

# **Gale Common Extraction Project**

**Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire WF11 0BB**

**Planning Statement**



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**Applicant: EP UK Investments Ltd**  
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## DOCUMENT HISTORY

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## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
AMR	The NYCC Annual Monitoring Report
AOD	Above Ordinance Datum – a spot height (an exact point on a map) with an elevation recorded beside it that represents its height above a given datum.
AONB	Area of Outstanding Natural Beauty: area designated under section 82(1) of the Countryside and Rights of Way Act 2000 for the purpose of conserving and enhancing its natural beauty.
AQMA	Air Quality Management Area: if a local authority identifies any locations within its boundaries where the air quality objectives are not likely to be achieved, it must declare the area as an air quality management area. The local authority is subsequently required to put together a local air quality action plan.
ASDP	Ash Slurry Dewatering Plant
BEIS	Department of Business, Energy and Industrial Strategy
CEGB	Central Electricity Generating Board
CEMP	Construction Environmental Management Plan
EIA	Environmental Impact Assessment – a term used for the assessment of environmental consequences (positive or negative) of a plan, policy, program or project prior to the decision to move forward with the proposed action.
EIA	Environmental Impacts Assessment
EIA Regulations	Environmental Impact Assessment Regulations 2017
EPL	Eggborough Power Ltd
EPUKI	EP UK Investments – The Applicant
ES	Environmental Statement - A report in which the process and results of an Environment Impact Assessment are documented.
FRA	Flood Risk Assessment
Ha	Hectares
HGV	Heavy Goods Vehicle: vehicle weighing more than 3500 kg.
KM	Kilometres
LDF	Local Development Framework

Abbreviation	Description
MPA	Minerals Planning Authority - the planning authority responsible for planning control of minerals development. County councils are normally responsible for mineral and matters for their area.
MW	Megawatt
MWJP	Minerals and Waste Joint Plan
NCA	National Character Area – a natural subdivision of England based on a combination of landscape, biodiversity, geodiversity and economic activity.
NGR	National Grid Reference
NPPF	National Planning Policy Framework
NPPW	National Planning Policy for Waste
NTS	Non-Technical Summary
NYCC	North Yorkshire County Council
OTMP	Operational Traffic Management Plan
PFA	Pulverised Fuel Ash – a by-product of pulverised fuel fired power stations.
PLAN Selby	Sites and Policies Local Plan
PRoW	Public Right of Way: a highway where the public has the right to walk. It can be a footpath (used for walking), a bridleway (used for walking, riding a horse and cycling), or a byway that is open to all traffic (include motor vehicles).
SAC	Special Area of Conservation – high quality conservation sites that are protected under the European Union Habitats Directive, due to their contribution to conserving those habitat types that are considered to be most in need of conservation.
SCI	Statement of Community Involvement
SDC	Selby District Council
SINC	Site of Interest for Nature Conservation
SPA	Special Protection Area: strictly protected sites classified in accordance with Article 4 of the EC Birds Directive.
SPZ	Source Protection Zone – zones defined by the Environment Agency to protect groundwater sources such as wells, boreholes and springs from potential contamination.
SSSI	Site of Special Scientific Interest: area of land notified by Natural England under section 28 of the Wildlife and Countryside Act 1981 as being of special interest due to its flora, fauna or geological or physiological features.
TA	Transport Assessment
TCPA 1990'	Town and Country Planning Act 1990
The Site	The land defined by the planning application boundary
UKQAA	UK Quality Ash Association
ZTV	Zone of Theoretical Visibility – a computer generated tool to identify the likely (or theoretical) extent of visibility of a development.

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## EXECUTIVE SUMMARY

EP UK Investments Ltd ('EPUKI') is seeking planning permission to allow for the increased extraction of pulverised fuel ash ('PFA') from the Gale Common Ash Disposal Site, along with associated development. The proposal is referred to collectively as the 'Proposed Development'.

The primary purpose of this Planning Statement is to set out the planning case for the Proposed Development, including with reference to local and national planning policy and pre-application discussions with NYCC. This statement should be read in conjunction with the other documents that comprise the planning application submission.

PFA of all qualities can be used in a range of construction activities, such as road construction, embankments, general fills, grouting, cement and breeze blocks. It is classed as a recycled/secondary aggregate, the use of which is supported in principle by planning policy at national and local level.

Modelling by the UK Government suggests that there will be a significant shortage of PFA in the short to medium term, if alternatives to domestic direct-use supplies are not identified. The Proposed Development forms a viable alternative and would address the need for PFA, as highlighted by the UK Government.

EPUKI has carried out a comprehensive and meaningful pre-application consultation exercise in respect of the Proposed Development, primarily focused on the local community, but also including consultation with NYCC and other key consultees. The consultation with NYCC included a formal request for pre-application advice and Environmental Impact Assessment ('EIA') Scoping, along with numerous meetings and email correspondence. EPUKI has listened to the views expressed by consultees, including the local community, and has made a number of significant changes and additions to the Proposed Development to address and mitigate concerns.

The Proposed Development complies with planning policy, and pursuant to the EIA carried out for the Proposed Development, the majority of impacts would be not significant. The Proposed Development would also enable early public access to be provided to appropriate restored parts of the Gale Common Ash Disposal Site for community benefit.

These factors, when combined with the significant need for PFA, mean that the planning balance (and in particular when considered in the context of the tests under Section 38(6) Planning and Compulsory Purchase Act 2004) is weighed significantly in favour of the Proposed Development.

## 1.0 INTRODUCTION

### Overview

- 1.1 This Planning Statement has been prepared by DWD LLP on behalf of EP UK Investments Ltd ('EPUKI' or the 'Applicant'). It forms part of a planning application submitted to North Yorkshire County Council ('NYCC') in its capacity as minerals planning authority under the Town and Country Planning Act 1990 (the 'TCPA 1990') (as amended).
- 1.2 EPUKI is seeking planning permission for the increased extraction of pulverised fuel ash ('PFA') from the Gale Common Ash Disposal Site, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB. The proposal is hereafter collectively referred to as the 'Proposed Development'.
- 1.3 PFA of all qualities can be used in a range of applications, such as road construction, embankments, general fills, grouting, cement and breeze blocks. It is classed as a recycled/ secondary aggregate, the use of which is supported in principle by planning policy at national and local level.
- 1.4 Customers in the building products industry have historically taken PFA in a dry state directly from source at operational coal-fired power plants (from collection silos) – typically known as 'direct use'. However, in November 2016, the UK Government announced its intention to close all unabated coal-fired power plants by 2025. Comparable actions have been announced, or are being discussed, in other European countries, including Germany and the Netherlands. Modelling by the UK Government suggests that there will be a significant shortage of PFA in the short to medium term, if alternatives to domestic direct-use supplies are not identified.
- 1.5 The Proposed Development forms a viable alternative and would address the need for PFA. The need has been demonstrated in recent times on the basis that EPUKI has received a number of significant expressions of interest for PFA from the Gale Common Ash Disposal Site, which is one of the key triggers for this planning application.

### Consultation

- 1.6 EPUKI has carried out a comprehensive and meaningful pre-application consultation exercise in respect of the Proposed Development, primarily focused on the local community, but also including consultation with NYCC and other key consultees. The consultation with NYCC included a formal request for pre-application advice and Environmental Impact Assessment ('EIA') Scoping, along with numerous meetings and email correspondence. The formal request for pre-application advice is considered in section 4 of this report.
- 1.7 EPUKI has listened to the views expressed by consultees, including the local community, and has made a number of significant changes and additions to the Proposed Development as a result, including:
- localised widening of the carriageway along Cobcroft Lane/ Whitefield Lane to improve the existing highway;
  - significant highway improvement and realignment works to Whitefield Lane, which forms part of the main export route from the Gale Common Ash Disposal Site, at a defined trigger point relating to the volume of exported material;
  - a comprehensive regime for the management of any potential dust emissions and dirt on the local highway network; and

- public access to the fully restored part of the Gale Common Ash Disposal Site in 2020 (or as soon as practicable) (known as the 'Stage 1 ash disposal area' and shown on Figure 1.5 later in this section) and public access to appropriate parts of the remainder of the Gale Common Ash Disposal Site when it is safe to do so after operations have ceased.

1.8 The approach taken to consultation was akin to the consultation exercise which would have been carried out had the Proposed Development been classified as a Nationally Significant Infrastructure Project, notwithstanding that the Proposed Development does not fall into this category. Further detail in respect of the consultation undertaken, including with the local community is set out in the Consultation Report that forms part of the planning application.

### **EPUKI**

1.9 EPUKI owns and operates a number of power stations in the UK, including the closed 2,000-megawatt ('MW') coal-fired power station at Eggborough in North Yorkshire (where EPUKI has recently received a Development Consent Order for a new 2,500 MW gas-fired power station) as well as the Langage and South Humber Bank power stations (both recently acquired from Centrica) and Lynemouth power station, which EPUKI is converting to biomass.

1.10 Eggborough Power Ltd ('EPL'), a subsidiary of EPUKI, owns and operates the Gale Common Ash Disposal Site.

### **Site location**

1.11 Figure 1.1 later in this section shows the location of the Proposed Development, as defined by the red line planning application boundary (the 'Site'), encompassing:

- approximately 307 hectares ('ha') of land at the existing Gale Common Ash Disposal Site, which is in the ownership of the Applicant; and
- approximately 5 ha of land along Cobcroft Lane and Whitefield Lane between the Gale Common Ash Disposal Site and the A19.

1.12 The land along Cobcroft Lane and Whitefield Lane is included for highway improvement works. These improvements are explained in more detail in description of 'The Proposed Development' later in this section.

1.13 The Site is located approximately 5 kilometres ('km') to the south-west of Eggborough Power Station, approximately 700 m to the east of the village of Cridling Stubbs and approximately 25 m south of the M62 Motorway. The nearest main settlements are Knottingley located approximately 2 km to the north-west of the Site, Goole located approximately 20 km to the east of the Site and Askern located approximately 9 km to the south. The location of the Site is shown in Figure 1.1.

1.14 The Site is located within the administrative area of NYCC and Selby District Council ('SDC'). The former is the minerals planning authority and will determine the planning application for the Proposed Development.

### **Site description and history**

1.15 The Gale Common Ash Disposal Site, forming the majority of the Site, was originally consented in October 1963 by the County Council of the West Riding of Yorkshire. The consent established the principle for the progressive implementation of an ash disposal operation within a defined area divided into three stages (Stages I to III). It became operational in 1967 and since then has been used for the disposal of PFA from both Eggborough and Ferrybridge 'C' power stations.

- 1.16 The Gale Common Ash Disposal Site is not currently receiving PFA (following closure of the aforementioned power stations in 2018 and 2016 respectively); however, operations previously encompassed the following main areas:
- the Stage I ash disposal area;
  - the Stage II ash disposal area;
  - the Stage III ash disposal area;
  - the Lagoons C and D (previously used for ash settlement); and
  - the Ash Slurry Dewatering Plant ('ASDP').
- 1.17 The different areas of the Gale Common Ash Disposal Site are shown in Figure 1.2 later in this section. Photos of parts of the Gale Common Ash Disposal Site are included as Figures 1.3, 1.4 and 1.5.
- 1.18 PFA was previously transported to the Gale Common Ash Disposal Site in the form of a slurry (mixed with water) via pipelines. The Stage I ash disposal area comprises the north-eastern section of the Gale Common Ash Disposal Site and was completed in 1994, reaching a level of approximately 69 m Above Ordnance Datum ('AOD') in height. It has since been restored and landscaped. The other main areas of the Site are not yet complete or restored.
- 1.19 The Gale Common Ash Disposal Site is subject to a planning permission granted by NYCC in 2003 (Reference: C8/40/60A/PA) that allowed for the construction of a weighbridge to be used in connection with the export (by road) of up to 30,000 tpa of PFA. This has been an ongoing operation since the planning permission was granted, with the material delivered by HGV to customers for processing into aircrete blocks.
- 1.20 The historic and existing operations at the Gale Common Ash Disposal Site mean that it already benefits from infrastructure geared towards the extraction and export of material.

