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Policy and Strategy Team Selby District Council, Civic Centre, Doncaster Road, Selby, North Yorkshire, YOB 9FT

By Post & Email - Idf@selby.gov.uk

20953/A3/LT/ck/ds

16th January 2015

Dear Sirs

# REPRESENTATIONS IN RESPECT OF THE SELBY DISTRICT COUNCIL SITES AND POLICIES LOCAL PLAN; INITIAL CONSULTATION

We are instructed by Peel Environmental Management UK Limited ("our Client") on behalf of Kellingley Colliery Waste Limited to make representations to the initial consultation currently being carried out in respect of the Sites and Policies element of the Local Plan (referred to as PLAN Selby).

## About Peel Environmental Management UK Limited and Current Interests in the Selby District

Peel Environmental, a subsidiary of the Peel Group, is at the forefront of developing new infrastructure for the waste, mineral and environmental technology sectors across the UK. Peel Environmental is currently actively pursuing a number waste recovery and renewable energy proposals across the Country and, more locally, within the Selby District itself. Our Client has previously made representations to other elements of the emerging Local Plan and therefore welcome the opportunity to provide further comments on the emerging Sites and Policies Local Plan.

Our Client's primary interest within the District relates to their development site within the south-western corner of the Kellingley Colliery Site near Knottingley ("the Site"). The Site is owned by Harworth Estates who are working in a Joint Venture partnership with our Client in respect of this part of the Site. The enclosed site location plan (Appendix A) shows the full extent of the Site and also its relationship with the wider Kellingley Colliery Site and the surrounding settlements of Knottingley to the west and Eggborough to the east.

An application was submitted to North Yorkshire County Council (NYCC) (as Waste Planning Authority) in May 2013 (reference 2013/0677/CPO). The application seeks full planning permission for the relocation of existing colliery uses and the construction and operation of Southmoor Energy Centre to recover energy from waste. The application was approved by members of Full Planning Committee in September 2014 but release of the decision notice has subsequently been delayed due to changes in national planning policy and consideration of the application by the National Planning Casework Unit on behalf of Secretary of State. The application will be taken to the next planning committee meeting scheduled for 10<sup>th</sup> February 2015.

The Southmoor Energy Centre represents a £200 Million private investment which has the potential to produce 26 MWe(net) of low carbon/renewable energy per annum for export to grid, providing sufficient power for around 63,000 homes. This proposal will therefore make a significant contribution towards the Council's renewable energy targets and warrants appropriate consideration in the Selby Local Plan.





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#### Representations to Chapter 3: Key Issues

Chapter 3 of the Initial consultation draft sets out the 'Key Issues'. By the very nature of the consultation, which seeks the views of residents and stakeholders on a wide range of issues, not all the topics covered and the questions raised are relevant to our Client's interests within the District. As suggested in the opening sections of the consultation draft, these representations have focused on the topics of most relevant to our client including as follows:

- Topic 3 T3 Green Belt; and
- Topic 5 T5 Climate Change and Renewable Energy.

#### Topic 3 T3 Green Belt

The Core Strategy makes it clear that a review of the existing Green Belt boundary will be necessary in order to meet its overarching objectives and aspirations and ultimately the vision for the District. This review will seek to ensure that only land that meets the purposes and objectives of the Green Belt remains designated as such and will also address anomalies such as cartographic errors and updates in response to planning applications.

The PLAN consultation makes it clear that the review of the Green Belt will be subject to a separate round of consultation and there will be the opportunity to provide comments on the content and methodology of the review in due course.

Our Client welcomes the fact that the Council recognises that a Green Belt review is necessary and that the emerging development plan presents the appropriate opportunity for this to be undertaken. Our client intends to provide comments on the content of the review once published for formal consultation. Notwithstanding this, there is a clear and obvious anomaly which our Client wishes to highlight at this stage so they can be considered prior to the formal publication of subsequent drafts of the Sites and Policies Local Plan. Our comments in this respect are outlined below.

