- 2.33 **Network Rail** - No observations to make.
- 2.34 **The Environment Agency** - No objection to the proposal, subject to conditions.
- 2.35 **Flood Risk** - all comments / conditions below, relate only to the access road and associated red line boundary, and not to any of the wider Olympia Park development (for which Selby District Council is in the process of updating its level 2 SFRA). The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.
- 2.36 The development shall be carried out in accordance with the submitted flood risk assessment (FRA) by Alan Wood and Partners, referenced JAG/AD/JD/40961-RP001-RevB, dated September 2019 and the following mitigation measures it details:
- Finished floor levels for the office shall be set no lower than 600 mm above existing ground levels.
  - The embankment is to be designed and built to incorporate suitable erosion protection in the event of flooding occurring.
  - Culverts are to be placed under the proposed road embankment (running North to South) to maintain the flow of water through the existing drainage network.
- 2.37 The EA provided further advice on flood warning and emergency response. The EA also indicated surface water drainage should be agreed with both the IDB and North Yorkshire County Council in their role as Lead Local Flood Authority. The Agency's only interest in surface water drainage is in the rate of runoff / discharge to main river. The proposed works should be completed in accordance with the submitted CEMP. Further advice to applicant regarding - Environmental Permits is included as an informative.



- 2.38 Groundwater and Contaminated Land – The previous use of the proposed development site presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer. The application's supporting evidence demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. The proposed development will only be acceptable if the following planning conditions are included. Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.
- 2.39 Conditions included the need for - Remediation strategy, verification report and unidentified contamination. (*Officer note- these were similar to those suggested by the Contamination officer*)
- 2.40 The application form indicates that at present the design plans for foul drainage is currently unknown. New development should connect to the public mains sewer, wherever possible. The applicant should contact the relevant water company about connecting to their mains sewerage system.
- 2.41 Government guidance contained within Planning Policy Guidance and building regulations drainage and waste disposal approved document H provides a hierarchy of drainage options that must be considered and discounted in the following order:
1. Connection to the public sewer
  2. Connection to a private sewer, communicating with a public sewer,
  3. Either a septic tank or another wastewater treatment system,
  4. A cesspool
- 2.42 Additional information
- There are three sites that the Environment Agency regulates as 'installations' close to the area of proposed development. All three are classed as 'food and drink' sites.
- 2.43 The three sites have the potential to have amenity issues on occasion e.g. odours, noise, dust. Please be advised that whilst this planning application is for groundworks in this area for future development in these three sites are located close to the development and may have an impact on future development of this area.
- 2.44 **The Ouse & Derwent Internal Drainage Board** – No objections subject to conditions.
- 2.45 **Waste and Recycling Officer** – No response received.
- 2.46 **The Council's Landscape Officer** – No objections: Requested sight of the tree survey which seemed to be missing from the planning portal. Conditions for: Tree protection, a detailed landscaping scheme and Landscape and biodiversity maintenance and management plan (should reflect aims and objectives of the landscape strategy, not just a maintenance schedule).

- 2.47 Consideration will need to be given to the long term maintenance and management of all areas not to be adopted by Highways as part of a legal agreement. It is normally expected that this is undertaken by a management company for the life of the scheme. A plan will be required showing the areas to be managed.
- 2.48 **Planning Casework Unit** – No response received.
- 2.49 **Barlby and Osgodby Parish Council** – No objections.
- 2.50 **North Yorkshire Fire & Rescue Service** – No objections.
- 2.51 **Highways England** – No objection.
- 2.52 **NYCC Highways** – No objections subject to conditions and a Section 106 Legal Agreement.
- 2.53 The link road proposed in the application is to serve a wider mixed development of the site allocated in the adopted Selby Local Plan. The applicant's Transport Assessment considers the impact of this wider development on the highway network and is proposing amendments to the A63 site access roundabout to accommodate the wider long term development within the current proposals.
- 2.54 Whilst the Local Highway Authority (LHA) welcomes this approach, as it will minimise the disruption to the travelling public on the A63, there is the potential for situations to change and for the proposed mitigation to be insufficient to accommodate the traffic generated by the development that is eventually brought forward. Given the design year and expected build out date are both 2033, there is much that can alter in the intervening 13 years. Consequently, the LHA would seek to have obligations included in a Section 106 Agreement which constrained the traffic generated by the overall site to the levels set out in the current Transport Assessment (TA). It is expected that this will in turn be linked to a Travel Plan for the wider site, which will propose measures to monitor the level of traffic leaving the site and to constrain the traffic generated to the levels in the TA. This would ensure that the amended roundabout on the A63 would be adequate to accommodate the traffic generated by the wider development without interference with the flow of traffic on the A63 Selby by-pass.
- 2.55 The use of the DMRB (Design Manual for Roads and Bridges) standards for the design of the A63 roundabout alterations and the proposed spine road is welcomed. The LHA considers this is the appropriate standard in a location where movement of vehicles will take priority over 'place making'. The assurances that the road will be set at the appropriate levels to provide a flood free exit route from the site is welcomed given the location. The LHA will be guided by the LLFA on the appropriate levels to deliver this.
- 2.56 In the short term the spine road will be a private road serving a limited number of properties and a construction access for the development of the wider site. Adoption of the road prior to the completion of the construction of the whole site would be inappropriate. The LHA would seek to cover the timing of the adoption of the spine road as highway maintainable at the public expense and the undertaking of remedial works to bring the road to the required standard for adoption in a Section 106 obligation.

- 2.57 The Local Highway Authority recommends that the following matters are addressed through inclusion in a Section 106 Agreement:
1. A mechanism to restrain the traffic generated by the site below the levels assessed in the TA.
  2. A mechanism for the future adoption of the spine road as highway maintainable at the public expense including timing (to follow construction of the wider site) and repairing damage prior to adoption
- 2.58 Conditions
- Detailed Plans of Road and Footway Layout
  - Construction of Adoptable Roads and Footways
  - Construction Management Plan
  - Delivery of off-site highway Works
- 2.59 **Yorkshire Water Services** – No response received.
- 2.60 **North Yorkshire Flood Risk Officer** – No objections; The submitted documents demonstrate a reasonable approach to managing surface water on site and the LLFA has no objections to the proposal. The submitted drawings are comprehensive and the LLFA recommend that they should be secured via compliance condition ensure that the site is built in accordance with the approved documents. Therefore, please can the list of documents reviewed above be added to an approved list of drawings for any permission granted. This is to ensure that the development of this site does not increase flood risk on or off site.
- 2.61 **Environmental Health** – No objection subject to condition.
- 2.62 Air Quality: Chapter 13 of the EIA, associated figures and appendices have been assessed and the following comments made. It is recommended that a condition requiring the provision of a Construction Environmental Management Plan (CEMP) is applied to any permission given.
- 2.63 The condition should include the requirement for monitoring during the construction period and a feedback mechanism to ensure results not meeting the required standard are taken into account. It is noted that the assessment has predicted that during the operational phase the development will result in a positive, if only slightly, effect on the air pollution levels in the AQMA on New Street, Selby and that increases in levels in other areas will not lead to exceedances in other areas.
- 2.64 Noise and Vibration: It is noted that due to the distance between the site and the nearest residential receptors being over 400m from the site that no further consideration has been given to noise and vibration from the construction operations. This figure is not agreed and would suggest that properties to the south of West View are under 300m to the redline boundary and properties on Ousebank are under 350m to the red line boundary. Therefore, this aspect is not agreed and is not considered further and have asked for noise and vibration to be considered as part of the CEMP.
- 2.65 As the demolition and construction works have only been considered as occurring during proposed operating hours of 07:30 and 18:00 on weekdays and with the first 30 minutes will not entail work that is noise or vibration inducing it is recommended that these times are conditioned or entail part of the CEMP recommended below.

