



Report Reference Number: 2018/0898/EIA

To: Planning Committee
Date: 20 March 2019
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0898/EIA	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Kingspan Insulation Ltd	VALID DATE: EXPIRY DATE:	24th August 2018 23rd November 2018
PROPOSAL:	Section 73 application to vary condition 02 of approval 2016/1456/EIA Proposed Installation of a Refused Derived Fuel (RDF) fired Combined Heat and Power (CHP) plant with 8000m2 Factory Extension and Associated Infrastructure		
LOCATION:	Kingspan Insulation Ltd Enterprise Way Sherburn In Elmet North Yorkshire LS25 6NE		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee due being a variation to application which was subject to an Environmental Impact Assessment Statement (EIA).

1.0 INTRODUCTION AND BACKGROUND

The Site and Context

- 1.1 The 10.4 Hectare site is the existing Kingspan site to the east of Sherburn in Elmet on an established industrial estate. The Kingspan site is situated centrally within the Sherburn Industrial Estate, inside the perimeter of the existing Kingspan Insulation site predominantly on an unused grassed area. The existing Kingspan factory sits to the north and the proposed factory extension would adjoin this. In terms on surrounding uses, Eddie Stobart storage operation is located to the south and a number of other large industrial operations to the east and west.
- 1.2 The site is within Flood Zone 1 which represents the lowest possible risk of flooding by rivers or the sea.

The Proposal

- 1.3 Planning permission was granted in 2017 under a combined application for, firstly the Installation of a Refused Derived Fuel (RDF) fired Combined Heat and Power (CHP) plant and secondly an 8000m² Factory Extension and Associated Infrastructure. The changes proposed relate only to the RDF CHP element of the proposals.
- 1.4 The RDF is intended to produce energy from waste incineration. The permission was granted on the basis that the CHP plant would be powered annually by approximately 132,000 tonnes of Refuse Derived Fuel (RDF). The process of energy generation would be achieved through a gasification process. The rationale for the development was to enable the UK division of Kingspan Insulation Ltd to operate as a carbon neutral business. The stated intention was that energy generated from the proposed CHP plant would supply the UK division with green electricity, with all surplus energy being transferred to the national grid.
- 1.5 The previous application was assessed as requiring an Environmental Impact Assessment under the Town and Country Planning (EIA) Regulations 1999 England and Wales.
- 1.6 This Section 73 application seeks to vary condition 02 of approval 2016/1456/EIA for the Proposed Installation of a Refused Derived Fuel (RDF) fired Combined Heat and Power (CHP) plant with 8000m² Factory Extension and Associated Infrastructure. C
- 1.7 Condition 02 of the consent requires the development to be in accordance with the list of plans, the Environmental Statement, the Transport Statement and the Traffic Statement Addendum.
- 1.8 The plans and statements and all conditions would remain as previously approved but as varied by the Planning Statement submitted with this application.

The main changes proposed are summarised as follows;

- Increase in feedstock tonnage from 132, 000 tonnes per year to 200,000 per annum
- Feed stock to be sourced from anywhere in the UK (previously a 50 mile radius)
- Increase from 20 HGV 2 way movements per day for feedstock and ash disposal to 33 HGV per day on average
- Increase in stack height from 45 to 50 metres
- An increase in the electrical capacity from 14MW to 18MW and thermal capacity from 1.5MW to 4 MW

Relevant Planning History

- 1.9 The following historical applications are considered to be relevant to the determination of this application.
 - 2006/0509/FUL-(PER-17.07.2006) Proposed sub-division of existing warehouse/industrial unit into 2 No. units, new servicing areas, associated

access roads and car parking to include change of use from B2 (general industry) to B1 (business), B2 (general industry) and B8 (storage or distribution)