#### Green Belt Land at Kellingley Colliery

The extent of Green Belt surrounding the Kellingley Colliery site was debated at length during the Selby District Council Local Plan Inquiry between 20 July 1999 and 12 March 2001. A copy of the relevant extract of the Inspector's Report published in June 2002 is enclosed for reference at Appendix B. This makes clear that the proposed extension of the adopted Green Belt boundary to include the colliery did not accord with PPG2 and that there were no exceptional circumstances to justify the inclusion of the site within the Green Belt. Accordingly, the Inspector recommended that the Colliery site be excluded from the Green Belt. Also of note is the Inspector's view that it was overly optimistic of Selby District Council to expect the site to revert to one which is permanently open (following the closure of the Colliery) due to the lack of restoration conditions associated with the Kellingley Colliery Site. Following the Inspector's recommendation, the Kellingley Colliery Site was excluded from the Green Belt in the adopted Selby District Local Plan.

Enclosed for reference at Appendix C is the relevant extract of the current Selby Local Plan which highlights the extent of the Green Belt. The plan shows that a large majority of the Kellingley Colliery site is excluded from the Green Belt (following the Inspector's recommendation), the exception being areas of land adjacent to Weeland Road. Given that the majority of the site forms part of the original consent for the Colliery (see Appendix D) it is assumed that this was a cartographic error made by the Council when finalising the Local Plan Proposals Map. It is therefore considered that the opportunity should be taken to correct this anomaly in the emerging Sites and Policies Local Plan. Certainly, this land does not meet the purposes of including land within the Green Belt as was recognised previously by the Planning Inspector. Accordingly, the Green Belt boundary should be amended to follow the northern boundary of the consented Colliery Site i.e. along Weeland Road (A645) as indicated by a thick purple line on the plan enclosed at Appendix E. This will serve to provide a more defensible and long lasting boundary as required by the Framework.

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#### Topic 5 T5 Climate Change and Renewable Energy

Topic 5 deals with matters concerning climate change and ways in which the Council will look to secure renewable energy sources across the District.

It highlights that the Core Strategy sets out the Council's strategic policy and guidance relating to climate change and renewable energy. The opening paragraphs of the Core Strategy acknowledge that climate change is one of the key issues that the Council must tackle throughout the plan period. In some cases, however, such challenges can often be turned into opportunities (para 2.62).

The Framework which contains the Government's national planning policy forms the basis for all local plan preparation and makes it very clear that local planning authorities should actively support the transition to a low carbon future and where possible encourage the use of renewable resources (for example, by the development of renewable energy). Paragraph 93 in particular highlights that the planning system must play a key role in helping to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and most notably supporting the delivery of renewable and low carbon energy and associated infrastructure. Such is its importance, the same paragraph goes onto state that this is central to all three aspects of sustainable development.

In terms of local plan preparation, paragraph 97 states that future plans should have a positive strategy to promote energy from renewable and low carbon sources and local planning authorities should design their policies to maximise such development. This should include giving consideration to identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources. This statement is further supplemented by a footnote which states:

"Where plans identify areas as suitable for renewable and low-carbon energy development, they should make clear what criteria have determined their selection, including for what size of development the areas are considered suitable".

In summary, national planning policy adopts a very proactive stance on the promotion of low carbon and renewable energy sources. It places a strong requirement on local planning authorities to play their part in helping to achieve this vision with the preparation of new local plans being an appropriate means for this to be achieved.

Policy SP17 of the Selby Core Strategy 'Low-Carbon and Renewable Energy' sets the local context for the identification of areas for the provision of renewable and low carbon energy and where development can draw its energy from such sources. The policy states:

#### "A. In future Local Plan documents, the Council will:

- seek to identify opportunities where development can draw its energy from renewable, low carbon or decentralised energy supply systems and for co-locating potential heat customers and suppliers; and
- consider identifying 'suitable areas' for renewable and low carbon energy sources and supporting infrastructure."