- 2.66 The assessment of noise from the operational phase does not identify the traffic levels that it considers to be appropriate in this case but states that the 18-hour AAWT has been provided by Fore Consulting. It is assumed that this is the same information as provided in Appendix 12.1 Transport Assessment. These figures are not disputed but if amendments to the assessment are made following consultations then this may impact on the outcome of the operational noise section of Chapter 14: Noise and Vibration. It is therefore recommended that if amendments are made as assessment of the impact on this chapter is carried out and re-consulted on this application takes place.
- 2.67 It is noted that a more detailed assessment of traffic flows should be undertaken as part of any application for the wider development of the Olympia Park site as alluded to in paragraph 14.72 of Chapter 14.
- 2.68 This chapter also advises that currently there is no information on building positioning and locations but when considering a residential development to the north of this access road site mitigation measures would be required possibly in the form of uprated glazing, trickle vents, and utilising buildings to provide screening. There are also concerns as to the resultant noise level in private garden spaces. It is, therefore, recommended that a noise assessment is carried out in relation to the development of other areas of the site considering the noise from this access road in combination with current industrial uses around the site and other transport noise.
- 2.69 Construction Environmental Management Plan (CEMP): it is noted that an Outline CEMP has been produced and submitted as part of the application. Also, that prior to the commencement of the scheme a final CEMP will be produced by the Principal Contractor which will contain more detailed information and methodologies on the design and construction. It is recommended that this CEMP is required by condition, as given below and agreed with the local planning authority.
- 2.70 **Economic Development** - The proposal represents a significant investment in the district. The allocation of Olympia Park will result in additional jobs created during the construction and operation of the site, with most jobs benefiting local residents. The proposal will also include a provision of new business space which is currently highly desirable in Selby town and is in very short supply.
- 2.71 **Urban Design officer** - Response awaited and Members will be updated at Committee.
- 2.72 **3rd Party comments** - The application was widely advertised with site notices erected alongside the site and on adjacent roads. All current business within the Olympia Park site were notified by letter. No third-party responses were received.

### **3 SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The application site lies within the defined Development Limits, has 2 policy designations i.e Special Policy Area Bar/2 of the Local Plan and Core Strategy Policy SP7, known as Olympia Park. The site is within Flood Zone 3a and benefits from flooding defences. The A63 lies to the east, railway line to the north and the existing employment of sites of Cemex and Potter Group to the south west. The

River Ouse runs to the south and wraps around to the north west of the site. The site is crossed by several power lines and within low-risk coal mining area.

## **4 POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

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

- 4.6 The relevant Core Strategy Policies are:

SP 1 - Presumption in Favour of Sustainable Development  
SP2 - Spatial Development Strategy  
SP7 -Olympia Park Strategic Development Site  
SP12 - Access to Services, Community Facilities and Infrastructure  
SP13 - Scale and Distribution of Economic Growth  
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

ENV2 - Environmental Pollution and Contamination

ENV3 - Light Pollution

ENV 25 - Conservation Areas

ENV 28 – Archaeological Remains.

EMP 2 - New Employment Development

EMP 6 – Employment Development within Development limits and established employment areas.

EMP 9 - Expansion of existing employment uses in rural areas.

T1 - Development in Relation to the Highway Network

T2 - Access to Roads

T7 -Provision For cyclists

T8 - Public Rights of Way’.

Bar/2 - Special Policy Area reserved for freight transshipment facilities.

4.8 Minerals and Waste Joint Plan (MWJP) which is being produced by North Yorkshire County Council, York City Council and North York Moors National Park Authority.

Policy S04 – Transport Infrastructure Safeguarding

Policy S05 – Minerals ancillary infrastructure safeguarding

Policy S06 – Consideration of applications in Consultation Areas

4.9 Selby District Landscape character Assessment 2019

### **NPPF 2019**

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

## **5 APPRAISAL**

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

- Principle of the development
- Archaeological & Heritage Impacts of the proposal
- Impact on the landscape character
- Design and layout
- Highways and Transportation
- Flood Risk & Drainage
- Ecology
- Contamination and Ground Conditions

- Construction impacts and residential amenity.

### Principle of the development

- 5.2 The Core Strategy sets out the Vision for the District, which includes a diverse economy with a wide range of job opportunities to assist in reducing the dependency on surrounding towns and cities. One of the objectives stemming from the vision is the promotion of Selby to provide the main focus for growth being the principal town. The Core strategy notes that there has been significant investment in Selby's infrastructure to allow for this, which includes the bypass where access to this site is taken, modern flood defences, wastewater treatment works and upgrading of its transportation connections. Selby is the most self-contained settlement within the District and the most suitable location for further growth.
- 5.3 Core Strategy Policy SP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible.
- 5.4 The application site has a limited red line, which includes the new road, landscaped verges/drainage ditches and an ecological enhancement area. This is within the land largely allocated as part of the Olympia Park Mixed Use Strategic Development Site (CS Policy SP7). The road will also extend into site BAR/2, allocated as a Special Policy Area reserved for freight transshipment facilities.
- 5.5 CS Policy SP2 ('Spatial Development Strategy') sets out that development will be directed to the towns within the District, including Selby as Principal Town Centre which will be the focus for new housing, employment, retail, commercial and leisure facilities.
- 5.6 CS Policy SP7 ('Olympia Park Strategic Development Site') is particularly relevant as it allocates Olympia Park as a key development site, with the potential to deliver 1,000 new homes and 23 hectares of new employment land, with a further 10.6 hectares reserved for employment use. The policy also requires development to:
- Come forward in a comprehensive, phased approach which follows an approved Framework, Delivery Document and an approved Masterplan which will ensure the release of employment land prior to residential development;
  - Undertake consultation with stakeholders and the local community;
  - Include a new principal access for the residential element from Barlby Road;
  - Access to new employment land in the eastern part of the site will be taken from the existing roundabout junction on the A63 Selby Bypass, through a new link road to the Potter Group site;
  - Minimise the impact of new development on the existing transport network;
  - Take a sequential approach to flood risk and vulnerability. A site specific Flood Risk Assessment will be required;

- Development proposals should deliver necessary infrastructure, facilities and services to support expanded communities and to cater for the needs of new businesses; and,
- Proposals should maximise the opportunities for sustainable travel.

5.7 CS Policy SP12 ('Access to Services, Community Facilities and Infrastructure') sets out infrastructure should be in place or provided in phase with development and scheme viability.

5.8 CS Policy SP13 ('Scale and Distribution of Economic Growth') sets out that support will be given to developing and revitalising the local economy, including at Olympia Park being 23 ha of employment land as part of a mixed strategic employment/housing site.

5.9 Given the policy context above, the proposal seeks to deliver the new access road as identified in SP7 and cuts across many Local Plan policies aimed at developing Olympia Park and economic growth. The proposed access road is therefore one of the first key pieces of infrastructure to unlock the future development site and is fully compliant with Local Plan Policy. The proposed new road will help facilitate the wider site to be developed for employment opportunities, in line with Policy SP7.

5.10 This commitment to employment was consulted upon within the preferred options stage within the Local Plan being prepared. The site surrounding the road is shown as SEL-CA being 60.43 hectares (of which 33.6 hectares is available for development) for employment uses. The reason for the suggested allocation supports the principle of the road and is as follows:

*"The site undoubtedly enjoys a unique location on the edge of the built-up area but close to Selby Town Centre and provides an opportunity to create a sustainable urban extension through the regeneration of former industrial land and premises.*

*Redevelopment of this key site would serve to enhance the landscape and marks a logical infilling within the wider Selby Urban Area. The site is located in a highly sustainable location, close to existing shops, services, employment opportunities and Selby Railway Station."*

5.11 The application has received support from the Council's Economic Development team, who also support the potential future employment allocation within the Local Plan. The site is said to be 'a logical extension to the main urban area, and it is adjacent to existing employment uses. It is unusual in that it will provide a major employment site that is walkable and cyclable from both an existing centre of population and from a rail and bus station with regular services.'

5.12 The site is within a short distance of the principal road network including the A19, A63, A1(M) and junctions 34, 36 and 37 of the M62 Motorway approximately seven miles to the south, reinforcing its strategic importance.

5.13 Whilst this application is predominantly only for the access road, it creates the basis for the new employment land to be released, which is currently in very limited supply. This constrains both inward investment and the expansion of existing businesses.



- 5.14 This new major infrastructure project matches Selby ambitions, as one of the fastest growing areas in North Yorkshire, and will unlock the site to enable the wider site to fulfil its potential for employment space within the district and take advantage of the excellent transport links, good quality of life, affordable housing, strong growth of local businesses and national and international investors looking to locate in the district.
- 5.15 In terms of the new gatehouse, this is regarded as an extension to an existing employment area within development limits, thus supported by Local Plan Policy EMP 6. Policy EMP 6 states that 'within allocated sites and established employment areas, proposals for new industrial and business development, including infilling, extension and expansion of existing firms, redevelopment of existing sites or the change of use of land or premises will be permitted, providing;
- There is no significant adverse effect on existing business;
  - The development would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; and
  - The proposal would achieve a standard of design, materials and landscaping appropriate to the locality and would not have a significant adverse effect on the on the appearance or character of the surrounding area.
- 5.16 The proposed new gatehouse is for the Potter Group, so directly linked to the existing business and will enhance operations at the site. The gatehouse will cause no harm to neighbouring businesses due to its position and function. The building will provide no harm to highway safety and its design and impact on the landscape are discussed in the relevant sections within this report.
- 5.17 Finally in terms consultation response from the County Council, this highlights the need to safeguard the two existing sites i.e. Potter Group Logistics (safeguarded under emerging MWJP Policy S04 – Transport Infrastructure Safeguarding) and the Cemex asphalt plant and depot (safeguarded under emerging Policy S05 – Minerals ancillary infrastructure). The proposal will enhance the access to these operations, and it will be a key consideration that any future development accessed by the proposed new road can be integrated effectively with existing businesses in line with paragraph 182 of the NPPF.

