



Report Reference Number 2019/0045/EIA

**To: Planning Committee**  
**Date: 5<sup>th</sup> October 2022**  
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APPLICATION NUMBER:	2019/0045/EIA	PARISH:	Escrick Parish Council
APPLICANT:	Harworth Estates Investments	VALID DATE: EXPIRY DATE:	14th January 2019 15th April 2019
PROPOSAL:	Outline application for redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities.		
LOCATION:	Land Between New Road And Wheldrake Lane Wheldrake Lane Escrick York		
RECOMMENDATION:	Approve		

This application has been brought before Planning Committee as it is EIA development.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The site is 36.4ha in area with 12.6ha being within the Selby District Council administrative area and 23.8ha being within the City of York Council administrative area. This is known as a cross-boundary application. Almost the entire Selby portion of the site has been designated as a Site of Importance to Nature Conservation (SINC). The whole site is within the countryside designated as Green Belt. Almost the entire site is within flood zone 1 (low risk) with peripheral sections within flood zone 2 (medium risk) and flood zone 3 (high risk). The site comprises a former satellite coal mine site that was part of the Selby Mine Complex with operations ceasing in the year 2000. The Selby portion contains an area of landscaped bunds to the south of the former pithead. Two public rights of way connect into or run through the site as follows: footpath 35.28/2/1, which runs from Escrick in the south west and enters the site on its southern edge near the junction of Spring Wood/ Halfpenny Dike; and bridleway 23/5/10 that runs along the site boundary immediately south of the existing waste water treatment plant before turning north along Bridge Dike through the western edge of the site to New Road in

the north. The villages of Escrick, Deighton and Wheldrake lie at distances of approximately 1.81km, 1.89km and 2.42km from the site respectively. There are isolated dwellings or agricultural holdings surrounding the site.

## **The Proposal**

- 1.2 This is an application for outline planning permission for proposed redevelopment of a former mine to leisure development comprising of static caravans and touring caravans/campervans along with associated facilities including details of access. All other matters are reserved. An application has also been submitted to, approved and varied by City of York Council under the provisions for cross boundary developments (see relevant planning history section below).
- 1.3 Access to the site is gained from an existing approximately 1.7km (1 mile) long road via its junction with the A19 north of the village of Escrick. The application has been revised since first submission and now proposes holiday accommodation split into two areas - 1.49ha of land available within the existing car parking area for use by touring campers and caravans (Woodland) and 6.24ha of land available within the existing mine pithead for static caravans (Bowl). It is likely that the proposed caravans would fall within the definition of a caravan in the 1960 Caravan Sites and Control of Development 1960, in that they would be a structure designed for human habitation which is capable of being moved from one place to another. There would be associated engineering works to create bases for the caravans, internal access roads and utility service connections. The application indicates the erection of a reception and shop (150sq.m.) and café bar (200sq.m.). An amended parameters plan has been submitted, the purpose of which is to show development zones. The plan shows the administrative boundary between the two Council areas and that development within the Selby District Council portion of the site is very limited with the 'valley' retained as open mosaic habitat. Proposals within the Selby portion includes:
- Proposed recreational footpaths, surfaced with recycled crushed material from site, around the periphery of the site.
  - Proposed stockproof fence, treated timber posts with straining wires and light pattern stockproof mesh to control access to the SINC.
  - Retention, management and strengthening of existing hedgerows to the southern site boundary.
  - Retention and enhancement of woodland planting along the mound top.
  - Signage and interpretation panels to be placed along footpaths around SINC/ open mosaic habitat outlining the value of this habitat and conservation aims.
  - Twelve new ponds.
- 1.4 The application is considered to be EIA development as it falls within Schedule 2: Category 12 (Tourism and Leisure) Class c holiday villages. City of York Council provided a screening and scoping opinion in 2018 to confirm this, and the application is accompanied by an Environmental Statement (ES). In addition to the ES, the application is supported by a Planning Statement, Design and Access Statement, Tourism Supporting Statement and a Statement of Community Involvement. The latter outlines the pre-application consultation and public exhibitions to facilitate engagement with the local community. The application includes an Environmental Statement which examines a wide range of topics including:

- Landscape and Visual Considerations
  - Nature Conservation and Ecology
  - Noise
  - Air Quality and Dust
  - Transportation and Traffic
  - Hydrology, Drainage, Flood Risk and Contamination
  - Cultural Heritage
  - Rights of Way
  - Climate Change Adaption
  - Alternatives
  - Cumulative Impact Assessment
- 1.5 On the 10<sup>th</sup> June 2019 the Council made a Regulation 25 request (under the EIA Regulations 2017) requiring additional information from the applicant. The request entailed the requirements of the NYCC Ecologist in their first response below and the requirements of Highways England in their first response below.
- 1.6 On the 13<sup>th</sup> September 2019 the Council received the information required by the Regulation 25 request, as well as revised indicative masterplan, parameters plan and cross sections. This information was readvertised.
- 1.7 On the 22<sup>nd</sup> September 2020 the Council received:
- Amended indicative masterplan 2356.04 Rev 05
  - Amended recreational strategy plan 2356.08 Rev 01
  - Amended parameters plan 2356.02 Rev 03
  - Site drainage strategy
- 1.8 On the 15<sup>th</sup> August the Council received the below. This was readvertised along with the information noted in paragraph 1.7:
- Agreement to the amended description of development

### **Relevant Planning History**

- 1.9 The site has a significant planning history the most relevant of which is as follows. Outline consent (ref. C/8/999/18/PA) was granted in 1978 for the use of the site in connection with the mine complex, with reserved matters approval for the mine buildings and landscaping being granted in 1981 (ref. C/8/999/18G/PA). UK Coal submitted a planning application to City of York Council in 2000 (ref. 00/00680/FUL) for the retention of the mine buildings and their reuse for B1 (office and light industrial), B2 (general industrial) and B8 (storage and distribution) purposes, but was withdrawn prior to determination.
- 1.10 Following legal advice in 2010, City of York Council took enforcement proceedings to require the removal of all plant, buildings and machinery from the site in order to comply with conditions of the outline and reserved matters consent. This was appealed by the landowner, but was held in abeyance by the Planning Inspectorate until alternative use of the site was investigated and was subject to due process through planning. Full planning permission (ref. 12/03385/FULM) was granted by City of York Council in 2014 for the demolition of the mine buildings and construction of an anaerobic digestion combined heat and power facility and horticultural glasshouse (entirely within the City of York Council area).

Subsequently, in 2018, the enforcement notice was withdrawn following removal of the majority of plant, buildings and machinery and the implementation of the 2014 permission. A certificate of lawfulness to confirm implementation of the 2014 permission was granted in 2017 (ref. 16/02791/CLD) by City of York Council.

1.11 Further City of York Council planning history is as follows:

- 19/00078/OUTM Outline application for redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities (revised scheme). Approved 7/8/2020. Deadline for submission of reserved matters is 7/8/2023.
- 20/01546/FUL Variation of condition 4 of permitted application 19/00078/OUTM (redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravans and static caravans with associated facilities) to remove limit of 28 nights occupation in any one calendar year. Approved 18/3/2021.

## 2. CONSULTATION AND PUBLICITY

- 2.1 **Environmental Health:** The comprehensive comments submitted by Public Protection at City of York Council cover all conditions to propose in terms of the section of the development within Selby District.
- 2.2 **Planning Policy:** A summary of key policy issues and commentary on each is provided with additional comments with regards to green belt considerations being subsequently provided.
- 2.3 **Waste and Recycling:** No comment.
- 2.4 **Landscape Architect:** Generally supportive of the application and recommends the following be secured as reserved matters and or legal agreement: tree survey and protection measures; details of hard and soft landscaping; landscape maintenance and aftercare for new planting; improvement and maintenance of the PROW within the area of the site; long term maintenance and management plan for existing and proposed landscape, maintained for the duration of the development.
- 2.5 **North Yorkshire County Council Highways:** Initially requested a transport assessment to show expected journeys to and from the site; TRICS parameters; assessment of the impact of the generated journeys to the south-east and west on key junctions on North Yorkshire's highway network; it may be necessary to undertake sensitivity testing on the trip distributions. In further responses, following consideration of an additional technical note, no objection was raised.
- 2.6 **North Yorkshire County Council Archaeology:** No objection.
- 2.7 **North Yorkshire County Council Public Right of Way:** Recommends an informative regarding the adjacent public right of way.
- 2.8 **NYCC Lead Local Flood Authority:** The submitted documents demonstrate a reasonable approach to the management of surface water on the site. Conditions are recommended regarding a scheme restricting the rate of development flow runoff from the site, exceedance flow routes and percolation testing.

