

COMMITTEE REPORT

Date: 5 October 2023

Ward: Rural West York

Team: West Area

Parish: Askham Bryan Parish
Council

Reference: 22/01074/FULM

Application at: Pikehills Golf Club Tadcaster Road Copmanthorpe York
YO23 3UW

For: Redevelopment of the Pike Hills Golf Course involving
importation and grading of soils

By: Mr Richard Lord

Application Type: Major Full Application

Target Date: 12 September 2023

Recommendation: Approve

1.0 PROPOSAL

1.1 Pike Hills Golf Club comprises a 2.3-hectare 18-hole golf course originating from the late 1940s within the general extent of the York Green Belt to the north of Copmanthorpe village and to the west of the City. It is accessed from the eastbound carriage way of the A64. The Askham Bog SSSI and designated Ancient Woodland lies adjacent to the east and is partially surrounded by the golf course. Planning permission is sought for the partial re-development of the course through the provision of an additional three holes in an area previously permitted for a golf course extension to the northwest. Notwithstanding an approval of details required by condition in 2017 in respect of drainage, landscaping, archaeology and fertiliser specification, the work was never commenced and so the permission has lapsed. 352,125 cubic metres of screened and inert soils would also be imported to re-profile and re-landscape the remaining area to improve drainage and usability both of the course itself and the practise area to the north and west. The work would be undertaken over four phases with Phase 1A 13,656 cubic metres, Phase 1B 139,518 cubic metres, Phase 1C 144,389 cubic metres and Phase 1D 54,562 cubic metres. Overall levels would be raised by up to 4.5 metres both within the area of the existing course and the extension. The scheme has been amended since

submission to address concerns in terms of impacts upon drainage, ecology and landscape.

1.2 Since submission of the proposal infiltration testing has been undertaken at the site in respect of the three proposed attenuation basins designed as part of the measures to secure the surface water drainage of the course whilst maintaining the flow of water to secure the hydrology of the SSSI.

Environmental Impact Assessment

1.3 The proposal has been accompanied by an Environmental Impact Assessment under the 2017 Environmental Impact Assessment Regulations. The following topics are specifically covered, and the detailed mitigations are outlined below:

- Ecology and Nature Conservation
- Noise and Vibration
- Air Quality
- Hydrogeology, flooding and drainage.
- Landscape and Visual.

Remaining topics such as cultural heritage have been scoped out.

Relevant Planning History:

1.4 04/01638/FULM Change of Use of 7.7 Hectares of Agricultural Land to Form Golf Course Extension to the northwest. Approved

1.5 14/00113/FULM Change of Use of 7.7 Hectares of Agricultural Land to Form Golf Course Extension to the northwest. Approved

1.6 AOD/17/00017 Approval of Details required under Conditions 2, 3, 4, 5 and 6 to Planning Permission 14/00113/FULM (Drainage, Landscaping, Archaeology and Fertiliser Specification) . Approved.

1.7 18/02687/OUTM Erection of 516 Dwellings with ancillary facilities on land at Moor Lane Woodthorpe. Appeal Dismissed

2.0 POLICY CONTEXT

2.1 Draft City of York Local Plan (2018) Policies:

- SS2 The Role of York's Green Belt
- EC5 Rural Economy
- HW7 Healthy Places
- D2 Landscape and Setting
- GI2 Biodiversity and Access to Nature
- GI4 Trees and Hedgerows
- GB1 Development in Green Belt
- ENV2 Managing Environmental Quality
- T1 Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection in principle to the proposal subject to the development being undertaken in strict accordance with the submitted CEMP (Construction Environmental Management Plan), there being no evidence of earlier land contamination and any planning permission being conditioned to restrict construction hours in the interests of neighbouring amenity.

Highway Network Management

3.2 Raise no objection to the proposal subject to any planning permission being conditioned to require the submission and prior approval of a method of works statement in respect of the temporary construction site works access and to secure details of the layout and geometry of the access itself.

Flood Risk Management Team

3.3 Following further discussion of the role of the attenuation basin serving Phase 1A, its proximity to the Askham Bog Drain and its potential role in feeding a constant water flow to the Bog, the previous objection to the proposal has been withdrawn and it is recommended that any permission be conditioned to require the submission and prior approval of a surface water drainage scheme at an agreed discharge rate of 1.4 litres per second.

Design, Conservation and Sustainable Development (Archaeology)

3.4 Raise no objection to the proposal subject to any permission being conditioned to require a written scheme of investigation in respect of the golf club extension (phase 1A).

Design, Conservation and Sustainable Development(Landscape)

3.5 Raise no objection in principle to the proposal but raise concern in respect of the significant short-term harm caused to local landscape character caused by the loss of existing mature trees and landscaping and the creation of a manufactured landscape in a what is at present a gently rolling agricultural landscape. This harm would be however largely mitigated in the longer term by the relationship of the new tree planting as it matures to the new area of earth works both of which have been amended in the revised details to take account of earlier concerns.

Design, Conservation and Sustainable Development (Ecology)

3.6 Raise no objection in principle to the proposal subject to any permission being conditioned to require the submission and prior determination of a LEMP (Local Ecological Management Plan), including the development demonstrating a 10% Biodiversity Net Gain. Conditions covering the soil import specifications together with a water management plan should be included as part of any permission in order to secure the health of the SSSI.