### Summary

- 5.18 As concluded above, the principal of development is considered to be in accordance with the Development Plan in particular Core Strategy Policy SP7. The proposal will facilitate in unlocking this large allocated mixed use/employment site for future development. This will in turn help to create economic growth in the District and the potential for the future development of a key sustainable site within development limits. The proposal will also consolidate and enhance the existing businesses on Olympia Park and provide a secure and more effective route into the site.
- 5.19 Section 38(6) of the Planning and Compulsory Purchase Act states that any determination shall be in accordance with the development plan unless material considerations indicate otherwise. Significant weight should therefore be given to the allocation SP7 and to the need to support economic growth. The scheme would

also be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development. For the reasons above, it is considered that the development accords with the development plan and the other material considerations as discussed below.

### Archaeological and Heritage Impacts of the proposal

- 5.20 Government policy in relation to the historic environment is outlined in section 16 of the National Planning Policy Framework (NPPF) entitled 'Conserving and Enhancing the Historic Environment'. This provides guidance for planning authorities, property owners, developers and others on the conservation and investigation of heritage assets. The NPPF is supported by the National Planning Policy Guidance (NPPG). In relation to the historic environment, paragraph 18a-001 states that:

*'Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework's drive to achieve sustainable development (as defined in Paragraphs 6-10). The appropriate conservation of heritage assets forms one of the 'Core Planning Principles'.*

- 5.21 Also, in determining applications regard should be had to the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

- 5.22 Core Strategy policies SP18 'Protecting and Enhancing the Environment' and SP19 'Design Quality' provide the general Local Plan Guidance on this issue. Policy SP7 'Olympia Park Strategic Development Site' states: Land within the area bounded by the A19 Barlby Road, the River Ouse and the A63 Selby Bypass, is designated as a strategic location for mixed economic and residential growth in accordance with the development principles set out below:

xiii) New development should protect and enhance the character and setting of Selby Town Centre Conservation Area, including maximising views to the Abbey Church and ensuring Selby's skyline is not detrimentally impacted upon.

- 5.23 Finally, the relevant 'saved' policies which are relevant to heritage and archaeology in the Selby District Local Plan (2005) are Policies ENV28 - Other Archaeological Remains, ENV 1 Control of Development, ENV 25 Control of Development in Conservation Areas.

- 5.24 Chapter 9 of the Environmental Statement assesses the impact of the proposed development on the historic environment. It considers the potential effects of known and potential buried archaeological remains within the access road site and existing built heritage in the wider area. The assessment confirms that there are no designated assets within the site boundary.

- 5.25 Chapter 9 also lists the nearby heritage assets, being the Abbot's Staithes Scheduled Monument is located c. 1.1 km to the west of the study site, within the centre of Selby. Selby and Micklegate Conservation Areas lie c. 1.2 km to the west of the site, within and in close to (respectively) the centre of Selby and there are 72 Listed Buildings recorded within 1.5 km of the site. These include a Grade I Listed Building (the Abbey), 2 Grade II\* and 69 Grade II Listed Buildings. The majority of the Listed Buildings are located within the centre of Selby and a number are

focused around the Abbey. The Grade II\* Listed Buildings comprise the Abbots Staithe and Corruna House. There are a number of Grade II Listed Buildings running alongside the River Ouse; most of these are residential buildings. There are no recorded archaeological sites of prehistoric date within the site boundary.

- 5.26 Chapter 9 describes the methods used to assess the impacts, the baseline conditions currently existing at each site and in its surroundings, the potential direct and indirect impacts of the proposed development arising from the construction and the operational phase, the mitigation measures required to prevent, reduce, or offset the impacts and the residual impacts.
- 5.27 The conclusions were that the site has low potential for archaeological remains of prehistoric, Saxon, Early Medieval, Medieval and Post-Medieval date. Any potential archaeological remains are of local significance and are not considered to be sufficient to preclude or constrain the proposed development. A limited programme of archaeological works will be required to mitigate archaeology within the site which has been agreed and can be controlled by condition. This has, in the first instance, taken the form of a geophysical survey and a programme of target trial trenching is to follow.
- 5.28 In terms of designated heritage assets, due to none being present on the site and the main assets being a considerable distance away, there is considered no impact upon the settings or significance of any designated heritage assets is expected as a result of the proposed development. There will be negligible magnitude of change, resulting in negligible effect, which is not significant.
- 5.29 Both the Council's Conservation advisor and Historic England were consulted on the application. Historic England raised no comment and deferred the application to the Local Planning Authority Conservationist. No response has been received from the Conservation Officer, however Officers are content that due to the distances from the heritage assets and due to the low level nature of the development, no harm will be caused. Future applications for buildings on the site will be more heavily scrutinised in terms of the relationships with the heritage assets and views into and from the town centre.
- 5.30 The County Archaeologist was concerned that the palaeoenvironmental aspects are addressed in the archaeological desk-based assessment but are barely mentioned in the EIA chapter and non-technical summary. In 2013 AECOMM produced a file note on an Archaeological Mitigation Strategy for Olympia Park. This is referenced in the archaeological desk-based assessment but has not been revised or resubmitted with this application. This document sets out a programme for palaeoenvironmental and geoarchaeological works to advance our understanding of this dynamic landscape, particularly in the prehistoric and early historic periods.
- 5.31 The County Archaeologist agrees with the overall outcome of the assessment, i.e. that archaeological deposits are likely to be of local interest and any loss can offset by appropriate mitigation, the application understates the likely extent and purpose of the mitigation.
- 5.32 The County Archaeologist recommends the necessary mitigation can be achieved by means of a planning condition and should follow the strategy set out in the AECOMM file note (2013) rather than that suggested in the non-technical summary.

- 5.33 The above will ensure that the necessary heritage assets are protected and ensure compliance with Policies SP7, SP18, SP18 of the Core Strategy, Local Plan Policies ENV 1, ENV 25, ENV 28, advice within section 16 of the NPPF and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on the landscape character

- 5.34 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).
- 5.35 Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings. Policy SP19(e) requires that proposals look to incorporate new landscaping as an integral part of the scheme. Policy SP13 states that in all cases economic growth should be sustainable and appropriate in scale and type to its location, not harm the character of the area and seek a good standard of amenity.
- 5.36 The impact on the landscape is particularly important in this proposal as the proposed development will inevitably change the character of this land, which is a mixture of arable, unmanaged grassland and hardstanding associated with the built development of the Potter Group and Cemex Plant, to one of a key development site. This is discussed in detail within Section 7 of the Environmental Statement.
- 5.37 The proposed new road is the first phase of the development of this key allocated site and then the future submissions will be assessed individually, when applied for. The decision to develop on this site and its potential impact on landscape character, have long since been established through the sites allocation in the Local Plan and Core Strategy (SP7).
- 5.38 In January 2001 a Core Strategy and associated Background Paper 5 (Sustainability of Smaller Rural Settlements), was produced. Olympia Park (the wider development site) is identified as one of the potential Strategic Development Site options, broken into the eastern and western sections (with land belonging to the Potter Group Logistics, which includes distribution buildings and associated yard areas, lying between these areas and not assessed):
- Strategic Site D – Olympia Park (Olympia Mills); and
  - Strategic Site G – Olympia Park (Land adjacent to the Bypass)
- 5.39 Strategic Site D and Strategic Site G, within which the proposed development sits within, are assessed in this document as being of Low Landscape Sensitivity to Development, defined within the document as follows:

*Development would:*

- have a neutral effect upon the physical landform and scale of the landscape
- have a limited effect on views into and across the area

*- maintain or have minimal effects on existing landscape features and character.'*

