

COMMITTEE REPORT

Date: 23rd January 2014 **Ward:** Wheldrake
Team: Major and **Parish:** Wheldrake Parish
 Commercial Team Council

Reference: 12/03385/FULM
Application at: North Selby Mine New Road Deighton York YO19 6EZ
For: Demolition of existing buildings and re-profiling of bunds and areas of the former mine, construction of an anaerobic digestion combined heat and power facility and horticultural glasshouse and associated infrastructure and works
By: Mr Richard Barker
Application Type: Major Full Application (13 weeks)
Target Date: 6 February 2013
Recommendation: Approve Subject to Referral to Secretary of State

1.0 PROPOSAL

BACKGROUND AND SUMMARY

1.1 The application seeks full planning permission for the co-location of a 60,000 tonnes a year anaerobic digestion facility (AD) and a horticultural glasshouse facility with associated works, at a former satellite mine site on the edge of the City's administrative boundary, close to the settlement of Escrick. The AD element of the scheme constitutes EIA development and, therefore, the application is accompanied by an environmental statement, as addended. The application was subject to a pre-application public consultation process and has been consulted upon post submission. The application has been strongly opposed by the local community.

1.2 Following Committee approval of the application at its meeting on 25th April 2013, the decision notice was issued in May 2013. However the permission was subsequently challenged in a claim to the High Court by Samuel Smith's Old Brewery and Tim Williams. The basis of the claim was that as the Council had sought to enforce the second part of the restoration conditions attached to the relevant outline (Condition 15) and reserved matter consents (Condition 8), and that the consideration of the appeal against this enforcement notice is still underdetermined, the correct base line for consideration of visual impact and harm to the openness of Green Belt is that of a site which has had all plant, buildings and machinery removed. It was also contended that the Anaerobic Digester element of the application is inappropriate development within the Green Belt. Following legal advice, the claim was not contested by the Council on the basis that it had incorrectly assessed harm to the openness of the Green Belt against a site with existing buildings rather than against the nature of the site after compliance with the enforcement notice. Therefore, the Court quashed the decision to approve the

application. The applicant had not agreed with the claim but for expediency did not contest it. The application is therefore now presented back to Committee for reconsideration taking into account the reasons for the successful challenge.

1.3 The National Planning Policy Framework advises that planning proposals should be approved where the development plan is absent, silent or out-of-date unless the adverse impacts significantly and demonstrably outweigh the benefits of the scheme. The adverse impacts of the scheme have been identified as the potential harm to residential amenity through the increase in HGV movements on the access road, and harm to the Green Belt by virtue of the anaerobic digester element constituting inappropriate development. The benefits of the scheme are the benefits to climate change through the generation of renewable and low carbon energy and the diversion of waste from landfill, as well as the potential for job creation. Officers consider that, in this instance, the identified adverse impacts do not significantly and demonstrably outweigh the benefits offered by the scheme and there are very special circumstances to outweigh the harm to the green belt. . The application is, therefore, recommended for approval, subject to conditions and referral to the Secretary of State.

SITE

1.3 The application site is located approximately 6 miles south of York city centre, on the edge of the City's administrative boundary, and between the settlements of Wheldrake, Deighton and Escrick. It extends to 23.3 hectares and comprises an abandoned satellite mine site that was part of the former Selby Mine Complex (see history below).

1.4 Within the site is the former pithead area (approx. 9.8 hectares) with associated colliery buildings and hardstanding areas, along with the bunded areas that immediately surround them and the access road. Several of the buildings have been demolished including the main admin/amenity building and two stores. The total footprint of existing buildings on the application site has reduced from approximately 10,363sqm to approximately 4,916sqm. The area of landscaped bunds to the south of the pithead, which is largely within the Selby District Council administrative area, falls outside the application site.

1.5 Access to the site is via the existing roadway that is approx. 1.7km long and runs westwards to join the A19 north of Escrick. A public right of way (PROW) between Escrick and Wheldrake, passes the site along its western site boundary, cuts across the site at the site access and then along the lane that runs adjacent to the northern site boundary. A watercourse referred to as Bridge Dyke crosses the site at its western point. The site lies within Flood Zone 1 in the main, with an area of approximately 2 hectares adjacent to the access to the site and the watercourse that the access road crosses, being classified as Flood Zones 2 and 3. The area of

land to the south of the existing colliery apron and buildings is a designated site of importance to nature conservation (SINC). The following residential properties are located around the site:

- Sheepwalk Farm and Cottages to the north of the site, separated from the site by the lane that runs along the northern site boundary;
- Spring House Farm, which is located on the south side of the access road, at a distance of 630m from the site entrance;
- Warren House Farm to the east of the site, accessed via the lane that runs along the northern site boundary past Sheepwalk Farm;
- Chequer Hall Farm lies to the south of the site with its associated fields extending up to the site boundary;

SITE HISTORY

1.6 North Selby was one of six mines that made up the Selby Mine Complex. Five of the six, including North Selby, were satellite sites where labour and machinery were transported underground by shaft to work the coal face. The worked coal was extracted at the main site, Gasgoine Wood, before being distributed nationally.

1.7 Planning permission was granted for the extraction of coal from the Barnsley Seam in 1976 with outline consent for the North Selby Mine itself being granted in 1978 (ref. C/8/999/18/PA) and reserved matters approval for the mine buildings and landscaping being granted in 1981 (ref. C/8/999/18G/PA). This was following grant of consent by the then minerals planning authority, North Yorkshire County Council, and a public inquiry. Full production at the site commenced in 1991 and ceased in 1999. The use of the site for mining purposes was abandoned in 2000 following the removal of the mine shaft machinery and the capping of the shafts.

1.8 The outline planning permission was subject to a condition requiring the restoration of the site to a condition capable of agricultural production following the cessation of the use of the shafts for the conveying of miners and equipment (condition 15). This was repeated in the reserved matters approval (condition 8). The shaft cages and winding houses were removed and the buildings were initially used by an organisation called Project Rich-Seam for the re-training of former miners and then by Network Rail for the training of its staff. Several of the buildings have since been demolished by the landowner Harworth Estates.

1.9 A planning application was submitted by UK Coal in 2000 for the retention of the former mine buildings and reuse of the site for B1 (office and light industrial), B2 (general industrial) and B8 (storage and distribution) purposes by the non-compliance with the restoration condition (ref. 00/00680/FUL). This application remains undetermined.

1.10 In 2010, the Council sought independent legal advice from an external planning barrister with regards the validity of the condition following discussion with the land owners. This advice stated that the condition was unenforceable in its aim of agricultural restoration because the wording of the condition was not specific and did not require a time period within which the scheme for restoration should be implemented. The advice did state that the second part of the condition, which required the removal of all plant, buildings and machinery within 12 months from the date the mine shafts were last used for conveying miners and equipment to work the Barnsley Seam, could be severed from the full restoration requirement of the condition and was therefore enforceable.

1.11 In light of the legal advice, the Council took the decision to enforce against the failure to comply with condition 15 of the outline consent and condition 8 of the reserved matters in respect of the non- removal of the plant, buildings and machinery, but not against the condition in full. An enforcement notice was served in April 2011 allowing a two-year time period for compliance. The land owner appealed the notice and the consideration of the case is to be dealt with by public inquiry. This inquiry, due to take place in November 2011, was put in abeyance by the Planning Inspectorate until this planning application had been determined, and a further period of abeyance has been agreed to allow for the reconsideration of the application following quashing of the previous decision.

1.12 Pre-application discussion has been held with the landowners in respect of different schemes for reuse and redevelopment of the site since prior to the closure of the site for mining purposes. In more recent years, discussion has taken place on the reuse of the site for, firstly, a renewables energy centre with partners Peel Environmental and Science City York and, secondly, a plasma gasification plant by Peel Environmental. The first proposal did not proceed to an application because Science City York withdrew from the scheme. The second proposal did not proceed to an application, though a scoping opinion was requested from the Council, due to issues with noise from the plant.

1.13 A screening/scoping opinion was requested by the applicant in 2012 (ref. 12/01914/EIASP) as to whether the application was an Environmental Impact Assessment (EIA) development. The Council's view was given that the proposals were indeed EIA development and an opinion on the scope of an environmental statement to support the application was provided following consultation with relevant bodies as set out in the EIA regulations (see paragraph below).

PROPOSAL

1.14 The proposal involves the removal of the existing buildings and structures on site, with the exception of the existing substation and sewage treatment works, and, following removal, the erection of an anaerobic digestion combined heat and power facility and a horticultural glasshouse. The two elements would be operated independently, but are proposed to complement each other through the use of electricity and heat generated by the AD facility by the horticultural business. The AD facility and glasshouse operation would comprise the following:

Anaerobic Digestion Facility

1.15 The 60,000 tonnes facility would extend to approximately 6,195 sq.m of gross floorspace and would consist of a process building, tank farm and combined heat and power building, along with auxiliary components and associated weighbridge and kiosk, cycle and car parking and service yard. The main elements are:

1.16 Process building - proposed as an externally cladded portal framed structure approximately 2,566 sq.m in floor area and 12m in height above finished floor level. It would accommodate odour control equipment with a 15m high stack, a pre-preparation area and welfare facilities. The external finish would be silver grey cladding with a darker banding and louvres to the sides with a green clad roof; Tank Farm - would comprise one sanitation tank, two digester tanks and 3 storage tanks with respective heights of 10m, 15m and 18m; Combined Heat and Power (CHP) plant - a separate building of similar construction to the process building and of approximately 9.5m in height above finished floor level with a maximum 22.5m high stack; Auxiliary components - include a 12m high biogas holder, 10m high removal unit and 8m high gas flare.

1.17 The facility would operate continuously. It would be operated by 6 full time staff working shifts between the hours of 05:00 and 20:00. Delivery of organic matter and movement of outgoing materials is proposed to be restricted to daytime hours of 07:00-19:00 Monday- Friday, 07:00-13:00 on Saturdays and only in emergencies on Sundays and Bank Holidays.

1.18 The facility would have the capacity to receive 60,000 tonnes per year of source segregated organic municipal, commercial and industrial food waste and agricultural waste. The waste would be delivered to the enclosed process building and following pre-treatment (shredded/pulped/non-biodegradables removed) would be pumped to hydrolysis tanks before being transferred to the digester tanks. Biogas and a digestate consisting of a liquid and solid by-product would be produced. The digestate would be pumped to the sanitisation tank in order to comply with UK legislation on the treatment, handling and disposal of animal by-product. Following dewatering, the digestate would be collected and used as a fertiliser. The Biogas (40% carbon dioxide and 60% methane) would be piped to the gas holder and used in the CHP where it would be combusted to recover energy in the form of electricity and heat. It is anticipated that approx. 2.75MW of electrical energy would be produced. This would be used to power the AD plant with the

remaining supplied to the grid via the existing on site grid connection and to the horticultural glasshouse. An auxiliary flare stack is proposed to burn surplus biogas or when the CHP is not functioning. Heat from the combustion process would be used to maintain the temperature of the AD process with the remaining heat used to heat the glasshouse.

Horticultural Glasshouse Facility

1.19 The glasshouse would cover an area of 51,210 sq.m and would comprise a series of monopitch structures with ridge heights extending to 7m above the floor slab. The floor slab would be raised 350mm above the surrounding ground. The glasshouse would be occupied by an existing horticultural business currently with premises in Howden, East Yorkshire, that propagates plants to supply professional growers in the UK and Europe. The business would employ in the region of 50 staff working 06:00-16:00 Monday-Friday and only occasionally on Saturdays, Sundays and Bank Holidays. The number of staff could increase by up to 50 additional workers per day during the busiest period, which is the 3 month period between mid-November to mid- January. Deliveries and export of plants is proposed to be restricted to daytime hours between the hours of 06:00-16:00 Monday-Friday, with occasional deliveries on Saturdays, Sundays and Bank Holidays during busy periods. The glasshouse would utilise electricity and heat from the AD facility, though would have a back- up boiler. Lighting would be required in the glasshouse to facilitate plant propagation and safe operation. It is proposed to install light blinds to the roof and the side of the glasshouse where required, which would be closed when the lighting is in operation during hours of darkness.

Environmental Impact Assessment and other supporting documents

1.20 The AD element of the proposal is considered to be EIA development as it falls within Schedule 2 11(b) Installations for the disposal of waste of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regs) and because of the size of the site exceeds the relevant threshold of 0.5 hectares, the likely capacity of the facility exceeds 50,000 tonnes per year of commercial, industrial and municipal food waste and agricultural waste, the environmental sensitivity of the site in this rural area and the potential the development has to give rise to significant environmental effects.