2.9 **North Yorkshire County Council Ecology:** Agrees with the conclusion of no likely significant effects upon Skipwith Common SAC and the Lower Derwent Valley SAC & SPA. In relation to North Selby Mine SINC, concerns are raised that the development as proposed will lead to direct and indirect impacts upon the SINC. Mitigation and compensation for the identified impacts is not considered sufficient to offset the impacts of the development and 'secure a measurable net gain' as set out in the NPPF. It is recommended that further measures are considered to avoid the loss of this habitat of principal importance by reviewing the layout of the development. Further information is required regarding invertebrates. A great crested newt derogation licence will be required; the method statement to deal with construction impacts is considered appropriate; site operation impacts are more difficult to manage and it is therefore recommended that there are ponds and terrestrial habitat which are not accessible by the public. In relation to pond 3 it is recommended that a buffer of terrestrial habitat is retained around the pond and access is limited –as such development within the 'Bowl' area of the site should be pulled back from pond 3 and the recreational footpath should be diverted away from the pond. Further water vole surveys are required prior to works taking place. Bat mitigation requires minimal lighting and no lighting in sensitive areas. Further bat surveys may be required if there is a delay in removing buildings. Vertebrates-presence/absence surveys are required any mitigation necessary. Any areas on site which provide essential mitigation, compensation and enhancement for the scheme will need to have monitoring and management plans in place to ensure that the mitigation and compensation functions remain in the long term. Monitoring plans will need to include targets and identify trigger points when interventions would need to take place.

#### Designated sites

Key changes which have been made to address impacts upon the habitats for which North Selby Mine SINC has been designated include:

- Removal of development from the 'Valley' part of the site
- Removal of the glamping area of the development from the 'Woodland' part of the site
- Proposed fencing of footpaths to address concerns about disturbance
- A monitoring and management plan for the SINC

It is considered that the first three of these measures will reduce impacts upon the features for which the SINC has been designated. The extent of development should be confined to the development limits for static caravans (Bowl) and touring caravans (Woodland) as set out in the Indicative Masterplan (2356.04, Rev 04) to minimise SINC impacts. The invertebrate survey has now been undertaken. Features of interest to invertebrates can be protected, maintained and enhanced through the SINC management measures put forward. The amendments move the footpath further from pond 3 which contains the main population of great crested newts. This and habitat management proposals within the SINC Management Plan will minimise impacts upon great crested newt. It is agreed updated water vole surveys can be conditioned. Bats: The key impacts upon bats include the loss of foraging habitat from the western end of the site and increased disturbance from the operation of the site – including increased noise and lighting. Recommendations have been made for minimising lighting on site which is supported – there should be no lighting within the woodland areas and also no lighting along footpaths which are within or adjacent to ecologically sensitive habitats such as woodland and wetland. This can be conditioned. Vertebrates: The survey results have now been provided and I am satisfied with the level of survey work and measures proposed. Monitoring and Management: the SINC Management Plan provides outline prescriptions for the

management and monitoring of key features of the SINC and its associated species. Satisfied with the content of the plan and consider that it would protect, maintain and enhance the features for which the SINC was designated. It is noted that the management plan will be in place for the life of the development. There will be a need to secure this plan, make provision for the submission of detailed proposals and secure the long-term aspects through a suitably worded condition and/or a legal agreement. A recreation strategy was also requested by the City of York Ecologist and this has been provided at Appendix 5. This is considered a key element in protecting the key features of the SINC and minimising disturbance upon sensitive features. The key objectives of this strategy are supported. In summary, it is now considered that there is sufficient ecological information provided in order for the application to be determined.

The submission of an updated parameters plan, recreation strategy plan and masterplan, all of which support the positive changes made to the layout of the development, do not change the ecological position in relation to the development, and so above advice remains the same.

- 2.10 **City of York Contaminated Land Consultant:** Contamination risks relating to the previous mine use are noted. Conditions are recommended regarding investigation of contaminated land; submission of a remediation scheme; verification of remedial works; and reporting of unexpected contamination.
- 2.11 **North Yorkshire Fire and Rescue Service:** No objections.
- 2.12 **North Yorkshire Police:** The site is in a low crime area. Secure cycle storage is recommended.
- 2.13 **Natural England:** No objection. The proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. European sites – River Derwent Special Area of Conservation; Lower Derwent Valley Ramsar, Lower Derwent Valley Special Protection Area; and Lower Derwent Valley Special Area of Conservation. River Derwent Site of Special Scientific Interest and Derwent Ings Site of Special Scientific Interest. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- 2.14 **Historic England:** No requirement for consultation.
- 2.15 **Environment Agency:** No objection and recommends a condition regarding compensatory flood storage; flood warning and evacuation plan; and no permanent structures within flood zone 3. Proposed compensatory storage is now located in flood zone 1, as shown in the Indicative Masterplan (drawing number 2356.04 Revision 05). The developer should ensure that the proposed compensatory storage is in hydrological continuity with the flood plain so that it functions as intended and is able to fill and drain naturally (ie via gravity). Surface water drainage details should be agreed with both the IDB and LLFA. Conditions requested.
- 2.16 **Ouse and Derwent Internal Drainage Board:** Recommends conditions regarding surface water drainage; restriction on the rate of discharge from the site; assessment of the receiving watercourse; and no storage of materials adjacent to the bank top of the watercourse. Informatives regarding maintenance

responsibilities; and the need for IDB consent for works near the watercourse, outfall to it and discharge to it.

- 2.17 **Yorkshire Water:** Recommends conditions regarding protection of public water supply infrastructure and surface water outfall.
- 2.18 **Highways England:** Following further clarification about how developmental trips generated by the site will be distributed via the A64/A19 interchange, raised no objection.
- 2.19 **Ministry for Housing, Communities and Local Government:** No comment.
- 2.20 **Cllr Musgrave:** Made representation to the application as follows:  
“I have two principle areas of concern relating to the current proposals:  
(1) the proposed development area itself extends beyond the previously developed area which will have an impact on the openness of the greenbelt and should be considered inappropriate. In addition the proposals show development of the SINC and woodland area, which should be avoided. We should guide the applicant accordingly.  
(2) the impact of traffic (incl caravans) from several hundred new units on the Highway network will be considerable, especially given that there will be peaks and troughs for access / egress such as check in / check out times. Additionally, there is little proposed in the way of onsite amenities so site occupiers will likely travel to and from the site to access local attractions - York, North York Moors, the Dales, the coast & seaside towns, Howardian Hills, Castle Howard, Flamingo Land, etc. All these will require vehicles to cross the south bound traffic on the A19 and join the A19 north towards the A64. You may or may not be aware that NYCC Area 7 Highways team are working with Escrick Parish Council on a new traffic light scheme at A19 / Skipwith Lane junction (only a few hundred meters to the South of this site), in significant part as it is so difficult for traffic to turn right out of Skipwith Lane to join A19 north. It would be perverse of NYCC to consider this a problem worthy of a significant scheme just a few hundred meters away, but not for this development so I'd urge you to ask NYCC to consider these proposals very closely. In my experience such infrastructure matters should be dealt with at outline stage.”
- 2.21 **Escrick Parish Council:** No objection in principle but requested amendments, including:
- Reduction of the scale of the development to delete those areas of accommodation located within the SINC and established woodland;
  - Restrictions to be applied to prevent permanent residential use of the holiday accommodation;
  - A maximum number of accommodation units on the site to be specified in any consent to ensure that the various impacts are assessed and mitigated appropriately as required;
  - Works to be required and restrictions applied to mitigate the impact of light, noise and traffic during both construction and use of the holiday park;
  - The highways impact of the development on the A19 needs to be more thoroughly understood and mitigated as appropriate. Improvements to the A19/New Road junction may be required to ensure that cars pulling caravans do not overhang the A19 central reservation when waiting to turn and cause a safety hazard;

- To encourage sustainable travel, a footpath/cycleway should be installed from the site along the length of New Road and within the A19 verge from its junction to the BP garage/Spar shop on the edge of Escrick;
- To safeguard the amenity of existing residents, construction traffic and heavy lorries delivering the lodges and static caravans etc should be prohibited from using Skipwith Road and other streets within the village.
- Again, to safeguard local amenity concerns, conditions restricting hours of work of construction and requiring that the 'Code of Considerate Practice' of the Considerate Constructors Scheme is fully adhered to in order to minimise the impact on the local community should be imposed."