EXTERNAL

Askham Bryan Parish Council

3.7 Raise no objection to the proposal subject to the development not giving rise to any harm to the adjacent SSSI.

Environment Agency

3.8 Raise no objection to the proposal subject to the delivery of 10% Biodiversity Net Gain.

National Highways

3.9 Raise no objection to the proposal subject to any permission being conditioned to require submission and approval of a CEMP/Method of Works Statement set a maximum of 12 two ways trips by HGVs in peak hours.

National Planning Case Work Unit

3.10 Wish to make no comments in respect of the proposal.

Natural England

3.11 Raise no objection to the proposal subject to the development being undertaken in strict accordance with the details of the submitted CEMP and the submission and prior approval of a detailed water management plan as part of any permission containing provisions to prevent additional flooding/draw down from the area of the proposed works.

Ainsty (2008) Internal Drainage Board

3.12 Raise no objection to the proposal subject to the revised Site Specific Flood Risk Assessment incorporating the creation of two amenity ponds each with a flow control device controlling discharges to 1.4 litres per second, the diversion of the Askham Bog Drain to incorporate a two stage channel to act as a flood storage area within the surrounding raised levels, the formation of a lined infiltration basin to cover the catchment areas of Phases 1A and 1B and the construction of suitable outfall structures. The works together should be secured by condition as part of any permission.

Yorkshire Wildlife Trust

3.13 Initially objected to the proposal but following on from the revision of the surface water drainage scheme and greater clarity in terms of impact upon the hydrology of the Askham Bog SSSI raise no objection subject to any permission being conditioned to require submission and prior approval of a CEMP, the Materials Specification, a Water Management Plan and a mechanism for monitoring and reporting incidents relating to the Bog during the construction phase of the scheme.

3.14 In terms of the infiltration testing and the potential lining of the agreed attenuation basins, lining of Basin A is objected to on the basis that the flow of water towards the Bog may be impeded.

4.0 REPRESENTATIONS

4.1 The proposal was publicised by Site Notice in accordance with the 2017 Environmental Impact Assessment Regulations on 27th July 2022 and again in respect of the revised details on 8th February 2023. The proposal was also publicised by press notice on 28th June 2022 and in respect of the revised details on 3 February 2023. Two letters of representation have been received in respect of the proposal raising the following issues:

- Objection to the potential impact of the proposed land reconfiguration on the drainage of adjoining agricultural land
- Concern that insufficient work has been undertaken to secure 10% Biodiversity Net Gain.

Councillor Ann Hook

4.2 Objects to major development in such close proximity to the Askham Bog SSSI without sufficient re-assurance that the hydrology and associated biodiversity of the Bog will be safeguarded.

5.0 APPRAISAL

KEY CONSIDERATIONS

5.1 KEY CONSIDERATIONS INCLUDE:

- Principle of the Development
- Impact upon the Open Character and Purposes of Designation of the York Green Belt
- Ecology and Biodiversity Value of the Askham Bog SSSI and Ancient Woodland and the Site Itself
- Hydrology, Drainage and Flood Risk Pattern of the Askham Bog SSSI and Ancient Woodland and Surrounding Areas.
- Landscape and Visual Character of the Surrounding Area
- Local Air Quality
- Noise and Vibration in the Surrounding Area.
- Safety and Convenience of Highway Users.

DEVELOPMENT PLAN

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

NPPF

5.3 The revised National Planning Policy Framework was published on 5 September 2023 (NPPF) and its planning policies are material to the determination of this planning application.

LOCAL PLAN

5.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the

PRINCIPLE OF DEVELOPMENT

5.5 The application site comprises a 2.3-hectare (playing area) parkland golf course with substantial landscaped areas established in 1946 with 800 members with a separate practice area and club house. Planning permission has been given twice in the past twenty years for a substantial extension to the northwest to provide an additional three holes and also to improve the practice area. These permissions have not however been implemented notwithstanding an approval of details required to be discharged by condition in 2017.

5.6 The site lies directly adjacent to the Askham Bog SSSI and designated Ancient Woodland and it partially drains into the Bog. The underlying drift geology is largely impermeable which creates significant issues of waterlogging at particular times of year leading to significant sections of the course particularly to the north and east

becoming unplayable for long periods. The degree of waterlogging that takes place is clearly illustrated in the application documents.

5.7 The proposal seeks to fully implement the development of the previously approved extension to the north and northwest. At the same time holes 9 to 18 would be remodelled. 352,000 metres of soils would be brought in to undertake wider landscape reprofiling with new areas of woodland planting to the north and west and new waterbodies to assist in maintaining stable surface water drainage as well as providing wetland habitat. The development would take place in four phases with the majority of work being undertaken in the second and third phases. The existing vehicular access to the site is via the A64 and dates from shortly after the establishment of the Club. It is sub-standard in terms of its width, gradient and proximity to the principal road when seen against Modern standards. A temporary access for the construction operation is envisaged from the A1237 Outer Ring Road to the northwest with traffic entering and leaving from the southbound carriageway which has the clearest visibility.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT

5.8 The application site lies within the general extent of the York Green Belt. Central Government Policy as outlined in paragraph 147 of the NPPF indicates that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 150 of the NPPF outlines a number of forms of development which are not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. At bullet point e) this specifically includes material changes in the use of land specifically for outdoor sport and recreation. Policy GB1 of the 2018 Draft Plan indicates that within the Green Belt planning permission will only be granted where the scale and location of the development would not detract from the openness of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it would not prejudice those elements which contribute to the special character and setting of York.