As a fundamental aim of both national planning policy and the Core strategy, it is important that adequate consideration is given to the provision of new low carbon and renewable energy sources within the site specific element of the emerging Selby Local Plan.

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#### Q26 Is it necessary for PLAN Selby to consider:

d) Identifying suitable areas for renewable and low-carbon schemes by technology? E.g. wind, solar, hydro?

Further to the above, our Client considers that it is necessary for PLAN Selby to identify suitable areas for renewable and low-carbon sources.

As noted above, the Framework suggests that during the local plan preparation process local planning authorities should give consideration to identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources. This statement is further supplemented by a recommendation that where suitable areas are identified, it should made clear what criteria have determined their selection, including for what size of development the areas are considered suitable.

It is considered that the identification of relevant areas will help to secure the development of renewable/low carbon energy sources by providing certainty to the development industry, and also through the creation of a positive planning framework for the promotion of renewable technologies.

In doing so the Council would be meeting national planning policy requirements to plan positively, recognising that all communities have a responsibility to contribute to energy generation from renewable or low carbon sources.

In the case of the Kellingley Colliery site, plans are already in place for a proposed energy centre which has the potential to generate up to 26 MWe (net) of low carbon/renewable energy per annum. This will represent a significant contribution towards the District's renewable energy targets.

In summary on this point, both national planning policy and the Council's own adopted Core Strategy highlight the need to tackle the problems associated with climate change as being a key factor moving forward. This must include supporting, and therefore making provision for, suitable types of low carbon/renewable energy developments across the District.

Our Client's Site represents an excellent opportunity for the emerging Sites and Policies Local Plan to identify a site which has already been proven to be suitable for low carbon/renewable energy production from energy from waste technology. In response to question 26 part d, our Client considers it is entirely appropriate to allocate areas for renewable and low carbon schemes and the Kellingley Colliery Site should be at the forefront of sites considered.

It should be noted that separate representations have been submitted to PLAN Selby by Peel Environmental's JV Partner, Harworth Estates in respect of the Kellingley Colliery Site.

We trust the above comments will be given due consideration by officers and we will look forward to the next round of consultation on the Further Consultation draft, anticipated to take in the summer.

Yours sincerely

#### **CLAIRE KENT**

Director

Enc:

Cc. Richard Barker - Peel Environmental

Appendix A Site Location Plan for Southmoor Energy Centre

Appendix B Extract of the Inspector's Report

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Appendix C Appendix D Appendix E Existing Proposals Map for Kellingley Colliery Original Colliery Consent Suggested Green Belt Boundary Drawing

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## **APPENDIX A**

Site Location Plan



Application Site Boundary

Other land owned by Harworth Estates

Application Site Area = 13.0 ha (32.23A) (redline)

Colliery Canal Wharl Lease Area

Existing Location Plan Drawing No. 11015-PL01

Rev. A

Planning RCT March 2013

fletcher rae

Architecture Master Planning Project Managament
Hit Chary, 5 Scraim Steet Manchester, N/S 4PV
L = -44 (1915) 26 7140
W = Manchester Aris
L = -44 (1915) 26 7141

## **APPENDIX B**

Inspector's Report

### KELLINGLEY COLLIERY

Policy:

GB<sub>1</sub>

Objection:

726/4

#### Issue

Should Kellingley Colliery [Site 40A] and adjacent land to the south [40B] be included within the Green Belt?

#### Inspector's appraisal and conclusions

16.215 The operational area of Kellingley Colliery lies to the east of Knottingley and to the south of residential development and unused land/woodland on the A645, Weeland Road. It is bounded by Sudforth Lane to the east and the Aire and Calder Navigation and the Goole-Leeds railway line to the south.