1.21 The Council provided a screening and scoping opinion in July 2012 (ref. 12/01914/EIASP), confirming that an environmental statement (ES) was required and setting out the scope of this statement, following consultation with the statutory bodies as outlined in the EIA Regs. The ES included assessments of the following areas: socio-economics; lighting; landscape and visual; transport and access; air quality and odour; noise and vibration; flood risk and drainage; geology, soils and hydrogeology; and, ecology and nature conservation.

1.22 In addition to the ES, the application is supported by a Planning Statement, Design and Access Statement, Need Assessment, Flood Risk and Drainage Assessment, Transport Assessment, Travel Plan Statement, Site Waste Management Plan, Consultation Assessment Report, Sustainability Statement, Geo-environmental Desk Study, Alternative Sites Assessment and drawings including existing and proposed plans and cross-sections, elevation drawings, landscape strategy plan and illustrative views. Reference to these will be made in the appraisal section of this report. An addendum to the Environmental Statement was submitted in October 2013. This contained:-

- Updates to relevant legislation and policy;
- Updates to reflect the demolition of several buildings on the site ;
- Updates to reflect the changes made to several planning application documents including the Carbon Assessment; and
- Updates to reflect revised demolition and construction programme.

1.23 Consultation Assessment Report - This gives a summary of all consultation prior to submission of the application. It concludes that a comprehensive pre-application consultation on the proposal was undertaken by the applicant, providing an opportunity for local residents, stakeholder groups and elected representatives to engage in the process. It explains that changes have been made to the scheme as a result of the consultation programme including modification of the layout to enhance the buffer area, lowering of the AD plant digestate tanks to create a more compact facility and a reduction in the floor area of the glasshouse.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodzone 2 GMS Constraints: Flood zone 2

Floodzone 3 GMS Constraints: Flood zone 3

2.2 Policies:

CYSP2 - The York Green Belt

CYSP6 - Location strategy

CYGP1 - Design

CYGP4A - Sustainability

CYGP4B - Air Quality

CYGP5 - Renewable energy

CYGP6 - Contaminated land

CGP15A - Development and Flood Risk

CYNE5A - Local Nature Conservation Sites

CYNE5B - Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites

CYNE6 - Species protected by law

CYNE7 - Habitat protection and creation

CYGB1 - Development within the Green Belt

CYT4 - Cycle parking standards

3.0 CONSULTATIONS

PUBLICITY

3.1 The application was originally publicised in the local press, by the posting of six site notices at the site entrance and in the surrounding area and notification letters were sent to statutory bodies, the three surrounding parish councils and to those properties with adjacent boundaries. The initial consultation period expired on 20 December 2012.

3.2 Further information to the EIA was submitted by the applicant in response to comments raised. This was publicised in the press and notification sent to the relevant statutory consultees to which the information related in accordance with EIA Regulations on 27 March 2013. The consultation period expired on 17 April 2013.

3.3 The addendum to the Environmental Statement submitted in October 2013 was publicised in the press and notification sent to the relevant statutory consultees to which the information related in accordance with EIA Regulations on 27 March 2013. Interested parties were also notified that the application was being

reconsidered following the quashing of the previous decision. The overall consultation period expired on 5th December 2013.

INTERNAL

INTEGRATED STRATEGY UNIT (NOW PLANNING AND ENVIRONMENTAL MANAGEMENT: FORWARD PLANNING – REVISED COMMENTS

3.4 States since the team's original consultation responses, the Council has undertaken a public consultation on the City of York Local Plan Preferred Options (June 2013) and whilst not approved as policy for considering planning applications provides the latest approach to land use planning policy. However, it has little weight as a development plan in the determination of this planning application.

3.5 The site is identified in the City of York Local Plan (4th Set of Changes Development Control Local Plan, April 2005) and the emerging City of York Local Plan (Preferred Options, June 2013). The principles of the Green Belt and its boundaries are maintained by the 'saved' policies of the Yorkshire and Humber Regional Spatial Strategy, which deal with the York Green Belt - Policies YH9 (Green Belts) and Y1 (York Sub Area Policy).

3.6 States in view of planning conditions on the former mine site any new buildings on site would be considered as inappropriate, as they are not considered to be a use suitable in the Green Belt, as outlined in paragraph 91 of the NPPF. The exception would be the glasshouses, which is classed as 'agriculture' and so not inappropriate development in the Green Belt. However, for the other new build element (AD and CHP) which would be regarded as inappropriate, very special circumstances would need to be demonstrated if such projects are to proceed. These may include the wider environmental benefits associated with increased production of energy from renewable sources. Therefore it should be considered whether very special circumstances exist to justify the development in that location, and whether the benefits of such a proposal outweigh the harm to the openness of the Green Belt.

3.7 States the proposed use needs to be considered against the relevant sections of the NPPF, notably:

- One of the core planning principles is to support the transition to a low carbon future in a changing climate and encourage the use of renewable resources such as renewable energy development (paragraph 17);
- The planning system has an environmental role in helping to mitigate and adapt to climate change including moving to a low carbon economy (paragraph 7);
- Planning has a key role to play in delivering renewable and low carbon energy and its infrastructure (paragraph 93);
- Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development; and consider identifying suitable areas for renewable and low carbon energy and supporting infrastructure (paragraph 97);
- Local Planning Authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and applications should be approved if their impact are, or can be made, acceptable (paragraph 98).

3.8 The PEM team refers to these NPPF principles being reflected in Policy CC1 (Supporting Renewable and Low Carbon Energy Generation), in the City of York Local Plan (Preferred Options, June 2013) which covers the generation of renewable and low carbon energy, and concludes the application should be considered against the criteria set out in this policy only where they reflect NPPF policy. However, the emerging policy can be afforded little weight at this stage.

3.9 The PEM team refers to the applicant's Supporting Statement which considers the issue of need for the proposal at European, National, Regional, Sub-Regional and Local levels, to meet European and EU legislation. The Statement considers that the proposal would meet such targets and objectives by:

- Diverting municipal food waste, commercial and industrial organic waste and agricultural waste from disposal at landfill;
- Managing waste close to where it is generated;
- Moving waste up the waste hierarchy through its recovery for energy;
- Generating renewable / low carbon energy in the form of electricity and heat; and
- Assisting in realising the potential for AD deployment for heat and electricity between 3-7 Terawatt hours (TWh) of electricity by 2020,

and it should be considered whether the above objectives justify the proposed development in the Green Belt.

3.10 The team cites Policy WM1 (Sustainable Waste Management) in the in the City of York Local Plan (Preferred Options, June 2013) as encouraging sustainable waste management, including energy recovery, and the reduction of waste going to landfill. The policy also encourages the use of previously developed land for such uses. It also highlights the fact that such facilities should be located in appropriate sustainable locations where they would not give rise to significant adverse impacts on the amenity of local communities and the historic and natural environment, in accordance with other relevant policies in the Plan. However the emerging policy can be afforded little weight at this stage.

3.11 The Minerals and Waste Joint Plan (Issues and Options Consultation) formulated by the Council in conjunction with the North York National Park and North Yorkshire County Council is currently awaiting approval for public consultation. Whilst this site is covered, it is considered the plan is at too early a stage to be a significant material consideration.

3.12 In conclusion PEM states given the site's location in the Green Belt it is considered as 'inappropriate' development in the Green Belt (with the exception of the glasshouses, which are classed as 'agriculture') and consequently, in accordance with the NPPF and Local Plan policies, very special circumstances would be needed to justify the development. Additionally, the NPPF and emerging local policies encourage the uses for renewable & low carbon energy, subject to a number of criteria.

FLOOD RISK MANAGEMENT TEAM

3.13 States that the development is in low risk Flood Zone 1 and greater than a hectare and proposed access is in medium/high risk Flood Zone 2/3. Therefore, a Flood Risk Assessment should be submitted for approval to the Environment Agency. From a surface water discharge point of view, the team has no objections to the development in principle. The Team requests conditions about foul and surface water drainage works. Comments reiterated in respect of the reconsultation with the Environmental Statement Addendum.

ENVIRONMENTAL PROTECTION UNIT

3.14 The Environment Agency has advised that the site will need to operate under a bespoke environmental permit issued by them, as the proposed anaerobic digester and CHP facility will involve a combustion activity and disposal of waste activity as defined under the Environmental Permitting Regulations. Such a permit will be used and enforced by the Environment Agency to ensure that best available techniques

are used to minimise emissions to land, water and air. In addition, other environmental impacts such as energy efficient, waste reduction, raw materials consumption, odour, noise, vibration and heat will all be controlled by condition through such a permit. To date, no environmental permit application has been

made. As a permit is required, the presumption in planning is that any such site will be operated in accordance with the requirements of any such permit to adequately control any environmental impacts from the AD and CHP. As a result, further regulation via condition in the planning permission, if granted, is not necessary.

3.15 However, observations are made in terms of the demolitions and construction phases of the development and the operations of the development not covered by the permit such as the glasshouses. Overall, no objection is raised, subject to conditions.

3.16 Noise: Requests a condition to cover noise, dust and lighting from the construction phase of the development, which are identified as having the potential for major to significant adverse impacts but are of limited duration. Considers the principle noise sources during the operational phase to be from deliveries and traffic noise, the service yards and plant/machinery at the two facilities, individually and cumulatively. Following submission of a noise assessment submitted by Dragonfly Acoustics on behalf of the occupant of Spring House Farm on New Road, detailed reconsideration of the noise levels is outlined in updated comments. The EPU conducted further measuring at Spring House Farm. It is concluded that on the A19, noise impact of the development on existing properties, due to increased traffic movements, will be negligible.

3.17 On New Road, noise associated with traffic prior to 07:00 would be unlikely to result in loss of amenity due to noise providing appropriate conditions as suggested are attached to any approval granted.

3.18 Overall, the development would lead to an increase in noise at the nearest four dwellings. The level of increase would vary from hour to hour at each of the properties; however, the levels of noise are predicted to fall within the World Health Organisation and BS8233 noise standards. The additional noise monitoring carried out by City of York Council has also found that measured noise levels submitted with the application are representative of the existing lowest background noise levels, thus indicating that the submitted noise assessment by the applicant is indicative of the worst case scenario with regard to impact. Requests a condition to minimise loss of amenity due to traffic noise, service yard noise and plant/equipment noise.

3.19 Odour and emissions: The proposed AD facility will be operating under a permit issued by the Environment Agency and so odour will be adequately controlled via conditions contained within the permit. Operations will be undertaken in enclosed buildings operated under negative pressure.

3.20 Lighting: This needs to be considered in terms of nuisance and loss of amenity. The site falls within Environmental Zone 2 (Rural), as specified in the Institute of Lighting Professionals Guidance Notes. However, as background lighting levels are low, suggests that the site currently experiences lighting levels normally found in E0 and E1 Zone (Protected or Natural). As a result, it is recommended that the lighting levels from the site comply with the requirements specified for the E1 zone post curfew of 23:00 hours. Temporary construction lighting is not anticipated to result in light intrusion or loss of amenity and will be restricted to the hours during which such activities are undertaken via condition. Satisfied that the lighting from the proposed development would be unlikely to result in loss of amenity subject to conditions to mitigate against the potential adverse impact.

3.21 Contaminated Land: The ES concludes that significant soil contamination is unlikely to be present at the site, but localised contamination hotspots related to the historic land use and buildings may be encountered and elevated levels of ground gas could pose a potential risk to the development. Further investigation works should be undertaken to fully character the site and remedial work should then be undertaken to ensure that the land is suitable for the proposed use. Conditions requested.

3.22 Air Quality: Atmospheric emissions from industrial processes are controlled through an environmental permit. During construction and demolition phases the main effect would be dust emissions and the potential to cause dust annoyance, risk to human health and harm to ecological receptors. Providing suitable mitigation measures are implemented, the dust could be controlled to a suitable level. The stack height has been chosen to provide adequate dispersion of emissions whilst also minimising visual impact. It is not anticipated that the proposals would give rise to an increase in flow of more than 1000 vehicles or 200 HGV movements per day and based on air quality guidance the significance of the operational phase traffic emissions is therefore considered negligible. There is no specific legislation regarding acceptable or unacceptable odour levels. The Council's Low Emissions Strategy is highlighted and an informative is requested.

3.23 Conditions requested with regards to: a construction environmental management plan to cover noise, dust and lighting during construction phases; noise associated with plant, machinery or equipment associated with the glasshouses; lighting in the glasshouses; contaminated land; and, air quality, specifically a minimum stack height of 22.5m.