*12/6/2019* Previous comments still stand. Support the principle but object to specific details: there should be no accommodation within the SINC or woodland; The highways impact of the development on the A19 needs to be more thoroughly understood and mitigated, traffic generation is underestimated. Improvements to the A19/New Road junction may be required to ensure that cars pulling caravans do not overhang the A19 central reservation when waiting to turn and cause a safety hazard. A footpath/cycleway should be installed from the site along the length of New Road and within the A19 verge from its junction to the BP garage/Spar shop on the edge of Escrick. We support the consultation response of Selby Council's Planning Policy Manager. The previous consent for the redevelopment of the Green Belt site should not assume that additional greenfield areas not previously proposed for development should now be included within the redevelopment area for the leisure accommodation. The proposals should not have a greater impact on the openness of the Green Belt than the current use or the extant consent. The development area should be reduced accordingly. The proposal should comply with Policy RT12. We consider the proposal conflicts with parts 1 and 2 of the policy. Our comment on parts 4 and 5 is contained in our response to the additional highways information provided as above. And part 7 is self evidently excessive when comparing the number of leisure units proposed at 434, which is larger than the number of dwellings in Escrick village itself (which is circa 370 households).

*5/11/2019* Welcome the reduced scale of the proposals, limited now to the reduced woodland area and bowl. EPC welcomes the proposed reduction to what we understand is now only the 'brownfield' area of the site, with the consequent reduction in pitches from 434 no to 323 no. Any planning consent should be carefully worded to ensure that this developable area and number of pitches cannot be increased in the future. The master plan and other plans should for part of a s106 as should the landscape improvements to ensure they are implemented in full. Highway consultees now raise no objection based on the reduced pitch numbers which reinforces the need to control the number by condition and s106. Improvements to the A19/New Road junction may be required to ensure that cars pulling caravans do not overhang the A19 central reservation when waiting to turn and cause a safety hazard. A footpath/cycleway should be installed from the site along the length of New Road and within the A19 verge from its junction to the BP garage/Spar shop on the edge of Escrick. We cannot find any drawings of the proposed highway works to be able to assess where and how this would work. The A19 is already extremely dangerous to cross. EPC would like to see further information of the proposed crossing improvements before it will withdraw its concerns in this regard. Existing users of the site access road / New Road are totally ignored. The proposal will generate significant traffic on this road to use the facilities in Escrick. There is no guarantee the on site shop will be delivered. This reinforces the case for the area of grass verge adjoining the length of the access road being used to provide a shared surface footpath / cycleway / bridleway that



would provide a safe access away from the roadway and its cars and caravans. PROW improvements may also be required if they are to be used by site visitors. Noise concerns have not been addressed. The cumulative noise impact will be heard over a large surrounding area. This could have serious detrimental amenity impacts for local residents. Surrounding landscaped areas could be built up to contain the noise within the site.

7/9/2022 Escrick Parish Council confirmed its previous comments still apply.

2.22 **Representations:** Two letters of objection have been received which are summarised as follows:

- The amount of development has increased from the public consultation exercise onto green belt land that has not previously been developed.
- No development should be approved unless green belt policy is satisfied.
- The access road must be upgraded speed calming measures installed. The substandard road surface causes noise issues.
- The A19 junction is unfit to accommodate traffic from the proposal and is dangerous.
- Traffic generation is underestimated.
- Walkers / cyclists / horse riders should be provided with a suitable pathway from the A19 to the proposed development entrance.
- Horse riding on New Road will be compromised.
- Existing users of New Road (Springwood Farm, Springwood Stables, Storey transport) often have projecting vehicles with trailers emerging onto New Road waiting for loading or existing gates to open or close which will cause traffic problems/ accidents.
- The large increase in traffic may require traffic lights or a roundabout to maintain highway safety.
- The site is suited to a smaller number of lodges and should not use the SINC and woodland.
- Permanent residential use should be prevented.
- A flood risk sequential test should be required.
- Glad to see reduction in the area to be developed but my concerns still remain from the original objection.

### 3. **SITE CONSTRAINTS**

#### **Constraints**

3.1 Almost the entire Selby portion of the site has been designated as a Site of Importance to Nature Conservation (SINC). The entire site is within countryside and designated green belt. Almost the entire site is within flood zone 1 (low risk) with peripheral sections within flood zone 2 (medium risk) and flood zone 3 (high risk). Two public rights of way connect into or run through the site as follows: footpath 35.28/2/1, which runs from Escrick in the south west and enters the site on its southern edge near the junction of Spring Wood/ Halfpenny Dike; and bridleway 23/5/10 that runs along the site boundary immediately south of the existing waste water treatment plant before turning north along Bridge Dike through the western edge of the site to New Road in the north. The villages of Escrick, Deighton and Wheldrake lie at distances of approximately 1.81km, 1.89km and 2.42km from the site respectively. There are isolated dwellings or agricultural holdings surrounding the site.

#### **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 various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the Church Fenton and the Appleton Roebuck and Acaster Selby neighbourhoods plans.
- 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 and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. 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 2021 NPPF and, in particular, sections 2 Achieving sustainable development, 6 Building a strong, competitive economy, 9 promoting sustainable transport, 11 Making effective use of land, 12 Achieving well-designed places, 13 Protecting Green Belt land, 14 Meeting the challenge of climate change, flooding and coastal change, and 15 Conserving and enhancing the natural environment.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*"219. ....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 (SDCS)**

- 4.6 The relevant Core Strategy Policies are:

SP1 Presumption in Favour of Sustainable Development  
SP2 Spatial Development Strategy  
SP3 Green Belt

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 (SDLP)**

4.7 The relevant Selby District Local Plan Policies are:

ENV1 Control of Development  
ENV2 Environmental Pollution and Contaminated Land  
ENV3 Light pollution  
ENV9 Sites of Importance for Nature Conservation  
T1 Development in Relation to the Highway network  
T2 Access to Roads  
T8 Public Rights of Way  
VP1 Vehicle Parking Standards  
VP4 Parking for People with Disabilities  
RT11 – Tourist Accommodation  
RT12 Touring Caravan and Camping Facilities

### **Minerals and Waste Joint Plan**

4.8 The relevant Minerals and Waste Joint Plan policies are:

Policy W03: Meeting waste management capacity requirements - Local Authority Collected Waste.  
Policy W04: Meeting waste management capacity requirements - Commercial and Industrial waste (including hazardous C&I waste)  
Policy D13: Consideration of applications in Development High Risk Areas

### **Other considerations- The Escrick Neighbourhood Development Plan**

4.9 Following the receipt of the independent Examiner's Report on the Escrick Neighbourhood Development Plan, the Council has now produced a Decision Statement (as required under regulation 18 of The Neighbourhood Planning Regulations 2012, as amended) which sets out the Council's response to each of the recommended modifications contained within the Examiner's report. The Decision Statement confirms that, subject to the recommended modifications being made to the Escrick Neighbourhood Development Plan, the Plan should proceed to referendum. The referendum is scheduled to take place on the 6<sup>th</sup> October 2022, the day after the planning committee meeting.

4.10 The relevant Escrick Neighbourhood Development Plan policies are:

MT1 - TRAFFIC FLOW ALONG A19  
MT2 - CAR PARKING  
MT3 - PEDESTRIAN & CYCLE CONNECTIONS  
NE1 - GREEN INFRASTRUCTURE  
NE2 - GREEN SPACE CONNECTIVITY  
BEH1 - DRAINAGE & FLOOD PREVENTION  
BEH3 - HISTORIC RURAL ENVIRONMENT  
BEH4 - STREETS & STREET SCENE

## **5. APPRAISAL**

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

- Principle of development
- Green Belt policy
- Flood risk and drainage
- Access, parking and highway safety
- Character and appearance
- Biodiversity
- Residential amenity
- Environmental matters
- Alternative uses for the site
- Other considerations including economic considerations

### **Principle of development**

- 5.2 Central Government guidance is contained in the National Planning Policy Framework. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance, including land designated as Green Belt, provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 5.3 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan consists of the saved policies of the Selby District Local Plan, the Selby District Core Strategy Local Plan and the Minerals and Waste Joint Plan. The Escrick Neighbourhood Development Plan is not part of the development but is a material consideration. The agreement that it should proceed to referendum following examination means it is at a relatively advanced stage of preparation; there is a lack of unresolved objections; and it is consistent with the NPPF following the recommended modifications by the examiner. These factors mean it should be afforded some weight in the decision making process in accordance with the tests set out in NPPF paragraph 48 which allows LPA's to give weight to emerging plans according to the aforementioned tests.
- 5.4 The proposal involves the use of a former mine site located within open countryside north of Escrick for a holiday village of static and touring caravans. These would be sited within the existing operational area of the mine, which falls entirely within the City of York Council boundary, with ancillary facility buildings and engineering works to create bases for the siting of the caravans, internal access roads/paths and service connections. The surrounding land within the larger site but outside the former operational area of the mine is to be retained as woodland, agricultural grassland and open mosaic habitat. Within the SDC boundary are the former spoil mounds now designated as a SINC due to their special nature conservation interest.