### **The Proposed Development**

- 1.21 It is proposed to extract and export up to a maximum of 1 million tpa of material from the Gale Common Ash Disposal Site over a period of approximately 25 years.
- 1.22 Figure 1.2 shows the proposed extraction areas within the Gale Common Ash Disposal Site. Importantly, extraction would only occur within the following areas that have not yet been restored:
- Lagoons C and D;
  - Stage II ash disposal area; and
  - Stage III ash disposal area.
- 1.23 As noted previously, the Stage I ash disposal area, which comprises the most prominent and fully restored part of the Gale Common Ash Disposal Site, would be retained in its current form and opened for public recreational access.
- 1.24 The Proposed Development includes a number of management and mitigation measures, including the proposed highway improvement and re-alignment works to Whitefield Lane noted above. These are described in more detail in section 5 of this report.

### **Environmental Impact Assessment**

- 1.25 The planning application is accompanied by an Environmental Statement ('ES') prepared by AECOM Infrastructure and Environment Ltd ('AECOM') on behalf of EPUKI.

- 1.26 The ES sets out the results of an Environmental Impacts Assessment ('EIA') prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations'). The ES is based on the Scoping Opinion issued by NYCC on 17 January 2019.

### **The Application Submission**

- 1.27 The 'Application Submission' comprises the following documents:

- Cover Letter;
- Application Form and Certificates;
- Community Infrastructure Levy ('CIL') Form;
- Application Plans (see Appendix 4 for a full list of plans);
- ES Non-Technical Summary ('NTS');
- ES Volume I (Main Report);
- ES Volume II (Appendices);
- ES Volume III (Figures);
- Draft Section 106 Agreement;
- Sustainability and Carbon Review;
- Site Waste Management Plan;
- Flood Risk Assessment;
- Sustainable Transport Feasibility Report; and
- Arboricultural Survey Report.

- 1.28 The application is accompanied by the necessary fee of £78,000 payable to the Council.

### **The purpose and structure of this report**

- 1.29 The primary purpose of this planning statement is to set out the planning case for the Proposed Development, including with reference to local and national planning policy and pre-application discussions with NYCC. This statement should be read in conjunction with the other documents that comprise the Application Submission.

- 1.30 The remainder of this statement is structured as follows:

- Section 2 – Need;
- Section 3 – The Site;
- Section 4 – Pre-application advice;
- Section 5 – The Proposed Development;
- Section 6 – Suggested planning conditions and proposed obligations;
- Section 7 – Planning policy;
- Section 8 – Assessment of the Proposed Development; and
- Section 9 – Summary and conclusions.

Figure 1.1: Location of the Site

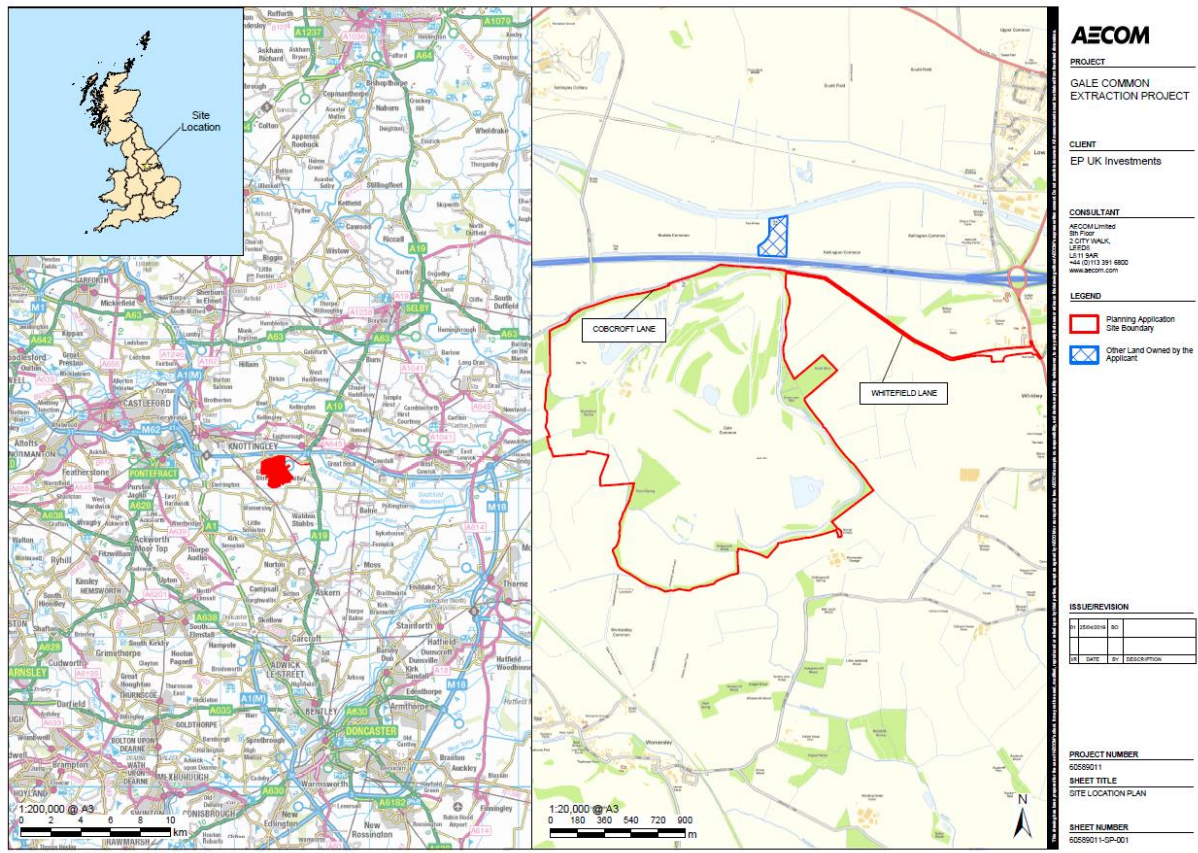


Figure 1.2: Site layout

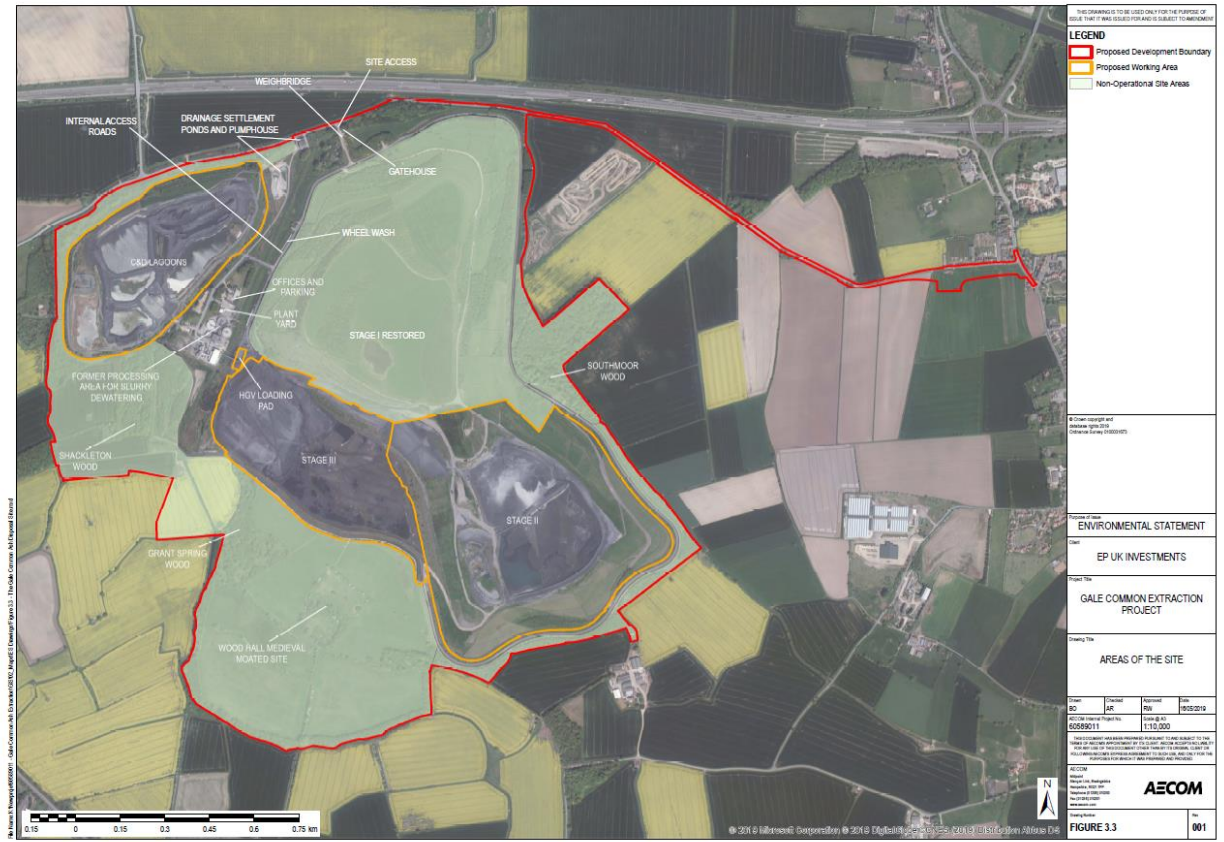


Figure 1.3: Photo showing Stage III ash disposal area, and the ASDP



Figure 1.4: Photo showing the top of Stage II ash disposal area



Figure 1.5: Photo showing the restored Stage I ash disposal area



## 2.0 NEED

### Introduction

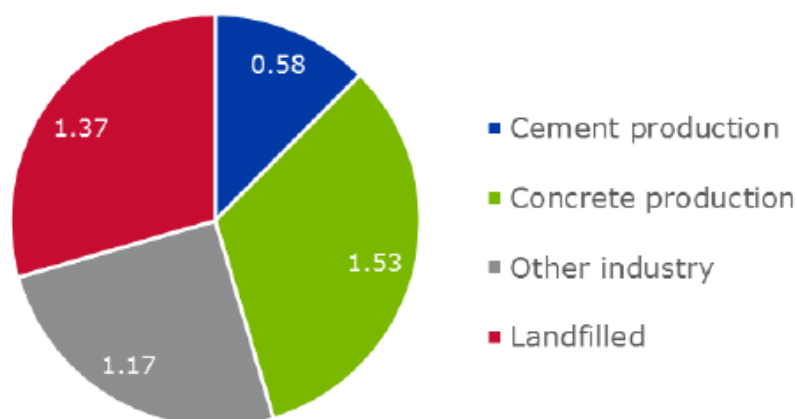
2.1 This section provides an introduction to PFA and the need for it. The figures and information quoted are based on research by the UK Government, set out in Department of Business, Energy and Industrial Strategy ('BEIS') Research Paper No. 19 (2017), and research by the UK Quality Ash Association ('UKQAA').

### Use

2.2 PFA is the ash generated by the burning of coal in coal-fired power stations. The material has certain qualities that mean it can be utilised as a building product, including as an aggregate used in cement and concrete production, and other applications, such as a filler/ base material in infrastructure projects.

2.3 The use of PFA as a building product has been established in the UK since the 1950s, although in the USA its use goes back further.