- 2006/0654/OUT (PER - 08.08.2006) Outline application for industrial units (B1, B2 and B8) and associated car parking.
- 2007/0754/FUL (PER - 30.10.2007) Proposed extension to existing industrial building for the loading of waste products
- 2011/1058/FUL (PER - 19.12.2011) Erection of an extension to industrial building and the erection of a temporary storage facility
- PD/2013/0254 (ADVICE - 31.10.2013) To overclad the existing roof with an insulated roof panel, and to install a solar PV system
- .
- SCR/2013/0013 (EIANOT - 08.11.2013) EIA screening opinion for installation of biomass CHP plant and associated infrastructure
- 2013/1173/FUL (PER - 12.03.2014) To overclad the existing insulated roof with 40mm composite panels and installation of a 3MW solar PV system on the cladded roof
- 2014/0244/FUL (PER - 15.05.2014) Retrospective application for erection of a small GRP substation
- SCR/2016/0002 (EIAREQ - 09.06.2016) Screening opinion request for the installation of a CHP plant, 8000m2 factory extension and associated works
- 2016/1456/EIA: (PER – 23.06.2017) Proposed Installation of a Refused Derived Fuel (RDF) fired Combined Heat and Power (CHP) plant and an 8000m2 Factory Extension and Associated Infrastructure.
- 2017/1067/HAZ: (PER- 11.05.2018) Application for consent under the Planning (Hazardous Substances) Regulations 2015 (Regulation 5) for the storage and use of substances.

2.0 CONSULTATION AND PUBLICITY

2.1 Environmental Health

First response- clarification sought on whether there is an intention to deviate from the Noise Technical Data set out in Appendix 6 of the EIA Statement. No objections to increased throughput regarding air quality.

Second response-in the light of the clarification of the noise data -no further observations

2.2 North Yorkshire Highways And Transportation North Yorkshire

Do not consider the traffic generated will have an impact on the operation of the road network.

2.3 Yorkshire Water Services Ltd

No comment to make on the proposed amendments to the existing permission.

2.4 Selby Area Internal Drainage Board

The application will increase the impermeable area to the site therefore the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area.

Comments made that no details for surface water are given in this application. Percolation tests are needed. YW need to be satisfied about the additional flow. Conditions suggested regarding drainage details, runoff rates and no obstructions within 7 metres of a watercourse.

2.5 Environment Agency

As with 2016/1456/EIA the application requires an Environmental Permit before the plant can be brought into operation. Part of the permit determination will be to assess whether stack height will ensure insignificant environmental impact with atmospheric dispersion modelling.

2.6 Sherburn Aero Club

No Objections. But do wish the applicants to take up the recommendations of their own advisors and appropriately mark and light up the chimney to ensure safety for night flights and visibility.

2.7 Health and Safety Executive

Do not advise, on safety grounds, against the granting of planning permission. Attention is drawn to unidentified pipe lines in the vicinity and details given for the operators which the HSE have on record.

2.8 Parish Council

The PC note this does not represent a significant increase in traffic on the local road network, but are concerned that the cumulative effect of increases are not being taken into account when considering the safe operation of the local road network. The PC also note the option to increase the chimney stack height from 45m to up to 50m due to the potential increased volume of exhaust gas emissions. The PC trust that this will be considered by the Environment Agency, but request that consideration also be given to safety issues arising from the proximity to Sherburn Aero Club (it is not clear whether the Aero Club have been consulted in this matter).

2.9 Publicity

The application was advertised by site notice, press notice and neighbour notification. A corrected Press Notice for this EIA application was publicised 28 February 2019 and expires on 30 March 2019. No responses have been received to date.

3.0 **SITE CONSTRAINTS AND POLICY CONTEXT**

3.1 The site lies within the established Sherburn Industrial Estate which has a significant employment permission. The site is also within a coal field area and is within Flood Zone 1. It is within the Sherburn Airfield East Airport Constraint Zone.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

3.2 The National Planning Policy Framework (February 2019) (NPPF) is the latest iteration of the NPPF which was first published in March 2012. The NPPF does not

change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted (paragraph 12). This application has been considered against the 2019 NPPF.