16.216 It is proposed in DDSDLP that the Green Belt should be extended to wash over the operational colliery land [40A], and also include a triangular area of agricultural land [40B] to its south, beyond the Goole-Leeds railway line and bordered by the Aire and Calder Navigation on the south side. The Colliery itself is intended to be identified as a Major Developed Site [MDS] under Policy GB3.

16.217 Both parts of the objection site were excluded from the Green Belt when its boundaries were established in the Castleford, Featherstone, Knottingley, Normanton and Pontefract Town Map of 1974.

16.218 The sites lie to the north and east of the Selby District and Wakefield Metropolitan Borough boundary. Knottingley lies within Wakefield MB and is excluded from Green Belt in the Wakefield UDP. There has been an extension of the Green Belt within Wakefield MB from that originally designated in the above Town Map of 1974 to incorporate land to the south-east of Knottingley, extending to the edge of the built-up area, the Goole-Leeds railway line, Southmoor Cross Road and the Aire and Calder Navigation.

16.219 RJB object to the proposed extension of the Green Belt and also consider that Site 40B should be recognised in the Plan as suitable for an 'Integrated Gasification Combined Cycle' [IGCC] power station.

Site 40A

The purpose and objectives of including land within Green Belt

16.220 On the face of it, extending an adopted Green Belt boundary to include land which is occupied by a colliery does not appear to accord with the five purposes of including land in Green Belts set out in para. 1.5 of PPG2. The prevention of neighbouring towns merging into one another and preserving the setting and special character of an historic town are not relevant considerations. Setting aside Site B which I deal with below, the extension would not safeguard the countryside from encroachment because the colliery is a substantial existing development.

The most important attribute of Green Belts is their openness, but the operational colliery land does not have this characteristic, despite containing pockets of undeveloped and agricultural land. It appears as a very dominant developed area when seen from the south and is not sufficiently well concealed by woodland, hedgerow and residential properties when seen from Weeland Road to be perceived as part of the countryside. Although the adjoining site to the west has been allocated for employment purposes in the Wakefield UDP, the council argue that the Colliery is joined only by a narrow neck of land and is virtually enclosed by open countryside. This is not the same as being enclosed within the Green Belt, as an isolated colliery in the countryside would be. In this case the Colliery does appear more as an eastward continuation of the built-up area of the settlement than as part of the Green Belt countryside. Consequently the inclusion of the site could not properly be regarded as serving the purpose of checking the unrestricted sprawl of a large built-up area. The remaining purpose, to assist in urban regeneration, by encouraging the recycling of derelict and other urban land, is not directly relevant whilst the colliery is operating.

16.221 It is a fact that, by their nature mining activities are a temporary use of land. Kellingley has significant reserves of coal and is likely to continue in operation beyond the Plan period, but to a degree the council are anticipating the time when it does close. They state in evidence [para. 6.4 of SDC/001] that by ensuring that the site is kept permanently open on cessation of mining activities, Green Belt policies would then assist in safeguarding the countryside from encroachment and help check the unrestricted sprawl of the built-up area of Knottingley. I find this somewhat inconsistent with the present situation as I describe it above, and also with the identification of the site as an MDS. The council are possibly being optimistic in expecting the site to revert to one which is permanently open bearing in mind the lack of restoration conditions. In other contexts and in no more sustainable locations, such as the Whitemoor Mine, the re-use of redundant collieries has been pursued.

16.222 The purposes of including land in Green Belts are of paramount importance, and should take precedence over the land use objectives set out in para. 1.6 of PPG2. However, inclusion of the Colliery could not be said to fulfil those stated objectives.

16.223 I am mindful that there must also be demonstrated exceptional circumstances which necessitate a change to Green Belt boundaries to include additional land. The council must justify its inclusion in the Green Belt because the site has been excluded from Green Belt since the boundaries were first defined in the Town Map of 1974.