5.9 The application site lies within the Green Belt following on from its inclusion within the key diagram of the 2012 Yorkshire and Humber Regional Spatial Strategy. Saved Policies YH9(C) and Y1 (C1 and C2) of the Strategy provide a policy context for the designation of a Green Belt around York to safeguard its historic setting and

to preclude coalescence with surrounding settlements prior to the adoption of an up-to-date Local Plan.

5.10 Its location at a visually prominent “gateway site” close to the settlements of Askham Bryan and Copmanthorpe and adjacent to the principal approach to the City from the south west means that it is highly desirable for the land to be kept open. This is accentuated by the close physical proximity of the site to the Askham Bog SSSI. In terms of the five Green Belt purposes set out within paragraph 138 of the NPPF it is important for safeguarding the setting of the Historic City and partially bisects a long-distance view of the Minster and is important for preventing the coalescence of the suburb of Acomb with the neighbouring villages of Copmanthorpe and Askham Bryan. As such it has been shown as retained within the Green Belt in the proposals map to the 2018 Plan and there has been no change to that position following progression of the Local Plan process.

5.11 The proposal envisages the importation of material to reprofile the landscape and improve the utility of the golf course. There would be no built structures beyond the temporary construction site compound as such. Significant areas of tree and other landscape planting are proposed to ensure that the works blend into the surrounding landscape. There would be some short-term detrimental impact upon the local landscape character as the proposed landscape planting is maturing and the ground re-profiling works appear raw. This would be particularly noticeable in views from the public right of way to the north and in longer distance glimpsed views from the path network in the Bog to the east and southeast.

5.12 This is however primarily a landscape impact and not an impact upon the openness of the Green Belt as such. In the longer term the nature of the expanded site would again appear largely natural in form. The works result in the creation of a form of “designed landscape “for the purposes of sport and recreation. Indeed, the type of golf course involved is intended to retain a high degree of openness in order to properly function. As such bullet point e) of paragraph 150 to the Framework applies.

5.13 In terms of the five purposes of designation of the Green Belt the development is not specifically urban in character and would not lead to an encroachment into open countryside or a spread of urban sprawl as a golf course is an intrinsically rural use. At the same time the proposal would not harm the setting of the Historic City.

5.14 The development is therefore be seen as acceptable in Green Belt terms as it satisfies the requirements of paragraph 150 of the Framework, it preserves

openness as a core function of its purpose, and it does not give rise to any conflict with Green Belt purposes.

IMPACT UPON THE ECOLOGY AND BIODIVERSITY VALUE OF THE ASKHAM BOG SSSI AND ANCIENT WOODLAND AND THE SITE ITSELF.

5.15 Central Government Planning Policy as outlined in paragraph 180a) of the NPPF indicates that if significant harm to biodiversity cannot be avoided, adequately mitigated or as a last resorted compensated for then planning permission should be refused. Paragraph 180b) further indicates that development on land outside of SSSI but likely to have an adverse effect on it should not normally be permitted. Policy GI2 of the 2018 Draft Plan indicates that development should avoid significant harm to or loss of Sites of Importance for Nature Conservation. In view of the lack of substantive objection this is a Policy which should be afforded moderate weight in the planning balance.

5.16 The proposal falls with Schedule 2 to the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 and an Environmental Impact Statement highlighting a series of particular impacts in relation to the ecology and biodiversity of the adjacent SSSI and Ancient Woodland has been submitted to support the application. The Bog is a relict raised bog with a fen community grading to fen woodland including birch, alder and willow carr. A SINC (Site of Interest for Nature Conservation) known as Ring Road Pond lies outside of but in close proximity to both the application site and the SSSI and forms part of the wider newt habitat.

5.17 Prominent amongst the identified impacts is in respect of Great Crested Newts which surveys in 2017 found to be present in all four ponds within the application site with eggs suggesting a breeding population. These form part of the wider population in the adjacent raised bog. Harm may occur to the newt habitat during construction by virtue of the soil stripping and topographical changes disrupting the newt's foraging habitat. The hydrology of pond 4 would also be impacted disrupting its utility as a breeding pond through an increase in size and change in topography. The works will require a Natural England species licence to allow for local translocation of the breeding population.

5.18 Surveys also indicate the presence of five protected species of bat within the wider locality (including common pipistrelle, soprano pipistrelle, noctule whiskered Brandt's bat and brown long eared bat) forming part of the wider population associated with the SSSI/Ancient Woodland. Impacts as with breeding birds involve the loss of roosting habitat through vegetation clearance. Works involving clearing

vegetation will need to avoid the bird breeding season together with additional surveys to pinpoint features associated with bat roosting. In the event of features being found then Natural England species translocation licences will again be required.