- 5.5 The Minerals and Waste Joint Plan allocates part of the application site for meeting waste management capacity requirements for local authority collected waste via Policy W03 (reference WJP02). The site is also allocated for meeting waste management capacity requirements for commercial and industrial waste by Policy W04.
- 5.6 The allocation covers part of the western section of the site and New Road to the junction with the A19 within the City of York Council area. The allocation arose from the anaerobic digestion facility granted planning permission by City of York Council in 2014 (reference 12/03385/FULM). The Joint Plan does not acknowledge that City of York Council approved application 19/00078/OUTM for the current proposal on 7/8/2020, significantly before the adoption of the Joint Plan in 2022. Therefore, the principle of an alternative use in conflict with these Joint Plan policies has already been established.
- 5.7 The Coal Authority has identified Development High Risk Areas (formerly known as Coal Mining Development Referral areas). These are most likely to be subject to land stability and other public safety hazards associated with old mine entries. The SDC portion of the application site is within a Development High Risk Area to which Joint Plan Policy D13 relates. The policy requires a coal mining risk assessment and where necessary incorporation of suitable mitigation measures in relation to land stability. Permission will be granted where it can be demonstrated, through the Coal Mining Risk Assessment, that the development will not be at unacceptable risk. The proposed change of use of land within the Selby portion of the site is exempt from the requirement to provide a coal mining risk assessment, as set out in paragraph 9.117 of the Minerals and Waste Joint Plan. NPPF paragraph 174 requires decisions prevent new development from being put at unacceptable risk from land instability. Paragraph 183 requires decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability. This includes risks arising from former activities such as mining. Paragraph 184 states “where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”
- 5.8 The NPPF supports a prosperous rural economy with, inter alia, sustainable rural tourism and leisure developments which respect the character of the countryside (paragraph 84(c)). At paragraph 85 it states that ‘The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist’.
- 5.9 Policy SP2 of the Core Strategy establishes a spatial development strategy with the location of future development based on the following principles. Development in the countryside will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13. In the green belt, development must conform with Policy SP3 and national green belt policies. Policy SP3 sets out, in accordance with the NPPF, within the green belt permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist.
- 5.10 Policy SP13 supports the development and revitalisation of the local economy in all areas. In rural areas, sustainable development (on both Greenfield and Previously

Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example the redevelopment of existing and former employment sites and commercial premises; and rural tourism and leisure developments, small scale rural offices or other small scale rural development. In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.

5.11 Policy RT11 relates to tourist accommodation and seeks to restrict serviced or non-served tourist accommodation outside development limits to existing buildings or extensions to them, providing there are no conditions created that are prejudicial to highways safety, local amenity, in green belt where they are an acceptable form of development and subject to a condition restricting the maximum period of occupation. As the site relates to proposed buildings and the provision of new static accommodation, the application could be considered to be contrary to this policy, though further consideration is required of the appropriateness in green belt and balanced against national planning policy advice and the site history and circumstances.

5.12 Policy RT12 provides policy specifically for touring caravan and camping facilities, leaving the static caravan element of the proposal to be dealt with under Policy SP13 of the more recent Core Strategy and the NPPF. Policy RT12 relates to the *touring caravan* element of the proposal. The preamble to the policy acknowledges that suitable sites for the location of caravans are likely to be located beyond development limits. The policy supports touring caravan sites provided:

*“1) The proposal would not have a significant adverse effect on the character and open appearance of the countryside, or harm acknowledged nature conservation interests;*

*2) Any proposal for development within the locally important landscape areas, as defined on the proposals map, would conserve and enhance the landscape quality of the area in terms of scale, siting, layout, design, materials and landscaping;*

*3) The proposal would not be visually intrusive and would be well screened by existing vegetation, or would incorporate a substantial amount of landscaping within and around the site;*

*4) The site would have good access to the primary road network;*

*5) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity.*

*6) Any new ancillary buildings or structures are essential to providing basic services on the site; and*

*7) The number of pitches in any one area would be in proportion to the size of the locally resident population so as not to disrupt community life”*

5.13 The Escrick Neighbourhood Development Plan does not contain policies relevant to the principle of development but does confirm the Parish has 1,100 residents. The total number of pitches proposed is 323. This accords with the proportionality test in Policy RT12 part 7. The aforementioned suite of policies is considered generally

supportive of the principle of development including the shop and café bar to cater for daily needs, subject to the detailed considerations below.

### **Green Belt policy**

- 5.14 NPPF paragraph 137 to 151 provide Green Belt policy. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 states “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 148 states “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”
- 5.15 At paragraph 149(g) of the NPPF, the construction of new buildings as part of the partial or complete re-development of previously developed land that does not have a greater impact on openness of the Green Belt than the existing development is appropriate development. Engineering operations and material changes in the use of land (such as to outdoor sport and recreation) are not inappropriate under paragraphs 150(b) and 150(e) respectively of the NPPF, providing they preserve openness of the Green Belt and do not conflict with the purposes of including land within it.
- 5.16 The NPPF defines previously developed land as ‘land which is or was occupied by a permanent structure, including the curtilage of the developed land...and any associated fixed surface infrastructure’. The definition excludes, firstly, land that has been developed for mineral extraction where provision for restoration has been made through development management procedures and, secondly, land that was previously developed but where the remains of permanent or fixed surface structure have blended into the landscape. However, in light of the site’s history, including the fact that the restoration provision has not been fully enforced, the removal of the enforcement notice by City of York Council after removal of the majority of mine buildings and implementation of an approved 2014 application for anaerobic digestion plant, the former operational area of the mine is considered to be previously developed land as defined by the NPPF. The current level of development on the site comprises areas of hard surfacing of the former mine area and its car parking area. Within the mine area there are six smaller colliery buildings, centred round the capped shafts on the pithead, which have been retained due to the presence of protected species or because they are electricity substations. The former pithead is enclosed by a high fence. The land outside the operational area, being undeveloped or land reclaimed by nature is not considered to constitute previously developed land.
- 5.17 The erection of any buildings on the former pithead would fall within 149(g) and providing they had no greater impact on openness than the existing built form would constitute appropriate development. The application indicates the erection of a reception and shop (150sq.m.) and café bar (200sq.m.) These potential new buildings would have far less impact on the openness of the green belt because spatially their footprint and likely height are far less than the existing mine buildings, and visually they are well contained by the surrounding vegetation and topography. The buildings form a very small part of the overall proposal and would be ancillary to the main element of the proposal being the use of the land for siting static and touring caravans as part of a residential leisure development, which would not fall

within any of the listed exceptions in paragraph 150 of the NPPF. As such, the proposed buildings are appropriate development but the use of land for caravans is inappropriate development in the Green Belt.

- 5.18 Whilst it is acknowledged that there is the 2014 implemented permission for an anaerobic digestion facility and horticultural glasshouses, the baseline for considering the impact on openness is the existing development on site, comprising areas of level hard surfacing and six retained former colliery buildings. The proposed caravans would result in an increase in the amount of three-dimensional development across the site over and above the current extent of retained buildings, which would in turn have a moderate impact on the openness of the site due to the limited short and longer distance views of the site possible because of the existing topography and landscaping of the site. The raising of the access road, which was also consented by the 2014 permission, would constitute engineering operations that would preserve the openness of the Green Belt.
- 5.19 The proposal, as a whole, would not conflict with the five purposes that Green Belt serves as listed in paragraph 138 of the NPPF. These are:
- a) to check the unrestricted sprawl of large built-up areas – the site is physically separate from York urban area and its outlying villages and is a former mine that has an implemented permission for development as an AD facility and horticultural glasshouses;
  - b) to prevent neighbouring towns from merging into one another - the application site is nearby, though physically separate from the surrounding villages of Escrick, Deighton and Wheldrake and as a result would not lead to these neighbouring settlements merging;
  - c) to assist in safeguarding the countryside from encroachment – the proposal relates to the re-use of a former mine site and the part that is considered to be previously developed land;
  - d) to preserve the setting and special character of historic towns – longer distance views from the south of the historic city of York and its Minster would not be adversely affected by the development which lies at lower level nor would it affect the historic layout of the City and its surrounding hinterland of villages amidst open countryside;
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land – the proposal would not assist in the regeneration of other urban area, but would bring previously developed land into a use.
- 5.20 Overall, however, the proposal constitutes inappropriate development in the Green Belt that would also erode its openness to a moderate degree. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such harm is attributed substantial weight as required by paragraph 148 of the NPPF and the proposal should not be approved unless the harm is clearly outweighed by other considerations, as set out in the NPPF and policy SP3.

