

ryan king

From: Denise Baker [Denise.Baker@northyorks.gov.uk] on behalf of David Bowe [David.Bowe@northyorks.gov.uk]
Sent: 15 February 2012 10:00
To: ldf
Subject: FW: Consultation on Submission Draft Core Strategy Amendments: Core Policy 9 (ix) - North Yorkshire County Council Response
Importance: High
Attachments: Selby - M07DB006.CB.DB.pdf; Planning Committee Minutes - Selby DC Letter.pdf

Dear Sirs

Further to my e-mail below I also attach a copy of the Planning Committee minutes referred to in the body of the letter.

Regards

David

David Bowe
Corporate Director
Business and Environmental Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

T: 01609 532556

From: Denise Baker
Sent: 15 February 2012 09:25
To: 'ldf@selby.gov.uk'
Subject: Consultation on Submission Draft Core Strategy Amendments: Core Policy 9 (ix) - North Yorkshire County Council Response
Importance: High

Dear Sirs

Please find attached North Yorkshire County Council's response to the Submission Draft Core Strategy Amendments: Core Policy 9 (ix).

Regards

David

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16/02/2012

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North Yorkshire County Council.



North

Yorkshire County Council

Business and Environmental Services

Your ref:

Our ref: M07DB006.CB.DB

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14 February 2012

Dear Sirs

Consultation on Submission Draft Core Strategy Amendments: Core Policy 9 (ix)

Thank you for consulting North Yorkshire County Council by your letter of 19 December 2011 on proposed changes to Selby District Council's Submission Draft Core Strategy following adjournment of the Examination in Public by the appointed Inspector in September 2011.

It is the opinion of the County Council that policy CP9, especially with its proposed re-wording to sub-policy (ix) to include the re-use of "buildings and infrastructure" on the former mine sites at Wistow and Stillingfleet as acceptable forms of development in the Core Strategy, should not be adopted.

The sites in question are unquestionably Greenfield sites in principle, as they are sites that have been developed for minerals extraction purposes where provision for restoration has been made through development control procedures (PPS3, Annex B). In each case, a condition was imposed on the governing planning permission requiring the removal of all buildings, plant and machinery and the subsequent restoration of the land to its former condition (Wistow) or to a condition capable of agricultural production (Stillingfleet). The sites are in unsustainable locations, as the supporting text to CP9 itself acknowledges. The proposed policy to allow the retention and re-use of the built development on the sites is incongruous given the starting point which, in each case, is an extant planning condition requiring that the sites are to be restored. As you are aware, the County Council has resolved to take enforcement action to secure compliance with those requirements and for the avoidance of doubt we attach the minutes of the meeting of the Planning & Regulatory Functions Committee of 16 March 2010 recording that decision. Retaining the buildings will be demonstrably harmful to interests of acknowledged importance given their position in the landscape and the countryside designation of the two sites.

/Continued . . .

Policy Team
Selby District Council
Civic Centre
Doncaster Road
Selby

Y08 9FT

A responsive County Council providing excellent and efficient local services

Selby - M07DB006.CB.DB/1



INVESTOR IN PEOPLE

The County Council's Minerals Local Plan aims, by Part 4.3 and in particular by 'saved' policies 4/18 and 4/20, to limit the adverse effects of mineral extraction on the environment and local amenity and to ensure the best possible quality of restoration of land. To adopt policy CP9 would subvert this aim of the MLP. The MLP, like national minerals guidance in MPG7, acknowledges that mineral workings are by their nature temporary and that the suitability of a site for mineral extraction must be in doubt if there is any question as to whether satisfactory reclamation can be achieved. We are not aware of any reason, subsisting either now or when permission was originally granted on the two sites, why satisfactory reclamation cannot be achieved.