5.19 In terms of the adjoining woodland habitat within the SSSI the immature plantation habitat provides functional linkages with the wider landscape. Potential effects include transfer of dust from the imported material into the wider landscape particularly the bog. This is addressed through the provision of silt fencing as requested by Natural England together with location of the material storage areas away from sensitive locations with regular monitoring of the material piles as they are worked. In the event of an incident occurring the surrounding area would be damped down in order to prevent spread of dust to sensitive areas.

5.20 Further potential risks involve the inadvertent introduction of invasive species through either contractor's equipment or through the imported material. The imported material is to be screened on arrival and would be rejected in the event of species being identified. In terms of contractors' plant detailed biosecurity measures would be put in place upon entry and exit from the application site to prevent contamination. The imported material is separately subject to the Environmental Permitting Regime by the Environment Agency under the Environment Act 2021.

5.21 In respect of risks to the water environment a detailed drainage system designed in collaboration with the Ainsty IDB including the formation of attenuation ponds which would reduce risks of siltation and pollution. Measures are including in the CEMP to deal with risks at the construction stage.

5.22 In terms of mitigations over and above those outlined the application site boundaries would be securely fenced and the root protection areas of trees to be retained protected from storage of materials, vehicles or equipment. The new wetland areas would provide additional and enhanced breeding habitat for the Great Crested Newt population. The removal of the golf course extension area from intensive agriculture and the creation of a network of new landscape planting would provide a corridor for wildlife to transfer into and out of the SSSI into the wider landscape.

5.23 The City Ecologist initially expressed concern in respect of the impact of the proposals upon the hydrology of the Bog, impacts upon the Great Crested Newt Habitat and the ability of the scheme to provide the minimum 10% Biodiversity Net Gain. Following on from the submission of further detail in respect of those aspects

those concerns have now been satisfactorily addressed and appropriate conditions recommended particularly in respect of a Local Ecological Management Plan.

5.24 The additional planting together with the wetland habitat which have been fully outlined in the amended scheme would satisfy the requirement for 10% Biodiversity Net Gain and would provide a satisfactory standard of mitigation in terms of the identified environmental effect. To avoid any conflict with Policy it is recommended that the mitigations be secured by conditions on any planning permission covering the Construction Environmental Management Plan (CEMP) and a complementary Local Ecological Management Plan (LEMP). With such measures in place the requirements of paragraph 180a) and b) of the NPPF would be complied with.

IMPACT UPON THE HYDROLOGY, DRAINAGE AND FLOOD RISK PATTERN OF ASKHAM BOG AND THE SURROUNDING AREA

5.25 Askham Bog comprises a lowland wetland habitat lying between two ridges of glacial moraine formed by the progressive infilling of a glacial lake with deposits of peat which were intermittently exploited in the Middle Ages. The outer edges of the Bog comprise a base rich fen woodland with the central area an acidic raised bog with a predominance of sphagnum. Water in the Bog comes from natural rainfall and from overflow from the Pike Hills Drain and from the Askham Bog drain. The presence of impermeable strata lead to conditions of perched ground water within the Bog. Previous periods of significant dessication within the Bog have led to a review of measures to retain water within the Bog and the disconnection of the network of internal water courses to both the Pike Hills and Askham Bog Drains.

5.26 Water flows from out of the Bog are ultimately removed to the Holgate Beck by means of the Moor Lane Pumping Station maintained by the IDB and incidents of flooding of the Bog in 2000 and 2007 occurred as a direct result of technical failure of the Pumping Station.

5.27 The submitted EIA identifies that there are no harmful issues in terms of water chemistry generally within the Bog other than in two localised areas to the south where chemicals associated with road gritting of the A64 are intermittently present and to the north and north west where significant levels of nitrates associated with the use of fertilizer in the area of proposed phase 1a) of the scheme and the Askham Bog drain can be noted. This may be properly mitigated by the careful implementation of the Phase 1a) works.

5.28 Risks in terms of the development include reductions in water flows into the strata below the bog responsible for maintaining its dampness. There are also risks associated with potential leeching of contaminated flows into catchment during or

after construction and/or adverse changes in soil chemistry. In a severe rainfall event suspended solids from either the stored material or construction equipment could enter the catchment leading to potential pollution or reductions in flows. That would be mitigated against by the creation of contained working areas and suitable standoff areas and silt fencing identified in section 10 of the submitted CEMP.

5.29 To maintain even flow of water into the Bog it is envisaged to create three attenuation basins whose purpose is to regulate the flow of water from the area of the development to the SSSI. Two would be lined with material compatible with the existing sub-surface geology and the third (that associated with phase 1a) would remain unlined. This is to ensure a continued flow of surface water to the sub-surface strata responsible for maintaining the level of water in the Bog.

5.30 Objection had initially been made by Front Line Flood Risk Management to the third attenuation basin covering phase 1A being left unlined following the undertaking of infiltration tests which showed an inhibited performance in terms of water draining away. However, following further detailed discussion and the receipt of expert advice in respect of hydrology supplied to the Yorkshire Wildlife Trust as manager of the SSSI it is felt that the basin has an important function in feeding water via the Askham Bog Drain through to the SSSI and should therefore be left unlined.

5.31 The package of measures are intended as part of a wider package to secure a better ecological connection with areas surrounding the Bog whilst seeking to arrest the drying out of its central area by securing a more regular level of water flow.