### **Flood risk and drainage**



- 5.21 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Policy ENV1(3) of the Local Plan requires the capacity of infrastructure to be taken into account as part of development proposals. Core Strategy Policy SP15A(d) reflects the general approach to flood risk outlined in the NPPF. Policy BEH1 requires new development should not add to the overall level of flood risk in the Parish of Escrick including on site and downstream; SUDS are encouraged; and unnecessary culverting is resisted.
- 5.22 The site falls largely within Flood Zone 1 (low probability), and, as such, should not suffer from river flooding. However, the access road at its entrance and the land either side of it falls within Flood Zone 3 (high probability). Advice in the NPPF and its accompanying Planning Practice Guidance requires that a sequential approach be taken to the location of development with development being directed to land at least risk of flooding before higher risk areas are considered. No permanent structures are proposed in Flood Zone 3. The access is existing and cannot be re-positioned. The application proposes to raise the level of the access to lift it above the height of flood waters and provide compensatory flood storage on the land to the west. This is considered to be acceptable in principle subject to detailed design, which can be required through condition.
- 5.23 A site-specific flood risk assessment has been carried out for the proposed development and confirms that the proposed development will not increase the risk of downstream flooding. Infiltration tests undertaken have demonstrated that the site is not suitable for soakaways. It is proposed to install a new waste water treatment plant to dispose of foul water utilising the existing outfall from the system in place as part of the colliery. Existing permitted discharge points and flow rates would be retained. Conditions are sought to cover the detailed design of foul and, in particular, surface water drainage.
- 5.24 Overall, the proposal has sought to direct development away from areas at the highest risk of flooding and has demonstrated that the site can be adequately drained without increasing flood risk elsewhere. Therefore, subject to conditions covering water supply, waste water and flood risk, it is acceptable in flood risk terms and complies with national and local flood risk planning policy including Escrick Neighbourhood Development Plan Policy BEH1.

### **Access, parking and highway safety**

- 5.25 The NPPF encourages development that is sustainably located and accessible. Paragraph 110(b) requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 5.26 Policy SP15 encourages schemes where necessary or appropriate to minimise traffic growth by providing a range of sustainable travel options (including walking, cycling and public transport) through Travel Plans and Transport Assessments and facilitate advances in travel technology such as Electric Vehicle charging points; and make provision for cycle lanes and cycling facilities, safe pedestrian routes and improved public transport facilities. Policy SP19 encourages sustainable access modes. Policy ENV1 requires SDC take account of the relationship with the highway network, means of access the need for road/junction improvements near

the site and car parking arrangements. Policy T1 requires proposals are well related to the existing highway network; and that existing roads have adequate capacity and can safely serve the development, unless off-site highway improvements are undertaken by the developer. Policy T2 permits new accesses and intensified use of existing accesses provided there is no detriment to highway safety; and the access location and standard are acceptable to the highway authority. Policy VP1 supports parking spaces/facilities up to the maximum standards in Appendix 4 of the Local Plan. Policy VP4 provides disabled parking space standards. These standards are considered to have been superseded by the more recent NYCC interim guidance on transport issues including parking standards 2015. Policy T8 seeks to prevent significant adverse effects upon the route of any public right of way unless certain exceptions are satisfied. Policy RT12 requires the site would have good access to the primary road network; the proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity.

- 5.27 Escrick Neighbourhood Development Plan Policy MT1 does not support developments generating major increases in traffic volumes on the A19 unless the applicant/SDC/NYCC evidence that measures to address traffic safety and congestion will be part of any proposal. Policy MT2 requires off-street parking in accordance with NYCC standards and on-site secure cycle storage and the provision of electric vehicle charging points. Policy MT3 encourages and supports new and enhanced cycle lanes and footpaths, and that they connect to existing provision. Policy BEH4 requires provision of safe pedestrian routes enabling access to all local amenities and facilities.
- 5.28 The site has an existing access road, built to serve its use as a mine. It joins the York-Selby A19 to the north of the village of Escrick. A Transport Statement has been submitted with the application and confirms that the junction capacity testing indicates that the additional traffic movements would not lead to capacity issues at this junction of the A19 with New Road.
- 5.29 Three public rights of way connect into or run through the site. These are footpath 35.28/2/1 that runs from Escrick to New Road at Spring Wood, bridleway 23/5/10 that runs along the southern site boundary and bridleway 6/4/20 that runs along New Road following the northern site boundary. These existing public rights of way would be retained. Whilst no footpaths would need to be diverted, there may be the potential for disturbance due to increased vehicles movements along the access road. It is indicated that warning signs could be erected at crossing points to mitigate any hazard. New recreational footpaths constructed of recycled crushed material are proposed within the site. It is indicated on the masterplan that a connection could be made from the existing public right of way on the south-west side of the site with the recreational footpaths.
- 5.30 The nature and location of the site means that it is not in the most sustainable and accessible location. A shop and café bar are proposed on site to cater for daily needs. The site is adjacent to and within walking distance via PROW or New Road of Escrick village, which has some local services including shop, pubs and restaurants and a church. There is access to the primary visitor centres of York and Selby via the National Cycle Route 65 and the 415 York-Selby bus service along the A19.
- 5.31 Improvements to the footpaths on the A19 between New Road and the petrol station to enable bicycles to connect to the National Cycle Route, improved signage

and traffic calming measures near the site access road are sought by way of a Section 278 Agreement. A Travel Plan to include a site management strategy and further details of internal access roads, cycle links and adequate car and cycle parking are required by condition. Subject to the above requirements, there is no objection on highway safety grounds to the proposal.

### **Character and Appearance**

- 5.32 Chapter 11 of the NPPF seeks the efficient use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Chapter 12 gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development will, amongst other things function well and add to the overall quality of the area, be visually attractive, be sympathetic to local character and history, and have a high standard of amenity for existing and future users.
- 5.33 Policy ENV1 requires good quality development and requires SDC take account of the effect upon the character of the area; the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping; the potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area. Policy RT12 supports touring caravan facilities provided the proposal would not have a significant adverse effect on the character and open appearance of the countryside; the proposal would not be visually intrusive and would be well screened by existing vegetation, or would incorporate a substantial amount of landscaping within and around the site.
- 5.34 Policy SP13 requires growth in the rural economy should not harm the character of the area. Policy SP18 states the high quality and local distinctiveness of the natural and man-made environment will be sustained by safeguarding and, where possible, enhancing the historic and natural environment. Policy SP19 requires proposals for all new development to achieve 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; make the best, most efficient use of land without compromising local distinctiveness, character and form.
- 5.35 Escrick Neighbourhood Development Plan Policy BEH3 states proposals for developments that have an undue adverse effect on the historic rural character of the Parish will not be supported; and any proposals for development outside of current development limits must be of a suitable scale, sensitively designed, particularly where it is visible in open landscapes, and should utilise appropriate planting and screening to minimise visual intrusion.
- 5.36 A Landscape and Visual Impact Assessment was undertaken as part of the ES, which considered the difference between the implemented approved AD facility and the proposed development. It concludes that the proposed development would not result in any significant adverse effects on landscape character or visual amenity either during construction or operational stages.
- 5.37 The site landform would be retained primarily as existing. There are steep earthworks around the majority of the previously developed area and established woodland to the west, which would provide substantial screening of the site from outside including New Road, the surrounding public rights of way and adjacent

properties. The exception to this is at the western entrance, which includes a grassland meadow adjacent to the access road. This area would be retained, though re-modelled to provide compensatory flood storage following the raising of the access road. The existing grassed bank opposite the nearest residential properties at Sheepwalk Farm and the pasture in the north-east corner of the site are proposed to be retained, with new native broadleaved woodland planting proposed on the top and inside slopes of the earthworks.