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.

The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

Selby District Core Strategy Local Plan

3.3 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP13 - Scale and Distribution of Economic Growth
SP15 - Sustainable Development and Climate Change
SP17 - Low-Carbon and Renewable Energy
SP19 - Design Quality

Selby District Local Plan

3.4 Annex 1 of the NPPF outlines the implementation of the Framework and provides as follows at paragraph 213 :-

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

3.5 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV2 - Environmental Pollution and Contaminated Land
T1 - Development in Relation to Highway
T2 - Access to Roads
ENV4 - Hazardous Substances
EMP2 - Location of Economic Development
EMP4 - Retention of Established Employment Area
EMP6 - Employment Development

4.0 APPRAISAL

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

1. The Principle of Development
2. Impact on the character and appearance of the locality
3. Highway Safety Conditions
4. Flood Risk, Drainage, Climate Change and Energy Efficiency
5. Impact on Residential and Local Amenity
6. Nature Conservation Interests
7. Heritage Assets
8. Impact on safe operations at the Sherburn Aero Club
9. EIA and cumulative Impacts

The Principle of Development

- 4.2 The principle of the development has been established through the previous permission granted on this site. Therefore the main issues are the impacts of the proposed changes as described above.

Impact on the character and appearance of the locality

- 4.3 The amendments now proposed retain the layout of the 2016 Permission but allow for a potential increase in the stack height to up to 50m due to the potential increased volume of exhaust gas emissions. It is stated that the stack height will only increase, however, in the light of discussions with the Environmental Agency at the time of applying for the environmental permit.
- 4.4 The area surrounding the site is of an industrial nature. The Kingspan site is within the centre area of the industrial estate surrounded by other industrial buildings. When viewing the Sherburn Industrial Estate from the surrounding landscape at a number of specific viewpoints, other tall structures are visible. These include the grain store located to the north west of the Kingspan site, as well as structures upon the site of the British Gypsum factory, of which are all at or upwards of 30m in height. The chimney will therefore be seen in context with these existing tall industrial structures in the vicinity.
- 4.5 Although the chimney stack is likely to be one of the larger structures in the area, an increase from 45m to up to 50m will not be detrimental to the surroundings: from a visual amenity standpoint, a potential increase of up to 5m will not be significantly noticeable from the nearest residential areas which are located approximately 700m to the west and 500m to the north, or from the surrounding countryside.
- 4.6 It is therefore considered that the proposal can be accommodated without any unacceptable visual or landscape impacts, preserving the character and appearance of the surrounding landscape and the locality, according with Policy SP18 of the Core Strategy, Saved Policy ENV1 of the Local Plan, and with the NPPF.

Highway Safety Conditions

- 4.7 Though the power export to the national grid will remain the same at up to 14MW of electricity the developer would like to increase the size the Plant to allow for the export of up to 18MW of electricity and up to 4MW of heat. This increase is intended to be available to local businesses such as Kingspan. This requires the throughput of feedstock to be increased to up to 200,000 tonnes per year in order to allow the Plant to operate on a continuous basis in an efficient manner.