**Figure 2.1: PFA use in the UK**



Source: BEIS Research Paper No.19 (2017)

2.4 The key drivers for the use of PFA include:

- *PFA is classed as a sustainable/ recycled aggregate:* the use of which is supported by the UK Government.
- *Reduction of CO<sub>2</sub> emissions:* PFA can reduce the CO<sub>2</sub> emissions if it reduces the amount of clinker used in cement and concrete (note: clinker is a stony residue produced by burning coal, solely for use by the cement and concrete industry).
- *Reduction in the use of virgin material:* when using PFA in cement and concrete, the use of virgin/ raw materials (such as limestone, sand and clay) is reduced.
- *Reduction of costs:* as a substitute for clinker, PFA reduces the costs of cement on the basis that it is on average less expensive than clinker.
- *Increased quality:* PFA in concrete contributes to the properties of the hardness of it through hydraulic and pozzolanic activity.

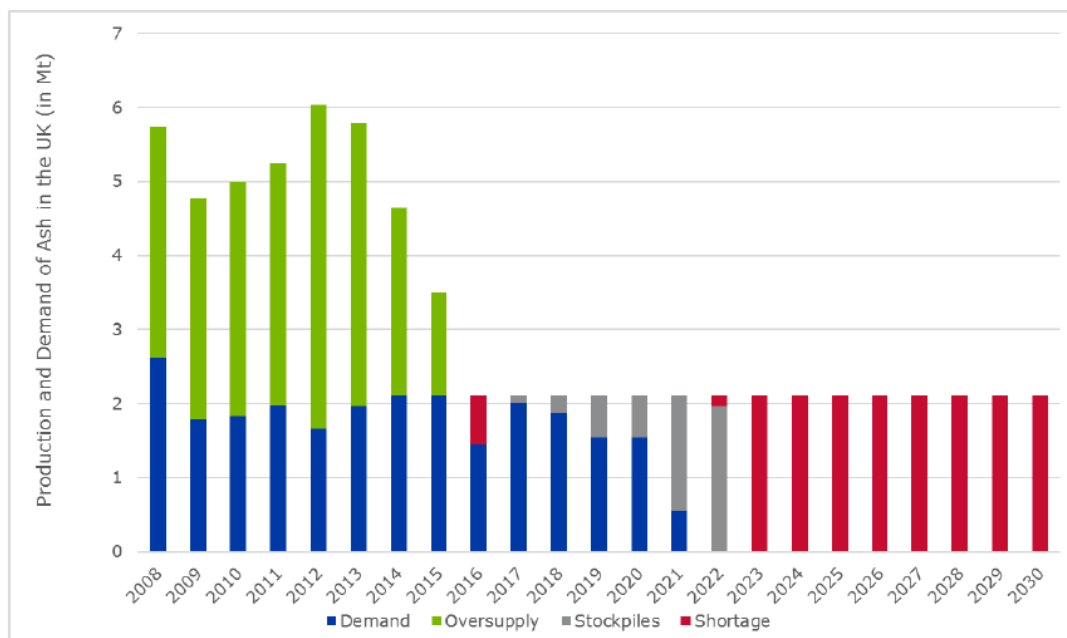
### Supply

2.5 There has historically been an oversupply of PFA in the UK, with more produced by coal-fired power stations than could be used by the building products industry. Large

quantities have therefore historically been sent to disposal sites, such as the Gale Common Ash Disposal Site, as a waste material.

- 2.6 In 2015, approximately 3.28 million tonnes per year of PFA was used by the building products industry, with the remainder going to disposal sites.
- 2.7 The supply of PFA is currently in a state of change, because customers in the building products industry have historically taken PFA in a dry state directly from source at operational coal-fired power plants (from collection silos) – known as ‘direct use’.
- 2.8 However, in November 2016, the UK Government announced its intention to close all unabated coal-fired power plants by 2025 with comparable actions have been announced, or are being discussed, in other European countries, including Germany and the Netherlands.
- 2.9 Coal-fired power generation in the UK is also facing problems due to low electricity prices and the introduction of more renewable energy sources with lower marginal costs. This can be seen in the sharp decrease in coal consumption in power plants in the period 2014-2018. It is not likely that this trend will be reversed, as more renewable resources are incorporated to meet demand on the electricity grid.
- 2.10 The combination of the closing of unabated coal-fired power plants and the more difficult circumstances for power plants in the electricity market is expected to greatly reduce the availability of domestically produced direct-use PFA in the near future and possibly even stop it completely if all coal-fired power plants are closed.
- 2.11 Modelling by the UK Government suggests that there will be a significant shortage of PFA in the short to medium term, if alternatives to domestic direct-use supplies are not identified, as demonstrated by the graph below.

**Figure 2.2: Modelled PFA supply and demand**



Source: BEIS Research Paper No.19 (2017)

**Alternative to direct-use**

- 2.12 Domestic direct-use PFA needs to be replaced if domestic material is to continue its significant role as a building product in the UK. As an alternative, the import of PFA from

abroad is possible; however, decreasing availability in Europe and high transport costs (particularly when considering imports from outside Europe, e.g. China) are prohibitive.

- 2.13 As an alternative to direct-use and imports, there is potential to recover a significant amount of PFA from disposal sites, such as the Gale Common Ash Disposal Site.
- 2.14 According to the UKQAA there is at least 50 million tonnes of PFA available from disposal sites, which could be recovered. Modelling by the UK Government suggests that if PFA from disposal sites was to cover national demand up to 2030, then a total of 44% (22 million tonnes) of the reserve would need to be recovered and used.
- 2.15 These figures suggest that the Proposed Development is necessary to help to meet the national demand for PFA.

### **Barriers**

- 2.16 EPUKI acknowledges that there are potential planning barriers to the extraction of PFA from disposal sites, including that:
- there is potential for impacts on local communities and the environment; and
  - many disposal sites have already been restored.
- 2.17 When considering these barriers relative to the Gale Common Ash Disposal Site, it is notable that it has not yet been fully restored, and extraction is only proposed in unrestored areas.
- 2.18 Furthermore, the ES that forms part of the planning application concludes that the majority of effects as a result of the Proposed Development would be not significant, and section 8 of this report concludes that, as a result of need and other factors, the planning balance is weighed significantly in favour of the Proposed Development.

## 3.0 THE SITE

### Introduction

- 3.1 This section provides further information in respect of the Site, including a description of the current situation, planning and other designations, and planning history records. It should be read in conjunction with the introduction to the Site in section 1 of this report.

### Relevant planning history

#### 1963 Gale Common Consent

- 3.2 The County Council of West Riding of Yorkshire granted the original planning permission for "*The Disposal of Ash at Gale Common, Womersley and Cridling Stubbs.*" on 21 October 1963 (Reference: OG/1376). This established the principle for the progressive implementation of an ash disposal operation within a defined area divided into three stages (Stages I to III).
- 3.3 The 1963 consent included details for the development of Stage I of the operation but left in abeyance details of the ash disposal and restoration for Stages II and III. In effect therefore, the 1963 consent granted full permission for Stage I and outline consent for Stages II and III. Stage I became operational in 1967 and was completed in 1994. It has subsequently been landscaped and restored and is subject to on-going land management.

#### 1986 Planning Agreement for Stage II

- 3.4 The details for the implementation of Stage II were agreed between NYCC and the Central Electricity Generating Board ('CEGB') through a planning agreement under section 52 of the Town and Country Planning Act 1971 dated 24 April 1986. It is understood that Stage II became operational in 1994.

#### 2000 Lagoon 'C' Planning Permission

- 3.5 On 27 July 2000, NYCC granted planning permission (References: C8/41/71G and C8/40/57) for the raising of the 'C' Lagoon embankment to create additional ash disposal capacity.

#### 2003 Extraction Planning Permission

- 3.6 On 11 December 2003, NYCC granted planning permission (Reference: C8/40/60A/PA) for a proposed weighbridge at the Gale Common Ash Disposal Site to be used in connection with the removal of PFA for sale at a rate of up to 30,000 tonnes per annum. The weighbridge is located close to the access point from Cobcroft Lane.
- 3.7 The committee report dated 2 December 2003 refers to British Energy (the then owner and operator of the Gale Common Ash Disposal Site) wishing to remove PFA from the stockpiles associated with the ASDP as, due to the flexible nature of generation at Eggborough and Ferrybridge 'C' power stations, the company at times did not always produce sufficient PFA to satisfy the requirements of its ash customers.
- 3.8 The above again emphasises the need case in respect of PFA extraction from the Gale Common Ash Disposal Site, in that there is recorded need as far back as 2003.

#### 2008 Supplemental Planning Agreement for Stage III

- 3.9 The details for the proposed development of Stage III were agreed between NYCC and EPUKI through a supplemental planning agreement (supplemental to the section 52 planning agreement dated 24 April 1986) under section 106 of TCPA 1990 dated 9 May 2008.

- 3.10 The 2008 planning agreement provided for EPUKI to make modifications to Stages I and II as the proposed development of Stage III involved parts of the Stage I and II.
- 3.11 The consents require the Gale Common Ash Disposal Site to be restored to a mixture of grassland, grazing and tree planting, with a 10-year aftercare period. It is understood that public access to the restored Gale Common Ash Disposal Site is not secured by any of the agreements.

#### Other consents

- 3.12 In addition to the above, there are a large number of other planning history records for the Gale Common Ash Disposal Site, although these mainly relate to permissions granted in the late 1980s and 1990s for the removal of cenospheres from Stages I and II. Cenospheres are the lightest particles in PFA and float to the top of water. Due to their lightweight qualities they have been used in the manufacture of paints and plastics. All permissions for the removal of cenospheres from Stage I have expired, although that for the removal of cenospheres from Stage II is extant to 29 October 2023.
- 3.13 A schedule of the planning history records for the Gale Common Ash Disposal Site are included at Appendix 1 to this report.
- 3.14 It is also notable that the Gale Common Ash Disposal Site benefits from an existing Environmental Permit that covers the proposed activities.

#### **Site description**

- 3.15 The Site is primarily owned by the Eggborough Power Ltd ('EPL'), a subsidiary of EPUKI, and lies within the administrative boundaries of NYCC (the upper tier planning authority with minerals and waste responsibilities) and Selby District Council ('SDC') (the local planning authority). EPL owns the Gale Common Ash Disposal Site and has control over the land required for the re-alignment of Whitefield Lane (further detail provided later in this Planning Statement). The land not owned by EPL comprises the areas of public highway included within the Site.
- 3.16 The historic and existing operations at the Gale Common Ash Disposal Site mean that it already benefits from infrastructure geared towards extracting and exporting material. The existing infrastructure includes the following:
- vehicle access onto Cobcroft Lane;
  - internal haul roads;
  - weighbridge and security cabin adjacent to the highway access;
  - wheel wash facility;
  - HGV loading pad;
  - excavation and mobile screening plant;
  - office buildings and welfare facilities; and
  - surface water drainage system.
- 3.17 The existing layout of the Gale Common Ash Disposal Site, including the above infrastructure, is shown in the Existing Site Layout Plan (60589011-SLP-001) that form part of the Application Submission.
- 3.18 The following plans show the existing infrastructure, including buildings and structures, at the Gale Common Ash Disposal Site:
- 60589011-IN-DW-001 – Existing Security Cabin Floor Plan and Elevations Plan;

- 60589011-IN-DW-002 – Existing Office Floorplan, Layout and Elevations Plan;
- 60589011-IN-DW-003 – Existing Wheel Wash Layout and Elevations Plan;
- 60589011-IN-DW-011 – Existing Weighbridge Plan;
- 60589011-D-0000-SK018A – Existing Access Arrangement Plan;
- 60589011-D-0000-SK019A – Existing Internal Road Access Plan;
- 60589011-D-0000-SK020A – Existing HGV Loading Pad Plan; and
- 60589011-DR-001 – Existing Site Drainage System Plan.