PLANNING AND ENVIRONMENTAL MANAGEMENT (LANDSCAPE)

3.24 States the AD complex, whilst of significant overall height, would be compact in nature and the chimney stacks would be relatively slim. The surrounding woods, in particular Spring Wood, and the natural and proposed topography and planting

provide sufficient visual mitigation of the development in the context of the larger landscape. The additional mounding would be noticeable in the immediate landscape as experienced from New Road PROW and neighbouring properties. Nonetheless, the proposed topography and planting would provide an effective screen of the glass houses from adjacent properties. Some degree of sky glow will affect views during hours of darkness, but the lighting and other measures have been designed such that this will be 'negligible'.

PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY)

3.25 The Council's Ecologist agrees with the overall assessment for the Phase 1 Assessment and Chapter 15 of the EIA regarding Ecology, though highlights some inaccuracies that need to be addressed. Following a response from the applicant's ecology consultant, the officer is happy to accept the clarifications made.

3.26 Requests mitigation for the SINC to secure the long term protection and facilitate the enhancement of the SINC site. This would be primarily through controlled grazing and would require the site to be securely fenced for grazing and a management plan prepared and implemented to facilitate the grazing regime. Grazing would require hardy breeds that would open up the sward and control continued scrub invasion and would need to be for the whole SINC site. The site would also provide an excellent community facility if some form of visitor access could be secured.

3.27 With regard to the additional planting within the SINC requested by the Landscape Officer, an open grassland/scrub mosaic would be feasible and could be beneficial in wildlife terms. States that in respect of the updated ecology chapter of the assessment there are no real concerns, with additional species being identified. A number of minor points are noted, in relation to the grassland of the SINC qualifying for designation, NE7 of the local plan also being relevant to the application. Hierarchy that is used at both national and local level is that where wildlife sites are involved, the initial consideration should always be that the sites and interest are protected and it is only if this cannot be done in its entirety then mitigation of the impacts should be considered and then and only as a last resort is compensation considered.

PLANNING AND ENVIRONMENTAL MANAGEMENT (SUSTAINABILITY)

3.28 Broadly supportive of the scheme given its potential to generate low and zero carbon energy, reduce waste arising and contribute to meeting York's challenging carbon reduction targets (40% reduction by 2020; 80% reduction by 2050). Suggests three ways in which the proposals can be further strengthened: firstly, inclusion of a statement in the Travel Plan setting out that where feasible contract

workers will access the site via bus and/or mini-bus; secondly, on-site training and technology specific training where feasible; and, thirdly, clarification as to when the potential for rainwater harvesting is to be explored.

HIGHWAY NETWORK MANAGEMENT

3.29 Notes that the application has been supported by both a Transport Assessment and a Travel Plan Statement, the scoping of which has been agreed with officers and due to the lack of survey data within nationally recognised programs (TRICS database) information relating to traffic generation has been supplied from the applicants based upon experience of the operation of similar facilities.

3.30 Due to staff shift patterns and the expected hours of operation of both uses the vast majority of the vehicular traffic associated with the proposed development will occur outside of the traditional network AM and PM peak periods when traffic volumes on the A19 and adjacent highways will be at their greatest. These time periods are used for the purposes of assessing the impact of development as the highway network is at its most sensitive and the greatest impact will be seen. The potential increase in traffic during the peak network periods is in the region of 8 vehicular movements. This will not have a material impact and will barely be perceivable when considering adjacent traffic flows on the A19.

3.31 Staffing levels for the AD facility are negligible (approx 6) with greater levels of staff required for the glasshouse (approx 50).

3.32 HGV movements are split between those associated with the AD Facility and the Glasshouse. The greater level of HGV traffic will be generated by the AD facility (70 daily movements) with only negligible HGV traffic flows associated with the glasshouse (14 daily movements). The TA has been based upon a worst case scenario which estimates the level of HGV movements during the busiest periods of operation of the facility and assumes that HGV's with a smaller payload are used resulting in a higher number of total HGV movements. The worst case scenario of peak operation of the site will only be for 1-2 months a year and outside of this period HGV movements will be lower. Under the worst case scenario the whole site could be expected to generate a total of 88 HGV movements over a 12 hour day. This equates to approximately 3-4 trips in and 3-4 trips out per hour (7-8 movements per hour). This level of movements is very low and will not have a material impact on the operation of the junction of New Road and the A19 or on A19 traffic flows.

3.33 The accident history for the A19 in the vicinity of the site access junction has been investigated. This has not identified any accident clusters nor pattern/frequency of accidents which could be exacerbated by the anticipated increase in traffic flows or movements generated by the development.

3.34 A concern of a number of objectors/residents relates to the ability of traffic, particularly articulated HGV's, to turn right onto the A19. The junction has been designed and constructed using Highways Agency (government approved) standards. Vehicles turning right into the site will be able to wait within the island area, clear of through traffic. Traffic leaving the site will be able cross the Southbound traffic stream and wait within the island area before joining the Northbound flow with the exception of articulated HGV's. Articulated vehicles will need to wait for a sufficient break in traffic flow before turning right in one manoeuvre. This is an accepted approach and can be beneficial. When articulated vehicles wait within central reserve islands the angle can make it difficult for the driver to see approaching traffic as it is over their left shoulder. It is therefore sometime safer for drivers to wait and complete the right turn in one manoeuvre.

3.35 The visibility available for vehicles leaving the site and turning right is in accordance with national standards and as such will enable a driver turning right time to assess the speed of approaching traffic and complete a manoeuvre whilst also allowing traffic travelling along the A19 enough forward visibility to see turning vehicles.

3.36 Notwithstanding the above comments the anticipated level of articulated movements is low and when this is further broken down into the total number of vehicles expected to turn right (2-3 per hour) officers do not consider that there are any grounds to raise an objection on safety, traffic generation or capacity grounds. This view is also supported by the visibility achievable at the junction and no identifiable accident pattern.

3.37 The site is in a rural location but has previously been used for high levels of employment. It is accepted that such a location will make sustainable travel a limited option for many staff and visitors. Given the specific nature of the proposed use of the site and requirements the remote location is considered to be acceptable in travel terms. In order to maximise the potential for sustainable travel to occur the application has been supported by a Travel Plan Statement setting out measures that can be implemented to maximise non car access whilst at the same time acknowledging the location. Such measures include incentives to encourage car sharing and the use of a minibus to collect seasonal workers associated with the glasshouse.

3.38 No objections are raised subject to the standard conditions relating to vehicle and cycle parking provision and the implementation of the Travel Plan Statement.

ECONOMIC DEVELOPMENT UNIT

3.39 Strongly supports the application in question based on the potential of the project to create jobs and economic growth in a key growth sector for the local economy.

3.40 Bio-science is identified as a key growth sector for the city in the York Economic Strategy and support is provided through Science City York. The 2011 Future of Business report by HSBC identifies York as a Biotech centre for the future. The wider economic benefits from the project will contribute to growth and innovation in the Agri-food and associated technologies industry across the York and North Yorkshire economies. Agri-food has been identified as a nationally and potentially internationally leading strength of the York and North Yorkshire sub-region, and as such the proposed development could contribute to the critical mass in this industry and position the city to gain further supply chain benefits from these sector strengths.

3.41 In order to ensure that the potential economic benefits of the application are fully realised, it is recommended that a supported skills and training programme from the applicant would be desirable, with the potential for a local apprenticeship programme.

EXTERNAL

COAL AUTHORITY

3.42 Pleased to note that the applicant has obtained appropriate and up to date coal mining information for the proposed development site and has used this information to inform the Geo-Environmental Desk Study Report accompanying the application. The Report correctly identifies that the application site has been subject to past coal mining activity. The Desk Study concludes that the mine entries have been treated and therefore pose a low risk to the development. Whilst development over such features is not usually appropriate, the glasshouses are a lightweight structure and the Study states that further consideration of ground conditions and foundation design will take place prior to development.

3.43 Considers that the content and conclusions of the Geo-Environmental Desk Study report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for proposed development. Further more detailed

considerations of ground conditions and/or foundation design will be required as part of any subsequent building regulations application.

3.44 In response to the recent reconsultation reiterates the above comments and states The Coal Authority therefore has no objection to the proposed development.

NORTH YORKSHIRE COUNTY COUNCIL

3.45 County Planning Authority states it would offer no comments in reply.

3.46 Responding as County Highway Authority states it does not consider that the proposal will have a material impact on the operation of the highway network. As such the Local Highway Authority would not raise an objection to the proposal.

NORTH YORKSHIRE POLICE

3.47 Could not initially support the application as the developer had not demonstrated the potential for preventing crime had been satisfactorily addressed. Further information was requested to demonstrate that crime and the potential for sabotage has been fully considered. In light of this additional information, the Police no longer have any concerns or issues as it is considered that the applicant has now clearly demonstrated how crime prevention measures have been considered in respect of their proposal.

3.48 Recent reconsultation – no comments to add to the above.

ENVIRONMENT AGENCY (EA)

3.49 No objections to the proposed development. Confirms that the development will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency.

3.50 With regard to flood risk, the Agency states that the scheme is only acceptable if the measures detailed in the Flood Risk and Drainage Assessment are secured through a planning condition.

3.51 Offers advice to the Local Planning Authority on flood risk: To ensure that their own drainage engineers and IDB agree to the proposed rate of discharge before issuing permission and that the detailed design of the surface water drainage scheme be agreed before development commences. To formally consider the emergency planning and rescue implications of new development in making decisions where warning and emergency response is fundamental to managing flood risk.

3.52 With regard to biodiversity, it considers that the proposals will have a negligible impact upon the local ecology, and may provide ecological enhancement through the provision of new habitat. However, there are currently protected species (great crested newt) and sensitive habitats on site, for which any risk needs to be adequately mitigated throughout the construction phase. The Agency has no objection, subject to the inclusion of a condition covering a construction management statement.

3.53 Welcomes measures outlined within the proposal for the recycling of rainwater, dewatering of digestate and reuse of this process water and Sustainable Drainage Systems.

3.54 Supports the underlying concept of landfill diversion and using waste as a resource, the co location of a user for energy produced is a good sustainable solution. It is important that the facility can be sustained whilst respecting the first line of the waste hierarchy to prevent the creation of waste. The method used to assess availability of feedstock is reasonable, though data for commercial and agricultural waste streams is less reliable as it is not recorded.

4.55 Recent consultation – confirms it has no comments to add to the above

OUSE AND DERWENT INTERNAL DRAINAGE BOARD (IDB)

3.56 The site is within the Drainage Board's area and adjacent to Board maintained watercourses - Bridge Dyke and Halfpenny Dyke. Consent is required for any development within 9m of the bank top of any watercourse or for any culvert, bridge, fill in or discharge. The Board advises the Authority to be satisfied that surface water drainage has been satisfactorily provided for. It seeks any discharge to be regulated to that of a Brownfield Site (140l/s - 30%). The Board notes that surface water is to be discharged to existing watercourses. It recommends a condition relating to surface water drainage works and informatives about maintenance and Board's consent.

3.57 Recent consultation – confirms it has no comments to add to the above

NATURAL ENGLAND

3.58 Natural England advises that the Authority can conclude that the project is not likely to adversely affect the integrity of the Lower Derwent Valley Special Area of Conservation, Lower Derwent Valley Special Protection Area, Lower Derwent Valley Ramsar, River Derwent Special Area of Conservation and Skipwith Common Special Area of Conservation. Subject to the proposals being carried out in strict accordance with the details submitted, advise the Authority, as Competent Authority, that it can be ascertained that as this application will not adversely affect the

integrity of the European designated sites and therefore it does not need to undertake further stages in the appropriate assessment process.

3.59 The proposal is not within close proximity to any Site of Special Scientific Interest or nationally designated site for nature conservation.

3.60 Natural England does not object to the proposed development. It is likely that the development will affect Great crested newt through loss of habitat and construction impacts, but are satisfied that the proposed mitigation would maintain the population. The ES acknowledges that a license is required in order to carry out any works.

3.61 Advises conditions be attached to ensure that the recommendations and mitigation as detailed in section 15 of the ES are implemented in full in order to avoid impacts on protected species. Advises that LPA assess and consider the other possible impacts on local sites, local landscape character and local or national biodiversity priority habitats and species.