- 5.40 Selby District Council published a Landscape Assessment in 1999 which located the site within the Landscape Character Area Wharfe Ouse River Corridor and described as being a linear, open, heavily drained farmland. A remote rural landscape with landscape features that include high grass flood embankments associated with the River.
- 5.41 The Landscape Assessment describes the area as 'generally, the area immediately surrounding the site has a variety of diverse characteristics that have differing qualities and influences. Urban areas influenced by housing, Industry and historic town centre of Selby lie to the west, and an open countryside character to the east that also characterises large areas of the site. Then site also falls within the 2019 Ouse Valley Landscape character Area within the 2019 Landscape Character Assessment. This again describes the area as very flat low lying flood plains, predominately arable farmland and heavily drained fields with a distinct lack of woodland. The site sits within the centre of these varying landscape characters and can be seen as a transitional space between them, surrounded by transport networks of the A63 and A19 roads, Leeds to Hull railway line and River Ouse.'
- 5.42 Chapter 5 of the ES 'The Proposed Development' has devised a landscape strategy for the site to ensure landscape and visual mitigation is embedded into the development. This is as follows:
- A landscape corridor is proposed of between 30m and 34m in width along the northern edge of the road corridor, and between 20 and 25m in width along the southern edge of the road corridor. This aims to:
- Ensure the road and associated infrastructure is set away from any development boundaries within a generous "green buffer"
  - Integrate the hard surfaced elements of the access road into the wider landscape;
  - Provide a green link to existing boundary vegetation and landscape/greenspace beyond;
  - Provide areas for habitat creation
  - Provide footpath and cycle connections connecting into the future footpath and cycle network of the wider development site.
- 5.43 The road will be raised from existing ground levels and will follow the contours of the land being mainly 2.5-3m with the finished road heights limited to 4.0m from existing site levels or up to 5.4mAOD. These will be naturally lower than the A63 to the east that has to cross the River.
- 5.44 The conclusion of all the landscape and visual assessments was that the development is expected to have an overall long term negligible/neutral impact on the landscape resource.
- 5.45 The proposal was assessed by the Council's Landscape Officer who raised no real concerns about the application. The Landscape Officer requested to see the tree survey that generated the arboricultural report and this was provided, and

suggested conditions covering the need for tree protection, a detailed hard and soft landscaping scheme, including implementation and aftercare, replacement tree planting and landscape and biodiversity maintenance and management plan.

- 5.46 The Council's Landscape Officer indicated that consideration needs to be given to the long term maintenance and management of all areas not to be adopted by as part of the road adoption. This would normally undertaken by a management company for the life of the scheme, therefore further detail is required in respect of this. This is to be included within a planning condition for 15 years maintenance following the first 5 years of establishment.
- 5.47 Therefore, the scheme has no significant impact on the landscape and through the imposition of landscape conditions will accord with Selby District Local Plan Policy ENV1(4), and Core Strategy Policies SP13 and SP18.

### Design & Layout

- 5.48 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.
- 5.49 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.
- 5.50 The planning application seeks detailed planning permission for the construction of an access road through the Olympia Park site and its associated infrastructure. The road is the main part of the proposals, however also included is site compound, landscaping and ecological enhancement area and Gatehouse for the Potters Group.
- 5.51 The access road will provide a connection from the A63 Selby Bypass into the Olympia Park development site and will be designed to serve future development plots, in accordance with the future aspirations for the site. The point of connection into the Olympia Park site will be in the form of a third arm spur off the existing roundabout located at the mid-point along the Olympia Park's eastern boundary. The access road will be designed to adjoin the existing highway infrastructure associated with the A63 Selby Bypass and will therefore be constructed upon a large earth embankment to ensure the correct gradients can be achieved. This will also ensure that the access road is at an elevation as to provide a dry access and egress route in a flooding scenario.
- 5.52 The access road will incorporate a range of planting, such as seasonal wildflowers meadows to provide seasonal visual interest alongside both sides of the corridor.

This together with the incorporation of footpaths and cycleways as well as the use of potential future public art at key junctions will assist in establishing the access road as a gateway into the Olympia Park development site.

- 5.53 The construction of the highway and associated embankment will be phased from east (A63 Selby Bypass) to west. A compound and material stockpile area will be required and is shown south of the main access and used on a temporary basis.
- 5.54 The access road will consist of a single carriageway road extending to 935m in length. The total width of the road corridor will generally be 35-49m wide consisting of a carriageway of 7.3m wide with some localised widening on the approach to the roundabout to accommodate proposed capacity flaring and deflection. A footway (2m width) will be provided along the southern edge of the access road and a segregated cycle/footway (4.0m width) will be provided along the northern side of the carriageway which will provide a future connection to the wider Olympia Park development site's development platforms. The access road will include the construction of a number of junctions i.e.
- The eastern roundabout: a four-armed roundabout linking future development platforms north and south of the access road associated within the wider Olympia Park development site;
  - A priority junction providing access to the existing Potters Group Logistics complex located to the south of the access road; located approximately 460m west of the existing A63 Roundabout;
  - The western roundabout: a four-armed roundabout including dedicated left bypass lane providing a one way access into the existing Potters Group Logistics complex to the south with a link to future development platforms to the north of the access road associated with the wider Olympia Park development site;
- 5.55 The proposed road is therefore of a functional design, that will be a key piece of infrastructure to unlock the wider sites redevelopment. Whilst developed in isolation, it will in time form part of a much wider holistic commercial development. Once constructed it will have some visual impact given its projection from existing land levels, however this is not uncommon and will form an engineered green landscape corridor running through the existing landscape.
- 5.56 Existing uses on the wider Olympia Park development site (including the Potter Group Logistics) will be able to use the access road, instead of using the existing arrangements via the A19 Barlby Road.
- 5.57 A dedicated area of ecological enhancement is also proposed to the north east of the access road. This area will aim to increase site biodiversity by creating, areas of native grass and shrub planting. In addition, this area will provide areas of hibernacula suitable for amphibians and reptiles. This area will also include the provision of a new linear ditch. This will be made suitable for Water Vole (a European Protected Species) which are known to be present on the wider Olympia Park development site.

- 5.58 Finally, the remaining built development includes a small gatehouse and administration building at the new entrance to the Potter Group site. The building is designed to be open plan with individual office space, a small canteen, reception area and ancillary facilities including showers. The gross internal area is 237 m<sup>2</sup>.
- 5.59 Car parking is provided to the east of the building, along with secure and covered cycle parking and 2 electric vehicle and cycle charging points. Designated lorry parking provision has been made to the south of the building as a lay-by for heavy goods vehicles for drivers to sign into the site, as necessary.
- 5.60 The appearance of the building is of a simple design, with a low-level durable brick plinth with glazing and a zinc standing seam cladding and roofing system above. The design will sit comfortably in the newly engineered setting and be viewed against the backdrop of existing industrial buildings.
- 5.61 In terms of consultation responses, the NYCC Highways have considered the road design, and this is within the following section. North Yorkshire Police raised no objections in principle but raised concerns over the future permeability of the site. The police wanted to ensure future layouts must not be compromised by excessive permeability by providing too many or unnecessary segregated footpaths.
- 5.62 On the whole, this is just one functional part of the site's future delivery. The layout of the road is functional and provides the link and future development platforms. Its design is fit for purpose, and once completed will provide an engineered by attract route into the site. On the basis of the above it is considered that the proposal is acceptable in its design and scale in accordance with advice contained with Policy ENV 1 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

- 5.63 SDLP Policy T1 requires new development to be well related to the existing highway network and Policy T2 states that development resulting in the intensification of the use of an existing access will be supported provided there would be no detriment to highway safety. The guidelines in SDLP Policy similarly require that the cumulative impact of generated traffic does not exceed the physical and environmental capacity of the surrounding road network or create highway problems and the provision of satisfactory highway infrastructure.
- 5.64 Local Plan Policy ENV1 Control of Development states proposals for development will be permitted provided a good quality of development would be achieved. In considering proposals the District Council will take account of various matters including the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site and the arrangements to be made for car parking.
- 5.65 The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.66 Paragraph 108 sets out the key 'tests' for the consideration of transport aspects of development, noting that: 'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:



- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

5.67 Paragraph 109 confirms that: 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

5.68 Given the nature of this scheme the layout and highway implications are of particular significance. The transport and access implications are detailed within chapter 12 of the Environmental Statement. A Transport Assessment (TA) supports the planning application. The report has been produced with consultation from NYCC Highways and through the measures required in the scoping report.