16.224 The review of Green Belt boundaries which the council have undertaken was prompted by 'the need to achieve a balance between meeting development needs and safeguarding the integrity of the Green Belt as a whole.' It was justified by six circumstances, set out in CD065 para. 5.3. Whilst in combination, these amount to exceptional circumstances relating to the need to establish an adequate supply of housing land and safeguarded land, I do not consider that the council's analysis includes sufficient or specific reasons for extending the Green Belt to include Kellingley Colliery. The development needs considered were principally related to housing and there is no reasoning relating to employment land needs or specific justification for adding this site to the Green Belt. Nor do I consider that safeguarding the integrity of the Green Belt as a whole is a sufficient or specific reason in relation to this site because of the relationship with the Green Belt and adjacent built-up area which I describe above. I do not consider that the fact that PPG2 refers to mineral extraction as not necessarily being inappropriate development within Green Belt is a reason for extending Green Belt to include a colliery which has been outside the

Green Belt for almost 30 years. Nor do I consider that the inclusion of the colliery can be justified as a correction of an anomaly in Green Belt boundaries and in the way in which Green Belt advice has been interpreted.

16.225 I conclude therefore that there is insufficient reason to extend the Green Belt to include Site 40A

Site 40B

16.226 Site 40B is open, agricultural land which is similar to the surrounding countryside although, visually it is dominated by the colliery. It is similar in character to land which has been included in, and more recently added to, the Green Belt in the Wakefield UDP.

16.227 The council stress that in their judgement neither objection 726/4 nor 726/22 contains an objection based upon any need or desirability for the site to be safeguarded or used for an IGCC power station. The objectors refer to the first sentence of para. 4 of their representations [Objection 726/4] where 'the site of the proposed clean coal power station' is mentioned and regard this as an implicit objection to the site's inclusion in the Green Belt which would inhibit any future proposal to site a power station upon it. With hindsight they acknowledge that the objection should have been more explicit and that they should have sought an allocation of the site for the purpose. That they did not do and such a proposal is not before me. However, the objectors are content that the objection be limited to the site remaining as 'white land' rather than safeguarded land. These are synonyms according to PPG2.

16.228 The proposal is, in most respects, insufficiently advanced for me to reach a conclusion on whether or not it would be appropriate to safeguard the site for such a specific use. In any event the purpose of safeguarding is not to earmark land for a sole future use. That would be to confuse safeguarding and allocation. It is rather to safeguard land for possible and varying development needs in the longer term. In this respect I do not consider that the site would be suitable for residential use for example, because of its proximity to existing and proposed industrial development, and its separate and isolated position in the countryside. Also the council point out that access to either residential or industrial development could be problematic as it would not be possible from the M62 and traffic flows in the centre of Knottingley would be likely to increase. Whilst I accept that a power station proposal would be directly related to the colliery and indeed other resources such as water, it would be inappropriate to safeguard land which would not be in a suitable or sustainable location for a variety of development in the terms of para. B3 of Annex B of PPG2. Consequently I do not recommend that the site should be identified as safeguarded land in the Local Plan. I have explained elsewhere that there should not be 'white land' as well as safeguarded land and consequently I conclude that the site should be included in the Green Belt. Any proposal for a power station would need to be judged as an exceptional circumstance against Green Belt policies.

16.229 The council propose PIC 328 to add additional text concerning 'Coal mining and Power Generation Industries' after Policy EMP9. I deal with this at paras. 6.103-4 of my Report. RJB have withdrawn objections 726/2, /3, and /5.