5.32 Both Natural England and the Yorkshire Wildlife Trust as bodies responsible for managing the SSSI accept the premise behind the drainage design for the scheme and its impact upon the Bog. In order to safeguard the hydrology of the Bog and so its biodiversity they ask for a number of specific conditions as part of the planning permission, which have been recommended below. These cover a materials specification for the material brought in, to minimise risk of pollution. Also recommended are a water management plan which would secure the continued flow of a chemically balanced supply into the bog without risk of drying out or flooding. With the proposed mitigations in place together with associated planning conditions the proposal is felt to be acceptable in terms of its impact upon hydrology.

IMPACT UPON THE LANDSCAPE AND VISUAL CHARACTER OF THE SURROUNDING AREA

5.33 Central Government Planning Policy as outlined in paragraph 130c) of the NPPF indicates that planning decisions should create developments which are

sympathetic to local character and history including the surrounding built environment and landscape setting. Policy D2 of the 2018 Draft Plan indicates that developments would be supported where they conserve and enhance landscape quality and character. The Policy has not been subject to substantive objection through the Local Plan process and so should be afforded moderate weight in the planning balance.

5.34 The re-profiling would increase levels locally by up to 4.5 metres both in the area of the proposed extension and the existing course. The submitted scheme has been supported by a LVIA or Landscape and Visual Impact Assessment subject to the appropriate methodology.

5.35 The proposed works would involve the stripping of existing soils and some areas of semi-mature landscape planting within the area of the existing course and the field boundaries of the arable land in the extension area. The existing landscape profile is gently rolling with large areas of relatively flat landscape. The proposed scheme would result in a more visually varied and undulating landform with significant effects in the short to medium term with the newly re-profiled landscape appearing raw until the new areas of planting have had chance to mature. This would be particularly prominent in short and medium distance views from the public footpath running parallel with the site to the north in the vicinity of Eastfield Farm. Longer distance views from Moor Lane Acomb to the northeast and from within the publicly accessible areas of the SSSI to the east would be less significant with the intervening topography and vegetation giving a greater degree of protection.

5.36 A concern, taking account of the relatively remote countryside location is the siting of the construction site compound with associated fencing and security lighting. The submitted CEMP contains protocols restricting the impact of the compound upon the visual amenity of the surrounding area together with measures to limit the effect of the associated security lighting. In order to further mitigate harm it is recommended that any permission be conditioned to require the submission and prior approval of full details of the proposed compound including location, layout, duration, fencing and any lighting.

5.37 The landscaping of the scheme has been re-designed since submission of the application in order to enhance the level of mitigation with a change to areas of planting and areas of earthworks to blend in more noticeably around the boundaries of the site. In the longer term the nature of the golf club and its environs would however appear to be manufactured in contrast to the existing more naturalistic farmed landscape. In the longer-term harm would diminish as the landscaping matures and the earthworks visually bed in. It would still however appear as a

“designed landscape” albeit not to the extent that there would be material harm to wider landscape character. Similarly, the loss of areas of tree planting within the existing golf course would cause some locally significant harm to the wider landscape. However, in the longer term that harm would diminish as the new planting matures with significant new areas of planting around the scheme boundaries.

5.38 The nature of the proposed works would clearly give rise to some short-term harm in terms of landscape character which would be locally significant. The proposed replacement planting over the longer term provides an acceptable standard of mitigation which can be secured by means of condition securing a landscape scheme on any permission. On balance when fully implemented it is felt that the proposal would comply with the requirements of paragraph 130c) of the NPPF and Policy D2 of the 2018 Draft Plan.

IMPACT UPON LOCAL AIR QUALITY

5.39 Impacts to local air quality have been identified as a particular issue with the development specifically in respect of dust generation which may cause harm to both the functional operation of the golf course which would continue to operate on a reduced level over the duration of the works as each phase and also the sensitive environment of the adjacent Bog. There are no residential properties within the direct vicinity. The nearest property not connected with the Golf Course is some 327 metres away at its closest point.

5.40 Dust emissions have the potential to introduce pollutants both chemical and biological to the SSSI as well as altering its pH in local areas and if left unchecked leading to localised drying. The submitted CEMP contains a number of detailed measures to address the potential generation of dust both in respect of the transport and storage of the material to be used for the re-grading and landscaping work and also in terms of the activity of the plant undertaking the work.

5.41 Mitigation measures are proposed in terms of storage of material on site. Only the material required to be used for a day’s activities on site would be transported and stored. Individual stockpile heights would be minimised as would drop heights when material is unloaded. Each of these measures would minimise the risk of accidental dispersion into the surrounding area. When dust is seen to be present within the working area the stockpiles and working surfaces will be dampened down regularly. Any material to be left on site for a prolonged period would be seeded or otherwise conditioned. In terms of working processes only the area to be worked on at a particular day would be stripped with material deposited being compacted as

soon as possible after placement. Internal haul roads would be given a hard-core surface and would be clearly marked with regular maintenance and damping down in the event of prolonged dry weather.