5.69 The proposed development includes the provision of a new internal access road, permanent footways and cycle lanes, which will eventually link with the wider allocated Olympia Park development site. In addition, crossing points will be provided along the link road as well as at the internal roundabouts, accommodating connections to footways and cycle lanes adjacent to future internal roads which will be provided into the wider Olympia Park development site, as well as individual development plots directly to the north of the link road.

5.70 The TA assessment work is based on surveyed traffic flow data, which is subject to variation through the year and also subject to change in the future. The future scenarios and the individual input parameters contributing to the assessment have been discussed with North Yorkshire County Council (NYCC) at the pre-application stage. This includes the base year traffic flows, the committed developments to include, trip generation and distribution associated with the wider allocated Olympia Park development site, as well as the input parameters to the junction capacity models. This has ensured that the assessment and modelling of the 2033 future year scenarios is sufficiently robust. The assessment scenarios are as follows:

- 2018 Base Year
- 2033 Assessment Year Do Minimum
- 2033 Assessment Year With Development

5.71 The construction impacts have been considered through a draft Construction Environmental Management Plan (CEMP) with areas shown for a site compound and stockpile areas are close to the bypass. Likewise, the estimated quantum of material to be imported to site and vehicle movements have been considered which are estimated at 93,500m<sup>3</sup> will be imported via approximately 44 HGV loads per day, assuming a worst-case scenario this equates to 11,700 loads in total. All the vehicles will however have access to the main highway network therefore the construction impact on the highway is considered to be moderate. The site is self-contained with areas for storage and parking therefore it will; have limited impact on the highway. A full CEMP is required by condition, to work through the specific details of the construction as required by NYCC Highway Officer.

- 5.72 Likewise, the proposed link road effectively provides a cul-de-sac from the A63 Selby Bypass only. As such, there is no prospect of strategic diversion of traffic flows on the wider network, and the link road will therefore not lead to significant changes in traffic flows on the wider highway network.
- 5.73 In terms of the existing uses on the wider allocated Olympia Park development site, principally Potter Group Logistics will be able to use the link road (instead of using the existing access arrangements via the A19 Barlby Road). This will lead to some reassignment of traffic flows on the highway network; however, the impact will be to remove traffic from Selby town centre and the A19 Barlby Road. As such, when completed, the link road represents a direct, permanent, long term effect of Minor Beneficial significance in terms of the operation of the highway network in Selby town centre and adjacent residential areas. The road will also provide cycle and pedestrian links which will support the sustainable movement strategy for the wider Olympia Park development site.
- 5.74 In terms of how the site might eventually be developed, the road has been designed to cater to all types of development i.e. residential, commercial and employment. The TA demonstrates that with identified mitigation the A63 Selby Bypass junction would satisfactorily accommodate the changes in traffic flows associated with the development, as well as future baseline traffic flows and traffic associated with all relevant committed developments. The assessment also demonstrates that the internal roundabouts would satisfactorily accommodate traffic flows associated with the wider Olympia Park development.
- 5.75 The road design incorporates a series of pedestrian and cycle routes and crossings, which would in turn support the sustainable transport strategy for the future development. The proposal therefore requires no off site highway works other than the changes necessary to the existing junction on the A63 Bypass.
- 5.76 The proposal also includes The Potters Group Gatehouse, which is to be built at the same time as the access road, which includes the provision of 10 parking spaces, 2 of which are electric vehicle charging spaces. In addition, 1 disabled space will be provided in close proximity to the main entrance and exit point of the building.
- 5.77 Issues such as Travel Plans will not be necessary for this type of application, as these will be considered once the final detailed proposals are applied for on the individual development sites within Olympia Park.
- 5.78 Highways England have raised no objections to the scheme. The County Highways team acknowledged that the proposal applicant's Transport Assessment considers the impact of this wider development on the highway network and is proposing amendments to the A63 site access roundabout to accommodate the wider long-term development within the current proposals.
- 5.79 The Local Highway Authority (LHA) welcomes this approach, as it will minimise the disruption to the travelling public on the A63, there is the potential for situations to change and for the proposed mitigation to be insufficient to accommodate the traffic generated by the development that is eventually brought forward. Given the design year and expected build out date are both 2033, there is much that can alter in the intervening 13 years. Consequently, the LHA would seek to have obligations included in a Section 106 Agreement which constrained the traffic generated by the overall site to the levels set out in the current Transport Assessment (TA). It is expected that this will in turn be linked to a Travel Plan for the wider site, which will

propose measures to monitor the level of traffic leaving the site and to constrain the traffic generated to the levels in the TA. This would ensure that the amended roundabout on the A63 would be adequate to accommodate the traffic generated by the wider development without interference with the flow of traffic on the A63 Selby by-pass.

- 5.80 The use of the DMRB (Design Manual for Roads and Bridges) standards for the design of the A63 roundabout alterations and the proposed spine road is welcomed by the LHA.
- 5.81 The LHA considers this is the appropriate standard in a location where movement of vehicles will take priority over 'place making'. The assurances that the road will be set at the appropriate levels to provide a flood free exit route from the site is welcomed given the location.
- 5.82 In the short term the spine road will be a private road serving a limited number of properties and a construction access for the development of the wider site. Adoption of the road prior to the completion of the construction of the whole site would be inappropriate. The LHA would seek to cover the timing of the adoption of the spine road as highway maintainable at the public expense and the undertaking of remedial works to bring the road to the required standard for adoption in a Section 106 obligation. The Local Highway Authority therefore recommends the following matters to be included in a legal agreement.
1. A mechanism to restrain the traffic generated by the site below the levels assessed in the TA.
  2. A mechanism for the future adoption of the spine road as highway maintainable at the public expense including timing (to follow construction of the wider site) and repairing damage prior to adoption.
- 5.83 Finally to cover the specific detail required by the Local Highway Authority, conditions covering the need for detailed plans of the road and footway layout were suggested. Also, a condition to ensure the road is not used until its constructed to binder course macadam level, kerbed and connected to street lighting. A condition is also necessary to ensure the site access works are completed prior to the first occupation of any new building on the site. Finally, a Construction Management Plan is requested to replace the draft outline plan submitted.
- 5.84 The above will ensure that the scheme is acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 108 of the NPPF with respect to the impacts on the highway network.

#### Flood Risk and Drainage

- 5.85 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.
- 5.86 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.

- 5.87 Flood risk and drainage is fully considered within Chapter 11 of the Environmental Statement and demonstrates that all of the site is located within Flood Zone 3 (High Risk) and benefits from flood defenses. This risk originates from the River Ouse running to the south and west/north west of the site. The risk of overtopping is also considered to be low.
- 5.88 The accompanying Flood Risk and Drainage Assessment (FRDA) report considers that the site is at a residual risk from flooding, as the site is 'defended'. However, the updated assessment of the baseline breach and overtopping scenarios, as required by the Environment Agency, demonstrates that significant mitigation is required to control flood risk on site to an acceptable level.
- 5.89 In terms of topography the site is relatively flat along the line of the proposed access road, although levels range from approximately 2 metres above ordnance datum (AOD) to 3mAOD. The existing roundabout on the A63 has a carriageway level of approximately 5mAOD, which the proposed access road will need to tie into. Various IDB maintained and private drainage ditches are in existence around the site and in proximity of the site. This ditch network discharges into the River Ouse, via a gravity pump or via pumping stations downstream of the development site.
- 5.90 The access road will be set at the highest elevation possible in order to provide access to the site from the existing A63 roundabout, and the existing accesses into the Potter Group Logistics land. Setting the new access road as high as possible means that the road itself will be protected from flood risk as far as reasonably practicable, and it will provide emergency access and egress routes into and out of the site in the event of flood risk (due to breach or overtopping). The access road therefore reduces the flood risks to the existing, wider site users by providing higher access and egress than is currently there. The access road and its embankments will be designed to withstand flood depths and velocities from overtopping and breach of the defenses.
- 5.91 The access road being located within the Flood Zone 3, means that the displacement of flood water should also be considered. However, it being defended Flood Zone 3 means that the site is protected from flood risk, however the FRDA has to assess the impact of the access road and its embankment on the wider flood plain. In summary, the displaced flood water has a negligible effect on the flood depth and flood plain extents. Simplistically, this is because the flood plain extents are large, relative to the footprint of the access road.
- 5.92 In terms of surface water, most of the site consists of informally drained green fields (natural accumulation, collection and discharge via overland flow or field drainage). Currently, rainfall soaks into the ground, into the known field drainage, and / or runs off into the existing, local drainage ditches that run through the site. There is no obvious positive surface water drainage to public sewers within the area. The proposed access road will include a dedicated surface water drainage system to deal with highway run-off only. The details are included in the FRDA report in Appendix 11.1. Surface water flows will be limited to 1.4 litres per second per hectare, with excess flows balanced in the adjacent ditches.