- 5.38 The distance between caravans on site would be controlled though site licence rather than planning control. It would allow for increased planting within the site to create an attractive environment for future holiday residents. This, together with the retained areas of landscaped open space and landscaping along site boundaries, would reduce the visual impact of the proposal on the character and appearance of the surrounding area. A detailed lighting scheme requiring low level lighting would be required to minimise the impact of the holiday village in short and longer distance views during hours of darkness. As this is an outline application, there are no details of the appearance of the static caravans that would be at the site on a longer term basis, but this will be conditioned to ensure the use of recessive colours – i.e. green or grey.
- 5.39 On the basis of the above, it is concluded that the impact of the proposals can be appropriately mitigated so as not to be significant and therefore from a landscape and visual perspective, the proposals accord with national and local planning policy, as well as the emerging neighbourhood plan.

### **Biodiversity**

- 5.40 Chapter 15 of the NPPF 'Conserving and enhancing the natural environment' states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity, and protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan.
- 5.41 Policy SP18 seeks to sustain the high quality natural environment by safeguarding and enhancing the natural environment; promoting effective stewardship of wildlife by safeguarding locally protected sites for nature conservation including SINC's from inappropriate development; ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site; ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate. Wherever possible a strategic approach will be taken to increasing connectivity to the District's Green Infrastructure including improving the network of linked open spaces and green corridors.
- 5.42 Policy ENV1 requires SDC to take account of the potential loss, or adverse effect upon wildlife habitats. Policy ENV9 states proposals which would harm a SINC will not be permitted unless there are no reasonable alternative means of meeting the development need and it can be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic local nature conservation value of the site. Policy RT12 supports touring caravan facilities provided the proposal would not harm acknowledged nature conservation interests.

- 5.43 The Escrick Neighbourhood Development Plan Policy NE1 expects new development to include provision of multi-functional green infrastructure, and where possible, connect with the existing provision of green infrastructure, including SINCS and existing woodlands; not to sever existing green infrastructure networks, and must avoid areas of high ecological value; achieve biodiversity net gain of at least 10%; to replace any trees which are proposed to be removed due to development at a ratio of at least 1:1; and to ensure that the design and management of green infrastructure respects and enhances the character and distinctiveness of an area with regard to habitats and landscape types. Policy NE2 states proposals for the creation, enhancement or re-wilding of green spaces to provide leisure, recreational, carbon sequestration or biodiversity benefits to the local area are encouraged and will be supported.
- 5.44 The application is supported by ecological assessments as part of the ES. These consider the potential impacts of the proposal on the European Sites within 10km of the site (Lower Derwent Valley SAC/SPA/RAMSAR and Skipwith Common SAC, specifically in relation to recreational impacts, and conclude that any potential adverse effects would be very small and therefore not significant.
- 5.45 A significant area of the former mine site was designated as a Site of Importance for Nature Conservation (SINC) in 2010 for the mix of habitat and structural mosaics on site including species-rich calcareous and neutral grassland, wetland, scrub and colonising habitats occurring as a result of the previous use. The 'open mosaic habitat on previously developed land' is a habitat of principal importance for the conservation of biodiversity in England, as required under Section 41 of the Natural Environment and Rural Communities Act 2006 and is also incorporated into the 'Urban Habitats' action plan within the City of York Local Biodiversity Action Plan. The SINC supports invertebrates and as such an invertebrate survey has been undertaken. It is considered that the features of interest to invertebrates can be protected, maintained and enhanced through SINC management measures. A Recreation Strategy has been submitted to address some of the potential operational impacts of the development on the SINC, i.e. litter, dog fouling and noise/light pollution. A SINC Management Plan has also been prepared.
- 5.46 There has been evidence previously of barn owl and bats being present at the site within existing building B2. Updated surveys are required at Reserved Matters or prior to demolition of this building, plus a detailed sensitive lighting scheme. Great Crested Newts (GCN) have been recorded within existing pond P3. As GCN are European Protected Species (EPS), the local planning authority must consider the three 'derogation tests' of the Habitats Directive as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) when deciding whether to grant planning permission for a development which could harm an EPS. The third test for the maintenance of favourable conservation status can be met as the requirement for a European Protected Species Licence will prevent any direct harm and a range of habitats can be maintained through a scheme of mitigation.
- 5.47 Other protected species have been identified at the site, including birds, grass snake, brown hare, water vole, which may be affected by the proposal, but any harm can be satisfactorily mitigated against. Indeed, the SINC Management Plan includes consideration of Willow Tits, which is a Red-listed Bird of Conservation Concern and a Rare Breeding Birds Panel species, and should benefit in the longer-term.

- 5.48 The proposal has been revised from first submission to reduce the extent of the site area to be used for the siting of holiday accommodation. It now keeps the proposed holiday accommodation outside the designated SINC with the exception of a small triangle area of land to the east of the operational mine area thereby retaining the open mosaic habitat and intends no access for visitors and dogs. It is also intending that existing ponds would be retained with new ponds created designed as amphibian habitat. A wildlife area is proposed to be created to the east of the SINC. Existing hedgerows are to be retained and strengthened and additional areas of native species woodland, hedgerow and shrubby understorey planting are proposed. Planning conditions are required to ensure that detailed proposals at reserved matters stage are confined to the development limits indicated on the Indicative Masterplan. Conditions are needed to ensure strict compliance with the SINC Management Plan and Recreation Strategy.

### **Residential Amenity**

- 5.49 Paragraph 130(f) of the NPPF seeks a high standard of amenity for existing and future users. Paragraph 185 of the NPPF requires that new development is appropriate for its location taking into account the likely effects of pollution on health and living condition with suitable mitigation to, inter alia, reduce to a minimum adverse impacts and limit light pollution.
- 5.50 Policy ENV1 requires SDC to take account of the effect upon the amenity of adjoining occupiers. Policy ENV3 seeks to minimise outdoor lighting, partly to protect local amenity. Policy RT12 supports touring caravan sites provided the proposal would not have a significant adverse effect on local amenity.
- 5.51 The closest residential properties are Sheepwalk Farm and Cottages, which lie to the north of the site. The existing 3m approximately screen mound is to be retained and enhanced with a 2m high close boarded fence, retention of existing planting and additional native and evergreen shrub planting. The use of the site for the proposed use would likely result in an increase in disturbance to neighbouring residents from associated activity, but the retention and enhancement of site boundaries, control over site lighting along with site management normal for such sites, would help to mitigate harm. Residents of Spring House Farm and Cottage on New Road would experience increased vehicle movements along the access road compared to current levels of activity. However, these would be on the whole private vehicles rather than heavy vehicles associated with the implemented use of the site and would be likely to be restricted largely to daytime hours. Spring Wood separates these properties from the site.
- 5.52 There is the potential for noise disturbance and air quality impacts during the construction and operational phases of the proposal, which could be controlled by condition to mitigate harm. It is acknowledged that there would be likely be some disturbance to the occupants of surrounding residential properties from the construction and operation of the development. Mitigation measures are required through condition to reduce any harm.

### **Environmental Matters**

- 5.53 Paragraph 174(e) of the NPPF seeks to prevent new development from contributing to unacceptable levels of pollution or land instability. Paragraph 183 deals specifically with ground conditions and pollution. Policy ENV2 allows contaminated

land conditions to be attached to planning permission if it is suspected a site is or may be contaminated.

- 5.54 The use of the site as a mine has the potential to give rise to land contamination including through the use of various pieces of plant and equipment, train lines, storage of fuels and chemicals and the presence and use of substations at the site, the majority of which are contained in the 'bowl' area, the former operational area of the mine. There is also the potential for contamination issues on the mounds created within the site formed from agricultural land and materials from the excavated shafts. The stockpiles of graded demolition rubble left from demolition of the former mine buildings requires asbestos testing to ensure it is dealt with adequately. Appropriate conditions are required to address any contamination on site.

### **Alternative uses of site**

- 5.55 It is noted that the 2014 planning permission for an anaerobic digestion facility and horticultural glasshouse has been implemented on site following the carrying out of material operations consisting of the demolition of buildings and approval of details pursuant to pre-commencement conditions satisfied (ref. 16/02791/CLD granted in 2017 by City of York Council). Whilst the original partner for the AD facility has indicated that it does not wish to continue involvement in the scheme, another operator may be found to progress the development to full implementation. This would include the provision of an AD facility with stack (12m high and 15m high respectively), CHP building with stack (9.5m high and 22.5m high respectively), tank farm (with tanks between 10-18m high) and other plant ranging in height from 8m to 12m. The 51,210sq.m. horticultural glasshouse building would be approximately 7m high.