5.42 In the event of dust being found to be migrating out of the site an action plan would be put into operation. This is covered within the submitted CEMP which is then secured by means of a recommended condition. That involves the temporary reduction or cessation of operations together with the damping down or otherwise treatment of source areas. Visual examination would take place at the site boundary to determine the nature and extent of any overspill with operational practises modified in order to prevent any likely recurrence.

5.43 Public Protection are supportive of the proposed measures in respect of air quality although they question the potential for previous land contamination to have taken place. The land in question is presently agricultural land predominantly in arable cultivation. The end land use is also defined as being less vulnerable in terms of harm from land contamination. The need for further examination of potential contamination is not therefore felt to be necessary.

5.44 It is felt that that the mitigation measures contained within the submitted CEMP are acceptable in order to address the issue and may be secured by means of condition as part of any planning permission. These would in turn parallel any similar requirements of the Environmental Permit issued by the Environment Agency.

IMPACT UPON NOISE AND VIBRATION IN THE LOCALITY.

5.45 Central Government Planning Policy as outlined in paragraph 130f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for all existing and future users. Policy ENV2 of the 2018 Draft Plan indicates that development proposals for uses which are likely to have an environmental impact upon the amenity of the surrounding area including residential amenity, open countryside, local character and distinctiveness must be accompanied by evidence that the impacts have been evaluated and that the proposal would not result in any loss of character, amenity or damage to human health. This policy is not subject to outstanding objection and can therefore be afforded moderate weight in the planning balance.

5.46 The submitted EIA considers both noise and vibration effects from the proposed works through surveys and associated modelling during likely operating hours. Effects can include the sound of material being tipped and compacted together with the movement of equipment through the site. As a result of the distances involved no impacts in terms of vibration have been identified or are

envisaged in respect of neighbouring properties during the duration of works. In terms of noise levels very modest increases are identified at locations to the south and southeast during the later phases of the work. The small impacts can be effectively mitigated for by means of a condition attached to any planning permission restricting operating hours to standard times. The submitted CEMP also allows for the erection of acoustic fencing close to the boundary of the site with the A64 during works relating to the later phases of the works to lessen the risk of cumulative impacts on properties to the south and southeast. 5.47 Public Protection have indicated previously that subject to a condition restricting the timing of “noisy work” then the proposals are felt to be acceptable in terms of noise impacts.

5.48 The proposed mitigations are considered to be acceptable, and the proposal therefore complies with the requirements of paragraph 130f) of the NPPF and Policy ENV2 of the 2018 Draft Plan.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

5.49 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe. Policy T1 of the 2018 Draft Plan indicates that development will be supported where it minimises the need to travel and provides safe, suitable and convenient access to all transport users to and within it.

5.50 The application site is presently accessed via the A64 by means of an access which dates from the establishment of the Club in the late 1940s and which falls significantly below modern standards in terms of its width configuration and gradient and is unsuitable for the reception of HGVs. A temporary construction site access is therefore envisaged taking traffic from the A1237 to the northwest for each phase of the development. This is recommended to be conditioned in terms of its design and layout together with details of its reinstatement following completion of the development. A detailed Transport Statement has been submitted to outline and provide justification for the proposed arrangements.

5.51 The submitted Transport Statement envisaged the formation of a separate access for each phase with a peripatetic site compound associated with it. The scheme has however been amended to create a single construction site access for the duration of the development. Concerns have previously been expressed by Highway Network Management in respect of the capacity of the access design to be able to accept the likely types of HGV entering and leaving simultaneously. The

revised design now allows for construction traffic to enter and leave the site from the A1237, taking account of its characteristics without harming other road users.

5.52 In terms of likely traffic flows it is envisaged that there would be four staff based on site to operate reception of the tipped material and to undertake the reconstruction work at any one time. This would generate some 12 vehicle movements per day. In terms of HGV movements, it is envisaged that the majority of movements would take place during phase 1a) when the golf course extension is being implemented. Modelling suggests that an additional 60 HGV arrivals per day would be generated rising to 120 at peak times of construction. At peak times this would equate to 12 two-way movements or an additional HGV every 5 minutes. The A64 /A1237 junction and its associated slip roads can come under particular pressure at peak times and National Highways are keen to ensure that that movements do not exceed the modelled figure. A restriction on the level of construction traffic entering and leaving the site at peak times in order to minimise the risk of conflict with vehicles using the slip road on to the A64 is included as part of the Method of Works condition to the planning permission.

5.53 Subject to any permission being conditioned to secure the access design and an appropriate Method of Works Statement then the proposal is considered to be appropriate in Highway terms and the requirements of paragraph 111 of the NPPF and Policy T1 of the 2018 Draft Plan have been complied with.

6.0 CONCLUSION

6.1 The proposal seeks to remedy existing difficulties in terms of provision of facilities and the quality of surface water drainage at the existing golf course by building upon an earlier consent from 2014 which has not been fully implemented. This involves the full implementation of the previously approved extension and the importation of approximately 350,000 cubic metres of inert soils which together with new landscape planting would re-profile the existing playing surface. The proposed development would not be inappropriate in Green Belt terms. If conditioned in detail as part of any planning permission the proposed construction site access from the A1237 is felt to be appropriate. The submitted details within the EIA and supplementary information demonstrate that the biodiversity value and hydrology of the adjacent SSSI and Ancient Woodland can be safeguarded. Notwithstanding short-term harm it is felt that the impact of the proposal upon the landscape and visual character of the wider area once the new tree planting is mature would be acceptable. It is felt that the requirements of paragraphs 180a) and b) of the NPPF in respect of development and areas of biodiversity value would be complied with.