- 3.19 In addition to the above, the ‘Utilities Plans’ at Appendix 4 to this report show the various services and utilities within and adjacent to the Site.
- 3.20 The Stage I ash disposal area comprises the north-eastern section of the Gale Common Ash Disposal Site and was completed in 1994, reaching a height of approximately 69 m AOD. It has since been restored and landscaped. The Stage II and Stage III ash disposal areas are not yet complete, as indicated by the photographs included earlier in this report as Figures 1.3, 1.4 and 1.5.
- 3.21 Lagoons C and D are situated to the north-west of the Stage I ash disposal area. The site offices, car parking and cluster of buildings previously used in the slurry dewatering process are situated between the Stage I ash disposal area and Lagoons C and D. There are also mobile plant and vehicles for the movement of PFA. The land within Stages I – III is surrounded by a perimeter drain and access road.
- 3.22 Site drainage within the Gale Common Ash Disposal Site comprises drainage ditches for each deposit area and along key access roads, which all drain into two settlement ponds to the east of Lagoons C and D and ultimately discharge to the River Aire via an off-site pipeline from the Gale Common pumphouse on Cobcroft Lane.
- 3.23 In addition to the above, the EPUKI’s land holding encompasses land to the south-west of the HGV loading pad area and to the south of the Stage III ash disposal area. This includes Grant Spring and Great Lawn Rein Woods, areas of woodland that form part of locally designated Sites of Interest for Nature Conservation (‘SINCs’) and agricultural land further to the south. The southern part of the Site includes Wood Hall, an undesignated medieval moated site. These areas do not form part of the operational site and will not be directly affected by the proposed extraction activities to be carried out pursuant to the Proposed Development.
- 3.24 The Site, as previously stated, also includes a section of Cobcroft Lane/ Whitefield Lane between the Gale Common Ash Disposal Site and the A19, and an area of land around the A19/ Whitefield Lane junction (totalling approximately 5 ha) to enable the Applicant to undertake road improvements so as to reduce the potential effects of the Proposed Development.
- 3.25 The nearest watercourses are Blowell Drain (which runs close to the northern and eastern boundaries of the Gale Common Ash Disposal Site) and Wood Lane Drain (which runs around the southern boundary of the Gale Common Ash Disposal Site), which are managed by the Danvm Internal Drainage Board. The Aire and Calder Navigation is located approximately 300 m to the north of the Site and the River Aire is located approximately 2.5 km to the north-west.
- 3.26 To date there has been no public access at the Gale Common Ash Disposal Site and therefore no Public Rights of Way (‘PRoW’) (or informal accesses) exist within it. However, there are several PRoW in the vicinity of the Site, the closest of which lies

approximately 15 m east of the Site in Whitley (off Whitley Farm Close, close to Whitefield Lane) and approximately 350 m east of the Gale Common Ash Disposal Site, running in a north/ south direction between Whitefield Lane and Booty Lane. These PRowWs would not be affected by the Proposed Development.

### **Traffic and transport**

- 3.27 Access to the Gale Common Ash Disposal Site is from Cobcroft Lane. Cobcroft Lane is renamed Whitefield Lane some 645 m east of the Gale Common Ash Disposal Site entrance at the Gale Common Motopark access, where it continues to join the A19 (Selby Road) at a T-junction. The A19 (Selby Road) links with the M62 at Junction 34 just north of this T-junction. The key receptors in respect of transport are residential frontages along Whitefield Lane and the A19 (Selby Road), which sit adjacent to Site's north-eastern extent.
- 3.28 As described above, to date there has been no public access at the Gale Common Ash Disposal Site and therefore no PRowWs exist within it. However, there are several PRowWs in the vicinity of the Site.

### **Surrounding uses and area**

- 3.28.1 The Gale Common Ash Disposal Site is bounded to the north by Cobcroft Lane and the M62 Motorway beyond; woodland, arable land and the village of Cridling Stubbs to the west; and woodland and arable land to the south and east. A motocross track adjoins a section of the Gale Common Ash Disposal Site's eastern boundary.
- 3.28.2 The Site also includes the section of Cobcroft Lane/ Whitefield Lane between the Gale Common Ash Disposal Site and the A19 (to allow localised road improvements to be made) and an area of land to the south of the Whitefield Lane/ A19 junction for road realignment (see Figure 4.2 in ES Volume III). A number of residential properties are located at the eastern end of Whitefield Lane and in the vicinity of the junction with the A19, in the village of Whitley.
- 3.28.3 The area surrounding the Site largely comprises agricultural land (with the exception of the Gale Common Ash Disposal Site itself) and is relatively flat. The surrounding area is crossed by a number of roads and railway lines as well as the Aire and Calder Navigation (to the north of the Site).
- 3.29 The coal-fired power stations at Eggborough and Ferrybridge and associated power lines are prominent features in the local landscape.

### **Planning and other designations**

#### Land use planning

- 3.30 The Proposals Map of the Selby Local Development Framework ('LDF') shows the Site as lying outside the defined development limits of the District, within the open countryside and also within the Green Belt.
- 3.31 Policy SP3 'Green Belt' of the Selby District Core Strategy (2013) confirms that in accordance with the National Planning Policy Framework (2019) ('NPPF'), planning permission will not be granted for 'inappropriate development' unless the applicant has demonstrated 'very special circumstances' to justify why permission should be granted.
- 3.32 The types of development set out within the NPPF that are considered to be 'appropriate' to the Green Belt are broadly in line with those set out within Policy GB2 of the Selby District Local Plan (2005). It is notable that the NPPF confirms that mineral extraction can be appropriate to the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

3.33 Further detail on the planning policy documents that are relevant to the Proposed Development is included in section 6 of this report.

Minerals and waste

3.34 The Policies Map of the Minerals and Waste Joint Plan (Publication Draft) (2016) identifies the Site as lying within a 'Safeguarded Surface Mineral Resource Area', which is subject to Policy S02 'Development proposed within Minerals Safeguarding Areas'. It is not though subject to any site-specific minerals allocations.

3.35 The Minerals and Waste Joint Plan also identifies Gale Common as a 'Safeguarded Strategic Waste Site', to which Policy S03 'Waste management facility safeguarding' applies. The policy states that such sites will generally be safeguarded against development which would prevent or frustrate use for waste development.

Ecology

3.36 There are no national or international designations within or immediately adjacent to the Site, and there are no local level (or other) designations within areas of the Site that are proposed for extraction.

3.37 There are two Sites of Special Scientific Interest (SSSI) within 5 km – Forlorn Hope Meadows SSSI, approximately 3 km to the south, and Brockadale SSSI approximately 3.8 km to the south west. There are no Special Areas of Conservation ('SACs'), Special Protection Areas ('SPAs'), or Ramsar Sites within 5 km of the Site.

3.38 There are two SINCs (local designations) within the Site (both designated for their ancient woodland habitats):

- Great Lawn Rein, Womersley (a section of Southmoor Wood, 50 m north-east of Stage II ash disposal area); and
- Grant Spring, Womersley (50 m south-west of Stage III ash disposal area).

3.39 Habitats and species within and close to the Site have been surveyed and the findings are presented in ES Volume I, Chapter 7 'Ecology and Nature Conservation'.

Cultural Heritage

3.40 There are no designated sites or assets within or immediately adjacent to the Site.

3.41 There is one Scheduled Monument within 1 km of the Site (Whitley Thorpe moated Templar grange site), which is approximately 600 m to the south-east of the Site. A second (Womersley medieval settlement remains and Victorian ice house in Icehouse Park) lies just beyond 1 km south west of the Site.

3.42 There are no Registered Parks and Gardens, Registered Battlefields, conservation areas or listed buildings within 1 km of the Site.

3.43 The Womersley Conservation Area is located approximately 1 km south the Site with Knottingley Conservation Area approximately 4.5 km to the north-west.

3.44 The nearest known archaeological assets (not designated) relate to Wood Hall, a non-designated heritage asset, located at the south of the Site. Given the extensive disturbance due to the licensed archaeological excavation activities it is unlikely that any archaeology remains are in situ. Furthermore, no extraction works are proposed here.

3.45 On the basis of the limited archaeological assets present in close proximity to the Site and the nature of the works, 'Cultural Heritage' was scoped out of the EIA, as detailed in the EIA Scoping Report (ES Volume II, Appendix 1A). This was agreed by NYCC in the Scoping Opinion (ES Volume II, Appendix 1B).

Air quality

- 3.46 The M62 Air Quality Management Area ('AQMA') lies approximately 250 m to the north west of the Site, declared by Wakefield Council due to the possibility of exceedances of the annual average air quality objective for nitrogen dioxide, predominantly as a consequence of emissions from motorway traffic.
- 3.47 There are few residential receptors in the area surrounding the Gale Common Ash Disposal Site; however, as discussed above, a number of residential properties are located along Whitefield Lane and the A19 at the Site's north-eastern extent.

Flood risk

- 3.48 The Environment Agency's flood maps identify that the majority of the Site lies within Flood Zone 1 (low risk of flooding) (including all areas where extraction related activities would take place). However, as the Site is larger than 1 ha, in accordance with the NPPF, a Flood Risk Assessment has been prepared and forms part of the Application Submission.

## 4.0 PRE-APPLICATION ADVICE

- 4.1 EPUKI submitted a request for pre-application advice to the Council on 11 October 2018 and entered into pre-application discussions (Reference: NY/2018/0220/PRE) in respect of the Proposed Development, planning policy, key environmental consideration, including Scoping of the EIA and intended pre-application consultation.
- 4.2 A pre-application meeting was then held on 16 October 2018 and the Council issued its written pre-application advice on 2 November 2018 (please refer to Appendix 2 of this statement), which informed preparation of the planning application.
- 4.3 The following meetings have also been held with NYCC:
- project introduction meeting at NYCC's offices on 16 October 2018;
  - Transport Assessment Scoping meeting at NYCC's offices on 18 December 2018;
  - Landscape meeting at NYCC's offices on 14 February 2019;
  - project update meeting at the Gale Common Ash Disposal Site on 27 February 2019; and
  - project update meeting (focused on highways) at the Site on 08 April 2019.
- 4.4 The above meetings were attended by planners and technical/ environmental specialists from both NYCC and the EPUKI project team, which allowed for meaningful discussions on the developing proposals to take place. It is notable that officers from SDC attended the meeting on 16 October 2018, on the basis that the Site is located within the Selby District.
- 4.5 In addition to the meetings set out above, EPUKI has maintained contact with NYCC throughout the pre-application process, including numerous telephone calls and email updates. EPUKI has also shared documents prior to submitting the application, where necessary.
- 4.6 The pre-application advice covered a number, of mainly procedural, topics. It confirmed that the Proposed Application was development for the purposes of the TCPA 1990 and that it does not benefit from Permitted Development Rights. It also detailed who NYCC would consult during an application for the Proposed Development, encouraged pre-application community involvement, and described validation requirements, the planning fee and determination timescales.
- 4.7 The pre-application advice also provided an extensive planning history, a list of site constraints and a list of relevant local and national policies, including policies from the emerging Minerals and Waste Joint Plan. It listed the key issues pertaining to any future planning application to be as follows:
- Principle of the development;
  - Mineral sterilisation, effect on reserves;
  - Scale, appearance, design;
  - Impact upon the open countryside and landscape character;
  - Environmental protection & local amenity impacts (vibration, dust, noise);
  - Site drainage;
  - Flood Risk;
  - Access & highway safety & capacity;

- Economic impact;
- Biodiversity & ecological mitigation; and
- Quality of restoration & aftercare, soils handling, protection, storage and re-use.

4.8 These matters have all been taken into consideration by EPUKI in preparing the planning application for the Proposed Development and are factored into the assessment of the Proposed Development in section 8 of this report.