- 5.93 There are no sources of foul water on the site of the access road currently, and neither will there be formal, permanent sources of foul water in the access road, although there will be temporary foul water sources from the construction related activities. The proposed access road will not require its own foul water drainage, but it may be the route for future foul water drainage as part of the wider Olympia Park development. The new gatehouse will require a foul connection and a condition has been added to cover the need for details of this.
- 5.94 These details were assessed by the Environment Agency who raised no objections on Flood Risk Grounds providing the development is carried out in accordance with the flood risk assessment (FRA) by Alan Wood and Partners, referenced JAG/AD/JD/40961-RP001- Rev B, dated September 2019. Mitigation included controlling the flow levels of the gate house to 600 mm above existing ground levels, ensuring the embankment is to be designed and built to incorporate suitable erosion protection in the event of flooding occurring and that culverts are to be placed under the proposed road embankment (running North to South) to maintain the flow of water through the existing drainage network. These are controlled by a suitable planning condition.
- 5.95 The LLFA also considered the detailed drainage proposals and raised no objection to the scheme. The LLFA noted that the drainage for the access road will in the first instance discharge to the IDB drainage network within the site at an agreed rate with the IDB based upon 1.4l/s/ha. As the site progresses it is intended that the Highway drainage will in time be diverted to an onsite pumping station for the wider development. The site wide drainage will then be discharged to the River Ouse along the southern boundary. The Ouse is tidally dominated at this location and therefore an unrestricted discharge will be permitted. The LLFA has no objection to the proposed runoff destination and runoff rates.
- 5.96 In terms of Volume Control the applicant has submitted drainage layout drawings and calculations (Appendix C of the Flood Risk and Drainage Assessment) to demonstrate compliance with paragraph 165 of the NPPF. Likewise, an acceptable allowance of 40% has been applied to the rainfall intensity to account for climate change.
- 5.97 Acceptable indicative exceedance flow plans have been submitted in Appendix F of the Flood Risk and Drainage Assessment. The supporting text states that “the existing overland flow routes should generally be maintained within the final layout for the development site without increasing flood risk to off-site parties”. The LLFA is satisfied that this demonstrates compliance with Paragraph 163 of the NPPF.
- 5.98 Finally in terms of maintenance, the drainage system will be offered to NYCC for adoption via S38. Indicative maintenance requirements are presented in section 5.1.12 of the Flood Risk and Drainage Assessment.
- 5.99 The LLFA were therefore satisfied that the submitted documents demonstrate a reasonable approach to managing surface water on site and the LLFA has no objections to the proposal. The submitted drawings are comprehensive and are secured via condition to ensure that development of this site does not increase flood risk on or off site.
- 5.100 The IDB were consulted and the IDB response recognises that they have assets in the wider area in the form of Cherry Orchard Drain and Barby Hill Drain. These watercourses are known to be subject to high flows during storm events. The

proposal will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. The Board was generally content with the drainage works proposed, however wanted further information on some technical matters addressing.

- 5.101 Furthermore, the Board would want to review everything in detail at such time as the planning application is to be implemented – including for example the size of the culverts proposed to ensure that there is no lost storage. On this basis the IDB were content to allow these matters to be controlled via condition.
- 5.102 To conclude, the development lies within Flood Zone 3 and is therefore at high risk from flooding. The site is however defended and incorporates suitable mitigation measures to ensure that there would not be an increase in flood risk to the site or elsewhere, and that the proposed development would be safe from a flood risk perspective. Taking the above matters into account, it is concluded that the scheme accords with Section 14 of the NPPF, SP15 and SP19 of the Core Strategy and ENV1 of the SDLP.

### Ecological Impacts

- 5.103 Policy in respect of impacts on nature conservation interests and protected species is provided by Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 170 to 177 of the NPPF. The presence of a protected species is a material planning consideration as is tree loss and landscaping.
- 5.104 Chapter 8 of the ES adequately addresses the ecological implications for the development. The submission was accompanied by a suite of ecological surveys which included for example a Preliminary Ecological Appraisal, Bat Survey, Reptile Survey, Ornithological Summary, Badger Assessment, Invasive Species Management Plan, Great Crested Newt report, Riparian Mammal Assessment, Arboricultural Impact assessment and several other detail reports.
- 5.105 The site contains a mixture of ecological features, which include mixed woodland on the entrance to the site, cultivated arable land being the mainstay of the land use, developed land with buildings, standing water, neutral grassland and running water drainage ditches, all of which provide opportunities for ecology. Each ecological attribute has been assessed and mitigation measures detailed within the Environmental Statement.
- 5.106 The survey and assessment work undertaken has concluded that three receptors above “Site” level are present, these being wet ditches (local), reptiles (local) and water vole (county). The majority of impacts will occur at the construction phase where habitat will be lost or adversely impacted, and construction activities may lead to the killing or injury of protected species and will lead to the disturbance and displacement of individuals, in the absence of mitigation.
- 5.107 It is possible to include sufficient mitigation to remove many of the identified adverse effects following completion of the works, though some minor effects will remain during construction. Once complete, the assessment has identified beneficial effects to the identified receptors with the adoption and implementation of mitigation.
- 5.108 Mitigation includes the provision of a new ditch to the north east which will link to the existing watercourse providing new habitat for water vole and potential hunting grounds for grass snake. The area surrounding this will be landscaped with a range

of native species forming various habitats which will include areas of open space for basking alongside cover for grass snake. The new ditch which will permanently hold water will be included in the flood alleviation zone to the north east.

- 5.109 The County Ecologist concurred with the Ecological survey work undertaken and noted it was to a high quality; however suggested areas where the Environmental Statement needed to be revised. The concern was that the applicant was understating the significance of certain ecological receptors, for the reasons explained. A revision to the ES would enable transparency of the impacts, so that interested members of the public could understand accurately the implications of the proposed development.
- 5.110 The applicant's Environmental team disagreed and did not believe there is a requirement to update the Environmental Statement (ES). They consider that the County's requests can be dealt with by planning condition whereby further detailed information will be provided as part of the Construction Environmental Management Plan (CEMP) (Biodiversity and Biodiversity Environmental Management Plan (BEMP)).
- 5.111 In the interests of moving the scheme forward, the County Ecologist was content to deal with these matters by giving them appropriate weight and consideration in the Construction Environmental Management Plan (Biodiversity) and Biodiversity Environmental Management Plan conditions.
- 5.112 Finally, the County Ecologist agreed with the claim within the 'Overall Impact' section in that "Following the development of the Ecology Enhancement Area the Access Road development will comfortably deliver a biodiversity net gain" seems reasonable, provided all the proposed mitigation and compensation measures are delivered.
- 5.113 The proposal therefore causes no significant impacts on nature conservation interests in respect of the site and together with the proposed ecological enhancement 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.

#### Contamination and Ground Conditions

- 5.114 In considering a previously developed site, contamination and ground conditions are of particular importance. Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 5.115 In terms of the Development Plan, Core Strategy Policy SP18 Part 7 states that; "The high quality and local distinctiveness of the natural and manmade environment will be sustained by: Ensuring that new development protects soil, air and water quality from all types of pollution". Policy ENV2 Part B states that; "Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site

investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary”.