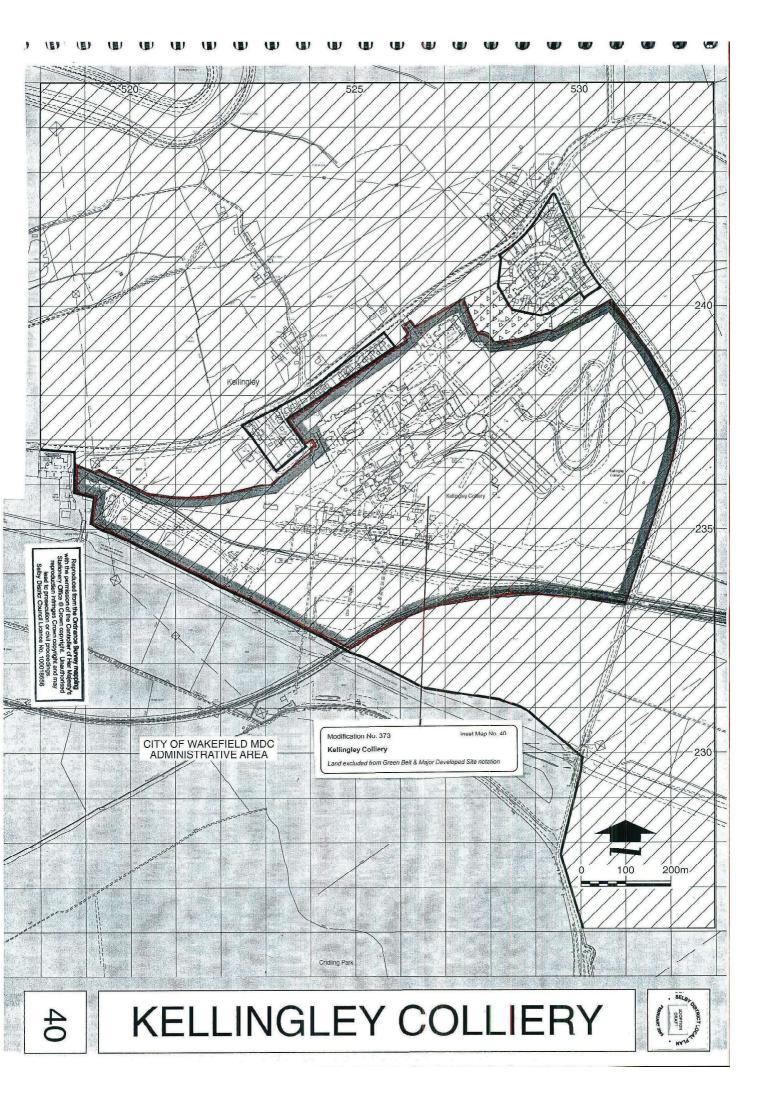
#### RECOMMENDATIONS

16.230 a. That Site 40A remains excluded from the Green Belt and the Local Plan be modified accordingly.

b. That Site 40B be included within the Green Belt and the Local Plan be modified accordingly.