6.2 The proposal is subject to an Environmental Impact Assessment under Schedule 2 of the 2017 Environmental Impact Assessment. Impacts in respect of

ecology and nature conservation, noise and vibration, air quality, hydrogeology, flooding and drainage and landscape and visual appearance are all covered in the associated Environmental Impact Statement. With the appropriate mitigations outlined together with associated draft conditions the proposal is felt to be acceptable in planning terms and approval is recommended.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs :2134-01-ATR01 SWEPT PATHS
P22-132-3E-XX-XX-DR-C-5000-P03 SECTION 278 LAYOUT
P22-132-3E-XX-XX-DR-C-5100-P02 VEHICLE TRACKING
GGD-254-2951B CROSS SECTIONS 1
GGD-254-2950B CROSS SECTIONS 2
GGD-254-2946G EARTHWORKS PLAN
GGD-254-2789F ISOPACHYTE PLAN
GGD-254-2787H LANDSCAPE PLAN
GGD-254-2945 1A D PHASE 1A PLAN
GGD-254-2945 1B D PHASE 1B PLAN
GGD-254-2945 1C D PHASE 1C PLAN
GGD-254-2945 1D PHASE 1D PLAN
GGD-254-2782 G SURFACE WATER MANAGMENT PLAN
GGD-254-2709 M SITE MASTER PLAN
J000031-SK03 JUNCTION WITH A1237 GENERAL LAYOUT

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

3 Construction vehicle access shall be from the A1237 and details of the design of this access, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

4 Prior to the development coming into use, the initial 10m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained prior to their first use, in accordance with details that shall be first submitted to and approved in writing by the Local Planning

Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

5 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

6 A three stage road safety audit carried out in line with advice set out in GG119 Road safety audit (formerly HD 19/15), and guidance issued by the Council, will be required for the junction for the proposed temporary access off the A1237 York Outer Ring Road. Reports for Stages 1 and 2 must be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site. The Stage 3 report must be submitted to and agreed in writing by the LPA Local Planning Authority prior to occupation.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

7 A construction traffic management plan (CTMP) / detailed method of works (MoW) statement identifying the programming and management of site clearance/preparatory, and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. This may be submitted either as a discrete section of a Construction Environmental Management Plan or as a standalone document. The approved CTMP/MoW shall be adhered to throughout the construction period. The CTMP/MoW shall include at least the following information:

- measures to prevent the egress of mud and other detritus onto the adjacent public highway, and measures to remove any such from the highway if deposited thereon.
- a dilapidation survey jointly undertaken with the local highway authority.
- expected traffic movements (vehicle types and numbers per day) for construction traffic
- the routing for construction traffic that will be promoted.
- a scheme for signing the promoted construction traffic routing
- where contractors will park.
- where materials will be stored within the site.
- contact details of the site contractor in the event of complaint and
- mechanism for review at the end of each construction phase.
- a maximum of 12 two-way trips by HGVs into and out of the site at peak hours

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of the amenity of local residents, the free flow of traffic or the safety of highway users.

8 The hours of operation of construction shall be confined to 8am to 6pm Mondays to Fridays, 9am to 1pm Saturdays, and no working on construction on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

9 The development hereby authorised shall be undertaken in strict accordance with the mitigation measures contained within the Pike Hills Golf Club Improvements Construction Environment Management Plan Vs3 Dated February 2023.

Reason: To safeguard the amenity of neighbouring properties and to safeguard the biodiversity of the Askham Bog SSSI and Ancient Woodland in accordance with paragraph 180 of the NPPF

10 In respect of Phase 1A of the development hereby authorised a programme of post-determination archaeological evaluation is required on this site.

The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the

preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

11 No vegetation removal shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority prior to vegetation removal.

Reason: To ensure that nesting birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

12 Vegetation clearance and re-profiling works within phases 1B, 1C and 1D of the construction works shall not in any circumstances commence unless the local planning authority has been first provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence; or
- c) Confirmation that the site is registered on a Great crested newt Mitigation Class licence (formally Low Impact Class Licence) issued by Natural England; or
- d) a countersigned IACPC certificate issued by Natural England, stating the site is eligible for District Level Licencing.

Reason: To ensure Great crested newts and their habitat are protected during the proposed works. Great crested newts and their habitat are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

13 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The approved LEMP will be implemented in accordance with the approved details and all the measures shall thereafter be permanently retained if required. The content of the LEMP shall include if required :-

- i) Framework for the monitoring of ecological features, target condition and remedial measures.
- ii) Ecological trends and constraints on site that might influence management.
- iii) Aims and objectives of management.
- iv) Appropriate management options for achieving aims and objectives.
- v) Prescriptions for management actions.
- vi) Preparation of a work schedule.
- vii) Details of ongoing monitoring, reporting and remedial measures.
- viii) Details of the body or organisation responsible for implementation of the plan.
- ix) Ongoing monitoring and remedial measures.
- x) Details of the legal and funding mechanisms in place to secure long term monitoring and management for a period not less than 30 years.
- xi) Establish BNG monitoring and reporting programme. As a minimum, the monitoring programme should include:
 - a) Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the target units.
 - b) Where target conditions for units are not yet met, the provision of an assessment of time to target condition for each habitat and any changes to management that are required.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately.