- 5.116 Chapter 10 of the Environmental Statement prepared a detailed appraisal of the ground conditions and likely impacts of the proposal. The chapter assesses the likely significance of effects from ground conditions, specifically land contamination. The significance criteria consider impacts, both adverse and beneficial, to human health, controlled waters, ecological receptors and property, which are covered by Part IIA of the Environmental Protection Act 1990.
- 5.117 The application was accompanied by a Preliminary Sources Study Report / Phase 1 Preliminary Risk Assessment by WSP contains a review of previous Phase 1 and 2 reports for the wider Olympia Park site, a site walkover and a preliminary risk assessment. Parts of the proposed Olympia Park access road cross land with past industrial/commercial uses, including sugar factory lagoons, an asphalt plant and a distribution depot. Made ground and peat deposits are also known to be present at the site. The report states that the contaminated land risk to the proposed access road development is low. However, it does acknowledge that there is the potential for contaminated land to be present due to the historical localised industrial land use.
- 5.118 The report recommends that a supplementary intrusive ground investigation is undertaken to support the findings of the combined Preliminary Sources Study Report / Phase 1 Preliminary Risk Assessment and refine the conceptual site model. The Council's Contaminated Land Consultants have confirmed that the Preliminary Sources Study Report / Phase 1 Preliminary Risk Assessment provides a good overview of the site's history, its setting and its potential to be affected by contamination. The report and the proposed supplementary intrusive ground investigation works are acceptable. Conditions are suggested covering the need for further investigation of land contamination, the submission of a remediation scheme, verification of any remedial works and the reporting of any unexpected contamination.
- 5.119 The contamination aspect of the proposal was also commented on in the Environment Agency's (EA) response. The EA considered the proposed development site presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer. The application's supporting evidence demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. The EA indicated proposed development will only be acceptable in line with paragraph 170 of the National Planning Policy Framework if conditions covering the need for a remediation strategy and verification report were imposed.
- 5.120 The conditions had overlaps with those suggested by the contaminated land officer as such the contamination officer ones were included. However, once the information is produced to discharge such a condition both the EA and contamination land officer would be consulted, therefore the conditions provide the framework for the need to request the additional information.
- 5.121 The above will therefore ensure the development is safe and in compliance with Policy SP18 of the Core Strategy and Local Plan Policy ENV2.



## Construction impacts and residential amenity.

- 5.122 SDLP Policy ENV1 requires a good standard of layout and design and that the effect of new development upon the amenity of adjoining occupiers to be taken into account. Policy ENV2 Part A states that; "Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element to the scheme. Such measures should be carried out before the use of site commences."
- 5.123 Chapter 13 of the ES considers the impact of the proposed development on local air quality. In particular, it considers the potential effects of construction phase dust and operational phase road traffic emissions on air quality at identified existing receptor locations.
- 5.124 The qualitative construction phase assessment was undertaken and certain measures were recommended for inclusion in a CEMP to minimise emissions during construction activities. The report concludes that with the implementation of these mitigation measures, the impact of construction phase dust emissions is considered to be 'not significant' in accordance with IAQM guidance.
- 5.125 In terms of air quality from the operational development, the detailed road traffic emissions assessment was undertaken to consider the impact of development-generated road traffic on local air quality at identified existing and committed receptor locations. Road traffic emissions were modelled and were predicted at identified sensitive receptor locations within the study area. Changes in pollutant concentrations between without development and with development scenarios were determined and the impact of the development on local air quality was predicted to be 'negligible' in accordance with IAQM and EPUK guidance.
- 5.126 The Environmental Health Officer (EHO) assessed the information within Chapter 13 and within the BWB Consulting Limited report and agreed with its contents. The EHO suggests a Construction Environmental Management Plan (CEMP) should be applied to any approval as only an outline one was submitted. The condition should include the requirement for monitoring during the construction period and a feedback mechanism to ensure results not meeting the required standard are taken into account. A condition is included within the recommendation to cover this.
- 5.127 The EHO also noted that the assessment has predicted that during the operational phase the development will result in a positive, if only slightly, effect on the air pollution levels in the Air Quality Management Area (AQMA) on New Street, Selby and that increases in levels in other areas will not lead to exceedances in other areas. Therefore, no further concerns or mitigation is required.
- 5.128 Chapter 14 of the ES similarly considers noise and vibration impacts of the development from the construction operational phase of the development as well as providing an assessment of the proposals in-combination with the wider Olympia Park development site. The chapter describes the methods used to assess the impacts, the baseline conditions currently existing at the site and surroundings, the potential direct and indirect impacts of the development arising from noise and vibration, the mitigation measures required to prevent, reduce, or offset the impacts and the residual impacts. It has been written by Hann Tucker Associates.

- 5.129 The conclusions were that during the construction works, there are no noise sensitive receptors within the study area and residual effects of noise and vibration are therefore expected to be not significant. Following completion of the proposed development, changes to road traffic flows around the site are expected to produce a negligible change in noise levels, for which the impact would be considered not significant. A wider in-combination assessment was undertaken, which indicates that the proposed development should not unduly prohibit the development of the land immediately adjacent for residential use.
- 5.130 The EHO noted the conclusions that no further noise considerations were necessary given receptors were over 400m away. The EHO but disagreed as the properties to the south of West View are under 300m to the redline boundary and properties on Ousebank are under 350m to the red line boundary. The EHO agreed that considered noise and vibration to be considered as part of the CEMP.
- 5.131 The EHO also considered that the demolition and construction hours proposed be either conditioned separately or written into the CEMP. Officers feel that the condition requiring the CEMP can adequately control this.
- 5.132 The EHO also commented that the assessment of noise from the operational phase does not identify the traffic levels that it considers to be appropriate in this case. This is because the end users of the site are not yet known. Any subsequent end user for the development platforms will be assessed individually when such applications are received. The EHO reaffirms that that a more detailed assessment of traffic flows should be undertaken as part of any application for the wider development of the Olympia Park site.
- 5.133 Finally, the EHO states that chapter 14 of the ES advises that currently there is no information on building positioning and locations, but when considering a potential residential development to the north of this access road site mitigation measures would be required possibly in the form of uprated glazing, trickle vents, and utilising buildings to provide screening. The EHO was concerned as to the resultant noise level in private garden spaces. It is, therefore, recommended that a noise assessment is carried out in relation to the development of other areas of the site considering the noise from this access road in combination with current industrial uses around the site and other transport noise. This of course will be dealt with accordingly once any future development is applied for.
- 5.134 This assessment within chapter 14 was written when the wider site was being considered for housing and therefore it's unlikely that the new road will cause any conflict with the new intended commercial use. Obviously, each new application will be assessed individually when applications are received.
- 5.135 On the basis of the above it is clear that further work needs to be undertaken to include matters which haven't been fully considered. These can however be adequately controlled through a more detailed CEMP which forms a planning condition. This will ensure compliance with SDLP Policies ENV 1 and ENV 2.

## **6 CONCLUSION**

- 6.1 This application seeks full planning permission for the erection of a new access road to facilitate the future development of the wider Olympia Park development site for employment purposes. The associated works and infrastructure also include the modification of existing A63 Selby bypass junction to allow for access, ground re-

profiling, creation of an earth embankment; a temporary site compound; drainage infrastructure including temporary and permanent drainage ditches, new culverts, new landscaping, a new ecological enhancement zone; creation of new junctions, pedestrian and cycle routes and a new gatehouse to the existing Potter Group Logistics site.

- 6.2 This represents a significant infrastructure project for the town, on a site that has been allocated for growth in the Local Plan and Core Strategy for a number of years. The application is considered to be in accordance with the Development Plan in particular Core Strategy Policy SP 7 and will help to unlock this key urban extension to the settlement and provide the platform and future growth and all the associated benefits that arise from such a scheme. The scheme would also therefore be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development.
- 6.5 Other matters of acknowledged importance such as the impact on the highway network, flood risk, drainage, archaeology, heritage, ground conditions, 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. The application was supported by a detailed Environmental Statement which gave a comprehensive assessment of the potential effects of the construction and operational phases of the proposed development. Taking account of the detailed submission and the presumption in favour of sustainable development and which seeks to support economic growth and productivity, approval of the application is justified.
- 6.7 The application is therefore considered to accord with Policies ENV1, ENV2, ENV3, ENV 25, ENV 28, EMP 2, EMP 6, EMP 9, T1, T2, T7, T8 and Bar/2 of the Selby District Local Plan (2005), Policies SP1, SP2, SP7, SP12, SP13, SP15, SP18 and SP19 of the Selby District Core Strategy Local Plan (2013) and the advice contained within the NPPF.

## **7 RECOMMENDATION**

This application is recommended to be GRANTED Subject to the completion of a Section 106 Legal Agreement and the following conditions:

### Heads of Terms:

1. A mechanism to restrain the traffic generated by the site below the levels assessed in the Transport Assessment.
2. A mechanism for the future adoption of the spine road as highway maintainable at the public expense including timing (to follow construction of the wider site) and repairing damage prior to adoption.
3. Future maintenance of the landscape areas not covered by any future highway adoption.

### Conditions

01. The development for which permission is hereby granted shall be begun within a period of five 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:

#### Documents

Arboricultural Impact Assessment prepared by Iain Taverdale;

Design and Access Statement prepared by DLA Architecture;

Utilities Assessment produced by Stantec

Environmental Statement Chapters 1-16

Environmental Statement co-ordinated by Avison Young, including:

- Description of Development prepared by Avison Young and WSP;
- Landscape and Visual (including landscape framework) produced by DLA;
- Ecology and Nature Conservation (including protected species surveys) produced by Brooks Ecology;
- Archaeology and Heritage produced by Orion;
- Ground Conditions produced by WSP;
- Drainage and Flood Risk, including Flood Risk and Drainage Assessment and associated drainage strategy produced by WSP;
- Transport and Access produced by Fore;
- Air Quality and Dust produced by BWB; and,
- Noise and Vibration produced by Hann Tucker.