## 5.0 THE PROPOSED DEVELOPMENT

### Introduction

- 5.1 This section provides a description of the Proposed Development, including its key components and how it would operate.
- 5.2 The Proposed Development comprises the extraction and export of up to 1 million tpa of PFA from the Gale Common Ash Disposal Site as part of a minerals planning application submitted to NYCC. It is notable that some areas of the Gale Common Ash Disposal Site contain colliery shale (in addition to PFA), which would be retained on site for restoration purposes.
- 5.3 This section covers the following matters:
- overview of the Proposed Development;
  - site history and the existing situation;
  - operation;
  - management and mitigation measures;
  - construction; and
  - restoration.

### Overview of the Proposed Development

- 5.4 The Existing Site Layout Plan (60589011-SLP-001) shows the proposed extraction/working areas within the Gale Common Ash Disposal Site. Importantly, although the Site includes the entire Gale Common Ash Disposal Site, extraction would only occur within the following areas that have not yet been restored:
- Lagoons C and D;
  - Stage II; and
  - Stage III.
- 5.5 As noted in section 1 of this statement, Stage I, which comprises the most prominent and fully restored part of the Gale Common Ash Disposal Site, would be retained in its current form and opened for public recreational access, as previously stated.
- 5.6 EPUKI carried out a comprehensive consultation exercise prior to submission of the planning application, including three stages of public information events and drop-in sessions, meetings with the NYCC and technical consultees, and meetings with local stakeholders. EPUKI has received a number of comments in terms of how the Site should be managed and potential impacts mitigated, which, along with the findings of the EIA, have fed into the final design of the Proposed Development.
- 5.7 The Proposed Development includes a number of management and mitigation measures, some of which will be implemented from the commencement of operations and others in a phased manner or commercial decision. Further details regarding the management and mitigation measures, and their implementation (including triggers), is provided later in this section.
- 5.8 The Short Term Operational Site Layout Plan (60589011-SLP-002) shows the initial layout of the Site and operational arrangements at the commencement of operations, and the Long Term Operational Site Layout Plan (60589011-SLP-003) shows the layout

of the Site and operational arrangements once further management and mitigation measures have been implemented.

### **Operation**

- 5.9 Once operational, the Proposed Development would be focussed on a simple process of extraction, screening (and where necessary crushing), loading, and export by road. This is similar to the operations currently undertaken under the existing planning permission granted in 2003, but at a larger scale.
- 5.10 The Proposed Development would initially utilise the existing infrastructure and management/ monitoring protocols at the Gale Common Ash Disposal Site, with additional plant (such as screeners, excavation plant and dump trucks) and equipment (such as a jet wash) only added when required to ensure that the Gale Common Ash Disposal Site can operate efficiently at a larger scale following any grant of planning permission, as the export tonnage increases toward 1 million tpa.
- 5.11 Further detail on the additional infrastructure and its phased implementation is provided in the 'Management and Mitigation' sub-section.
- 5.12 The remainder of this section explains the operational process of the phased extraction and export of material from the Gale Common Ash Disposal Site.

### Main Activities

- 5.13 There are four main activities associated with the extraction and export of material from the Gale Common Ash Disposal Site, as follows:
- Activity 1: extraction;
  - Activity 2: screening and potentially crushing;
  - Activity 3: stockpiling and loading at the loading pad; and
  - Activity 4: export off site.
- 5.14 These are described in turn below.
- Activity 1: Extraction*
- 5.15 Loading shovels or back actors (also known as excavators) would be used to dig out the material.
- 5.16 Where necessary (at the outer edges of the Gale Common Ash Disposal Site), soil would be removed from the extraction zone prior to extraction and stored appropriately within the Gale Common Ash Disposal Site for later re-use during restoration.
- 5.17 The proposed indicative scheme of extraction is shown in the following plans:
- 60589011-PH-0001 – Gale Common Indicative Phase 1 Plan;
  - 60589011-PH-0002 – Gale Common Indicative Phase 2 Plan;
  - 60589011-PH-0003 – Gale Common Indicative Phase 3 Plan;
  - 60589011-PH-0004 – Gale Common Indicative Phase 4 Plan;
  - 60589011-PH-0005 – Gale Common Indicative Phase 5 Plan;
  - 60589011-PH-0006 – Gale Common Indicative Phase 6 Plan;
  - 60589011-PH-0007 – Gale Common Indicative Phase 7 Plan; and
  - 60589011-PH-0009 – Gale Common Indicative Cross Sections AA – EE Plan.

*Activity 2: Screening (and potentially crushing)*

- 5.18 Screening plant would be used to screen the material to the required grade for export by separating out lumps of material into smaller particles.
- 5.19 During excavation from Stage II mobile screeners are likely to be located near the excavation location, whereas during extraction from Stage II and Lagoons C and D, mobile or fixed screeners are likely to be positioned at the western end of Stage III near the loading pad (with the material transported to this location by dump trucks and the screens fed by loading shovels). Oversize material would be processed by the screeners until the required grade is achieved.
- 5.20 For more compacted material, a crusher may also be required prior to screening. The crusher would be located near to the screeners.
- 5.21 An indication of the fixed plant that would be utilised and its location is shown in the Proposed Indicative Processing Plant and Conveyor Plan (60589011-IN-DW-004). Examples of the mobile plant that might be utilised is included at Appendix 3 to this report and please also see the Indicative Mobile Screener Elevations and Layout Plan (60589011-IN-DW-009).

*Activity 3: Stockpiling and Loading at the Loading Pad*

- 5.22 After screening, the material would be taken to the loading pad. Initially this is likely to be undertaken using dump trucks. If, following the expansion of the loading pad, a stacker conveyor is installed the material is expected to be fed from the screeners to the stacker conveyor for stockpiling onto the loading pad.
- 5.23 At the loading pad, loading shovels would be used to load the HGVs. If, following the expansion of the loading pad, a stacker conveyor is installed this would allow HGVs to access the loading pad via a loop separating HGV and plant (dump truck and loading shovel) movements, reducing the need for HGV wheel washing.

*Activity 4: Export Off Site*

- 5.24 Whilst the Applicant is committed to considering the feasibility of sustainable transport modes such as rail and water when contracts are being set up (and the customer location, contract volume and contract duration are known), at present it is assumed that all export would be by road.
- 5.25 Operational traffic movements are described in Chapter 8: Traffic and Transport (ES Volume I). In summary, it is anticipated that during the operational phase of the Proposed Development, total HGV movements would be around 266 two-way HGV movements per day (133 movements in and 133 out), or 11 HGV arrivals and 11 HGV departures per hour on average, plus operational staff traffic for up to 47 site staff.
- 5.26 HGVs would enter and depart the Gale Common Ash Disposal Site via the existing site access on Cobcroft Lane. Upon entry, HGVs would be granted access by security, assuming security checks are passed.
- 5.27 HGVs would pass over a weighbridge on arrival and before departure from the Gale Common Ash Disposal Site and, if necessary, on departure a wheel wash and/ or jet wash would be utilised to clean vehicles. Washing of every vehicle is not likely to be required as other measures would be implemented to prevent HGVs becoming dirty, such as maintenance of clean road surfaces within the Gale Common Ash Disposal Site. HGVs would not be allowed to leave the Gale Common Ash Disposal Site if they are found to be overweight or, on inspection, would distribute dirt/ debris on the public highway. As a further management measure, all vehicles would be covered to prevent material falling onto the public highway or other areas. These measures are the same

as currently successfully employed at the Gale Common Ash Disposal Site (with the exception of the vehicle inspections and the jet wash, which would be installed to supplement the wheel wash).

- 5.28 A designated route for HGVs to reach the strategic road network (the M62) would be used, whereby during normal operation all HGVs use the route to the east of the Gale Common Ash Disposal Site along Cobcroft Lane/ Whitefield Lane to the A19, and north to the M62 (Junction 34). This route would be used, unless the route is not available for any reason (such as a temporary road closure) and where it is appropriate to use a different route for local deliveries.
- 5.29 The designated HGV route and measures to ensure HGVs from the Gale Common Ash Disposal Site do not distribute dirt/ debris on the public highway are detailed in the Operational Traffic Management Plan (ES Volume II, Appendix 8A).

#### Operational Staff

- 5.30 It is estimated that the Proposed Development would generate up to 47 permanent jobs. It would therefore provide employment opportunities and help support the economy of North Yorkshire and the wider Yorkshire and Humber region.
- 5.31 The Proposed Development includes site offices and welfare facilities for operational staff. The existing facilities at the Gale Common Ash Disposal Site would be utilised initially, with extended/ improved facilities provided as operations intensify.

#### Hours of Operation

- 5.32 At present the Gale Common Ash Disposal Site's operational hours are Monday to Friday 07:00 – 17:00 and Saturday 07:00 – 12:00. In order to increase the rate of extraction up to 1 million tpa, working hours on site will be increased to seven days per week 05:00 – 21:00. As the export tonnage increases toward 1 million tpa, operational staff may work in two shifts (05:00 – 13:00 and 13:00 – 21:00).
- 5.33 The hours of HGV movements would be more limited than on site operating hours, to avoid out of hours HGV traffic on the local highway network and local community, with materials exports taking place between 07:00 and 19:00 Monday to Friday and 07:00 to 13:00 Saturday, with no HGV movements on Sundays or Bank Holidays.

#### Phasing and Volumes

- 5.34 As discussed earlier in this section, extraction would only occur in Stage II, Stage III and Lagoons C and D. For the avoidance of doubt, no extraction would occur in the restored Stage I area.
- 5.35 Three-dimensional modelling using 'as built' drawings for the Gale Common Ash Disposal Site has been undertaken to provide detailed information on the phasing and timescales for extraction in each area, to estimate the volumes of material that would be extracted, and to determine how the topography of the Gale Common Ash Disposal Site would change through the extraction period.
- 5.36 The anticipated phasing of extraction is that the material in Stage III would be extracted first, followed by Stage II, followed by Lagoons C and D, although extraction may occur simultaneously in different areas of the Gale Common Ash Disposal Site.
- 5.37 It is envisaged that extraction in each area would proceed as follows (with timescales dependant on the rate at which extraction increases to 1 million tpa, and commercial contracts).
- Stage III contains the smallest amount of PFA (around 1.5 million tonnes). Ground levels in this area would be reduced from over 10 m Above Ordnance Datum (AOD)

to around 8 m AOD. Extraction of this area is expected to take around two to three years.

- Stage II contains the majority of the PFA to be extracted (around 17 million tonnes). Extraction would be carried out in stepped sections, or 'benches', gradually bringing the level of this area from a maximum of 69 m AOD to between 9 and 13 m AOD, although bunds around the Gale Common Ash Disposal Site would be maintained at higher levels than the working areas where possible during operations to provide screening. The colliery shale, known to be present in the lower levels of Stage II (placed for engineering purposes), would be used to re-contour and restore the landform around the retained Stage I area. Extraction of this area is expected to take around 17 to 20 years.
- Lagoons C and D is likely to be the last area to be extracted as these contain the wettest material. Around 4.5 million tonnes of PFA would be extracted from this area, bringing the level from around 25 m AOD to around 6.5 m AOD. Extraction of this area is expected to take around five to six years.

5.38 In total, the extraction is expected to take around 25 years, with around 23 million tonnes of PFA extracted over this period.

### Management and control measures

5.39 The Proposed Development includes a number of management and control measures, some of which would be implemented from the start of operation (or as soon as reasonably practicable), with others to be implemented as and when the volume of material extracted and exported from the Gale Common Ash Disposal Site is set to increase. These later measures would be triggered by reaching certain extraction tonnages, or where appropriate (i.e. not required for environmental mitigation) would be decided by EPUKI from a commercial perspective.