- 4.8 The applicants state that while it is expected that suppliers of feedstock will primarily be located within a 50 mile radius of the Plant, due to more advantageous transport costs the project's funders will require greater flexibility in order to demonstrate long-term security of supply. It is, however, intended that all feedstock be sourced from within the UK, and not imported. The applicant, with the assistance of a feedstock aggregator, will endeavour to locate feedstock suppliers in as close proximity as possible to the project site, however, it is necessary that the project is not bound to a specific distance in order to be economically viable .
- 4.9 The arrangements set out in section 4.8 of the Environmental Statement accompanying the 2016 Permission will therefore be superseded by the current proposals when it comes to the range of feedstock sourcing.
- 4.10 In addition the Applicant has requested that the previously consented limit of 132,000 tonnes per annum (referenced in the Environmental Statement and Transport Statement and thus Condition 2 of the 2016 Permission) be increased to 200,000 tonnes per annum, therefore requiring an increase in the number of deliveries of feedstock to the Plant.
- 4.11 In addition to the delivery of feedstock, the Plant will create ash waste requiring disposal off-site. Delivery of consumables to the Plant must also be taken into consideration. Ash and consumables equate to approximately 20% of the total feedstock tonnage and require a separate allowance for traffic movements.
- 4.12 The sections of the Environmental Statement from the 2016 Permission with which this amendment is concerned are as follows:
- "4.10 Approximately 10% of the total feedstock will be burnt to ash and sent to landfill. There are no other by-products associated with the biomass process. The plant will operate 24 hours a day, 7 days a week."*
- "4.11 It is anticipated that there will be 5,800 heavy good vehicles movements annually associated with the CHP plant, which equates to approximately 250 movements a week. Personnel vehicle movements associated with the operation of the CHP plant will equate to 42 movements per day. The factory extension will create a net increase in HGV vehicle movements by approximately 22 per day and 22 staff movements per day, which will be spread over the 24-hour operation of the factory."*
- 4.13 The section of the Transport Statement for the 2016 Permission with which this amendment is concerned reads as follows:
- "4.1.4 It is anticipated that deliveries on site will be over a 52 week year on a 5.5 day week. This equates to around 20 deliveries per day, i.e. 40 movements a day."*
- 4.14 Although the necessary traffic movements for the Plant will rise due to the increase in power output and subsequent need for additional feedstock, on a day by day level the overall effect is not significant. By using a feedstock aggregator that sources feedstock from multiple waste providers the project is able to moderate its overall road usage, preventing any one delivery route from experiencing materially increased usage. As such the increase in vehicle movements when spread over a 6 day week is relatively minor.
- 4.15 Delivery hours would remain unchanged from the previous permission being between 7:00-19:00 hrs Mon-Fri and 7:00-16:00hrs Saturday.

- 4.16 The Highway Authority have been re-consulted and does not believe the increased traffic generated or the increased radius of material sourced will have an impact on the operation of the road network
- 4.17 The proposed development is not considered harmful to road safety conditions in accordance with policies ENV1(2), T1, and T2 of the Local Plan and the NPPF.

Flood Risk, Drainage, Climate Change and Energy Efficiency

- 4.18 No changes are proposed to the drainage aspects of the proposal and there is no proposals to change any of the relevant conditions. It is therefore considered that appropriate drainage at the site can be achieved and the proposals would not increase or have an adverse impact on flooding.
- 4.19 In relation to energy efficiency and climate change, the annual feedstock which will power the CHP plant will consist of RDF sourced from recycling centres from outside of the Sherburn Industrial Estate. The scheme will therefore generate electricity from a sustainable source of energy. The electricity will be used to power Kingspan's operation at Sherburn Industrial Estate, with surplus energy being fed into the national grid to be used via a licensed supplier at other Kingspan sites across the UK. At least 12,000MWh of heat from the steam turbine will be recovered and used to heat the Kingspan facility and nearby buildings on the industrial estate, thus reducing substantially the amount of fossil fuel used in the area. There are no other by-products associated with the gasification process. The plant will operate 24 hours a day, 7 days a week
- 4.20 The benefits of the scheme have been previously acknowledged through the grant of the earlier planning consents. The proposed changes will increase the electricity output and efficiency of the facility. The increased redirection of RDF waste from landfill to the site will present further environmental and public sustainability benefits.
- 4.21 The Environment Agency state that the facility required an Environmental Permit under the Environmental Permitting (England and Wales) Regulations (2010) before it could be brought into operation and raise no other specific comments or objections.
- 4.22 The NPPF, at Paragraph 148 sets out the planning system should support the transition to a low carbon future and to encourage the re-use of existing resources and support renewable and low carbon energy. The proposed development is to provide a sustainable source of energy and is acceptable in terms of flood risk, drainage, climate change and energy efficiency. As such, the development would be in accordance with ENV1 of the LP and Policies SP15, SP17 and SP19 of the Core Strategy and the NPPF.