#### Plans

Site Location Plan – Drg No. 70054608-SK001 Rev 12

Site Overview Plan 70054608-SK-009 Rev P06

#### Access Road Alignment Plans

Future Use Highways Drainage 4608-WSP-00-XX-DR-CH-DR\_02\_ Rev P02

Highway Drainage Layout 4608-WSP-00-XX-DR-CH-DR\_01\_ Rev P03

Link Road General Arrangement 4608-WSP-00-ZZ-DR-CH-GA\_01\_ Rev P04

Link Road Typical Cross Sections 4608-WSP-00-XX-DR-CH-SD\_01\_ Rev P04

Proposed Culvert Details 4608-WSP-00-XX-DR-CH-SD\_02\_ Rev P04

Roundabout General Arrangements 4608-WSP-00-ZZ-DR-CH-GA\_101 Rev P04

Roundabout Typical Cross Sections 4608-WSP-00-XX-DR-CH-SD\_101 Rev P03

Appendix 11.1 EIA Flood Risk and Drainage Project No.JAG/AD/JD/40961-RO001-Rev B September 2019

### Landscape Plans

Landscape Key Plan – Drg No. 2014-183/9000 Rev B

Landscape Layout 1 of 3 – Drg No. 2014-183/9001 Rev B

Landscape Layout 2 of 3 – Drg No. 2014-183/9002 Rev A

Landscape Layout 3 of 3 – Drg No. 2014-183/9003 Rev B

Landscape Illustrative Sections – Drg No. 2014-183/9005 Rev B

Landscape Parameter Plan – Drg No. 2014-183/9100 Rev B

### Potter Space Offices Plans

Proposed Site Plan – Drg No. 2014-183-102

Proposed Floor Plan – Drg No. 2014-183-201

Proposed Roof Plan- Drg No.2014-183-202

Proposed North and South Elevations – Drg No. 2014-183-220

Proposed East and West Elevations – Drg No. 2014-183-221

Proposed Sections – Drg No. 2014-183-230

Proposed Axonometric – Drg No. 2014-183-250

Reason:

For the avoidance of doubt

03. A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
6. Provision to be made for archive deposition of the analysis and records of the site investigation.
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

This condition is imposed in accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance.

04. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason:

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

05. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

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

06. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

07. 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.

08. Biodiversity Environmental Management Plan (BEMP),

Prior to the commencement of development, a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority.

Reason;

To ensure the enhancement of biodiversity in accordance with Core Strategy Policy SP18 and the NPPF.

09. Construction Environmental Management Plan (CEMP) (Biodiversity)

Prior to the commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Measures to avoid or reduce impacts during construction – with specific measures to minimise adverse impacts on bats and otters
- d) Measures to control and eradicate invasive species
- e) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds.
- f) The times during construction when specialist ecologists need to be present on site to oversee works
- g) Responsible persons and lines of communication
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

Reason;

To ensure the protection of existing biodiversity features in accordance with Core Strategy Policy SP18 and the NPPF.

10. The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Local Planning Authority a Construction Environmental Management Plan. The Plan shall include details of how noise, vibration, dust and other airborne pollutants, smoke, and odour from construction work will be controlled and mitigated. The CEMP shall include a Dust management Plan (DMP) and hours of working. The plan shall also include monitoring, recording and reporting requirements. The construction of the Development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by Local Planning Authority.

Measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. The plan should also provide detail on the management and control processes.

Reason:

To protect the amenity of the area, the environment and local residents from noise pollution.

11. The development shall be carried out in accordance with the submitted flood risk assessment (FRA) by Alan Wood and Partners, referenced JAG/AD/JD/40961-RP001-RevB, dated September 2019 and the following mitigation measures it details:

- Finished floor levels for the office shall be set no lower than 600 mm above existing ground levels.
- The embankment is to be designed and built to incorporate suitable erosion protection in the event of flooding occurring.
- Culverts are to be placed under the proposed road embankment (running North to South) to maintain the flow of water through the existing drainage network.

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.

Reasons:

To reduce the risk of flooding to the proposed development and future occupants.  
To prevent erosion affecting the embankment in the event of a breach or overtopping event occurring.

To maintain existing flow routes across the site.

12. No development approved by this permission shall be commenced until a Scheme for the provision, implementation and maintenance of a surface water regulation



system has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board.

This should also include details of any temporary works in, under, over or adjacent to the watercourse.

The rate of discharge would not be expected to exceed that of a "greenfield site" taken as 1.4 lit/sec/ha.

Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event. A 30% allowance for climate change should be included in all calculations and a range of durations should be used to establish the worst-case scenario.

Reason:

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

13. There shall be no storage of any materials including soil adjacent to the bank top of the watercourse and a permanent 9 metre wide access strip shall be made available to the Board to enable the Board to continue their maintenance responsibilities (unless agreed otherwise).

Reason:

To allow access to the watercourse for maintenance purposes and to ensure that there will be no risk of the watercourse becoming blocked by debris from the stockpiles or bank slipping due to increased loading of the bank top.

14. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason:

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

15. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason:

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

16. The amendments to the A63 site access roundabout based on the submitted drawing number 4608-WSP-00-ZZ-DR-CH-GA\_101/P01 shall be completed prior to the first occupation of any new building on the site.

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

The works must be completed in accordance with the approved engineering details and programme.

Reason:

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

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

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the timing of the use of A63 roundabout for construction purposes;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles clear of the A63;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of contractors working adjacent to the highway;

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

18. No development shall take place until full details of both hard and soft landscaping works, including implementation programme and Schedule of maintenance and after, has been submitted to the and approved in writing by the local planning authority. The scheme shall include and be not limited to:

Hard landscaping works shall include;

- existing site features proposed to be retained or restored including trees, hedgerows, walls and fences and structures.
- proposed finished levels and/or contours,
- proposed grading and mounding of land showing relationship of surrounding land
- boundary details and means of enclosure,
- car parking layouts,
- hard surfacing layouts and materials,

Soft Landscaping shall include;

- Planting plans
- Written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment and
- Schedules of plants noting species, planting sizes and proposed numbers/densities, means of support and protection.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for general Landscape operations.

The developer shall complete the approved landscaping works and confirm this in writing to the County Planning Authority prior to the date agreed in the implementation programme.

Reason:

This condition is necessary in order to retain and enhance the landscape character and biodiversity of the area to comply with Local Plan Policies ENV1 and ENV12 and Core Strategy Policy SP19.

19. Before the development is first brought into use a landscape management plan including long term design objectives management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority. The management plan shall include measures for 15years maintenance following the first 5 years from establishment. The landscape management plan shall be carried out as approved.

Reason:

To ensure the scheme is developed and managed for future years in accordance with the approved detail and therefore maintained. This will ensure the development accords with Policies SP18, SP19 of the Core Strategy and Local Plan Policy ENV1.

20. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree / root protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority.

The scheme for the protection of the retained trees shall be carried out as approved and maintained until the scheme is completed.

Reason:

This condition is necessary in order to retain the existing landscape features biodiversity of the area in order to comply with Local Plan Policies ENV1 and ENV12 and Core Strategy Policy SP18.

21. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure maintenance of a healthy landscape scheme, in accordance with Local Plan Policies ENV1 and ENV12 and Core Strategy Policy SP18.

22. No development approved by this permission shall be commenced until the Local Planning Authority has approved a scheme for the provision of surface water and foul water drainage works from the Gate House building. Any such Scheme shall be

implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason:

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

### Informatives

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culverted main river (16metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission
  - For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.
2. IDB- Maintenance Responsibility - The proposed development is within the Board's area and is adjacent to Cherry Orchard Drain and Barlby Hill Drain, which at these locations, are maintained by the Board under permissive powers within the Land Drainage Act. 1991. However, the responsibility for maintenance of the watercourse and its banks rests ultimately with the riparian owner.
3. Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.
4. Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.
5. It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge the highway conditions. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.
6. Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To

carry out works within the highway without a formal Agreement in place is an offence.

## **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 2019/1027/EIA and associated documents.**

### **Contact Officer:**

Gareth Stent (Principal Planning Officer)

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

**Appendices:** None