5.40 Table 5.1 sets out the various measures and when they are to be implemented. The measures are split into the following categories:

- **Category 1** – Short Term Management and Control Measures, to be implemented before extraction exceeds the currently permitted 30,000 tonnes per year, or as soon as reasonably practicable, to manage and control the impacts of the Proposed Development, which would be secured by planning condition or form part of the Draft Section 106 Agreement (see section 6 of this report for more detail, including suggested planning conditions);
- **Category 2** – Further Mitigation Above 400,000 Tonnes Per Annum Export to mitigate traffic effects on residents of Whitefield Lane, which forms part of the draft Section 106 agreement; and
- **Category 3** – Site Improvement and Re-configuration Works, to be provided on commercial decision by EPUKI or within a defined period of time, for the long-term operation of the Proposed Development.

**Table 5.1 – Management and mitigation measures**

MEASURE	DESCRIPTION AND COMMENTS	TRIGGER
<b>Category 1 – Opening Management and Control Measures</b>		
Wheel wash	The Gale Common Ash Disposal Site benefits from an existing wheel wash facility associated with the existing extraction operations. The facility has	Available from the commencement of operations

MEASURE	DESCRIPTION AND COMMENTS	TRIGGER
	<p>sufficient capacity to deal with the maximum number of HGVs required to extract 1 million tpa of material.</p> <p>The location is shown in Site Location Plan (60589011-SP-001). Please also refer to the Existing Wheel Wash Layout and Elevations Plan (60589011-IN-DW-003).</p>	
Jet wash	<p>An additional mobile jet wash facility to supplement the wheel wash. This will be used in the unlikely scenario that the wheel wash has not completely removed all debris.</p> <p>The indicative location is shown in Short Term Operational Site Layout Plan (60589011-SLP-002).</p>	Provided from the commencement of operations
Protocol for monitoring vehicles prior to release onto the public highway	<p>All vehicles exiting the Gale Common Ash Disposal Site would undergo a visual inspection. Any vehicle deemed unclean/ carrying debris would be redirected to the wheel wash and/ or jet wash facility (see above). All HGVs would also be covered (sheeted) and CCTV cameras would be installed within the Gale Common Ash Disposal near the access to Cobcroft Lane to record the condition of vehicles.</p> <p>This is set out in detail in the Operational Traffic Management Plan (Annex P in Appendix 8A: Transport Assessment, ES Volume II).</p>	Provided from the commencement of operations
Dust management, including dampening down of surfaces during dry weather	<p>Standard measures would be utilised, including water bowsters (tractor-mounted and/ or stationary). These impact avoidance measures are already employed at the Gale Common Ash Disposal Site and would continue to be utilised.</p> <p>Please refer to Appendix 9B: Dust Management Plan (ES Volume II) for more detail.</p>	Provided from the commencement of operations
Dust monitoring	<p>The Gale Common Ash Disposal Site benefits from existing monitoring stations and an associated protocol. The measures would be retained as part of the Proposed Development.</p> <p>Please refer to Appendix 9B: Dust Management Plan (ES Volume II) for more detail.</p>	Provided from the commencement of operations

MEASURE	DESCRIPTION AND COMMENTS	TRIGGER
White noise reversing alarms for all plant on site	All plant used on site would be fitted with white noise reversing alarms (as opposed to beeping alarms) for noise mitigation purposes.	Provided from the commencement of operations
Plant and equipment to operate behind earth bunds	<p>This measure would be implemented wherever possible, particularly during excavation in the southern part of Stage II and the eastern part of Lagoons C and D where noise sensitive receptors are located in the vicinity of the Gale Common Ash Disposal Site.</p> <p>Please refer to Chapter 10: Noise and Vibration (ES Volume I) for more detail.</p>	Provided prior to the commencement of relevant operations
HGV route to M62 (Cobcroft Lane/ Whitefield Lane/ A19/ M62)	<p>This route would be used at all times, unless the route is not available for any reason (such as a temporary road closure) or where it is appropriate to use a different route for local deliveries. HGVs arriving and departing the Gale Common Ash Disposal Site would be recorded on CCTV cameras to be installed within the Gale Common Ash Disposal Site near the access to Cobcroft Lane.</p> <p>This is set out in detail in the Operational Traffic Management Plan (see Annex P in Appendix 8A: Transport Assessment, ES Volume II).</p>	Utilised from the commencement of operations
Surface water drainage	<p>The Gale Common Ash Disposal Site benefits from an existing drainage system that would continue to be used. The Gale Common Ash Disposal Site is drained via a network of ditches to two settlement ponds near the pumping station in the north of the Gale Common Ash Disposal Site, to the west of the main access. The drainage system is designed to manage surface water and also dewatering of ash (which was pumped to the Gale Common Ash Disposal Site as a slurry).</p> <p>Water quality is monitored at various locations across the Gale Common Ash Disposal Site and the pH is adjusted if necessary, prior to water being pumped from the pumping station to the River Aire near Knottingley.</p> <p>Water from the drainage system would be used to supply the wheel wash facilities and water bowsers (as is the case at present).</p>	Drainage system to continue during operations

MEASURE	DESCRIPTION AND COMMENTS	TRIGGER
	Further details are provided in the Surface Water Management section of the Flood Risk Assessment, which accompanies this planning application.	
Soils to be managed and stored in accordance with best practice for future use in restoration	<p>There are already a number of soil stockpiles within the Gale Common Ash Disposal Site. As these stockpiles have become vegetated and provide ecological habitats, it is not proposed to reuse these soils in the final restoration of the Gale Common Ash Disposal Site.</p> <p>Soils present within the Gale Common Ash Disposal Site that are removed during the extraction operations would be managed and stored in accordance with best practice such that they can be used in the final restoration of the Gale Common Ash Disposal Site.</p> <p>Please refer to Appendix 11B: Outline Soil Management Plan (ES Volume II) for more detail.</p>	At all times during operations
Localised repair works and widening along Cobcroft Lane/ Whitefield Lane, bend improvement on Whitefield Lane, and installation of advance warning near the Gale Common Ash Disposal Site entrance on Cobcroft Lane	<p>The local community submitted comments on the Proposed Development during the pre-application stage to state that the road is narrow in places and would benefit from repairs.</p> <p>The Applicant therefore commissioned a road condition survey, which identified that some localised widening would be advisable for HGVs passing without verge over-run, and there are also some potholes that could be repaired. Localised repairs and widening would therefore be undertaken.</p> <p>In addition, improvement of the alignment of the bend on Whitefield Lane to the west of Whitley would be undertaken and advance warning signage would be erected on both sides of Cobcroft Lane approximately 150 m prior to the entrance to the Gale Common Ash Disposal Site to warn drivers of the potential for slow turning vehicles.</p> <p>Annual road condition surveys of Cobcroft Lane/ Whitefield Lane between the Gale Common Ash Disposal Site entrance and the A19 would be undertaken during the operation of the Proposed Development.</p>	Provided within six months of operations commencing or as soon as practicable

MEASURE	DESCRIPTION AND COMMENTS	TRIGGER
	<p>The indicative locations of the road improvements are shown in Proposed Cobcroft Lane/Whitefield Lane Widening Works Plan (60589011-D-0000-001A). The provision of the works, including detailed design, is secured by the draft Section 106 agreement.</p>	
<b>Category 2 – Further Mitigation Above 400,000 Tonnes per Annum Export</b>		
<p>Re-alignment of eastern end of Whitefield Lane near Whitley, and improvements to A19 at junction</p>	<p>The realignment (to the south of its existing alignment) of approximately 400 m of the eastern end of Whitefield Lane in the vicinity of the junction with the A19, and minor works to the A19 to improve access into Whitefield Lane. This is to position the road further away from residential properties on Whitefield Lane in order to mitigate potential amenity and noise impacts from vehicles, and to improve safety at the A19 junction. The measure is to be secured by Draft Section 106 Agreement.</p> <p>The indicative location and form of the works are shown in the Proposed Indicative Whitefield Lane Realignment Plan (60589011-P-016B). The provision of the works, including detailed design, is secured by the Draft Section 106 Agreement.</p>	<p>Triggered once confirmed, contracted export tonnages exceed 400,000 tpa and to be carried out within a period to be agreed with NYCC.</p>
<b>Category 3 – Site Improvement and Re-configuration Works</b>		
<p>Public access to Stage I</p>	<p>The Applicant would provide public access to the restored Stage I area for recreational use on Saturday afternoons, Sunday mornings and afternoons, and on week days by appointment. It is envisaged that in the first instance (in 2020) this would include pathways, fencing and signage, and in the longer term may also include a new access road from Cobcroft Lane, car parking, security and welfare facilities, and information boards.</p> <p>This is a significant and early benefit, noting that no public access is secured under the terms of the current scheme.</p> <p>The indicative arrangement is shown in the Indicative Interim Stage I Public Access Plan – Overall Plan (60589011-SK-001), the Indicative Final Stage I Public Access Plan – Overall Plan</p>	<p>Provided within one year of operations commencing or another timescale agreed with NYCC.</p>

MEASURE	DESCRIPTION AND COMMENTS	TRIGGER
	<p>(60589011-SK-002) and the Indicative Final Stage 1 Public Access Vehicular Access and Parking Plan (60589011-D-0000-SK016A). The submission of detailed public access proposals, and the agreement and construction of them, is secured by the Draft Section 106 Agreement.</p>	
<p>Up to 4x additional weighbridges (to make up to 5 total)</p>	<p>Additional weighbridges may be installed within the Gale Common Ash Disposal Site (prior to the implementation of new site access arrangements as described below) to improve efficiency of HGV movements into and out of the Gale Common Ash Disposal Site.</p> <p>These would most likely be located in the vicinity of the Gale Common Ash Disposal Site entrance.</p> <p>The indicative locations are shown in the Long Term Operational Site Layout Plan (60589011-SLP-003) and the Proposed Access Arrangement Plan (60589011-D-0000-SK006C). The appearance of the proposed weighbridges is shown in the Proposed Weighbridge Plan (60589011-IN-DW-012).</p>	<p>This is not an essential management or mitigation measure, rather it would improve operational efficiency. It would therefore only be provided following a commercial decision by EPUKI.</p>
<p>New site access arrangement with driver welfare and visitor parking</p>	<p>An improved access arrangement, implemented to improve site circulation, along with improved facilities for drivers. This would include the widening and improvement of the existing access arrangements at Cobcroft Lane, with a new security gatehouse, driver welfare facilities and visitor parking.</p> <p>The indicative layout of the new arrangement is shown in the Proposed Access Arrangement Plan (60589011-D-0000-SK006C). The driver welfare and security facilities are shown in the Proposed Driver Welfare Facility Floor Plan and Elevations Plan (60589011-IN-DW-006) and the Proposed Security Cabin Floor Plan and Elevations Plan (60589011-IN-DW-008).</p>	<p>This is not an essential management or mitigation measure, rather it would improve operational efficiency. It would therefore only be provided following a commercial decision by EPUKI.</p>
<p>Internal site road widening</p>	<p>To improve efficiency within the Gale Common Ash Disposal Site. A new and upgraded internal access road between the Gale Common Ash Disposal Site entrance and the loading pad to improve the circulation of HGV traffic</p>	<p>This is not an essential management or mitigation measure, rather it would improve operational efficiency. It would therefore only be provided following a</p>

