

3.0 CONSULTATIONS

Internal:-

3.1 Highway Regulation raise no objection to the proposal

3.2 Environmental Protection Unit raise no objection to the proposal.

3.3 Design, Conservation and Sustainable Development raise no objection to the proposal.

External:-

3.4 Yorkshire Water Services ; Any representations will be reported verbally at the meeting.

3.5 The Environment Agency raise no objection to the proposal.

3.6 Marston Moor Internal Drainage Board ; Any representations will be reported verbally at the meeting.

3.7 Yorkshire Gliding Centre; .Any representations will be reported verbally at the meeting.

3.8 Rufforth Parish Council raise no objection to the proposal on condition that the noise is properly mitigated, the plant is visually screened and that it remains in place for only a temporary period.

4.0 APPRAISAL

4.1 Key Issues:-

- Impact from noise arising from the plant on the surrounding area;
- Visual impact from the plant on the adjoining area.
- Impact upon the open character and purposes of designation of the Green Belt.

4.2 Policy MW5 of the York Development Control Local Plan sets a clear policy framework for considering and determining applications for waste management proposals. This framework includes the need for the facility, its proposed location, its impact on adjoining land uses and the duration of the proposal, measures for eliminating leakage and gas emissions and proposed measures to minimise the environmental impact of visual intrusion and noise. The current proposal represents a straight forward replacement of an existing energy from land fill gas plant which is gradually becoming obsolescent as the working activity progresses around the site. In terms of visual impact from the plant , it lies adjacent to one of the principal

working areas to the east of the main site office and adjacent to the existing energy from methane plant and would not be readily visible in long or short distance views from outside of the site as a result of the local landform and mature landscaping. In terms of noise impact the generator is designed to operate at a noise level of 75dba at 1 metre distance with the gas plant designed to operate at a noise level of 68dba at 1 metre distance. This noise level is comparable to that emanating from a standard air conditioning unit and would not be readily perceptible from outside of the site. There would thus be no impact upon local amenity arising from noise generation. There are identified problems in respect of landfill gas at the site and the proposal would assist in mitigating their impact.

4.3 Policy GP5 of the York Development Control Local Plan sets down a clear policy framework for determining applications for renewable energy related development. It stipulates that the development of renewable energy facilities will be encouraged providing there would be no adverse impact upon on the visual amenity of the surrounding area. The current proposal is directly associated with an existing energy from landfill gas facility and is generally small in scale. The terms of Policy GP5 have thus been complied with in respect of the current proposal.

4.4 Policy GB1 of the York Development Control Local Plan sets a firm policy presumption against new development in the Green Belt unless very specific criteria are met. These include that the scale, location and deign of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and involves the re-development of an existing major developed site. The current proposal envisages a small scale adjustment to existing activities at the site which would have limited impact upon the open character or purposes of inclusion of the site within the Green Belt. In terms of the duration of the intended activity it is intended to remain in place for a period of 15 years whilst significant quantities of methane gas continue to emanate from the site. In the interests of amenity it would be advisable to condition any permission to require the removal of the existing and proposed plant and the re-instatement of the site to its pre-existing appearance.

5.0 CONCLUSION

5.1 Harewood Whin comprises a substantial landfill waste disposal site operating under a series of planning permissions dating back to the 1970s and a licence for disposal from the Environment Agency. The current proposal represents a straight replacement for the existing energy from landfill gas plant which is becoming obsolescent as tipping activity within the site progresses. It is small in scale and would have no materially adverse impact upon the amenity of the area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

NPL-123-003, SN123-004, NPL-123-002A . Date stamped 29th April 2008

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 Piling or any other foundation design using invasive methods shall not be undertaken other than with the prior written approval of the Local Planning Authority , which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in strict accordance with the approved details.

Reason: To protect controlled waters.

4 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use , shall be submitted to the Local Planning Authority for approval. These details shall include maximum (LA_{max(f)}) and average sound levels(LA_{eq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The machinery , plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To safeguard the amenity of nearby properties.

5. In the event of the electricity generation and gas handling plant hereby approved no longer being operationally required , the plant shall be dismantled and the site re-instated to its previous appearance.

Reason: To safeguard the character of the site in the interests of visual amenity.

6. Notwithstanding the application details hereby approved , in the event of the pre-existing electricity generation and gas handling plant no longer being operationally required , the plant shall be dismantled and the site re-instated to its previous appearance.

Reason: To safeguard the character of the site in the interests of visual amenity.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon amenity by virtue of noise and visual appearance and impact upon the openness and purposes of designation of the Green Belt. As such the proposal complies with Policies MW5, GP5 and GB1 of the City of York Local Plan Deposit Draft.

2. The proposed development will require an Environmental Permit and the applicant is advised to contact the Environment Agency for further information on applying for a licence.

Contact details:

Author: Erik Matthews Development Control Officer
Tel No: 01904 551416