

Planning Appeal Reference APP/C2741/C/11/2154734

Comments on behalf of Escrick Parish Council with regard to the above appeal.

Whilst the North Selby Mine site is located within the Parish of Wheldrake, it is also very close to Escrick village and is accessed directly from the A19 immediately north of the village and within the York Green Belt.

Escrick Parish Council supports the enforcement action taken by the City of York Council with respect to the Planning Condition. With regard to the grounds of appeal of the Enforcement Notice, our comments are as follows:

Ground C

We consider Condition 15 of the Planning Decision Notice C/8/99/18/PA to be quite clear in that it requires, following abandonment of the Barnsley Seam, for the land to be restored to a condition capable of agricultural production. It is implicit that any scheme that 'may' be approved by the County Planning Authority shall be required to be submitted and will require approval in due course. The standard required is one that is 'capable of agricultural production' and therefore we consider that the condition is clear as to what is required.

Ground D

In our opinion if, as the appellant purports, the restoration works should be undertaken within a ten year period, this date **must** commence from a period of not less than 12 months after the Barnsley Seam was abandoned or shall cease for a period of not less than 12 months, i.e. when the Local Planning Authority had the opportunity to see whether the planning condition had been adhered to within its proper timescale.

Secondly, the Planning Condition requires the plant, buildings and machinery be removed from the site within 12 months of the relevant date. Again, this reconfirms that the relevant date is 12 months **after** the abandonment or cessation of the use.

Condition 15

The Inspector should be aware of the **fundamental** importance of this condition when planning permission was granted for the North Selby Mine. Given the location of the site in a rural area and within the York Green Belt, the restoration of the land and its reversion to agricultural use was an intrinsic pre-requisite to the consent being granted. Furthermore, it was an essential part of the acceptance of the site in a rural community, and there has been a very clear longstanding public perception since the mine closed that the site would be restored by UK Coal to potential agricultural use.

Escrick Parish Council requests the opportunity to appear at the Appeal Inquiry and/or provide further evidence in support of our comments.

Steve Smowton

Chair, Escrick Parish Council