Moreover, so far as we are aware there is no realistic prospect of the early redevelopment of the two sites. Several proposals have been mooted since the mine workings closed in 2004 but none has so far been shown to be an acceptable form of redevelopment. If the conditions are not required to be complied with in the near future, the opportunity to restore the sites through planning enforcement procedures will be lost. It is inappropriate to adopt a planning policy that is tantamount to an allocation of these two sites for redevelopment, when there is no evidence of any acceptable proposals being likely to come forward within the lifetime of the Core Strategy but where the policy will, by its adoption, usurp the County Council's statutory minerals planning functions.

The suitability of the buildings on the two sites for re-use must also be questioned. Large tracts of the two sites are near-derelict and a number of the buildings appear to be incapable of re-use without substantial reconstruction or alteration. We do not see any merit in adopting a policy favouring the re-use of buildings that are not in a fit state to be so re-used. Whilst we note the findings of the Riccall Inspector (APP/N2739/A/06/2020337 at paragraph 13) that the re-use and refurbishment of existing buildings, rather than demolition and construction of new buildings, was an important sustainability consideration on that site, there appears to be extremely limited scope to realise similar advantages at either Wistow or Stillingfleet.

In summary we do not consider that the adoption of policy CP9 will lead to the sustainable development of the area, and consider that it will unduly hinder the County Council's resolution to secure the proper restoration of the sites in accordance with extant planning conditions.

From a planning perspective, the County Council does not wish to make any further comments in relation to the Submission Draft Core Strategy.

Thank you once again for consulting North Yorkshire County Council on this matter. If you wish to discuss any aspect of this representation then please do not hesitate to contact Vicky Perkin (Head of Planning Services: Tel: 01609 533323), Carl Bunnage (Regional and Strategic Policy Team Leader: Tel: 01609 532523), or Laura Renaudon (Planning Lawyer: Tel: 01609 532209).

Yours sincerely

DAVID BOWE
Corporate Director

NORTH YORKSHIRE COUNTY COUNCIL

PLANNING AND REGULATORY FUNCTIONS COMMITTEE

Minutes of the meeting held at County Hall, Northallerton on Tuesday, 16 March 2010.

PRESENT:-

County Councillors Peter Sowray (Chairman), John Blackburn, David Blades, Margaret-Ann de Courcey-Bayley (as Substitute for Bill Hoult) Robert Heseltine, David Ireton (as Substitute for Ron Haigh), Michael Knaggs, Andrew Lee, Dave Peart and Cliff Trotter.

Apologies were received from County Councillors Ron Haigh and Bill Hoult.

Approximately 25 members of the public were present.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

44. MINUTES

RESOLVED –

That the minutes of the meeting held on 15 December 2009, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

45. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED –

That the public and press be excluded from the meeting during consideration of Minute Number 50, on the grounds that it involves the likely disclosure of exempt information as set out by Paragraphs 6 (a) and 6 (b) of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006.

46. PUBLIC QUESTIONS OR STATEMENTS

The Assistant Chief Executive (Legal and Democratic Services) reported that, other than those persons who had indicated that they wished to speak on particular applications, and would do so at the time of the consideration of that application, there were no questions or statements from members of the public.

Members agreed to defer consideration of the application relating to Ripon City Quarry to allow a number of documents that had been brought to the Committee to be copied and circulated, allowing these to be taken account of, as part of the consideration of the application. Members agreed to bring the following application forward for consideration in the meantime.

47. **C4/09/02493/CC - RETENTION OF VIC HALLAM UNIT 1049 AT CAYTON CP SCHOOL, SCARBOROUGH**

County Councillor John Blackburn declared a personal and prejudicial interest in relation to this application, in respect of him being Chairman of the Governors of Cayton CP School. In line with the Members Code of Conduct, he undertook his right to address the Committee, for the three minute period afforded to members of the public, and then left the meeting, taking no part in the discussion nor vote on that matter.