3.62 In response to the recent reconsultation, states that based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

3.63 Natural England has published Standing Advice on protected species. In terms of biodiversity, NE states the authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

YORKSHIRE WILDLIFE TRUST (YWT)

3.64 States that the surveys for habitat and protected species appear to have been done correctly and the wildlife value of the site has been satisfactorily assessed. YWT accepts that the neighbouring European sites are unlikely to be damaged. Does have concerns relating to the potential for crops to be grown specifically to feed the digester and request a planning condition to prevent the use of purpose grown energy crops and virgin woody biomass in the process in interests of sustainability and prevent agricultural land being used to grow bio-energy crops. The authority should also be confident that the need for feedstock will not reduce recycling in the region. The availability and sustainability of feedstock does not appear to have been addressed. The long term management of the SINC should be secured by an ecological management plan backed up by a legal agreement.

YORK NATURAL ENVIRONMENT PANEL

3.65 The Panel opposes the scheme on the basis that the land should have been returned to agricultural use with every opportunity taken to enhance the wildlife value of the site and that the scheme represents an inappropriate development in the greenbelt. If not agricultural use, the SINC should be extended and improved.

YORK ENVIRONMENT FORUM

3.66 Support the proposals subject to conditions. It is clear that this region, like everywhere else in the UK, needs to respond to the need to produce more power from renewables and to become less dependent on fossil fuels. Already connected to the National Grid, and having had an industrial use for many years, this site offers

a good opportunity for such a scheme if it can be done without negative impact to the environment.

3.67 While the original planning consent required the site to be returned to agriculture when the mine closed, there is little demand for agricultural land at present and that there are other uses to which the site can be put, as long as it abides by key principles relating to: protection of biodiversity; the use being an exemplar of sustainable development; the use providing recompense to the local community to enable improvement of the environmental sustainability of its public buildings;

3.68 Returning the site to agricultural use would have a negative impact on wildlife populations that have become established. Request any approval to be subject to a condition requiring the applicant to protect the biodiversity of the site.

3.69 Request that any approval should include a requirement that the operators of the site ensure that vehicles delivering material to and from the site be powered by biogas produced by operations within the site. The applicant should engage the local community by: installing a public display showing how much power is being produced on the site, quantifying emissions and carbon savings by comparison to a fossil-fuel-fired power station; and, providing the local community direct access to heat, in the form of district heating to public buildings, or by providing subsidies or grants to assist the local community reduce its own carbon emissions.

SELBY DISTRICT COUNCIL

3.70 No response received to date.

JULIAN STURDY MP

3.71 Expresses objections on behalf of a large number of constituents. Recommends the application be refused.

- Traffic concerns relating to significant number of heavy vehicles transporting waste, residual products and employees, which would impact directly on A19, exacerbating the current road congestion on this accident blackspot;
- Green Belt implications from inappropriate and alien development of the scale proposed, which would detract from the area;
- Query whether test of special circumstances has been met;
- Implications of the AD facility on residents' amenity;
- Concern over what is perceived to renege on the 1970s commitment to return land to agricultural use;

- 39% of site is a designated site of nature conservation;
- Highlights that there is not enough suitable waste in the local area with the majority of the feedstock originating from outside North Yorkshire;
- Impacts from lorries transporting waste using thousands of litres of fossil fuel.

NIGEL ADAMS MP

3.72 Writing on behalf of a number of constituents he highlighted; overwhelming community opposition, congestion and lack of capacity on the A19, location in the Green Belt, the condition to restore the site should mining cease, the release of odorous gases to the rural environment

COUNCILLOR RESPONSES

3.73 Councillor Aspden (Fulford Ward) writes to object on behalf of local residents in Fulford. Key concerns raised:

- The development is on a huge scale;
- The site is ultimately on green belt;
- Impact of traffic on the local transport network;
- Increased pollution for the local area.

3.74 Selby District Councillor Reynolds and Selby District and North Yorkshire County Councillor Casling, have written to oppose the scheme:

- Proposal is inappropriate for a Greenfield site in the Green Belt and no special circumstances have been demonstrated;
- There is no certainty that suitable quantities of waste materials are available and indications are that waste will originate from outside the local area;
- There is no need for an AD facility as there are sufficient other sites within a 30 mile radius;
- There would be significant vehicle movements importing waste and removing residual products on an already highly congested road that runs through Escrick village;
- There is potential for offensive smells to be created from the digester plant itself and spreading of residual material on nearby farmland;
- It should be directed to an existing industrial area;
- The claim that there is no demand for agricultural land is spurious as land prices have never been at a higher level;
- The original planning permission was 'in the national interest' and there is no such interest in the present application;
- There as a justifiable expectation that when mining ceased the site would be restored to agricultural use.

PARISH COUNCIL RESPONSES

3.75 The site falls within the parish boundary of Wheldrake, though lies in close proximity to the boundaries with the parishes of Deighton and Escrick. As such, consultation letters accompanied by a copy of the application submission was sent to all three parish councils. Responses have been received from these three parish councils, as well as the parish councils of Naburn, Fulford, Osbaldwick and Thorganby. The parish councils object on the following grounds:

- The proposal would be inappropriate development within the Green Belt and that the "special circumstances" required to permit the development have not been demonstrated;
- This scale of development is not appropriate in a rural area;
- There is no certainty about the sources of suitable waste materials needed to power the operation, a large proportion of which is likely to originate from outside the local area - not appropriate or sustainable to import feedstock and other waste materials from outside York/Selby area;
- There are other locations nearer to the M62 corridor where the proposal indicates a large proportion of the waste feedstock would originate from, notably Kellingley Colliery;
- The proposal would require significant vehicle movements along the already congested A19 corridor, which would exacerbate the congested highway network, make travel for local residents even more difficult and would result in a large proportion of traffic, including merchant vehicles, travelling through the area and potentially re-routing through the villages;
- The Parish Council supports of a residents group which has identified a number of safety issues regarding traffic speed and volume along this route;
- Highlights that there were never previously any significant levels of traffic associated with North Selby Mine as employees operated a shift system and all coal was transported underground;
- There is no information about the eventual decommissioning of plant and equipment, decontamination measures and its following use or status;
- Urge CYC to enforce the planning conditions attached to the original consent for the mine requiring the site to be restored to agricultural use.
- Accept there is an undisputed need for bio-wastes to be diverted from landfill, but there is a lack of clear regional/local strategy for non municipal bio-wastes.
- The site exists due to geological factors and mining logistics, but the locational factors for the proposed facility are less constraint.

3.76 Comments since the reconsultation received from Escrick Parish Council reiterate the points made above and make reference to the draft local plan rather than the Local Development Framework, and suggest the site should be looked at as one planning unit and the impact on the green belt assessed as such.

3.77 In addition to its previous comments, Wheldrake Parish Council states since approval of the development and quashing, the draft CYC/NYCC Minerals and Waste Joint Plan (Site Identification and Assessment Methodology) July 2013 has been circulated. The Parish Council states the proposals would score badly against

section 3,11,15 and 17 of the document if it is adopted. It states the site does not fit well with the because of the sourcing of feedstock from outside the area, the effect on the landscape and green belt and effect on wellbeing safety and heart of local communities so does not address the needs of the community in a sustainable and inclusive manner.

RESPONSES FROM THE COMMUNITY

3.78 North Selby Mine Action Group

- Applicant's claim that there is no space for the AD facility on the Kellingley Colliery site seems implausible and contrived in order to arrive at the conclusion that North Selby is the best site;
- The site is in the Green Belt and given the plethora of sites that have or are in the process of obtaining permission, it is difficult to understand how the test of 'exceptional circumstances' can be demonstrated;
- Queries the 'green renewable energy' credentials of the using a gas boiler of the size proposed and the emissions from the flue have not been modelled;
- Potential for loss of amenity from odour emitted from spreading of digestate on surrounding farmland and impact on traffic generation from spreading vehicles.

3.79 At the time of previous report there were 362 responses received predominantly from residents of the surrounding area and the settlements of Deighton, Escrick and Wheldrake, objecting to the proposals. The comments made can be summarised as follows:

- Use of land: Site should be returned to agricultural land as required by condition of approval for the mine. If not then another natural use, reuse of buildings for more suitable purposes or erection of new homes;
- Future of site/viability: Question whether the size of plant is sustainable necessitating further expansion of the facility or a future alternative use of the site for non-rural activities; business case questioned as only 50% of glasshouse heat requirement from AD/CHP facility; expansion if financial incentives remain.
- Location: Development should be at source and in an urban or industrial area with good road and rail network (e.g. Kellingley Colliery) as not sustainable to transport waste by road from outside the York area.
- Need: Not enough local waste to run the facility and there is capacity at other AD sites (existing and planned); the proposal would not meet local employment needs or provide local jobs; the need for more tomatoes is questioned.
- Green Belt: The proposal is inappropriate development in the Green Belt, which by definition is harmful to openness and for which no very special circumstances have been demonstrated; the scale and magnitude of the industrial buildings are out of keeping with the Green Belt status and that the proposal would harm the openness and historic character and setting of the City of York.
- Access: The site is not served by public transport for employees travelling to the site; a roundabout or lights should be provided at junction as it is unsafe.

- Traffic: The proposal would exacerbate traffic congestion along the A19, increase the number of cars and HGVs using the already overloaded A19 resulting in damage to the road surface and adversely affect highway safety for pedestrians, cyclists and other drivers; the validity of the survey data is questioned.
 - Pollution from traffic: Highlight increased noise pollution, vibration and a deterioration of air quality from increased vehicle movements along the A19 and the effect on human health and quality of life; the potential for pollution from the transport of waste.
 - Pollution from the site: Concerns raised about the impact of noise, light (24 hours) and air quality (odour) pollution from process emissions on human health and quality of life (already noxious smells from other industrial facilities in area); potential for pollution of watercourses and ground water.
 - Wildlife: Concern is raised about the affect on the wildlife in the area and the habitat overall mainly from noise, emissions and light pollution given the sites location near important nature conservation sites and as a third of the site is a Site of Interest to Nature Conservation.
 - Visual impact: Proposal is out of scale and would blight the rural landscape, particularly the chimney, to the detriment of the surrounding agricultural area.
 - Local benefits: Residents consider that there are no local economic or community benefits, such as district heating or jobs; scheme would suppress local, tourist and agricultural economy.
 - Contamination: Concerns are raised about the contamination of surrounding water courses; the lack of reference to the clean up of the larger area of 'contaminated land' is highlighted.
 - Crime: Concern that the proposal could increase crime in the area
 - Safety: Explosion of methane production and mine gas seepage as well as distance from emergency services raised.
-
- House prices: Proposal would impact on price and desirability of houses in the area.
 - Procedural: The length of consultation period is raised and the difficulty in accessing documents on the Council's website.

3.80 The resident of Spring House Farm asked for further conditions to be added with regards an acoustic study, resurfacing of New Road and the removal or relocation of the speed humps.

3.81 Since the approval was quashed and following reconsultation, responses from 60 residents and interested individuals have been received, reiterating or making the same points as set out above but also:-

- Significant Impact of traffic on the A19 in terms of congestion and safety and disadvantages of emergency services
- Air quality in the area would deteriorate and so human health would be

affected

- Wildlife would be adversely affected by the proposals
- The site should be returned to green belt as originally promised
- Obligations and requirements have not been met or have been broken for many years at the site
- The scheme is primarily industrial rather than agricultural
- There is no urgent need for the Anaerobic Digestion facility given the number and capacity of sites in the region. And there are insufficient assurances regarding supply for the facility. The viability should be considered
- There are changes proposed to the scheme which ought to require a new application to be made e.g. waste is to be sourced from, the type and size of vehicles delivering it to site, the types of equipment to be installed and even the layout of the site
- additional waste processing and segregation equipment are now planned as outlined in the re-submission now use a portion of local municipal and industrial waste.
- HGVs will cut through Elvington and Wheldrake causing both serious congestion and disturbance to those local communities on roads never intended to take such vehicles.
- Noise and devaluation of property
- there is fierce competition for suitable organic waste locally several existing local
- facilities (with another one going through planning at Thorganby) having to source waste from further and further away - using carbon and causing pollution.
- The traffic survey and findings are flawed due to the time of year undertaken and methodology
- Very special circumstances for development in the Green Belt were not put forward previously and still do not appear to have been provided

3.82 Just prior to the previous Committee consideration representations was received on behalf of Samuel Smith's Old Brewery (Tadcaster). These asserted that the Officer's report was flawed in terms of the basis for its baseline assessment

on the Green Belt which should have been of a site cleared of buildings as required by the conditions , and should have considered the issue of whether there was no greater impact on openness. It concludes this has not been achieved and the proposal therefore represented 'inappropriate development'. The letter stated that there was the potential for challenge of any decision on this basis.