MEASURE	DESCRIPTION AND COMMENTS	TRIGGER
	<p>within the Gale Common Ash Disposal Site.</p> <p>The indicative layout of the new arrangement is shown in the Proposed Access Arrangement Plan (60589011-D-0000-SK006C) and the Proposed Internal Road Access Plan (60589011-D-0000-SK007C).</p>	commercial decision by EPUKI.
New reinforced crossing of the Yorkshire Water aqueduct that crosses the Gale Common Ash Disposal Site from south-west of the loading pad to the north-east of the surface water pumping station.	To enable a separate route for plant movements between Lagoons C and D and the loading pad. Consultation with Yorkshire Water is ongoing to establish the design requirements to ensure there is no impact on Yorkshire Water assets.	This is not an essential management or mitigation measure, rather it would improve operational efficiency. It would therefore only be provided following a commercial decision by EPUKI.
Extended HGV loading pad	<p>An extended concrete loading pad, with associated HGV access loop and loading area, lighting, and appropriate drainage (requiring removal of a redundant conveyor) to improve efficiency within the Gale Common Ash Disposal Site.</p> <p>The extended loading pad would incorporate drainage to control surface water runoff. It is recommended that the submission of a detailed scheme is secured by a condition attached to any planning permission (see section 6 of this report for suggested planning conditions).</p> <p>The indicative layout of the new arrangement is shown in the Proposed HGV Loading Pad Plan (60589011-D-0000-SK010C).</p>	This is not an essential management or mitigation measure, rather it would improve operational efficiency. It would therefore only be provided following a commercial decision by EPUKI.
New/ extended site offices	<p>The new/ extended offices would be provided if it is deemed necessary when/ if staff numbers increase to service the increased tonnages exported from the Gale Common Ash Disposal Site.</p> <p>The proposed building is shown in the Proposed Office Floorplan Layout and Elevations Plan (60589011-IN-DW-007).</p>	This is not an essential management or mitigation measure, rather it would improve operational efficiency. It would therefore only be provided following a commercial decision by EPUKI.
Second wheel wash	<p>A second wheel wash may be installed to improve operational efficiency.</p> <p>The indicative wheel wash is shown in the Proposed Wheel Wash layout and Elevations Plan (60589011-IN-DW-</p>	This is not an essential management or mitigation measure, rather it would improve operational efficiency. It would therefore only

MEASURE	DESCRIPTION AND COMMENTS	TRIGGER
	010), located adjacent to the existing wheel wash.	be provided following a commercial decision by EPUKI.
Additional plant and equipment	<p>Additional plant and equipment for the excavation, preparation and loading of material for export off site (loading shovels, mobile and/ or fixed crushers and screeners, mobile lighting stations, dump trucks, CCTV, water bowsers/ dust suppression units, a hopper and a stacker conveyor).</p> <p>The stacker conveyor (see location and elevations on the Proposed Indicative Processing Plants and Conveyor Plan (60589011-IN-DW-004)) would enable separation of HGVs (clean) and plant (dirty) at the loading pad, meaning fewer vehicles would need to pass through the wheel wash facility. The proposed CCTV and an example of mobile plant is shown in the Mobile Screener Elevations and Layout Plan (60589011-IN-DW-009), the Proposed CCTV Camera Locations and Elevations Plan (60589011-D-0000-SK021) and at Appendix 3 to this report.</p>	This is not an essential management or mitigation measure, rather it would be required as tonnages increase and/ or to improve operational efficiency. Additional plant and equipment would therefore only be provided following a commercial decision by EPUKI.
New diesel storage tank and mobile refuelling tanker	<p>A new diesel storage tank and mobile refuelling tanker for fuelling plant on site.</p> <p>The indicative location of the new diesel storage tank is shown in the Proposed Diesel Tank Elevations and Layout Plan (60589011-IN-DW-005).</p>	This is not an essential management or mitigation measure, rather it would improve operational efficiency. It would therefore only be provided following a commercial decision by EPUKI.
Review viability of alternative sustainable modes of transporting PFA off site, including by water and rail	<p>An initial feasibility study has identified that the Gale Common Ash Disposal Site is located in the vicinity of existing navigable waterways and railway infrastructure which have potential for use in the transport of PFA. See the Sustainable Transport Feasibility Study that accompanies the planning application.</p> <p>It is proposed that the requirement for a review regime relating to the use of sustainable modes of PFA transport would be secured by an appropriate planning condition (see section 6 of this report for suggested planning conditions).</p>	This commitment would apply to the duration of operations.

- 5.41 In addition to the measures set out above, the Applicant would establish a Gale Common Community Liaison Group, inviting NYCC, SDC, local Parish Councils and the Environment Agency to meet quarterly to discuss the ongoing operation of the Gale Common Ash Disposal Site.
- 5.42 The Applicant would also display a contact number at the Gale Common Ash Disposal Site entrance on Cobcroft Lane for the general public to contact in the event of any issues arising regarding the operation of the Gale Common Ash Disposal Site.

### **Construction**

- 5.43 A description of the construction stage is provided below. Where relevant, construction impacts have been considered within the technical chapters of the ES (Volume I, Chapters 6 – 11).
- 5.44 The construction aspects of the Proposed Development are limited, primarily because much of the necessary infrastructure already exists at the Gale Common Ash Disposal Site. Standard good practice methods would be employed during the construction stage and the development would not result in the production of any significant waste, pollution or nuisance, or increase the risk of accidents or hazardous effects.

### Construction Timescale and Durations

- 5.45 It is anticipated that construction activities required in the short term to enable export of PFA to increase (namely localised widening and repairs to Cobcroft Lane/ Whitefield Lane and Whitefield Lane bend improvements – see the Proposed Cobcroft Lane/Whitefield Lane Widening Works Plan (60589011-D-0000-001A)) would commence in autumn 2019 (or as soon as the necessary details are approved by NYCC), lasting for approximately two months, with the Proposed Development entering operation in late 2019/ early 2020.
- 5.46 Construction of the remaining aspects of the Proposed Development would commence on a phased and as required basis, as set out in Table 5.1 and summarised below. Some of the measures listed below are to improve the operational efficiency of the Gale Common Ash Disposal Site as the export tonnage gradually increases:
- works to improve the eastern end of Whitefield Lane comprising road realignment and right turn lane improvements on the A19 (see the Proposed Indicative Whitefield Lane Realignment Plan (60589011-P-016B)) – to be triggered when contracts for export of material exceed 400,000 tonnes per annum (i.e. dependant on commercial contracts being confirmed) and carried out within a period to be agreed with NYCC, with construction expected to take approximately six months;
  - new site access arrangements including widening of the Gale Common Ash Disposal Site entrance, construction of a new section of internal road and a gatehouse and installation of new barriers, weighbridges, drainage, etc. – approximately four months construction;
  - installation of additional plant and equipment including weighbridges and wheel washes – construction of suitable base structures for installation of plant, equipment and machinery;
  - internal site road widening comprising repairs and upgrading of the existing internal access road including localised widening – approximately two months construction;
  - extension of the HGV loading pad including enlargement of the existing concrete loading pad, construction of an HGV route around the pad for access and loading, and installation of lighting columns – approximately three months construction;

- extended/ new offices, in the form of modular units – approximately one month construction and internal fit-out;
- facilities for public access to Stage I, initially comprising the construction of new pathways, fencing, gates and signage (accessed via the existing Gale Common Ash Disposal Site entrance) – approximately three months construction, commencing early 2020. In the longer term this may also include construction of a new visitor site entrance from Cobcroft Lane, car parking, security and welfare facilities – approximately three months construction, which would be undertaken to meet demand; and
- new diesel storage tank to be installed on site with associated bunded area – one month construction.

#### Construction Activities

- 5.47 The small volumes of construction traffic would vary throughout the construction programme depending on the requirements of each construction phase.
- 5.48 It is proposed that further detail relating to the construction is included in a Construction Environmental Management Plan ('CEMP'), to be prepared by the contractor(s) employed to construct each aspect of the Proposed Development and secured by a condition attached to any grant of planning permission (see suggested planning conditions in section 6 of this report).
- 5.49 Construction activities would be confined to the hours of 08:00 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays, with no working on Sundays or Bank Holidays. In some circumstances (for example concrete pouring), it may be necessary to work outside of these hours and, in these circumstances, permission would be sought from NYCC. It is suggested that this mechanism is secured by a condition attached to any grant of planning permission (see suggested planning conditions in section 6 of this report).
- 5.50 Construction laydown areas for materials and the construction site compound(s) would be located within the Site.
- 5.51 The anticipated activities associated with each aspect of construction are summarised below:
- localised repairs and widening along Cobcroft Lane and Whitefield Lane, and bend improvements on Whitefield Lane will involve the delivery of stone, compaction via rollers, and laying of blacktop as well as localised vegetation removal/ management to improve driver visibility on the bend west of Whitley village;
  - works to improve the eastern end of Whitefield Lane comprising road realignment and right turn lane improvements on the A19 will involve establishment of a small contractor's compound, ground clearance using bulldozers and tippers, road construction (including stone delivery, compaction using rollers, and laying of blacktop), installation of fencing and bollards, seeding of grass verges, road lining and installation of new signage;
  - creation of new Gale Common Ash Disposal Site access arrangements including widening of the site entrance, construction of a new section of internal road and a gatehouse and installation of new barriers, weighbridges, drainage, etc. will involve ground clearance using bulldozers and tippers, road construction (including stone delivery, compaction using rollers, and laying of blacktop), installation of fencing and barriers, construction of the gatehouse and driver welfare structures, delivery and installation of jet wash, seeding of grass verges, road lining and installation of signage;

- provision of additional plant and equipment including weighbridges and wheel washes will involve construction of appropriate base structures, and delivery and installation using power tools;
- internal site road widening comprising repairs and upgrading of the existing internal access road including localised widening will involve ground clearance using bulldozers and tippers, road construction (including stone delivery, compaction using rollers, and laying of blacktop), installation of fencing and signage, seeding of grass verges, and road lining;
- extension of the HGV loading pad will involve ground clearance using bulldozers and tippers, ground reinforcement (if required), road construction (including stone delivery, compaction using rollers, and laying of blacktop), delivery and pouring of concrete, and installation of drainage and lighting;
- provision of extended/ new offices will involve site preparation using bulldozers and tippers, laying of foundations, delivery and installation of modular units and internal fit-out;
- creation of facilities for public access to Stage I will initially involve construction of new pathways, and installation of fencing, gates and signage, but may later involve ground clearance using bulldozers and tippers, road and car park construction, installation of additional fencing and barriers, construction of a security and welfare building, installation of lighting, re-seeding of grass verges, and road lining; and
- installation of a new diesel storage tank will involve delivery and installation of the tank.

5.52 The construction works associated with the Proposed Development are anticipated to generate relatively small numbers of HGV movements, with the maximum estimated at around 50 two-way HGVs per average day for one week during concrete pouring required for extension of the HGV loading pad within the Gale Common Ash Disposal Site. At other times during the construction phase, there is anticipated to be no more than around 10 two-way HGV movements per average day.

### Restoration

5.53 Restoration of each part of the Gale Common Ash Disposal Site would be undertaken as soon as practicable. The anticipated working scheme and restoration is shown in the following indicative plans:

- 60589011-PH-0001 – Gale Common Indicative Phase 1 Plan;
- 60589011-PH-0002 – Gale Common Indicative Phase 2 Plan;
- 60589011-PH-0003 – Gale Common Indicative Phase 3 Plan;
- 60589011-PH-0004 – Gale Common Indicative Phase 4 Plan;
- 60589011-PH-0005 – Gale Common Indicative Phase 5 Plan;
- 60589011-PH-0006 – Gale Common Indicative Phase 6 Plan;
- 60589011-PH-0007 – Gale Common Indicative Phase 7 Plan; and
- 60589011-SRP-001 – Indicative Landscape and Biodiversity Restoration Plan.

5.54 It is anticipated that the restored Stage I area would be opened to the public for recreational use in 2020, following completion of works to provide pathways, fencing,

gates and signage. The new access from Cobcroft Lane, parking, security and welfare facilities would be provided at a later date based on demand.