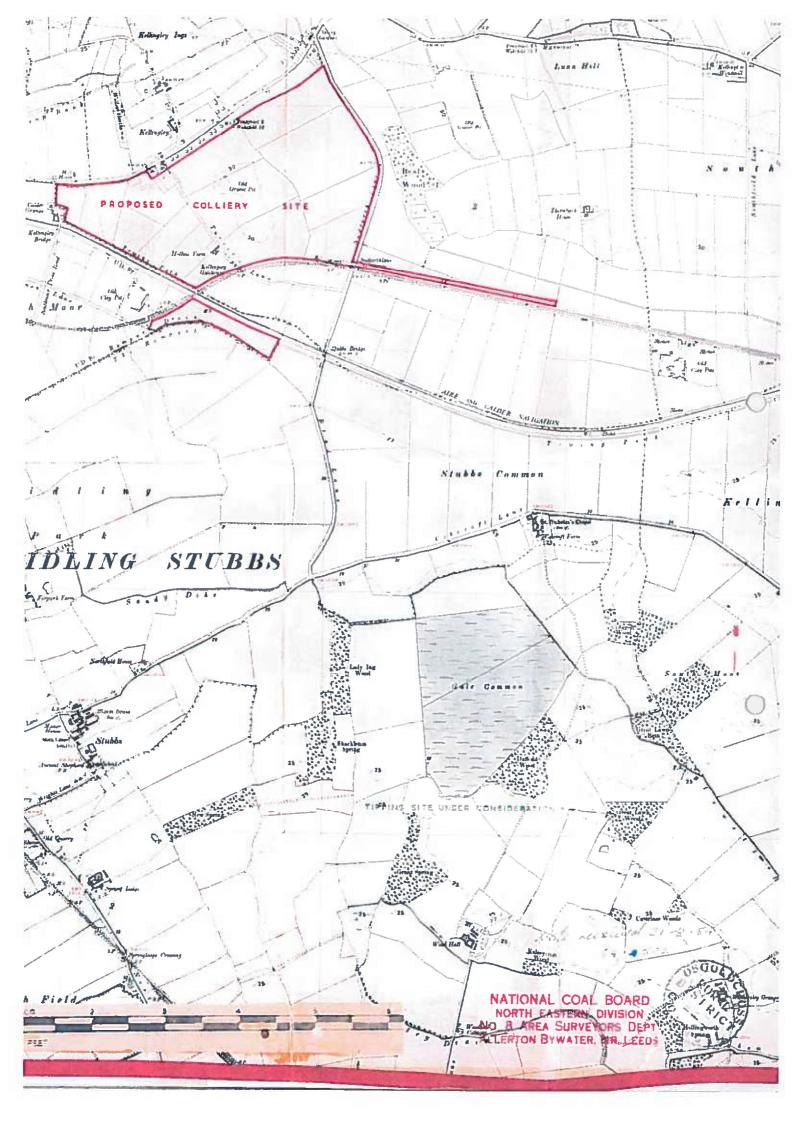
## **APPENDIX C**

Selby Local Plan Extract



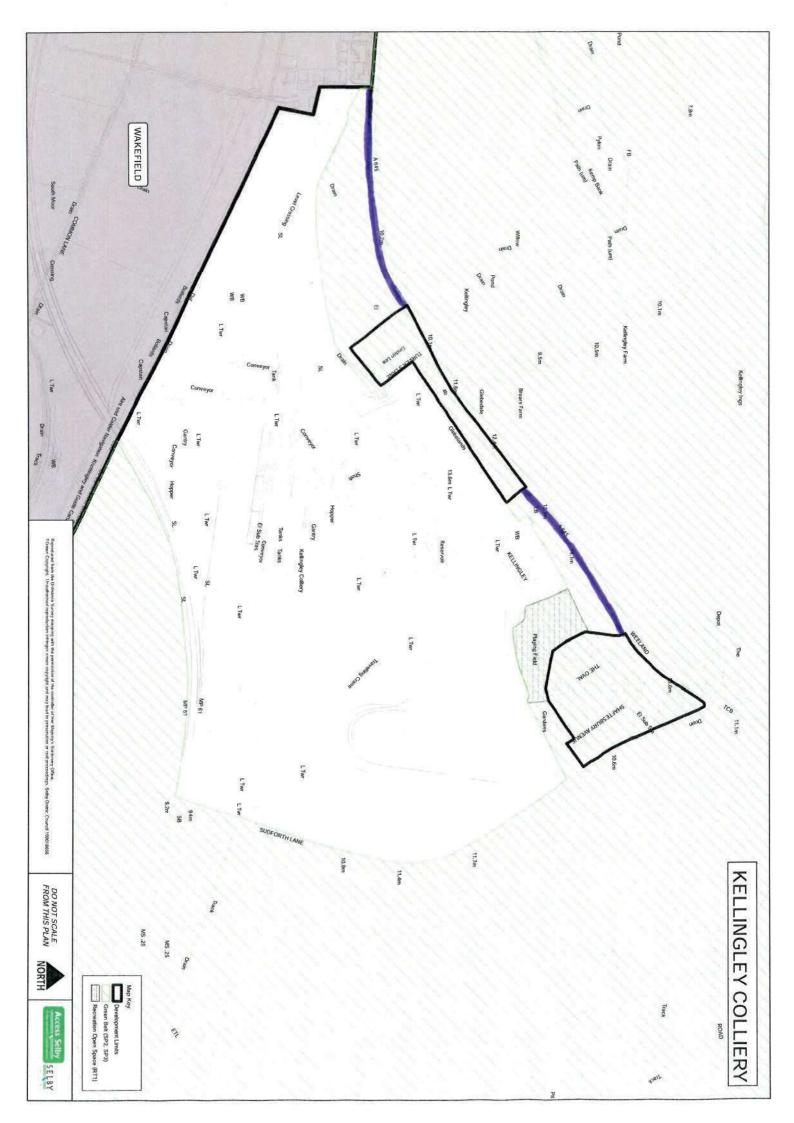
## **APPENDIX D**

Consented Colliery Plan



## **APPENDIX E**

Suggested Green Belt Boundary





# Selby District Council Local Plan Consultation

#### "PLAN Selby" (The Sites and Policies Local Plan)

#### **Initial Consultation Comments Form**

"PLAN Selby" is the Sites and Policies Local Plan which the Council is developing to deliver the strategic vision outlined in the Core Strategy that was adopted in 2013. When adopted, PLAN Selby will form part of the Local Plan for the District against which planning applications will be assessed.

This consultation is the first stage in our on-going dialogue with you and we hope that you will take time to respond to it and help us move forward. The responses to this consultation will help inform our work and shape the District for the future.

Comments are therefore invited as part of this Initial Consultation.

Please use this form to make your comments.

Please read the main document PLAN Selby and associated papers, which are available on the Council's website at <a href="https://www.selby.gov.uk/PLANSelby">www.selby.gov.uk/PLANSelby</a> and at local libraries and Public Council offices.

You will need to see what is in PLAN Selby in order to make your comments. It contains a wide range of issues and specific questions on which we would like your views. Please make sure you are clear about which part of PLAN Selby you are commenting on and ensure we have your full contact details so we can take your comments into account and so that we can contact you about the next stages.

# Completed comments forms must be received by the Council no later than 5pm on Monday 19th January 2015

Contact Det	tails - Please provide contact details	and agent details, if appointed	
Personal Details		Agent Details (if applicable)	
Name		Claire Kent	