3.82 Three letters of support from residents of York on the following grounds:

- Waste has to be processed somewhere and this site appears suitable if the road network is improved;
- Returning the site to agriculture would involve remediation measures which would bring doubtful benefit on a small site;
- The spoil heaps should remain undisturbed for ecological reasons;
- Disturbance to residents would be minimal as the site is 2km from Wheldrake and Escrick;
- Horticultural proposals imply savings in food miles and quality of produce;
- The sourcing of waste is a commercial decision for this private venture;

3.83 One letter from a local resident who supports the application stating it is vital that carbon emissions are reduced. This is providing that the applicant agree to conditions covering: protection of biodiversity, powering vehicles by biogas, a public display board shows residents how much power is being produced and an annual subsidy to local communities to assist in reductions in carbon emissions or a pipeline for district heating to public buildings.

3.84 Letter from one resident who agrees with some concerns of the North Selby Mine Action Group over increased traffic and the distance the waste materials would be gathered, but disagrees with other concerns about designation of the site, potential hazard to homes and future expansion. Asks the question of how as a nation, facing ever increasing demand for energy, we can afford to block every single potential development designed to provide another source of electricity and gases.

3.85 Following the recent reconsultation one letter reiterates previous reasons for supporting the proposal.

4.0 APPRAISAL

4.1 The application comprises two elements that could stand alone as commercial enterprises, but which are proposed to be co-located in order to mutually benefit from this relationship in terms of the transfer of electricity and heat. However, for the purposes of assessing the application, the individual and cumulative impacts of the scheme are assessed. The scheme remains as proposed at the time of the previous consideration. The key issues in the determination of the application are:

- Status of the site
- Principle of Development
- Impact on Green Belt
- Design and Visual Amenity
- Economic Benefits
- Highway Implications
- Crime
- Climate Change
- Flood Risk
- Nature Conservation
- Human Health and Residential Amenity
- Consideration of Very Special Circumstances

POLICY CONTEXT

National

4.2 The Coalition Government published its National Planning Policy Framework (NPPF), which came into force on 27 March 2012. Paragraph 14 of the NPPF establishes the presumption in favour of sustainable development, which the Coalition Government sees as a golden thread running through decision-making. It defines three dimensions to sustainable development: an economic role, a social role and an environmental role. The 'presumption in favour' means that development proposals should be approved where they accord with the

development plan without delay unless material considerations indicate otherwise. Where the development plan is absent, silent or out-of-date, planning permission should be granted unless any adverse effects would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or, specific policies in the Framework indicate development should be restricted.

4.3 The NPPF sets out twelve core planning principles to underpin decision-taking in planning. They include: the proactive drive and support of sustainable economic development to deliver infrastructure; securing high quality design and a good standard of amenity for all existing and future occupants; protecting Green Belts and recognising the intrinsic character and amenity of the countryside; supporting the transition to a low carbon future in a changing climate and encouraging the use of renewable resources for example by the development of renewable energy; conserving and enhancing the natural environment; encouraging the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value; and, actively manage patterns of growth to make fullest possible use of public transport.

4.4 The following sections of the NPPF are of relevance to this application: Section 1 places significant weight on the need to support economic growth through the

planning system; Section 4 promotes sustainable transport; Section 7 seeks good design that adds to the overall quality of the area; Section 8 promotes safe and accessible environments; Section 9 confirms the great importance that the Government attaches to Green Belts and gives advice on protecting Green Belt land; Section 10 covers climate change including the reductions in greenhouse gas emissions and supporting the delivery of renewable energy and ensuring development does not increase flood risk to other areas; and, Section 11 states that the planning system should contribute to and enhance the natural and local environment by protecting valued landscapes, minimising impacts on biodiversity and protecting human health.

4.5 Planning Policy Statement 10 (Planning for Sustainable Waste Management) was amended in March 2011 and is not one of the statements replaced by the NPPF. It sets out the Coalition Government's overall planning policy guidance on waste. It seeks to "protect human health and the environment, by producing less waste and by using it as a viable resource wherever possible". It advises that proposals on sites that have not been allocated or identified in a development plan or where applications are submitted before plans have been reviewed should be considered favourably where they are consistent with the policies in the statement.

4.6 The Government published its Renewable Energy Strategy in July 2009, which sets the strategy for meeting the 15% target placed upon the UK. In 2011, National Policy Statements for Energy: EN-1 and Renewal Energy Infrastructure: EN-3 were approved and are material to decision making on planning applications. These statements identify the potential of plant powered by the combustion of biomass and waste towards renewable energy capacity and the increasing role in meeting the UK's energy needs.

4.7 In July 2013 the Government published the 'Planning practice guidance for renewable and low carbon energy'. The guidance states it 'can be a material planning consideration and should generally be followed unless there are clear reasons not to'.

4.8 The guidance refers to the important role of planning in delivering new renewable and low carbon infrastructure in locations where the local environmental impact is acceptable and highlights technical considerations that need to be given for particular renewable energy technologies including proximity of grid connection infrastructure, size of the site and appropriate transport links.

4.9 It points out that in considering locations, local planning authorities should ensure they take into account the requirements of the technology, the potential impacts on the local environment, including cumulative impacts. The views of local communities likely to be affected should be listened to.

4.10 The guidance states that Planning can provide opportunities for, and encourage energy development which will produce waste heat, to be located close to existing potential users of the heat. Planning can also help provide the new customers for the heat by encouraging development which could make use of the heat.

Regional

4.11 The Yorkshire and Humber Plan Regional Spatial Strategy (RSS) to 2026 was formally adopted in May 2008. The RSS includes policies relevant to strategic development within the York area with specific reference to York's Green Belt. In 2010 the Coalition Government set out its intention to revoke regional strategies through the passing of the Localism Act. The Coalition Government laid a statutory instrument before Parliament in January 2013 that revokes the Yorkshire and Humber RSS but retains the policies contained within it relating to York's Green Belt. This partial revocation came into effect on 22 February 2013. The Ministerial statement in respect of the statutory instrument confirmed the importance the Coalition Government places upon the Green Belt and recognised its invaluable role in protecting this treasured environmental and cultural heritage. This was following the carrying out of an environmental impact assessment into the revocation of the RSS and the implications that abolition in full would have on the position of the Green Belt in York in light of its lack of a local plan. Policies YH9 and Y1 remain part of the development plan for the City. Policy YH9C establishes a Green Belt

around the City and requires the detailed inner boundaries to be defined to establish long term development limits that safeguard the special character and setting of the historic city.

Local

4.12 The City of York Deposit Draft Local Plan (incorporating 4th set of changes) was agreed by the Council for development control purposes in April 2005. Whilst it has not been formally adopted, it reached an advanced stage in the process. The policies contained within it can be given weight and are considered to be material to the determination of the application where they reflect the NPPF. Paragraph 215 of the NPPF allows a 12 month period from its publication within which due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

4.13 The relevant policies are summarised in section 2.2. Policy GP1 of the Local Plan states that development proposals will be expected to (a) respect or enhance the local environment and (i) ensure that residents living nearby are not unduly affected by noise and disturbance. Policy GP3 (Planning against Crime) requires natural surveillance of public spaces and paths from existing or proposed development, secure car and cycle parking locations and satisfactory lighting in developments. Policy GP9 deals with landscaping within residential schemes.

Policy GB1 mirrors Green Belt policy and identifies those new buildings that are appropriate development. Policy NE1 seeks to protect existing trees and hedgerow that are of important landscape, amenity, nature conservation or historical value.

4.14 The Council was preparing a Local Development Framework prior to the publication of the NPPF, but formally withdrew it on 12 July 2012. It is now preparing and working towards the publication of a new Local Plan. The first stage of consultation on the Local Plan Preferred Options Document and Proposals Map took place in June 2013. The Preferred Options document recognises at paragraph 20.21 that the former North Selby Mine Site contains a significant grid connection and provides opportunities for renewable/low carbon energy development. Reference is also made in the document to the pending planning application at the Application Site, as set out in the Planning and Environmental Management Team consultation response. However, as confirmed by the PEM team, the policies within the Local Plan Preferred Options Document can be afforded little weight in the determination of this planning application.

STATUS OF THE SITE

4.15 The site is a former satellite mine located in the York Green Belt. The site was used for conveying miners and equipment to the coal face, but was not used for the extraction of coal itself. The use of the site for mining purposes has been

abandoned following the removal of the shafts and cages in 2000. The site has continued to be used by Network Rail for training of its staff until March 2013 when the company permanently vacated the site.

4.16 The Secretary of State in granting planning consent for the use of the land in connection with the mine imposed a restoration condition. The aim of the condition was for the site to be restored to a condition capable of agricultural production following the removal of the plant, buildings and machinery within 12 months from the date of abandonment. Objectors to the proposals highlight this requirement of the original consent and request that the Local Planning Authority ensure compliance with the condition.

4.17 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'. One exception to this is land that has been developed for minerals extraction where provision for restoration has been made through development control procedures.

4.18 However, legal advice from an independent planning barrister given in 2011 with regards to the validity and enforceability of the condition, confirmed that the condition was fundamentally flawed and that it was not capable of being enforced in full. This is because the wording only requires a scheme of restoration to be submitted, but specifies no time frame within which the implementation of the approved scheme is required to take place, hence rendering full restoration

unenforceable. As such, the extent of the Local Planning Authority's action has been to serve an enforcement notice seeking the removal of certain plant, buildings and machinery from the site. It has not been able to require full restoration of the site to a condition capable of agricultural production. The enforcement notice remains in place at least until the determination of this planning application. If the application is approved the notice may be withdrawn ; however if the application is not approved the notice would remain in place but the outstanding appeal lodged against it would be heard. If the notice were to be upheld removal of the remaining plant, buildings and machinery would be expected; however if the appeal is successful the remaining buildings could be retained in perpetuity.

4.19 The fact that the site is not able to be restored through development control procedures means that the site would not be exempt from the definition of 'previously developed land' and, therefore, constitutes previously developed land.

PRINCIPLE OF DEVELOPMENT

4.20 The NPPF establishes a presumption in favour of sustainable development in the determination of planning applications. It advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole or specific policies in the Framework indicate development should be restricted (para.14).

4.21 Following the partial revocation of the RSS and the withdrawal of the LDF prior to adoption, the only relevant development plan policies are those relating to Green Belt in the RSS. The consideration of the Green Belt position is considered below. The RSS policies seek to establish a Green Belt around the City of York. In accordance with paragraph 14 of the NPPF, as the development plan is absent in all other regards, the proposals should be assessed against the policies in the Framework, and be approved unless there are adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.

IMPACT ON GREEN BELT

4.22 The site lies within the York Green Belt. The Government attaches great importance to Green Belts and specifies in the NPPF what new buildings are appropriate to construct within them. It states that the construction of new buildings in the Green Belt is considered to be inappropriate development unless it falls into one of the prescribed exceptions. One such exclusion is buildings for agricultural uses (para.89). Section 336 of the Town and Country Planning Act 1990 includes 'horticulture, fruit growing and seed growing' within the definition of agriculture. Therefore, the use of the land for horticultural purposes is an appropriate use of this site and the construction of the proposed glasshouse in connection with this use constitutes appropriate development in the Green Belt.

4.23 A further exception to new buildings being considered as inappropriate development is the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. This includes to check unrestricted sprawl, to prevent coalescence, to safeguard against encroachment, to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the recycling of derelict and other urban land. As stated above, it is established that the site constitutes previously developed land. Therefore, the impact of the proposals on the openness of the Green Belt in relation to the existing site needs to be considered.

4.24 In terms of the impact on openness, the application with proposed new buildings should be judged in the context of no buildings currently on site, given the enforcement proceedings requiring clearance of certain buildings and structures on the site. Other development would still remain including the access roads, large areas of hardstanding, waste water treatment plant, bunds and lighting columns. The impact of the development of the site on the openness of the green belt has been reconsidered on this basis since the quashing of the last Committee decision.

4.25 The proposed buildings would range from 9.5m to 12m for the AD/CHP facility, with 18m high maximum AD storage tanks and two stacks 15m and 22.5m high. The gross site area would be 6,195 sq m. This proposed extent of permanent development, comprising buildings of solid massing will inevitably have a greater impact on openness; therefore it will be harmful to the openness of the Green Belt.