### **Other considerations**

- 5.56 The proposal would constitute inappropriate development that would, by definition, be harmful to the Green Belt by reason of inappropriateness. There would also be additional harm caused to openness from the siting of the holiday accommodation. No other harm has been identified. Substantial weight is given to the harm to the Green Belt. The NPPF advises that permission should be refused for inappropriate development, unless other considerations exist that amount to 'very special circumstances' and that would be sufficient to clearly outweigh identified harm to the Green Belt by reason of inappropriateness and any other harm.
- 5.57 The applicant considers that the proposal is appropriate development in the Green Belt that would not cause significant harm to the overall perception of openness of the Green Belt - when compared to the approved implemented scheme of AD facility and glasshouse - and would not be in conflict with the purposes of including land within the Green Belt. However, due to the planning complexities associated with the site and in order to be fully robust, the applicant has put forward the following other considerations as very special circumstances:

- Economic Growth, Employment and Tourism Benefits;
- Nature conservation and biodiversity benefits;
- Landscape character protection and improvements;
- 'Do nothing' considerations.

### **Economic and Tourism Benefits**

5.58 The applicant considers that the proposal would be an economic driver that would deliver quality holiday accommodation and facilities and extend the holiday season through the year. A Tourism Supporting Statement and Economic Impact analysis has been prepared in support of the application that confirms that tourism is the third highest export in the UK supporting 2.6 million jobs, small to medium enterprises and worth £8bn per year to the Yorkshire economy. The rural nature of the site along with what are considered to be good road access and existing infrastructure make this a popular site as a holiday park. As such, the direct impacts of the proposal are identified as being in the region of £5m-£7m and creating between 400-500 direct, indirect and induced employment impacts (NB. Assessment of jobs undertaken prior to reduction in size of development).

### **Biodiversity benefits**

5.59 The applicant considers that the proposed development offers benefits to biodiversity following the creation of an attractive setting, delivery of environmental assets in a long-term effective management programme, increased public accessibility and habitat creation and biodiversity gain. The initial concerns raised by officers about encroachment of the development into the SINC and woodland have been addressed by the reduction in the proposed developed site area. Subject to adequate controls in place through site management, the biodiversity of the wider site would be maintained and enhanced.

### **Landscape character protection and improvements**

5.60 The applicant considers that the leisure development can be sympathetically accommodated within the existing landform with less harm to the surrounding countryside character than the approved implemented scheme. In addition to respecting and strengthening the landscape structure, the proposal would increase public enjoyment of the landscape through increased access, which is currently restricted due to safety concerns around its historic use as a mine.

### **'Do nothing' considerations**

5.61 The applicant refers to the 'do nothing option' of not pursuing development of the site through the implemented permission and leaving it in its current state. Whilst this would reduce impact on openness of the Green Belt and avoid any impact on residential amenity, the applicant points out that this would potentially have a negative impact on the SINC. As set out in the ES, there has been a significant amount of scrub encroachment since the SINC was designated as it has not been managed while the site has been standing unused and its principal element will gradually degrade through natural succession with its value being lost. Development of the site would secure long-term favourable management. The do-nothing option is also considered to be neither viable or sustainable as it does not promote effective use of land or support opportunities to remediate despoiled and derelict land.

### **Assessment of Very Special Circumstances Case**

5.62 The site lies within the Green Belt. The proposal relates to the operational area of the former mine, which is considered to be previously developed land. It would result in the re-use of the site for a holiday village, which would have a moderate degree of harm over and above the current baseline being the existing development



on site. It is noted that the impact on openness of the Green Belt and visual amenity would be less than the approved development for an AD facility and horticultural glasshouse, which has been implemented and, therefore, could be delivered. The landowner has investigated other development options for the site since the mine ceased operating, including re-use of the buildings for B1, B2 and B8 uses and a partnership with the University of York for a bio-renewables centre. This current proposal represents the most viable option identified by the landowner at this time for this part brownfield site. It would contribute to the tourism sector with holiday accommodation that would blend within its landscape following enhancement of existing planting. Access to the SINC could be restricted to avoid damage and disturbance to biodiversity with alternative provision being made for occupiers of the holiday accommodation. A use for the site would avoid further degradation of the SINC.

5.63 Therefore, it is considered that, when taken together, there are compelling and substantial considerations that weigh heavily in favour of the proposal.

## **6 CONCLUSION**

6.1 The application seeks outline approval for the creation of a holiday village complex on the former operational area of North Selby Mine. However, the site lies within the Green Belt. Part of the site lies within Flood Zone 3. In accordance with the NPPF, the more restrictive Green Belt and flood risk policies apply. The proposal would result in harm to the Green Belt by reason of inappropriateness as well as additional harm to the openness of the Green Belt and substantial weight is attached to this harm. There is some conflict with Minerals and Waste Joint Plan policies regarding the allocation of the AD plant site but the principle of an alternative use has already been established by the approval of the CYC application. Other identified potential harms to flood risk, highway safety, biodiversity, visual and residential amenity and other environmental matters could be adequately mitigated by conditions.

6.2 It is considered that the benefits that would be provided by the scheme, when taken together, being the re-use of previously developed land, tourism and investment in the local economy and biodiversity benefits, are of sufficient weight to clearly outweigh the Green Belt harm. Therefore, very special circumstances exist to justify the proposal and the application is recommended for approval subject to conditions.

## **7 RECOMMENDATION**

7.1 This application is recommended to be approved subject to the following conditions:

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of the 7<sup>th</sup> August 2023 and the development hereby permitted shall be begun before:

the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of change of use of the land, building or engineering works, and the development

shall be carried out in accordance with such details: These details shall include: internal access road details, appearance, landscaping of site, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

3 The number of static caravan pitches on site shall be restricted to no more than 231, to be sited in the area totalling 6.24ha that is marked as the Bowl and shown coloured lilac on the submitted Parameters Plan no.2356.02 Rev.03. The number of touring caravans and tent pitches shall be restricted to 92, to be sited in the area totalling 1.49ha that is marked as the Woodland and shown coloured rose pink on the submitted Parameters Plan no.2356.02 Rev.03.

Reason: The condition is imposed to ensure that the number of caravans is not increased to a level which could harm the appearance or character of the area, openness of the Green Belt, nature conservation value of the wider site and in the interests of highway safety.

4 The caravans hereby approved shall be occupied for holiday accommodation purposes only and shall not be occupied as permanent residential accommodation as a person's sole or main place of residence. The term 'caravans' is as defined in the Caravan Sites and Control of Development Act 1960 and of the Caravan Sites Act 1968. For the purpose of this condition, "holiday accommodation purposes" means occupation by the same person, group of persons or family for a period(s) that total no more than 183 days in any one calendar year.

A Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority before any occupation of the site commences. The Plan will demonstrate how the site owner/operator will ensure, in perpetuity, that the holiday accommodation is not occupied as permanent, unrestricted accommodation or as a primary place of residence. The Plan shall include, but not be restricted to, the site owner/operator maintaining an up-to-date register of the names and main home addresses of all owners/occupiers of the accommodation on site, including dates and durations of each stay by each occupier, and shall make this register available for inspection at all reasonable times when requested by the Local Planning Authority.

The development shall be managed in full accordance with the approved Site Management Plan for the lifetime of the development.

Reason: This condition is imposed to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The site is not considered appropriate for full time residential use due to its position in the Green Belt.

5 Before the stationing of any static caravans hereby approved, details of the external materials and muted colours of the static caravans shall be submitted to and approved by the Local Planning Authority in writing. Only caravans constructed/sited in accordance with the approved details shall be stationed on site. NOTE: The colour finish to the static caravans shall be a recessive colour(s).

Reason: In the interests of visual amenity given the sensitive rural location of the site.

6 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- 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 local planning authority.

Reason: To secure practical measures to avoid or reduce impacts to biodiversity features and the Site of Importance to Nature Conservation (SINC) during construction, as appropriate to the scale of development. The details are required prior to commencement in order to ensure that they are in force at an appropriate point in the development procedure and during the whole of the construction phase of the development.