Impact on Residential and Local Amenity

- 4.23 The key considerations in respects of residential amenity are considered to be the potential of the proposal to result in increased noise pollution, reduction in air quality and disturbance from vehicle movements. The nearest residential properties to the site are the dwellings along Bishopdyke Road (B1222) 400m to the north. There are also dwellings on the eastern edge of the settlement of Sherburn which is approximately 1.5 miles away.

- 4.24 The additional vehicle movements are spread over the week and will approach the site from different locations. Given the overall levels of traffic generated by the industrial estate, it is not considered that the extra vehicle movements associated with this change to the permission would impact on the nearby local residents to any significant degree.
- 4.25 In terms of noise, the Environmental Health Officer (EHO) has raised some queries which have been clarified and the EHO have no further concerns in this respect. It is not anticipated, given the sites location, that there would be any significant adverse impacts arising from the increases proposed.
- 4.26 In terms of air pollution, the applicants submitted an air quality assessment as part of the original ES. The assessment concluded that the proposal would not lead to any undue impact on the environment or local amenity with any remaining impacts on the local community suitably minimised. The report concluded that the impacts on existing pollutant concentrations were not expected to be significantly higher than existing at any of the assessed locations and that the rates of nitrogen and acid gas deposition were also predicted to not significantly affect the existing conditions at any assessed receptor sites. The assessment was completed from a 'worst-case' scenario, which assumed that the development would constantly emit the maximum permitted concentrations of each pollutant throughout its entire operation.
- 4.27 In view of this, the EHO does not consider the proposed changes would raise any concerns with regard to air quality.
- 4.28 It is therefore considered that the changes to the scheme in terms of vehicle movements and increased output will not (subject to the conditions previously imposed to mitigate the potential harm) result in any significantly detrimental impact to the nearest residents, other users of the estate or local amenity through noise, air quality, light spillage or nuisance from the construction phase. As such the development is in accordance with Policy ENV1(1) and SP19 of the Local Plan and the NPPF.

Nature Conservation Interests

- 4.29 The site itself, and its immediate surroundings, are not designated sites for three purpose of nature conservation interest. There are no European or nationally designated sites within 2km of the survey site. No impacts on designated sites are therefore anticipated.
- 4.30 The conclusion was that the approved scheme would not have any impacts to designated sites. Ecology surveys previously submitted indicated no protected or notable species as the site was too isolated and homogeneous to be able to support wildlife. Scattered trees and scrub were able to support feeding and nesting birds, along with commuting and feeding bats and a landscaping scheme was imposed to achieve additional tree and shrub planting.
- 4.31 The proposed changes to the scheme would not impact further on any local nature conservation or wildlife interests and the need to meet the requirements of the landscaping condition and mitigation would remain. The proposed development is considered to be in accord with Policy SP18 of the adopted Plan, saved Policy ENV1 and NPPF

Heritage Assets

- 4.32 Paragraph 196 of the NPPF should be read in conjunction with paragraph 193 of the NPPF which provides that when considering the impact of a proposal on the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation. This wording reflects the statutory duty in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990.
- 4.33 Whilst considering proposals for development which affects a Listed Building or its setting, regard is to be made to Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 4.34 The nearest heritage assets to the site are Grade II Listed Buildings located centrally within Sherburn in Elmet, 1.7km to the west. Since these nearest heritage assets are in excess of 1.5km from the site, it is not considered that the increased stack height from 45 to 50 metres in height would impact on the setting, character and appearance of these heritage assets. As such there would be no conflict with Policy SP18 of the CS, saved Policy ENV1 of the LP or with the NPPF.