4.26 In light of the above, the exception to inappropriate development due to the previously developed land status as referred to in 4.23 would not apply. The development would therefore be defined as inappropriate. Inappropriate development is by definition harmful to the Green Belt and the harm to the Green Belt has substantial weight in the determination of this application. Very special circumstances would need to be demonstrated to outweigh the presumption against inappropriate development, to justify the development. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Very Special circumstances are considered at paragraph 4.80 below.

VISUAL IMPACT OF DEVELOPMENT AND DESIGN CONSIDERATIONS

4.27 One of the core planning principles in the NPPF is securing high quality design. Paragraph 58 states that development should function well and add to the overall quality of the area.

4.28 The glasshouse structure covers a gross area of 51,210 sq m, all within the boundaries of the previously developed site of the former mine. The existing screening around the site and the low level of the proposed glasshouse structures minimises the visual impact of the glasshouses. Therefore whilst extensive in floor area, this element of the development is considered to have an acceptable visual impact in the locality.

4.29 The AD facility would also be within the confines of the previously developed land. As noted by the landscape architect, the proposed AD facility is relatively compact in nature, covering a total gross area of and the chimney stacks would be relatively slim. The surrounding woods, in particular Spring Wood, and the natural and proposed topography and planting provide sufficient visual mitigation of the development in the context of the larger landscape.

4.30 The site is largely hidden in the wider landscape, though the now demolished and remaining buildings and associated structures were or are visible from publicly accessible places. Spring Wood lies to the west of the site and screens the site from the approach road and from the west. Boundary planting and bunding along the northern boundary partly screens the site from the public right of way that runs along this boundary. The mound to the south of the mine buildings provides

screening from the south. However, the buildings could be seen from the public right of way (PROW) that runs along the western and northern site boundaries. Longer distance views could be gained of some of the buildings across the fields where gaps exist in the field boundaries from Wheldrake Lane, which is to the south of the site and elevated in relation to it.

4.31 The proposed buildings and structures are functional in their design and materials. They would cover a larger area of land than the colliery buildings did, though these are spread out across the extensive hard surfaced apron of the former colliery. The proposed buildings would range from 9.5m to 12m for the AD/CHP facility, with 18m high maximum AD storage tanks and two stacks 15m and 22.5m high. The glasshouse would be approximately 7m high to ridge though the land upon which the glasshouse is to be sited is proposed to be raised by 350mm.

4.32 The proposed structures would be visible from the aforementioned publicly accessible places. The AD facility would be apparent when passing the site along the PROW, being closer to the site boundary than the previous buildings. The glasshouse, given its size, would be visible in part in longer distance views from Wheldrake Lane, particularly when lit.

4.33 The applicant proposes various mitigation measures to minimise the impact of the buildings in the landscape. The height and length of the mounding that runs adjacent to the western and northern site boundaries are intended to be increased and extended respectively. This would shield views of the glasshouse from the PROW or from the adjacent residential properties. The glasshouse, and potentially

the tops of the taller AD/CHP structures and stacks, would remain visible from Wheldrake Lane, though this would be across fields at a distance of approximately 950m. Some additional planting is proposed on the mound to the south of the site to obscure views. Furthermore, the glasshouse operator is proposing blinds to the roof and sides to minimise light spillage. The AD/CHP buildings would have green coloured roofing materials and the tanks would be colour finished green, which would help to improve their industrial appearance and soften their visual impact when viewed from further away. The stacks are relatively slender (the 22.5m high stack is approximately 1.4m reducing to 400mm for the upper 3m) and are proposed to be finished in a silver/light grey colour that would help to reduce their prominence when viewed from a distance against the sky.

4.34 The design of the proposal is appropriate for its function without creating unnecessary height and massing. As considered above the additional bunding and landscaping is proposed to minimise their visual impact in this location.

ECONOMIC IMPACT

4.35 Section 1 of the NPPF establishes the Government's commitment to securing and supporting economic growth and job creation.

4.36 The scheme would create 6 FTE posts in connection with the operation of the AD facility and 50 FTE in the horticultural operation, with a further 50 seasonal workers (Nov-Jan). The applicant estimates that the construction of the site would generate up to 256 jobs. The skills required for the jobs created are considered to be available within the local labour market of the York area.

4.37 Objections from the parish councils and local residents highlight the limited number of jobs created by the development and the likelihood of migrant workers.

4.38 The Council's Economic Development Unit (EDU) has been consulted on the proposal and the information provided by the applicant about job creation. EDU recommends strong support for the application on the basis that it has the potential to create jobs and economic growth in the bio-science and agri-food sectors of the economy. These sectors have been identified as key growth areas for the city and North Yorkshire sub-region. The Unit further highlights the potential for future skills training that would benefit the City.

4.39 The support of EDU in the potential of the development to securing job creation in key growth areas is noted. Whilst desirable, it is considered that a condition in respect of future skills training would not meet the necessity test of Circular 11/95: Use of conditions in planning permission.

HIGHWAY IMPACT AND TRANSPORT CONSIDERATIONS

4.40 Section 4 of the NPPF highlights the importance of transport policies in delivering sustainable development. Paragraph 32 requires all developments to be supported by a Transport Assessment where they generate significant amounts of traffic movements, to demonstrate that the opportunities for sustainable transport modes has, where possible, been utilised, that there is safe and suitable access and that improvements can limit the significant impacts of the development. PPS10 advises that the suitability of the road network and the extent to which access would require reliance on local roads is a material consideration for waste schemes.

4.41 The site is remote from the main built-up areas of York and Selby and has poor public transport links. It is located 1.7km from the A19 and reached by an access road that served the mine. Its remote location means that staff and materials associated with the site would largely be cars and lorries that would utilise the existing highway network. From the site, vehicles would use the access road to

reach the A19, then drive along the A19 northbound to the A64 or southbound to the A63 Selby by-pass.

4.42 Concern has been expressed by local residents and those representing them, about the potential impacts that the traffic generated by the proposal would have on highway safety and congestion on the A19 and the surrounding road network. The Local Highway Authority has been consulted on the application and raises no objection.

4.43 The application is accompanied by a Transport Assessment and a Travel Plan, which have been considered by the Local Highway Authority. Prior to Committee in April the applicant sent further information regarding the operation of the mine at the site, indicating there were around 60 two way Heavy Goods Vehicles (HGV) movements a day, of which 24 were articulated HGVs. The Transport Assessment for the development has been based on a worst case scenario with the number of HGV vehicle movements being estimated as 88 over a 12 hour period. The access road and its junction with the A19 meet highway standards, with visibility for vehicles leaving the site being in accordance with national standards. The Local Highway Authority considers that the number of additional vehicles generated by the scheme in comparison to the load on the A19 would be minimal. Accident records on the A19 do not highlight any clusters or pattern that could be exacerbated by the anticipated increase in traffic movements as a result of the development.

4.44 Waste and raw materials would be brought to the site by HGV and goods and by-products would be transported by the same means. Employees are likely to travel to the site by private car given the hours of work and the specialism of staff. However, where practicable, workers for the horticultural business would be able to

travel to the site by a private bus service provided by the employer as outlined in the Travel Plan

4.45 Therefore, whilst the concerns of residents are noted, it is concluded that in light of the analysis and subsequent lack of objection from the Local Highway Authority, there are no sustainable highway grounds for refusal of the application. No highway improvements works are requested by the Local Highway Authority, but conditions relating to parking provision and the implementation of the Travel Plan are sought.

CRIME CONSIDERATIONS

4.46 Section 8 of the NPPF states that planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

4.47 In response to concerns from North Yorkshire Police, the applicant has clarified the position with regards to the security of the site. During construction, a secure compound would be provided for overnight storage of office material and equipment. The AD facility is intended to be secured through the use of appropriate security fencing as well as CCTV, whereas the horticultural glasshouse facility would be monitored by a security company and infra-red CCTV would be installed. Security gates are proposed at the entrance to each facility linked into the perimeter fencing. As well as CCTV, the buildings would be alarmed. The security of the tanks would be in line with the requirements of the Environmental Permit and would be monitored and maintained in accordance with it. Service yards and car parking areas would be lit in accordance with guidelines for lighting external areas.

4.48 As a result of the response the Police consider that the application clearly demonstrates that crime prevention measures have been considered and, therefore, raises no further issues. It is considered that the requirement of the NPPF with regards creating safe environments has been satisfied.

CLIMATE CHANGE AND FLOODING CONSIDERATIONS

4.49 A number of third party comments are made in respect of the need for the renewable energy facility at this location. Section 10 of the NPPF confirms that local planning authorities should not require applicants for energy development to

demonstrate overall need for renewable energy as they provide a valuable contribution to cutting greenhouse gas emissions and should approve such applications if the impacts are or can be made acceptable (para.98).

4.50 The AD facility is proposed at this location in order that the applicant can make use of the existing grid connection. The cost of providing a new grid connection had not existed is estimated to be in the region of £1,660,000. It is the applicant's intention to combust the biogas produced by the anaerobic digestion in order to generate electricity and export any surplus to the national grid. The heat generated would also be utilised by the facility and pumped to the glasshouses. It is estimated that in the region of 18,000MWh of electricity per annum would be generated from a 60,000 tonnes facility (2.75MW estimated maximum electrical output at a single point in time), of which 4,000MWh would be used by the facility itself and 5,000MWh by the glasshouse, leaving 9,000 MWh of electricity per annum available to be exported to the grid. To put this in context, the typical medium consumption figure for electricity per household is 3.3MWh per annum (taken from Ofgem

documentation). The amount of heat generated given the size of the facility would also be 18,000MWh per annum, of which 6,000MWh would be used by the AD facility to heat the tanks and 8,000MWh transported to the heat the adjacent glasshouse (estimated to be approximately 50% of the total annual heat requirement of the glasshouse).

4.51 The potential for renewable energy generation from the AD facility is a clear benefit of the scheme, which would help to meet the Council's renewable energy targets of 38.7MW electricity and 15.1MW heat (Strategic Renewable Energy Viability Study for York produced in December 2010 by consultants AEA).

4.52 A further benefit of the scheme would be the diversion of organic waste from landfill and the utilisation of waste as a viable resource in terms of its potential for renewable energy generation. PPS10 is supportive of such facilities on unallocated sites where they help to implement the planning for waste strategy and providing the scheme is acceptable in terms of its impact on environment factors and landscape.

4.53 An Alternative Sites Assessment has been submitted to support the application. This identifies the North Selby Site as joint third in the consideration of suitable sites for the proposed AD facility. The site that was ranked first was Kellingley Colliery, which is an operational colliery close to the M62. The site was discounted due to the applicant's intention to develop a larger scale thermal treatment facility on the unused part of the site. As a result, there is considered to be insufficient remaining land available that is free from existing site constraints to locate the AD facility at the site. Of the three sites ranked second, one is within the functional flood plain, the second has planning consent for employment development and is largely occupied by such uses and the third is the Vanguard/Monks Cross South site that has planning consent for a stadium and retail uses. The applicant considers that no viable and alternative available sites were

identified through the ASA that would have significantly and demonstrably less overall environmental impact than the North Selby Mine site. Therefore, there is no indication that an identified alternative site should be developed instead of the application site.

4.54 The applicant has submitted further information with regards the Kellingley Colliery site in the form of a more detailed site plan at the request of Officers to confirm the statement that there is no available space on site. Confirmation has also been received about the progress of the planning application for the proposed energy centre at the site with the relevant waste planning authority, statutory consultees and public consultation. The application was submitted on May 2013 and is currently under consideration. In light of this, and the information provided on the other identified sites, the applicant's assessment and conclusions are considered to be acceptable.

4.55 In summary, the proposal would provide clear benefits in terms of renewable energy production and reduction in waste to landfill. The applicant has provided evidence to support their choice of site.

Flood Risk

4.56 Section 10 of the NPPF advises LPA to ensure that a development does not lead to increased flood risk elsewhere and for sites at risk of flooding only accept development where the development is informed by a site-specific flood risk assessment (para.103).

4.57 The site is located predominantly within Flood Zone 1 (low risk), though the western tip adjacent to Bridge Dyke, including sections of the existing internal access road, falls in Flood Zones 2 (medium risk) and 3 (high risk). Bridge Dyke and Halfpenny Dyke are ordinary watercourses maintained by the Internal Drainage Board.

4.58 The layout of the site means that the new buildings proposed would lie within Flood Zone 1. The applicant intends to raise a section of the internal access road, where it crosses Bridge Dyke, in order to reduce its potential for flooding. Flood compensatory measures are proposed. A new site drainage system is proposed involving on-site attenuation ponds to hold water in order to prevent flooding outside the site and improve the quality of the run-off.