CONSIDERED –

The report of the Corporate Director, Business and Environmental Services, requesting Members to determine a planning application for the temporary retention of Vic Hallam units 1049 on land at Cayton CP School, Mill Lane, Cayton, Scarborough. The application was subject to an objection having been raised by Scarborough Borough Council in respect of the proposal and was, therefore, reported to the Committee for determination.

A Member noted that the objection had come from Scarborough Borough Council in relation to the application and considered that many objections to similar applications were served as a matter of course, by the objecting authority, rather than consideration being given to the particular circumstances of that application. He suggested that the issue should be explored further by officers to determine a way forward, rather than each application having to come before the Committee, due to a standing objection. In response the Planning Officer acknowledged the issues that had been raised and noted that consideration was being given to possible changes in the Constitution to ensure that only issues that were being objected to on relevant planning grounds would be considered by the Planning and Regulatory Functions Committee. The current Constitution, however, required that applications that received objections had to be submitted to the Committee.

RESOLVED –

That permission be granted until 17 January 2016, for the reasons stated within the report and subject to the conditions outlined.

48. **C6/500/90/E/CMA - EXTENSION TO THE EXISTING SAND AND GRAVEL WORKING, RETENTION OF EXISTING PLANT SITE AND ACCESS AND CONSOLIDATION OF EXISTING PLANNING PERMISSIONS AT RIPON CITY QUARRY, BROUGHBRIDGE ROAD, RIPON**

A number of documents were provided by those attending the meeting. A short recess was provided to allow Members and others in attendance time to read the documentation, prior to consideration being given to the application.

CONSIDERED –

The report of the Corporate Director, Business and Environmental Services requesting Members to determine an application which sought full planning permission for an extension to an existing sand and gravel quarry, including the retention of the existing plant site and the consolidation of existing planning permissions, relating to the original site on land at Ripon City Quarry, Broughbridge Road, Ripon.

The application had been subject to unresolved objections having been raised in respect of the proposals by Littlethorpe Parish Council, Harrogate Borough Council and local residents. Under the provisions of the County Council's Officers Delegation Scheme, such applications must be reported to the Planning and Regulatory Functions Committee. The proposal also departed from the provisions of the Development Plan in force for the area.

A number of speakers attended the meeting to outline issues in respect of the application.

Speaking in objection to the application were:-

- County Councillor Paul Richardson.
- Mrs Wendy Orme.
- Councillor Rolley Curtis – Chairman of Littlethorpe Parish Council.

It was noted that County Councillor Richardson was speaking as a local resident and, therefore, was limited to three minutes by which to address the Committee. It was also noted that as a Member of the County Council, with a prejudicial interest on the matter, he was advised by the Monitoring Officer to leave the meeting following his three minute address of the Committee. County Councillor Richardson complied with these directions.

Speaking in favour of the application were:-

- Geoff Storey – applicant.
- Mr Haliwell – White Rose Sailing Association.

The Divisional County Councillor, Heather Garnett, also spoke in relation to the application.

Details of the planning considerations, the plans for the application site and photographic coverage of the site were provided by the Planning Officer to assist Members with their consideration of the application.

RESOLVED –

That application C6/500/90/E/CMA – extension to the existing sand and gravel working, retention of existing plant site and access and consolidation of existing planning permissions at Ripon City Quarry, Boroughbridge Road, Ripon be deferred for consideration at a subsequent meeting of the Planning and Regulatory Functions Committee, to allow Members to undertake a site visit, enabling them to better understand the site and surrounding areas in respect of the application.

49. PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS

CONSIDERED –

The reports of the Corporate Director – Business and Environmental Services, relating to applications for planning permission in respect of County Council developments.