Impact on safe operations at the Sherburn Aero Club

- 4.35 To the south of the industrial estate is Sherburn in Elmet Airfield which is a private facility in full operation and under license by the Civil Aviation Authority. The Airfield facilitates light aircraft and helicopters. The report accompanying the original application considered whether the CHP plant and chimney could represent a safety hazard to aircraft using Sherburn airfield or those flying en-route in the vicinity. This was assessed both in terms of the obstacle clearance requirements as set out in CAP 168 and any safety impacts resulting from the emissions plume from the chimney.
- 4.36 The original report submitted also indicated that the location of and the potential drift of the emissions plume from the chimney is such that it would not create any aircraft turbulence or present a safety hazard to pilots in terms of visibility or toxicity. The plant and chimney are not in the approach or take-off paths for the airfields runways. The report stated that the built chimney was to be no more than 45m in height and it would not infringe any obstacle clearance limits defined under CAP 168, which could potentially breach the requirements for Sherburn’s CAA Aerodrome Licence.
- 4.37 The chimney stack proposed would increase the height of the stack by 5m. The Sherburn Aero Club have been consulted, and following their discussion with the applicants Aero consultant, have confirmed that they have no objections to the proposals. This is subject to the applicant taking up the recommendations of their own advisors and appropriately marking and lighting up the chimney to ensure safety for night flights and visibility. It is therefore recommended that a condition is added to ensure the appropriate mitigation measures to the chimney stack are implemented. Subject to the condition it is concluded that the proposed development would not adversely impact on the safety of flights to Sherburn Aero Club.

EIA and cumulative Impacts

- 4.38 When changes or extensions are made to Schedule 2 EIA development the changes or extensions should not be considered in isolation but in the context of the development as changed or extended. The ES submitted with the previous 2016/1456/ EIA application demonstrated that there are unlikely to be any significant impacts from the development itself or when considered cumulatively with other energy developments in the locality.
- 4.39 The EIA Regulations require the Environmental Statement to report on the main alternatives considered by the applicant and provide the reasons for choosing the site; such reasons should also give consideration to the associated environmental impacts.
- 4.40 Consideration was given to this on the original application. The key criteria were the operational requirements of Kingspan Insulation Ltd, the location of its existing factories and land ownership, the ability to provide heat to neighbouring uses and the physical parameters of available sites.
- 4.41 In relation to the renewable energy generation aspect of the proposal, the location of the development was influenced by the requirement for it to be in close proximity to the end users of the heat, which are the commercial premises at the industrial estate. In addition the provision of lower costs and renewable heat to adjacent businesses will help secure the future of these businesses and may help attract additional employment/business opportunities to the estate.
- 4.42 The conclusion on the original permission was that the development represented an economical and environmentally logical solution in an appropriate location. The proposed variations to the scheme are not of a significant nature and do not fundamentally alter the scheme proposed. They will provide more economic certainty and flexibility. Whilst consultation responses are awaited from the Environment Agency, the view of officers is that no adverse environmental impacts, either individually or cumulatively would arise as a result of these changes to the scheme

5.0 CONCLUSION

- 5.1 In assessing the proposal, the development would be consistent with the aims of both the Core Strategy and the Local Plan and would bring economic, social and environmental benefits to the District. Given the established use of the site the variations to the approved scheme are considered to be acceptable. The principle of the scheme has already been established through the 2017 permission. The key issues in the determination of this planning application are the impacts of the proposed changes on the character and appearance of the locality, Highway safety, flood risk, drainage and climate change, residential amenity, Nature Conservation, Heritage Assets, and the safe operation of the nearby Sherburn airfield and the EIA and cumulative impacts.
- 5.2 It is considered that the development is acceptable in respect of the above having regard to all relevant policies of the development plan and other material subject to the conditions at section 6 of this report.

