

Escrick Parish Council

Planning Application Consultation Response

REPRESENTATION FORM TO BE RETURNED TO NORTH YORKSHIRE COUNTY COUNCIL ON OR BEFORE: 5 July 2019

DATE :

Planning App. Ref	NY/2016/0251/FUL
Alt Ref:	
Proposal	Change of use of part of the former coal mine site to create a waste transfer for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces. Re-consultation.
Address	Former Stillingfleet Mine Site, Escrick Road, Stillingfleet

PARISH COUNCIL RESPONSE BY THE CLERK

Signed :	Date :
Reviewed at Parish Council meeting held on	Date: 1 July 2019

COMMENTS ON PLANNING APPLICATION

Escrick Parish Council retains its strong objections to this application. Its previous objections submitted still stand and should be re-examined. It understands that this re-consultation by NYCC is due to the fact that it has now received legal advice advising that, in determining the application, the site should not be treated as 'previously developed'. The applicant has now responded to this. EPC has previously objected that the application is contrary to National, regional and local policy and therefore should be rejected. This legal advice will assist NYCC in determining the correct context for its consideration and determination of the application.

EPC remains supportive of the representations made by Stillingfleet Parish Council and Kelfield Parish Council. It also welcomes the fuller Planning Policy context and background information of the Local Plan Inquiry where the site was discussed, submitted by Samuel Smith Old Brewery (Tadcaster) on 16 October 2018 by its consultants Cunnane Town Planning, as well as its detailed analysis of the deficiencies of the application; EPC supports this detailed objection too.

EPC welcomes the Council's legal opinion. However, the overarching context must be the Development Plan which, in accordance with the NPPF, is a material consideration in all planning decisions. The NPPF states that the starting point for all decisions on applications is the local development plan unless material considerations indicate otherwise. There is now an accepted presumption in favour of sustainable development and this is to be seen as '*a golden thread running through plan making and decision taking*'. Therefore, development proposals which accord with the development plan should be approved without delay. If the

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development plan ‘*is absent, silent or relevant policies are out of date*’, planning permission should be granted unless ‘*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.*’ Consequently, many application determinations, appeal decisions and ministerial directions have shown that applications which are contrary to the development plan should be rejected, unless exceptional circumstances and clear benefits can be shown to put the development plan aside.

In this case, the relevant development plan - namely the Selby District Core Strategy - specifically examined the future of the former Stillingfleet mine site and, as evidenced by the response provided by Samuel Smith Old Brewery, the site was specifically discussed at the Plan’s Public Inquiry. Had the Inspector recommended a different future use, recommendations would have been proposed and changes made in order for the Plan to be found sound. This was not the case. It is therefore clear that the Plan was not silent and did not intend that other more generic policies should be applied. Clause 6.35 of the Selby District Core Strategy specifically states: ‘*The former mine sites at Stillingfleet and Wistow are remote and are not (my emphasis) considered suitable for re-use for large scale industrial activity*’.

NYCC has also asked Selby District Council’s Policy officer to comment on whether the current proposals are considered to be ‘large scale industrial activity’ in order to re-confirm to it whether the proposals accord or not with the adopted Development Plan. EPC notes that Selby’s Policy officer has confirmed to NYCC:

‘In response to your query, we would regard the creation of this waste transfer facility to be large scale / intensive given the rural nature of the application site and the fact that it lies beyond the development limits of Stillingfleet in the open countryside. It is in this context that the proposal is considered to be large scale, but we would determine what constitutes “large scale” and / or “intensive” development on a case by case basis.’

This is examined in more detail by the Samuel Smith Old Brewery’s representation, which also rejects its appropriateness for this location for many other sustainability and environmental reasons.

EPC supports these views and objects to the proposals for a waste transfer station which are clearly contrary to policy and inappropriate for this location.

EPC acknowledges that Plans of NYCC as Waste Authority must be considered together with those of Selby District Council, and policies in the more recent draft Minerals and Waste Joint Plan also form part of the Development Plan for the area. This too should be a material consideration as all Inquiry sessions are now complete and the Inspector’s Report is awaited. We note that there was no reference to the use of this site in the recent NYCC Minerals and Waste Joint Plan consultation and the site is not proposed as an allocation for the proposed (or any) use outlined in this application. Therefore, as other sites have been found to be more appropriate for this use (and there is no obvious deficiency in allocation and therefore outstanding need for it), the application is also contrary to the recently approved policy

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proposals of both NYCC and City of York Council and should be refused on this basis.

It is appreciated that the legal opinion will help NYCC for the next stage of its deliberations, but EPC believes that the fact that the proposals are contrary to both the Selby District Local Plan and NYCC Minerals and Waste Joint Plan means that it should be rejected and refused as contrary to policy. Furthermore, for the reasons outlined by Samuel Smith Old Brewery, the proposals are unsustainable and would have adverse impacts on the local environment and surrounding area. In the absence of any material considerations case to outweigh the conflict with the development plans, EPC advocates that the proposals should be rejected and planning permission refused.