7 Prior to or concurrently with the first Reserved Matters application, updated ecology surveys along with updates to the relevant mitigation plans shall be submitted to the Local Planning Authority for approval. This is with particular reference to Bats (roosting within building), Barn Owl, Water Vole and Grass Snake. The scheme shall be fully implemented in accordance with the approved mitigation plans.

NOTE: The plans shall include details of a timetable for delivery of any mitigation measures.

Reason: To ensure that species and their habitats are adequately protected. The details are required prior to commencement in order to prevent irreversible harm to a biodiversity.

8 No works (site clearance, preparatory work or development) shall commence until the Local Planning Authority has been provided with:

- a) a European Protected Species Licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead, along with appropriate mitigation for Great Crested Newts.
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure the protection of a European protected species using the site. The details are required prior to commencement in order to prevent irreversible harm to a protected species.

9 Prior to or concurrently with the first reserved matters application, a survey of trees within and immediately adjacent to the site, an arboricultural impact assessment, a schedule of works, and a draft arboricultural method statement and tree protection plan, all in accordance with British Standard BS 5837, shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

NOTE: The details shall include a timetable for the delivery of any necessary works to trees.

Reason: To ensure the retention and protection of existing trees that are desirable and/or suitable for retention before, during and after development and to allow an accurate assessment of the compatibility of the detailed development proposals with existing trees that make a significant contribution to landscape mitigation, and the amenity of the area and/or development.

10 Prior to or concurrently with the first Reserved Matters application, detailed long term management and monitoring of the Site of Importance to Nature Conservation (SINC) shall be submitted to and approved in writing by the Local Planning Authority. These shall be in line with the already submitted SINC Management Proposals, FPCR Environment and Design Ltd, July 2019. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that there is adequate long term management of the SINC.

11 Prior to or concurrently with the first Reserved Matters application, a detailed Site Wide Recreation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be in line with the already submitted Harworth Estates Investments Ltd, North Selby Leisure Proposal, Recreation Strategy, 5th August 2019 and drawing 2356.08 Recreation Strategy Plan. It shall include details of fencing to protect the SINC, plus details of the footpath (construction method, materials and how it will be implemented without harm to the SINC).

The scheme shall be implemented in accordance with the approved details.

NOTE: The strategy shall include a timetable for its delivery.

Reason: To ensure that there is proper mitigation given to the impact of the development on ecology with the site.

12 Any reserved matters application shall include a detailed landscape scheme. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It will also include details of ground preparation; tree planting details; paving and other hard landscape details, and street furniture, and any phasing of implementation. This scheme shall be implemented within a period of six months of the practical completion of the development or any phase thereof. Any trees or plants which within a period of five years from the substantial completion of the

planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme, is integral to the landscape mitigation and/or amenity of the development and/or the immediate area.

13 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

14 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations: The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDS). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. infiltration tests to BRE Digest 365 to discount the use of SuDS.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

As SuDS have been proven to be unsuitable then, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant shall provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. No part of the development to be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. It is necessary to require this information prior to commencement of any ground works on site to ensure that adequate measures are put in place for the disposal of drainage from the site.

15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no part of the development hereby permitted shall be occupied prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

16 No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. No trees shall be planted within 5 metres of the centre line of any water main that is located within the site boundary i.e. protected strip widths of 10 metres per water main.

Reason: In the interest of public health and maintaining the public water supply. It is necessary to require this information prior to commencement of any ground works on site as such works may result in irreversible harm.

17 No works involved in the raising of the road at its access with New Road shall commence until a scheme for compensatory flood storage for the loss of floodplain from raising the road has been submitted to and approved in writing by the local planning authority. The scheme shall provide level for level compensatory storage outside of flood zone 3. It must include:

- calculations and section drawings that show that the compensatory storage volume is hydraulically and hydrologically connected to the floodplain such that it provides level for level compensation allowing floodwaters to rise and fall as existing.
- a Flood Warning and Evacuation Plan for future users of the site. The scheme shall be fully implemented and subsequently maintained, in accordance with the

scheme's timing and phasing arrangements, or within any other period as may subsequently be agreed in writing by the local planning authority.

- no permanent structures shall be built within Flood Zone 3 as defined on the Environment Agency's Flood Map for Planning.

Reason: To reduce the risk of flooding to the proposed development and its future users.

18 A strip of land 9 metres wide adjacent to the top of both banks of Half Penny Dyke and Bridge Dyke on site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless otherwise agreed in writing with the Local Planning Authority. Ground levels shall not be raised in this area. NOTE: Please ensure that access arrangements are agreed with the Internal Drainage Board.

Reason: To maintain access to the watercourse for maintenance or improvements.

19 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, 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. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The

CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting, details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

Details shall be provided about the management of construction and contractor traffic and parking. The CEMP shall include a dilapidation survey of the area around the junction of the A19 and New Road should be provided.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works.

Reason: To protect the amenity of the locality. It is necessary to require this information prior to commencement of any development to prevent irreversible harm occurring as part of the works.

20 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). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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. It is necessary to require this information prior to commencement of any ground works on site as such works may result in irreversible harm.



21 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. Any remediation that is required to the area of Site of Importance to Nature Conservation to allow people access, should ensure that nature conservation interests take priority.

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. It is necessary to require this information prior to commencement of any ground works on site as such works may result in irreversible harm.

22 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.

23 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.

24 Details of all machinery, plant and equipment to be installed in or located on the site, which is audible outside of the site, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of

23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

25 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

26 Details of any acoustic noise barrier to protect the amenity of residential dwellings to the north eastern part of the site, where gardens back onto New Road, shall be submitted to and approved in writing by the local planning authority. These details shall include the construction method, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter.

Reason: To protect the amenity of local residents.

27 No part of the development hereby permitted shall be commenced until the full design and construction details of the following have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in full prior to the site coming into use.

- Improvements to the footpath on the A19 from the access point to New Road to the petrol station/shop to be widened to enable bicycles to use it to connect to National Cycle Route 65 (approx. 200m in length).

- Informal crossing point to be provided before the petrol station (making use of the central reservation for a two stage crossing) to enable users to cross the A19 and join the path on the western side of the A19 and safely access National Cycle Route 65.

- Signage to mark the link to the Sustrans route.

- Traffic calming measures near the site access road will be provided in the form of electronic flashing warning signs (or similar).

Reason: In the interests of highway safety and to provide for and promote appropriate safe and usable pedestrian and cycle access to facilities.

28 Prior to or concurrently with the first reserved matters application, details of the access road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include passing places to facilitate traffic movements when caravans, HGVs and agricultural vehicles might conflict with each other or with cyclists, pedestrians and horse riders. The scheme shall be implemented in accordance with the approved details.

NOTE: The details shall include a timetable for the delivery of the works to New

Road.

Reason: In the interest of road safety.

29 Prior to or concurrently with the first reserved matters application, details of the following shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

- Internal road details;
- Consideration of pedestrian and cycle links to Wheldrake;
- Staff and visitor car parking and delivery bays/turning areas;
- Secure cycle parking for staff and visitors.

NOTE:

The site layout needs to ensure that queues can be accommodated without impeding access by local residents or emergency services and consider the needs of horse riders. The details shall include a timetable for the delivery of the approved works.

Reason: In the interest of road safety.

30 Prior to the development hereby approved coming into use, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. It shall include a site management strategy to ensure that peak traffic to and from the site (changeover times) avoid A19 peak hours (weekday am/pm peaks and Saturday midday peak). The approved travel plan shall thereafter be fully implemented and adhered to.

NOTE: The plan shall include details of a timetable for the delivery of mitigation measures.

Reason: In the interest of sustainable transport and road safety.

31 Prior to or concurrently with the first reserved matters application, a plan shall be submitted to and approved in writing by the Local Planning Authority showing a sensitive lighting design strategy for the development. The scheme shall ensure that there is no lighting within woodland areas or sensitive habitats or dispersed on to New Road. The development shall be carried out in accordance with the approved scheme.

NOTE: The plan shall include a timetable for the delivery of the strategy.

Reason: In the interests of visual amenity, to achieve a safe environment and to protect biodiversity and residential amenity.

32 Before the occupation of the development, 2% of parking spaces on the site should include facilities for charging electric vehicles. The exact number, position and specification of points should be agreed in writing by the Council. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging

Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the National Planning Policy Framework (NPPF).

Notes:

- Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle.
- Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future.
- Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.
- All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

## **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 2019/0045/EIA and associated documents.

*Contact Officer:* Martin Evans (Principal Planning Officer)

Appendices: None