6.0 Recommendation

The application is recommended to be granted subject no additional issues arising from the need to re-advertise and the expiry of the advertisement on 30 March 2019 and subject to the following conditions;

01. The development for which permission is hereby granted shall be begun within a period of three years from 23 June 2017.

Reason:

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

02. The development hereby permitted shall not be carried out otherwise in complete accordance with the following plans and specifications;

Location Plan- 108838.001

Existing Site Plan-26478/4 REV A

Site Plans of Proposal- 26478/5 REV B

Proposed Site Plan- 26478/3 REV B

Elevations towards West and North- 26476/6 REV C

Elevations towards East and South- 26476/7 REVC

Parking Plan 108838-002A

Environmental Statement-November 2016

Transport Statement-SJT/JLA/15273-01b -5th December 2016

Traffic Statement Addendum-JT/JLA/15273-02a-13 March 2017

Planning Statement dated 02 August 2018

Traffic Statement Addendum dated 30 August 2018

Environmental Statement Addendum dated 30 August 2018

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Policy ENV1.

03. The recommendations and mitigation measures detailed in the Preliminary Ecological Appraisal by Peak Ecology Ltd dated 01/06/2016 shall be carried out in full prior to the first bringing into use of the development.

Reason:

To mitigate against the loss of existing biodiversity and nature habitats and to comply with Policy ENV1 of the LP and SP18 of the CS and the NPPF.

04. Within 6 months of the commencement of the development commencing, a comprehensive scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights of planting and positions of all trees, shrubs and bushes to include details of the grassland seed mix shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme should thereafter be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes should be adequately maintained for the period of five years beginning with the date of completion of

the scheme and during that period all losses should be made good as and when necessary.

Reason:

To allow the Local Planning Authority to control the development in detail in order to ensure that the proposals are in keeping with the character and appearance of the area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

05. Within 6 months of the development commencing, a detailed biodiversity management plan for the maintenance of the approved landscaping scheme of shall be submitted to and approved in writing by the Local Planning Authority. The approved plan should thereafter implemented and maintained for the lifetime of the development.

Reason:

In the interests of maximising the biodiversity potential of the site in accordance with Policy ENV1, SP18(3)(b) and the National Planning Policy Framework.

06. No development shall commence on site until a detailed site investigation report (to include soil contamination analysis), a remedial statement and an unforeseen contamination strategy have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed documents and upon completion of works a validation report shall be submitted certifying that the land is suitable for the approved end use.

Reason:

To secure the satisfactory implementation of the proposal, having had regard to Policy ENV2 of the Selby District Local Plan and the NPPF.

07. 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;
 - 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.

08. 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) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

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

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

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

11. Before work begins on the construction of the buildings and structures for the RDF and CHP plant above ground level hereby a schedule and samples of the external walling materials and roofing materials for the new buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. Only those materials approved shall be used in the development hereby approved.

Reason:

In the interests of visual amenity, the impact on the conservation area and in order to comply with Policies ENV1 of the Selby District Local Plan and SP18 of the Core Strategy.

12. Before any work on the drainage systems commences, a scheme for the drainage of the development and the discharge of surface water from the site incorporating sustainable drainage details, shall be submitted for the written approval of the Local Planning Authority. Only the approved scheme shall be implemented and thereafter maintained for the lifetime of the development.

Reason

To comply with policy ENV1 of the Local Plan and to ensure that the site is properly drained and in order to prevent overloading

13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason

To comply with Policy ENV1 of the Local Plan and SP19 of the Core Strategy and to ensure the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

14. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Ref 108838-002A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with Policy T1 and ENV1 of the Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the area.

15. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on site, until details of a Construction Traffic Management Plan with measures to maintain the free flow of traffic on the highway network have been approved in writing by the Local Planning Authority and in consultation with the Highway Authority and the development shall thereafter be carried out and operated in accordance with the approved Construction Traffic Management Plan. The measures shall include but not be limited to:

- 1) Details of the routes to be used by HCV construction traffic

- 2) Measures to prevent mud/dirt being deposited on the highway
- 3) Parking/storage areas

Reason

In accordance with Policy ENV1 and T1 of the Local Plan and to avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area.

16. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason:

In accordance with Policy ENV1 and T1 of the local Plan and to establish measures to encourage more sustainable non-car modes of transport.

17. Prior to the development being brought into use, the existing boundary fence which abuts the footway to the south of the proposed access shall be set back 2 metres from the back of the footway.

Reason:

In accordance with Policy T1 of the Local Plan and in the interests of road safety.

18. The Refuse-Derived Fuel (RDF) used to fire the Combined Heat and Power (CHP) plant shall consist of mainly paper, cardboard and non-recyclable plastics, and shall not include any RDF from animal origin.

Reason:

In accordance with Selby District Council's Policy SP19 and the National Planning Policy Framework (NPPF) paragraph 109.

19. The development hereby approved shall be constructed in accordance with noise mitigation recommendations as detailed in Section 6.3.3 of the Noise Impact Assessment, reference 7976.2/2079/03, and Section 8.61 of the Environmental Statement, reference K108383.

Reason:

To minimise any noise impact of construction activities on nearby noise sensitive receptors in the interest of amenity

20. No external lighting shall be installed on the site until plans have been submitted for the written approval of the Local Planning Authority which shall include details of the following;
 - a) A contour map showing illumination spill beyond the site boundary measured in lux in the horizontal plane.
 - b) The main beam angle of each light source.
 - c) The uniformity ratio in respect of the lighting.
 - d) The level of illuminance measured in lux, in the vertical plane at the windows of the nearest residential properties facing the site.

- e) The height of the lighting stanchions.
- f) Luminaire intensity at the receptors.

Thereafter the approved details only shall be implemented.

Reason:

To protect the amenity of the area and to minimise unnecessary light spillage above and outside of the development site and to comply with Policy ENV1 of the LP.

21. No development on the drainage systems for the site until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

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

Reasons

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

22. Prior to the commencement of the development of the Refuse Derived Fuel fired Combined Heat and Power Plant (RDF & CHP), full details, including plans, elevations and a schedule of materials of all the buildings and any associated infrastructure for the RDF & CHP Plant, shall be submitted for the written approval of the Local Planning Authority. Thereafter only the approved details shall be implemented.

Reason

For the avoidance of doubt and because the submitted plans are indicative and don't provide sufficient information on the details of the buildings to assess the impact on the locality in accordance with Policy ENV1 of the Local Plan.

- 23 Before work starts on the Chimney stack for the RDF and CHP, details shall be submitted for the written approval of the Local Planning Authority to provide for marking and lighting of the chimney in accordance with aviation safety requirements. The approved details shall be implemented within an agreed timescale of the completion of the chimney and shall be maintained for the lifetime of its presence.

Reason

To minimise the risks associated with the safe operation of the adjacent airfield.

24. Prior to the Refuse Derived Fuel fired Combined Heat and Power Plant being brought into use, the operator shall submit to the Waste Planning Authority for approval in writing, verification that the facility has achieved (Design) Stage T1 Status through Design Stage Certification from the Environment Agency. The facility shall thereafter be configured in accordance with these approved details. Once operational, alterations to the processing plant should be undertaken to satisfy Best Available Technique or continued compliance with the R1.

Reason

To confirm the status of the plant and to ensure the waste hierarchy is considered and implemented fully in accordance with the National Planning Policy on Waste.

7.0 Legal Issues

7.1 Planning Acts

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

7.2 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.

7.3 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.

8.0 Financial Issues

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

9.0 Background Documents

- 9.1 Planning Application file reference 2016/1456/EIA, 2018/0898/EIA and associated documents.

Contact Officer: Martin Grainger, Head of Planning

Appendices: None