Address		Barton Willmore 14 King Street Leeds	
Postcode		LS1 2HL	
Telephone no.			
Email address		claire.kent@bartonwillmore.co.uk	

It will be helpful if you can provide an email address so we can contact you electronically

#### Comment(s)

Please ensure you provide reference to the Question and Topic area for each comment you wish to make.

Topic / Chapter	Please see covering letter			
Question no	Please see covering letter	Paragraph	Please see covering letter	
Please see coverin	g letter		<u>-</u>	
	(Text is limited to the available area to	ensure all text is visible.	Continue on a seperate sheet if necessa	
pic / Chapter				
Question no.		Paragraph		

# Comment(s) Please ensure you provide reference to the Question and Topic area for each comment you wish to make. Topic / Chapter Question no. Paragraph (Text is limited to the available area to ensure all text is visible. Continue on a seperate sheet if necessary) Topic / Chapter Question no. Paragraph

(Text is limited to the available area to ensure all text is visible. Continue on a seperate sheet if necessary)

	(Text is limited to the available area to ensure all text is visible. Continue on a seperate sheet if necessary)
all comments ome persor onfidentially	s must be made in an email or in writing if they are to be considered. Your comments and hal identifying details will be published in a public register and cannot be treated y. Where practical, personal identifiers may be redacted, however Selby District Council antee that all identifiers will be removed prior to publication of consultation records.
Signed	Dated 19th January 2015
Pleas	e ensure you save a copy of your completed comments form to your computer before sending by email
Co	ompleted comments forms must be received by the Council
	no later than 5pm on Monday 19th January 2015
Email:	ldf@selby.gov.uk
Post to:	Policy and Strategy Team, Selby District Council, Civic Centre, Doncaster Road, Selby YO8 9FT