4.59 The EA raises no objection to the proposed scheme, subject to a condition regarding the mitigation measures outlined in the ES. The Council's Flood Risk Management Team raises no objections with regards surface water providing conditions are attached to cover foul and surface water drainage works. The IDB requests a condition relating to surface water drainage works.

4.60 As such, the proposal is unlikely to result in flood risk being increased elsewhere, subject to further details being submitted for approval.

IMPACT ON NATURAL ENVIRONMENT

Nature Conservation

4.61 Policy 11 of the NPPF states that the planning system should protect valued landscapes (e.g. Area of Outstanding Natural Beauty) and minimise impacts on biodiversity. Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.

4.62 The site is not designated as a valued landscape. It lies within the potential zone of influence of the Lower Derwent Valley National Nature Reserve, which is a European designated Special Protection Area and Ramsar site as well as the River Special Area of Conservation and the Skipwith Common Special Area of Conservation. In addition, the part of the site that includes the mounding to the south of the mine buildings has been designated a Site of Importance to Nature Conservation (SINC). The site supports a number of habitats for species including Great Crested Newts, bats, barn owls and Little Ringed Plover.

4.63 The EIA considered the impact that the proposed development would have on the designated nature conservation sites as well as on the wildlife that inhabit the site. Natural England, the Environment Agency and the Council's Ecologist have been consulted on the application and other wildlife bodies have commented on the application.

4.64 Natural England concludes that the proposal is unlikely to adversely affect the integrity of the Lower Derwent Valley NNR or the aforementioned European designated sites. It confirms that the site is not within close proximity to any nationally designated site for nature conservation and is satisfied with the proposed mitigation for the Great Crested Newt habitat, which is likely to be affected through loss of habitat and during construction. As such, the body does not object, subject to conditions being imposed. As mentioned at 3.60 a license is required from Natural England in order to carry out any works affecting great crested newts. Officers are of the view that it is likely such a license would be granted.

4.65 The Environment Agency and the Council's Ecologist raise no objection on the grounds of biodiversity due to the negligible impact on the local ecology and the potential for ecological enhancement. The EA request a condition to address the potential for harm to the newt habitat during the construction phase in terms of a construction management statement and the Council's Ecologist seeks a condition to cover future management of the SINC site.

4.66 In light of the comments from Natural England, the Environment Agency and the Council's Ecologist, it is considered that the proposal would encourage the effective use of land through the re-use of land that has been previously developed whilst seeking to minimise the impacts on biodiversity and enhancing the habitat the site provides.

IMPACTS ON HUMAN HEALTH AND RESIDENTIAL AMENITY

4.67 One of the core planning principles of the NPPF is securing a good standard of amenity for all existing and future occupants. Section 11 of the NPPF gives advice on risks from pollution and land instability. In particular, paragraph 123 guides planning authorities to aim to avoid significant adverse impacts from noise and mitigate to a minimum other adverse impacts from noise on health and quality of life. Areas of tranquillity which have remained relatively undisturbed by noise and as a result are prized for their recreational and amenity value should be protected. Paragraph 124 states that where new development falls within an Air Quality Management Area, planning decisions should be consistent with the local air quality action plan. Paragraph 125 encourages good design that limits the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

4.68 Concern has been raised by local residents about the impact of the development on human health of those living within the area. This is in terms of the noise, light, water and air pollution, including release of toxic gases, from the operation of the AD plant as well as noise, vibration and emissions from traffic associated with the development.

4.69 The Environment Agency (EA) and Council's Environmental Protection Unit (EPU) have been consulted and confirm that the AD facility will require a bespoke Environmental Permit under the Environmental Permitting Regulations 2010. This is issued and enforced by the EA and covers emissions to land, water and air from the facility itself as well as odour, noise, vibration and heat. Paragraph 122 of the NPPF guides local planning authorities to focus the acceptable use of the land for the development and not the control of processes or missions where they are subject to approval under pollution control regimes. The assumption in planning is that pollution control regimes will operate effectively to adequately control any environmental impacts and will be properly applied and enforced by the pollution control authority.

4.70 During construction and demolition phases the main effect would be dust emissions and the potential to cause dust annoyance, risk to human health and harm to ecological receptors. Providing suitable mitigation measures are implemented, the dust could be controlled to a suitable level.

4.71 With regards emissions from vehicles, the Council's EPU considers that based on air quality guidance and the increase in flow of vehicles, the impact of traffic emissions once the facility is operational would be negligible. The Council's Low Emissions Strategy is highlighted by the unit and an informative required that encourages the provision of vehicle charging points for electric vehicles.

4.72 The main potential impact on residential amenity is likely to be during the construction phase and from noise disturbance from traffic movements both in service yards and on the access road. It is most likely to affect those properties that immediately surround the site. The Environmental Statement identifies noise disturbance during construction as being significant, but of limited duration. The EPU advises a condition seeking to restrict hours of working during the construction phase. A condition requiring a Construction Management Plan be agreed to control dust during construction and demolition is also requested.

4.73 With regard to noise during the operational stage, the principle noise sources relate to noise from deliveries and traffic, the two service yards and plant and machinery associated with the two facilities. The main properties that would be most affected would be those that immediately surround the site. The layout of the buildings on site was amended prior to submission of the planning application and following a public consultation exercise to reduce the impact of the operation on these surrounding occupants.

4.74 The Council's EPU has undertaken an in-depth assessment of the noise assessment submitted in support of the application and has sought further clarification to assist in this. Whilst noise from traffic on the A19 was considered to be negligible, concern has been expressed about the impact that noise from HGV movements in particular would have on Spring House Farm, which is located on the access road. This is as a result of an increase in the number of maximum noise levels events occurring during the day from up to 88 HGV movements. In addition, there is potential for noise to affect the amenity at the surrounding residential properties for certain periods of the daytime due to an increase in background noise levels.

4.75 However, the increase in noise levels will vary from hour to hour at each of the properties and it is noted that the levels of noise are predicted to fall within the World Health Organisation and BS8233 noise standards. Conditions are recommended by EPU to minimise the loss of amenity due to traffic noise, service yard noise and plant/equipment noise. This includes a condition to control the hours of receipt of delivery and dispatch to 07:00 to 19:00 hours Monday to Friday and 09:00 to 13:00 on Saturdays for the AD facility, and 06:00 to 19:00 hours Monday to Friday and 09:00 to 13:00 on Saturdays for the horticultural facility. There would be no delivery and dispatch on Sundays and Bank Holidays, except in emergency. This would allow a respite to residents within the week as well as on an evening and through the night.

4.76 Whilst the site falls within Environmental Zone 2 (Rural), as specified in the Institute of Lighting Professionals Guidance Notes, the Council's EPU recommends that the lighting levels from the site comply with the requirements specified for an E1 Zone (Natural) past a curfew of 23:00 hours given the low levels of background lighting.

4.77 As the hours of construction will be restricted by condition and will not fall within the time of curfew, it is unlikely that temporary construction lighting would result in light intrusion or loss of amenity. Lighting to the external service and parking areas of the proposed facilities during operation and internally within the glasshouse, were identified in the lighting assessment submitted with the application

as of minor negative significance to nearest residential properties before mitigation. As a result, it is unlikely that the lighting from the proposed development would detract significantly from residential amenity or visual amenity of the landscape from light spillage, subject to appropriate conditions to ensure the mitigation measures are implemented. This includes the use of blinds within the glasshouse in sensitive areas during hours of darkness to mitigate light spillage and sky glow.

4.78 The ES identifies no significant ground contamination issues at the site, though some localised areas of contamination may need to be excavated and removed off site. Whilst elevated levels of ground gas could pose a potential risk to the development, the ES concludes that the likelihood of methane reaching the surface is very low given the depth of the abandoned mine workings and the on-going abstraction of methane at the Stillingfleet former satellite mine site. No significant risks are highlighted from the construction of the glasshouse over the mine shafts. Further investigation works should be undertaken to fully character the site and remedial work should then be undertaken to ensure that the land is suitable for the proposed use.

4.79 In summary, it is considered that the potential effects on human health can largely be mitigated through the imposition of conditions. The identified increase in noise levels and the impact on the amenity of surrounding residents, particularly noise disturbance to Spring House Farm caused by HGV movements on the access road, needs to be balanced against the benefits of the scheme.

WHETHER THERE ARE VERY SPECIAL CIRCUMSTANCES TO OUTWEIGH THE HARM TO THE GREEN BELT

4.80 As set out in the NPPF, very special circumstances for renewable energy projects may include the wider environmental benefits associated with increased production of energy from renewable sources. The applicant has pointed out the weight given to this positive emphasis applied to waste management proposals in appeal cases, and that national policy recognises that some parts of the Green Belt may be less sensitive than others. In such instances very special circumstances may be more easily demonstrated.

4.81 In terms of need, European Union Landfill Directive set increasing targets to reduce biodegradable municipal waste sent to landfill, National, Waste (England and Wales regulations 2011 seek to increase the use of waste as a resource, for example for use as a fuel and place greater emphasis on the prevention and recycling of waste. Waste Strategy for England 2007 required increasing targets of municipal waste recovery, up to 75% by 2020. Paragraph 17 states that recovering energy from waste which cannot sensibly be re-used or recycled is seen as an 'essential component of a well balanced energy policy'. The Anaerobic Digestion (AD) Strategy and Plan June 2011 refers to AD as offering the 'greatest

environmental benefits for treatment of food waste'. The Government Review of Waste Policy in England 2011 reaffirmed the commitment to minimising waste sent to landfill. On a regional and sub regional level the Municipal Waste Strategy for the City of York and North Yorkshire 2006-2026 entitled "Lets Talk Less Rubbish" includes a target to have diverted 75% of waste from landfill by 2013.

4.82 The European Energy Directive 2009 sets targets for the proportion of energy derived from renewable sources, and the Electricity Directive 2009 requires equal consideration of different sized electricity generating schemes to ensure sufficient weight is given in all cases to the need for sustainable electricity regeneration. Nationally the UK Renewable Energy Strategy (2009) sets targets and states "the impending threat of dangerous climate change means we urgently need to reduce our emissions of carbon dioxide and other greenhouse gases. A new focus on renewable energy will play a key role in this." As well as National Policy Statements EN-1 and EN3 pointing out the importance increasing role of energy from waste and biomass, EN3 cites location and site selection factors for biomass facilities including proximity to grid connection combined heat and power opportunities and transport connections. National Planning Policy is as set out above.

4.83 In light of this legislative context and from the evidence supporting relevant policy from European down to local level it is clear that there is a demonstrable need for facilities such as the proposed AD facility to assist in achieving national, regional and local aspirations regarding waste to landfill reduction, and renewable energy generation to combat climate change.

4.84 The availability or otherwise of other sites in locations where they can readily provide the surplus energy produced into the grid should be considered. The alternative site assessment work carried out indicates that such sites are not readily available or capable of accommodating the facility. The cost of providing a new grid connection had one not existed is estimated to be in the region of £1,660,000. Further, despite the clearance of buildings as required by the enforcement notice the access roads, large areas of hardstanding, waste water treatment plant, bunds and lighting columns remain at this previously developed site, and therefore contribute to the urbanised character of the site. The infrastructure and the

proximity to the grid for connection contributing approximately 2.75MW to it therefore also count in favour of the renewable energy facility in this locality. Other factors are existing transport links to the national road network, co-location with the potential heat user to exploit CHP potential and the rural location offering a potential local market for the use of the biofertiliser.

4.85 Benefits to climate change are estimates that there would be a 20,570 tonne saving of carbon dioxide per year through the diversion of waste from landfill to the AD facility.

4.86 Whilst the applicant maintains the view that the site does not have a greater impact on openness of the green belt and is therefore appropriate development, the submitted supporting statement sets out those factors that it considers would amount to very special circumstances if the development were considered to constitute inappropriate development. They include

'The compelling and urgent need for the proposed AD facility in waste, energy and climate change terms;

- The lack of other a suitable and available alternative site within York or Selby for the AD Facility;*
- The implications of not granting planning permission for the proposed AD facility both in terms of the continued landfilling of waste and the lost opportunity to sustainably re-use the site;*
- The AD Facility has the potential to export heat and electricity; and*
- The AD Facility would bring significant climate change benefits and would provide up to 60,000tpa of waste recovery capacity within an area currently without such capacity, enabling it to meet more sustainably its waste management capacity needs, therefore reducing its dependence on continued landfill*
- Locational Advantages and Nature of the Proposed Application Site*

4.87 Officers do not consider that any single factor can be described as being so very special a circumstance as to clearly outweigh the harm to the green belt and any other harm as a result of the proposed development. However, taking into account the factors as described above, it is considered that cumulatively these do amount to very special circumstances to outweigh the presumption against inappropriate development due to the greater impact on openness of the Green Belt.