RESOLVED –

That the applications be determined as follows:-

<u>Application</u>	<u>Further information submitted to the Committee</u>	<u>Committee Decision</u>
C6/100/106/T/CMA – Planning application for the formation of car park and erection of 1.80 metre high fence at The Forest School, Park Lane, Knaresborough.	The Clerk, Steve Loach, outlined he had a conflict of interests in relation to this item, in respect of him being Clerk to this Committee and Clerk to the Forest School Governing Body. He left the meeting during consideration of this item. Jane Wilkinson clerked the meeting for the duration of this item.	That, subject to an appropriate ecological report being prepared and re-assessed, and subject to appropriate conditions, that approval of planning permission be delegated to the Corporate Director, Business and Environmental Services.
C5/63/2010/10272 - Planning application for the erection of a new palisade gate within fencing at Highways Depot, Snaygill Industrial Estate, Skipton.		That planning permission be granted, for the reasons stated within the report and subject to the conditions outlined.
C6/24/151/K/CMA - Planning Application for the permanent retention of existing Elliott Unit 1926 at Kirkby Malzeard CEP School, Church Street, Kirkby Malzeard, Ripon.		That planning permission be granted, for the reasons stated within the report and subject to the conditions outlined.
C4/10/00093/CC - Planning application for the erection of security fencing around the boundaries of both schools. Filey Road boundary to be 2 metres high and Holbeck Hill boundary 1.8 metres high. Holbeck fencing to be set back 1 metre to allow for planting of hedges at St Martin's CE Primary School and Wheatcroft Community Primary, Holbeck Hill, Scarborough.	The Headteacher of Wheatcroft Community Primary School, Jenny Hartley and the Headteacher of St Martin's Primary School, Steph Brown, spoke in favour of the application.	That planning permission be granted, for the reasons stated within the report and subject to the conditions outlined.
C4/09/02562/CC - Planning application for new 1.5 metre high fencing and gate within the		That planning permission be granted, for the reasons stated

<u>Application</u>	<u>Further information submitted to the Committee</u>	<u>Committee Decision</u>
grounds of Whitby Community College, Prospect Hill, Whitby.		within the report and subject to the conditions outlined.
C3/09/01245/CPO - Planning application for the provision of a small canopy over outdoor play area and provision of pedestrian access to school grounds at St Hilda's CEVC Ampleforth, Station Road, Ampleforth.		That planning permission be granted, for the reasons stated within the report and subject to the conditions outlined.

50. ENFORCEMENT PROCEEDINGS IN RESPECT OF WISTOW AND STILLINGFLEET MINES

County Councillor Lee declared a prejudicial interest in respect of this item in relation to him having had outlined his position on this matter at a previous public meeting on this issue. He left the meeting and took no part in the consideration nor vote on this.

CONSIDERED –

The report of the Corporate Director, Business and Environmental Services seeking Members approval, in principal, to pursue enforcement action to secure compliance with conditions attached to permissions at Wistow and Stillingfleet Mine Sites, in so far as it was expedient to do so, having regard to the development plan for the area and to any other material considerations.

RESOLVED

- (i) That the service of the planning contravention notices be noted;
- (ii) That the on-going investigation and assessment of the information provided by UK Coal Mining Limited in response to the planning contravention notices be noted;
- (iii) That officers be requested to take appropriate enforcement action, if necessary, to secure the removal of the buildings, plants and machinery and the restoration of the Wistow and Stillingfleet sites within a twelve month period following the service of the notices.

51. ITEMS DEALT WITH UNDER SCHEME OF DELEGATION

County Councillor Blackburn declared a personal interest in respect of the item relating to Hunmanby Primary School, as a Member of the Governing Body at that school.

CONSIDERED -

The report of the Corporate Director - Business and Environmental Services regarding items dealt with under the Scheme of Delegation.

RESOLVED –

That the content of the report be noted.

52. PUBLICATION BY LOCAL AUTHORITIES OF INFORMATION ABOUT THE HANDLING OF PLANNING APPLICATIONS

CONSIDERED –

The report of the Corporate Director, Business and Environmental Services publishing the performance management statistics for North Yorkshire County Council for the period 1 October 2009 to 31 December 2009. Information on enforcement cases was outlined in an Appendix to the report.

RESOLVED –

That the information contained in the report be noted.

SL/ALJ