14 Prior to the commencement of the development hereby authorised a scheme for regular monitoring of the materials imported for the re-grading works hereby authorised including their content and pH shall be submitted to and approved in

writing by the Local Planning Authority. In the event of invasive species or significant variations in pH being identified works in respect of the affected area shall immediately cease and remediation be undertaken of the harm identified to the written satisfaction of the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the scheme thereby approved for its entire duration.

Reason: To safeguard the biodiversity of the Askham Bog SSSI and Ancient Woodland and to secure compliance with paragraph 180 of the NPPF

15 Prior to the commencement of the development hereby authorised a detailed water management plan demonstrating how surface water from the development site will be discharged through Askham Bog including points of discharge, monitoring of water pH, flow rate and the means to prevent additional flooding/draw down of polluted water from the area of the approved works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details approved and maintained as such thereafter.

Reason: To safeguard the biodiversity of Askham Bog SSSI and Ancient Woodland and to secure compliance with paragraph 180 of the NPPF.

16 Prior to the commencement of development on site beyond site clearance works full details of the construction site compound including its location relative to adjacent mature landscaping, servicing, fencing, lighting, location of parking and storage areas, duration on site and programme of restoration shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the character of the surrounding landscape and to secure compliance with Policy GI4 of the Draft City of York Local Plan (2018)

17 Prior to the commencement of the development beyond site clearance works a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented to the written satisfaction of the Local Planning Authority before the development is first brought into use.

The following criteria should be considered in respect of the disposal of surface water:

- i) The suitability of soakaways as a means of surface water disposal should first be ascertained in accordance with BRE Digest 365 or other suitable methodology
- ii) If soakaways are not suitable then discharge of surface water to a water course

directly or indirectly may be considered.

iii) Discharge would be taken at the "greenfield" rate of 1.4 litres per second per hectare.

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

Reason: To ensure that the site is provided with satisfactory means of drainage and to reduce the risk of flooding.

18 A flat strip of land 9 metres wide adjacent to the top of the embankment of the watercourse known as the Askham Bogs Drain (which is maintained by the Ainsty (2008) Internal Drainage Board under the 1991 Land Drainage Act) shall be kept clear of all new walls, buildings, fencing or planting unless first agreed in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance and improvement purposes.

19 The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of 15 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

20 Before the commencement of development (including any excavations e.g., for related utilities), a complete and detailed Arboricultural Method Statement (AMS) and a corresponding Tree Protection Plan (TPP) regarding protection measures for existing trees within and adjacent to the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include details and locations of protective fencing, phasing of protection measures, ground protection, a schedule of tree works if applicable, site rules and prohibitions, specialist installation and construction techniques, parking arrangements for site vehicles, locations for stored materials, and means of moving materials around the

site, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details where a change in surface material and edging is proposed within the root protection area of existing trees.

The document shall include a scheme of arboricultural supervision to ensure that a suitably qualified arboriculture consultant shall supervise site investigations, and specialist excavations, installation and construction techniques where these are located within the recommended root protection areas of the existing trees shown to be retained on the approved plans. Before works start on site, the contact details of the appointed arboriculture consultant shall be submitted in writing to the local planning authority.

The content of the approved AMS and TPP document shall be strictly adhered to throughout development operations. A copy of the document will be available for reference and inspection on site at all times.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process to protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

21 Prior to the commencement of the development hereby authorised full details of a monitoring and reporting scheme in respect of incidents impacting upon the management of the Askham Bog SSSI during the process of construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the biodiversity value of the Askham Bog SSSI and to secure compliance with paragraph 180 of the NPPF.

8.0 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 (paragraph 38) 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:

i) Sought amendment of the temporary access layout with the A1237 to ensure that vehicles can safely enter and leave in a forward gear.

ii) Sought to the provision of appropriate dust fencing to prevent imported material drifting on to the adjacent SSSI

iii) Sought submission of a surface water drainage scheme that would secure the through put of surface water into the adjacent SSSI without damaging its delicate ecology.

iv) Sought appropriate boundary planting to ensure that the new golf course areas properly blend into the surrounding countryside.

2. HIGHWAY WORKS:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Agreements as to execution of works (Section 278) -
development.adoption@york.gov.uk

- Works in the highway (Section 171) - streetworks@york.gov.uk

- Temporary highway closure (Road Traffic Regulation Act 1984, Section 14)
highway.regulation@york.gov.uk

3. CONTACT UTILITIES:

You are advised that this proposal may have an effect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. NESTING BIRDS:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As such habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

5. ASKHAM BOG DRAIN:

The development lies within the area of responsibility of the Ainsty (2008) Internal

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Drainage Board. The Askham Bogs Drain is maintained by the Board under the permissive powers conferred by the 1991 Land Drainage Act. The responsibility for the maintenance of the watercourse and its banks ultimately rests with the riparian owner.

Contact details:

Case Officer: Erik Matthews

Tel No: 01904 551416