5.0 CONCLUSION

5.1 The application seeks full planning approval for the use of the former North Selby Mine site for the co-location of an anaerobic digestion (AD) facility with combined heat and power plant and a horticultural glasshouse facility. The AD element of the proposal constitutes EIA development and, as such, an

Environmental Statement has been submitted and subsequently added to support the application and to allow full consideration of the likely impacts the facility would have on the environment.

5.2 The Coalition Government's National Planning Policy Framework establishes a presumption in favour of sustainable development, of which it considers there to be three dimensions - an economic role, a social role and an environmental role. It advises that in situations where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework (Para. 14).

5.3 Whilst a previously developed site, the development would result in a greater impact on the openness of the green belt and so in officers' view the AD facility element must be considered to constitute inappropriate development. However, officers are satisfied that there are factors as set out in the report and collated at 4.80 to 4.86 which, when taken together, amount to very special circumstances which clearly outweigh the harm to the green belt due to inappropriateness and any other harm.

5.4 The impact on the character and appearance of the landscape would be limited due to the extent of the existing landscaping and mounding (to be supplemented within the proposals), the compact nature of the development in proportion to the site as a whole and the limited public views.

5.5 In terms of the other adverse impacts of the scheme, these have been identified as harm to living conditions from noise disturbance during the operation phase from HGV traffic along the access road and the increase in maximum noise level events. However these would remain within World Health Organisation acceptable levels and would not be so significant to have a significant adverse impact upon residential amenity.

5.6 In terms of the benefits of the scheme, these have been identified as the economic benefits from job creation and inward investment, the potential renewable energy generation from utilising the biogas produced from the AD and exporting it to the national grid via the existing grid connection and the diversion of waste from landfill. The scheme would create jobs within the key growth sectors of bio-science and agri-foods. The applicant has proposed an AD facility at the site in order to utilise the existing grid connection, which would allow export of electricity to the national grid. The scheme would reduce the amount of organic waste being sent to landfill. The site has the space available to accommodate the horticultural glasshouse facility, which would be suitably located in the rural area and would be able to use some of the electricity and heat generated by the AD facility. There are opportunities for wildlife habitat enhancement as well as landscape improvements.

5.7 Consideration of the application has established that the proposal would pose no harm to other acknowledged interests, subject to conditions. The AD facility would require an Environmental Permit under the Environmental Permitting procedure licensed and enforced by the Environment Agency as the relevant pollution authority.

5.8 The development would fulfil the roles of sustainable development outlined in the NPPF, in particular the economic role through the provision of jobs and inward investment and the environmental role through the enhancement of biodiversity, the minimisation of waste and the provision of renewable energy. These in turn would contribute to the social role, through the benefits to the wider community with regards climate change. Whilst the living conditions of the residents of Spring House Farm would be adversely affected by the increase in maximum noise level events, conditions could be imposed that would restrict the hours of delivery and dispatch to daytime hours and allow a respite on weekends and bank holidays. As such, it is considered that the identified harm to residential amenity would not significantly and demonstrably outweigh the benefits of the scheme.

5.9 Overall, it is concluded that the identified adverse impacts as described above do not significantly and demonstrably outweigh the benefits also as described. Therefore, the application is on balance recommended for approval, subject to the prior referral to the Secretary of State due to the identification of the AD facility as inappropriate development in the green belt.

6.0 RECOMMENDATION: Approve subject to referral to Secretary of State

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing no. PP-001 Rev. P 'Application Site Local Plan' dated September 2013 and received 6 November 2012;

Drawing no. PP-008 Rev. P1 'Site Layout Plan' dated October 2012 and received 6 April 2013;

Drawing no. PP-009 Rev. P1 'Proposed Roof Plan' dated April 2013

Drawing no. PP-010 Rev. P 'Proposed Glasshouse Floor Plan' dated October 2012 and received 6 November 2012;

Drawing no. PP-011 Rev. P 'Proposed Glasshouse Elevations' dated October 2012 and received 6 November 2012;

Drawing no. PP-012 Rev. P 'Proposed AD Buildings Floor Plan' dated October 2012 and received 6 November 2012;

Drawing no. PP-013 Rev. P 'Proposed AD Buildings Elevations' dated October 2012 and received 6 November 2012;

Drawing no. PP-014 Rev. P 'Proposed AD Buildings Elevations' dated October 2012 and received 6 November 2012;

Drawing no. PP-015 Rev. P 'Proposed AD Buildings Elevations - Overall' dated October 2012 and received 6 November 2012;

Drawing no. PP-016 Rev. P 'Proposed Site Sections' dated October 2012 and received 6 November 2012;

Drawing no. L9 Rev. G 'Landscape Strategy Plan' dated 8.4.13 and received 15 April 2013;

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to the commencement of development, with the exception of demolition and site clearance, a phasing scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the timings of earthworks and planting. The implementation of the development shall take place in accordance with the approved phasing scheme.

Reason: In the interests of the visual and residential amenity.

4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk & Drainage Assessment (FRA) dated October 2012 by WYG and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off to a maximum of 540 litres/second, and provision of associated attenuation storage as detailed on pages 23 and 24 of the FRA.

- Provision of compensatory flood storage as per page 14 of the FRA. The compensatory storage should be provided before the raising of the level of the road is commenced. The compensatory storage should also be agreed with the Agency before construction commences.

- Finished floor levels are set no lower than 8.75m above Ordnance Datum (AOD) for the AD Building and 8.5mAOD for the adjacent tank building and CHP building .

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants.

5 Prior to the commencement of development on site, with the exception of demolition and site clearance, details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. Details to include:-

1. Peak surface water run-off from the proposed development must be restricted to a maximum 540.0 lit/sec.
2. Site specific details of the flow control device manhole limiting the surface water to the 540.0 lit/sec.
3. Storage volume calculations, using computer modelling must be provided, and 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 20% 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. The full range of modelling should be provided.
4. Site specific details of the storage facility/ponds to accommodate the 1:30 year storm and the volume above the 1:30 year storm and up to the 1:100 year storm.
5. Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. As the development is to be raised above the level of the adjacent land, details should be provided of the cut off drain to prevent runoff from the site affecting nearby properties.
6. Details to prove suitability of existing outfall and connection to Internal Drainage Board drainage.
7. Details should be provided of the future management / maintenance of the proposed drainage scheme.
8. Proof of consent from the Environment Agency & Internal Drainage Board to discharge treated foul water to the water should be provided.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain

6 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228:2009) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultation with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details

Except in case of emergency, no operations shall take place on site other than between the hours of 08:00-18:00 Monday to Friday, 09:00-13:00 on Saturdays. There shall be no working on Sundays or Public Holidays.

At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. 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.

During the construction process heavy goods vehicles shall only enter or leave the site between the hours of 08:00-18:00 on weekdays and 09:00-13:00 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

All loaded lorries leaving the site shall be securely and effectively sheeted.

Broadband noise reversing alarms (white noise alarms) shall be used on all vehicles that require audible alarms.

Reason: To minimise the creation and impact of noise, vibration and dust resulting from the site preparation, demolition, groundwork and construction phases of the development and to protect the amenity of local residents.

7 Receipt of waste and dispatch of processed waste associated with the anaerobic digester shall be restricted to the hours of 07:00 to 19:00 hours Monday to Friday, 09:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Deliveries and dispatches associated with the horticultural glass house shall be restricted to the hours of 06:00 to 19:00 hours Monday to Friday, 09:00 to 13:00 on Saturdays and at not time on Sundays or Bank Holidays

No deliveries and dispatches shall take place outside these hours save in cases of emergency when life, limb or property are in danger, or as may otherwise be agreed with the Local Planning Authority and which shall be notified as soon as practicable after the occurrence of any such operations or working.

Broadband noise reversing alarms (white noise alarms) shall be used on all vehicles that require audible alarms.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 25dB(A) at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997, this being the design criteria adopted by EPU, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

8 Prior to the commencement of development on site, with the exception of demolition and site clearance, a full Lighting Impact Assessment undertaken by an independent assessor shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail predicted light levels at neighbouring residential properties contain the following as a minimum:

- Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.

- Plan showing vertical illuminance levels (Ev), showing all buildings within 100 metres of the edge of the site boundary

- Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1 contained within Table 1 of the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting
- Light management plans
- Use of internal blinds to roof and sides of the glass house the glasshouses to prevent light spill to be used from dusk to dawn.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

9 Development other than demolition and that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed prior to any ground/floor slab excavation in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. 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'.

b. Submission of Remediation Scheme

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 IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Reporting of Unexpected Contamination 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 in accordance with the requirements of the previous condition, 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 in accordance with the previous condition.

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 Where identified as appropriate and necessary a monitoring and maintenance scheme (to include monitoring of the long-term effectiveness of the proposed remediation) and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. 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

12 In line with the recommendations of the air quality assessment submitted in support of the application, a minimum stack height for the proposed Combined Heat and Power plant of 22.5m is proposed, to ensure adequate dispersion of pollutants.

Reason: To ensure no significant detrimental impact on local air quality and to protect the health of local residents.

13 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The anaerobic digestion facility and horticultural glasshouse operation shall not come into use until the cycle parking areas and means of enclosure that serve them have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

14 The anaerobic digestion facility and horticultural glasshouse operation shall not come into use until the areas shown on the approved plans for parking and manoeuvring of vehicles that serve them have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

15 The site shall not be occupied until the Travel Plan Statement submitted to support the application has been implemented. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan Statement.

Reason: To ensure the development complies with national planning and transportation advice and guidance which seeks to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport, together with parking for these users.

16 Prior to the commencement of any works on site, a construction method statement detailing how the existing ecology of the site, particularly the existing ponds will be protected from construction impacts, must be submitted to, and approved in writing by the local planning authority. The construction should then proceed in accordance with the approved statement.

Reason: To protect the existing ecological value of the site and ensure risks to protected species are minimised through the construction.

17 Prior to the commencement of development, with the exception of demolition and site clearance, details of a management plan for the long term protection and enhancement of the Site of Importance to Nature Conservation (SINC) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the means of enclosure between the developed area and the SINC and of a grazing regime.

Reason: In the interests of protecting and enhancing the natural environment.

INFORMATIVE: The method of long term protection would be primarily through controlled grazing using hardy breeds that would open up the sward and control continued scrub invasion.

18 Prior to the commencement of each phase of the development on site, with the exception of demolition and site clearance, details of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the method of securing the site with fencing and the on-going security provision for the anaerobic digestion facility and horticultural glasshouse operation. The scheme shall be implemented in accordance with the approved details and they shall be maintained thereafter.

Reason: In the interests of crime prevention and to ensure that the development contributes to a safe environment.

19 Prior to the commencement of development, with the exception of demolition and site clearance, a scheme for works to the surface of the access road shall be submitted to and approved in writing by the Local Planning Authority. The scheme

shall include the removal of the traffic table outside Spring House Farm and the resurfacing of the roadway for a stretch of at least 200 metres outside the property along with phasing for the works. The development shall be carried out in accordance with the approved details and phasing plan.

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Pre-application discussion with applicants;
- Screening and scoping opinion for Environmental Impact Assessment given;
- Revisions sought to scheme with regards landscape mitigation;
- Imposition of conditions to address parking and travel to the site, nature conservation mitigation and enhancement, flood risk and drainage, noise, air quality, lighting and contaminated land and security.

2. INFORMATIVE:

Please note that a bespoke environmental permit is required with regards the anaerobic digestion and combined heat and power facility. This is issued by the Environment Agency under the Environmental Permitting Regulations. You are advised to apply for this permit without delay.

3 INFORMATIVE

In order to facilitate the uptake and recharging of electric vehicles / bikes / scooters, a standard domestic 13A electrical socket shall be fitted to an internal or external wall. This should be capable of charging at a minimum of 3KWh for up to 8 hours without overheating the cabling or socket. Ideally, a 13/32Amp socket should be supplied which can offer up to 7KWh continuous charging with a control and protection function on a specific circuit (to avoid overload through use of other appliances on the circuit). Where mounted on an external wall, a suitable weatherproof enclosure for the socket will be required.

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