- 5.55 Following the completion of extraction from Stage III (after approximately two to three years of operation), it is anticipated that part of the Stage III area would be restored to grassland with seasonal ponds (see Appendix 6C: Indicative Landscape and Biodiversity Restoration Strategy in ES Volume II). It is anticipated that the remainder of Stage III would remain in operational use, providing the route for Stage II material to be transported to the loading pad and areas for soil stockpiling and PFA screening, crushing and stockpiling.
- 5.56 As extraction from Stage II progresses below around 34 mAOD, it is anticipated that colliery shale (which was used in the construction of Stage II) will be encountered, which would be excavated and used to achieve the final landform around the southern and eastern flanks of the retained Stage I. This would be progressively covered in soil and seeded/ planted as the earthworks are completed.
- 5.57 Restoration of the remainder of the Stage III area (with the exception of the western end where screening and crushing equipment is expected to be located) and the entire Stage II area would progress Stage II extraction has been completed, whilst extraction operations are taking place at Lagoons C and D.
- 5.58 It is anticipated that restoration of the Lagoons C and D area would be undertaken when extraction has been completed in this area (at the end of the operational period).
- 5.59 An Indicative Landscape and Biodiversity Restoration Strategy is provided in Appendix 6C (ES Volume II). ES Volume I, Chapter 6 'Landscape and Visual Amenity' considers the impacts and effects on landscape and visual amenity following the completion of restoration and photomontages from key viewpoints are provided in ES Volume III.
- 5.60 It is proposed that a planning obligation would secure submission of detailed restoration plans (relating to the above interim and final restoration phasing), based on the Indicative Strategy, as set out in the Draft Section 106 Agreement that accompanies the planning application. This would secure and determine the final, detailed restoration scheme.

## 6.0 PROPOSED PLANNING CONDITIONS AND OBLIGATIONS

### Introduction

- 6.1 This section sets out a list of suggested planning conditions and explains the key planning obligations included in the Draft Section 106 Agreement. The conditions and Section 106 Agreement are proposed to secure a number of the commitments, management and mitigation measures referred to in this Planning Statement, and which are relied on in the ES.
- 6.2 For the avoidance of doubt, the conditions have been suggested as a means to demonstrate how certain matters would be secured and EPUKI fully expects to enter into discussions with NYCC during the determination period to review and finalise them.

### Suggested planning conditions

- 6.3 In addition to the condition suggested below, it is proposed that any planning permission includes an informative (or similar) to the effect that the commencement of development, operations or construction does not include the export of up to the currently permitted 30,000 tpa of PFA at the Gale Common Ash Disposal Site. It is EPUKI's intention to discuss this matter with NYCC following submission of the planning application.
- 6.4 The suggested planning conditions are as follows:

#### 1) Commencement of Development

*The development hereby permitted shall commence on or before [INSERT DATE].*

*No development shall take until written notice has been given to the County Planning Authority of the date proposed for commencement of development.*

#### 2) Definition of Development

*The development hereby permitted shall be carried out in strict accordance with the application details dated [INSERT DATE] and the following approved documents and drawings:*

- *[INSERT DOCUMENTS]*

#### 3) Hours of Operation

*No minerals working or associated operations shall take place except between the following times:*

- *05:00 – 21:00 Monday to Sunday,*

*except within Lagoons C and D where no minerals working or associated operations shall take place except between the hours of 07:00 and 21:00 Monday to Friday.*

#### 4) Exports

*The export of material from the site shall only take place during the following hours:*

- *07:00 – 19:00 Monday to Friday; and*
- *07:00 – 13:00 Saturday.*

*No HGV movements shall take place on Sundays or Public Holidays.*

#### 5) Operational Traffic Management Plan

*The development hereby permitted shall be carried out in strict accordance with the ES Volume II, Appendix 8A, Annex P 'Operational Traffic Management Plan' (or such*

*amended Plan as the County Planning Authority may approve in writing), including the control and management measures contained therein.*

*The measures include that the designated route for HGVs (east on Cobcroft Lane/ Whitefield Lane then north on the A19 to the M62) shall be used at all times, unless the necessary roads are not available for any reason (such as a temporary road closure) or where it is appropriate (given the location of the destination of the materials) to use a different route for local deliveries.*

#### 6) Noise

*During the working hours specified in Condition 4, operations on site shall not cause the Leq 1hr sound level to exceed 55dB(A) as measured at the boundary of any residential property ("the 55dB(A) limit"). In the event that the 55dB(A) limit is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in compliance with the 55dB(A) limit.*

*During the construction of any soil mounds and bunds, the final placement of topsoil and during restoration, noise from the operations on site shall not cause the Leq 1hr sound level to exceed 70dB(A) ("the 70dB(A) limit") as measured at the boundary of any residential property. In the event that the 70dB(A) limit is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in compliance with the 70dB(A) limit.*

#### 7) Dust

*The development hereby approved shall be carried out in accordance with the ES Volume II, Appendix 9B 'Dust Management Plan' (or such amended Plan as the County Planning Authority may approve in writing), including the measures proposed to control dust, details of the wheel washing facilities to be used, and the method of water distribution onto stockpiles and roadways during dry and windy weather.*

#### 8) Landscaping and arboriculture

*Within six months of the implementation of this planning permission a detailed landscaping scheme for the site must be submitted for approval by the County Planning Authority. The scheme shall include details of:*

- *the location of any existing and proposed screen bunds;*
- *details of the maintenance of temporary screen bunds;*
- *the location of all existing trees, shrubs and hedgerows to be retained and proposals for their protection and maintenance, including a commitment to any replacements required throughout the period of ash extraction;*
- *details of areas to be seeded and grassed; and*
- *a programme of phased implementation.*

*Thereafter, the development shall be implemented in strict accordance with the approved details.*

*Prior to the landscaping scheme above having been approved by the County Planning Authority, no existing trees or hedgerows on the Gale Common Ash Disposal Site shall be removed without the prior written approval of the County Planning Authority.*

#### 9) Ecology

*The development hereby approved shall be carried out in accordance with the ecological mitigation measures detailed within ES Volume I, Chapter 7 'Ecology and Nature*

*Conservation' and associated Appendices in ES Volume II, unless otherwise approved in writing with the County Planning Authority.*

#### 10) Soils

*Any stripped topsoil and subsoil shall be reserved for use in restoration and shall be stored separately from each other in accordance with the Outline Soil Management Plan (ES Volume II Appendix 11B) and the Indicative Landscape and Biodiversity Restoration Strategy (ES Volume II Appendix 6B). Any storage mounds shall be seeded with a grass mix and such seeding shall be carried out as soon as practicable and no later than the first growing season after creation of the storage mound.*

#### 11) Sustainable Transport

*Within 12 months of the commencement of the development hereby approved a written sustainable mineral transport plan (or similar) shall be submitted to and, after consultation with the relevant highway authorities and Canal & River Trust, approved by the County Planning Authority.*

*The plan submitted and approved must include a review regime relating to the use of sustainable modes of transport for mineral exportation.*

*The approved plan must be complied with whilst ash is being exported from the site unless otherwise agreed in writing with the County Planning Authority.*

#### 12) Construction Environmental Management Plan

*Prior to beginning construction of each of the new site access arrangement, loading pad extension, internal access road upgrade, Whitefield Lane re-alignment works or office extension (as detailed in Table 5.1 of the Planning Statement), a Construction Environmental Management Plan shall be submitted to and approved by the County Planning Authority.*

*Thereafter, the development hereby permitted shall be implemented in strict accordance with the approved details.*

#### 13) Construction Hours

*Construction activities must not take place outside the hours of 08:00 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays, with no working on Sundays or Bank Holidays.*

*Construction activities may (in some circumstances, for example during concrete pouring) take place outside of these hours and, in these circumstances, written permission must first be obtained from the County Planning Authority.*

#### 14) Detailed Drainage Scheme(s)

*Prior to beginning construction of each of the new site access arrangement, loading pad extension, internal access road upgrade, Whitefield Lane re-alignment works or office extension (as detailed in Table 5.1 of the Planning Statement) a detailed drainage scheme for the relevant part of the site must be submitted to the County Planning Authority for approval. The approved drainage scheme must be implemented during the relevant works and thereafter complied with.*

### **Draft planning obligations**

- 6.5 EPUKI has provided a Draft Section 106 Agreement, intended to secure certain mitigation measures and works as set out below. EPUKI anticipates discussing the draft obligations with NYCC during the determination of the application, such that they are in an agreed form in the event that NYCC decides to grant planning permission for the

Proposed Development. The remainder of this section assumes that that is the case, as that is the only situation in which the draft planning obligations are relevant.

- 6.6 EPL is to be the party entering into the obligations in the Draft Section 106 Agreement, as it is the freehold owner of the Gale Common Ash Extraction Site and therefore has the power (under section 106 of the TCPA 1990) to bind the obligations to that land.

#### Relationship with Previous Agreements

- 6.7 As noted above (in Section 3), there are two previous planning agreements relating to the Gale Common Ash Extraction Site – the section 52 agreement dated 24 April 1986 (the 1986 Agreement) and the section 106 agreement dated 9 May 2008 (the 2008 Agreement, and together the Previous Agreements). Both agreements remain relevant at present, as the 2008 Agreement provided for variations to the 1986 Agreement.
- 6.8 It has been agreed with NYCC in pre-application discussions that it is appropriate to remove the Previous Agreements and replace the obligations with up to date ones which reflect the form of the Proposed Development and the new restoration proposals.
- 6.9 The Draft Section 106 Agreement therefore provides (clause 4) that, from the date of implementation of the planning permission, the Previous Agreements will no longer be in force and will not be enforceable.
- 6.10 The Draft Section 106 Agreement provides obligations to replace those in the Previous Agreements, other than that in the 2008 Agreement relating to archaeological investigations at Wood Hall, which have been complied with.

#### Notices and Reporting (Schedule 1)

- 6.11 EPL recognises that the operator of a site has information which may be useful or important for NYCC, and which may be relevant to triggers identified by which planning obligations must be complied with. Schedule 1 therefore provides for EPL to give notice to NYCC of:
- commencement of the Proposed Development;
  - the date on which over 30,000 tpa is first exported from the Gale Common Ash Extraction Site - this is the current export limit;
  - the date on which contracts are entered into for the sale of over 400,000 tpa – this relates to the highway works, see further below; and
  - the completion of ash extraction in Stage III and extraction in Stage II reaching 34 metres AOD – these both relate to interim restoration plans, see further below.
- 6.12 In addition, Schedule 1 also gives NYCC the power to require EPL to provide information at other times, in relation to contracts for the sale of PFA and export tonnages.

#### Highways (Schedule 2)

- 6.13 Schedule 2 secures the implementation of the two sets of highway works, as follows.
- 6.14 The widening and bend improvements along Whitefield Lane – details of these works must be submitted to NYCC within one month of commencing the Proposed Development, and EPL must then work with NYCC to achieve approval of the details. EPL must enter into a highways agreement with NYCC, which is required to enable EPL to carry out works to the public highway. The highways agreement will also include a period in which those works must be carried out, which EPL is obliged to comply with.
- 6.15 The Whitefield Lane Realignment Works – as noted in the ES (see Chapter 9: Noise and Vibration), there are likely significant noise effects arising from HGVs associated with the

Proposed Development once export of PFA reaches around 430,000 tonnes per annum (tpa). Once contracts have been entered into which will lead to exports of PFA rising over 400,000 tpa, the obligation requires EPL to submit a programme to NYCC setting out the likely ramping up of exports and the programme for carrying out the Whitefield Lane Realignment Works. NYCC will review and, once it is content, approve them. EPL must then submit detailed plans, enter into a highways agreement and carry out the Whitefield Lane Realignment Works.

6.16 This trigger and process enable NYCC and EPL to discuss and agree the most appropriate programme for implementing the works, taking into account the ash export profile, the likely significant effects and other relevant factors (such as other highway works in the area which need to be co-ordinated).

6.17 In addition to these works, Schedule 2 also secures the payment by EPL of a contribution for the implementation of a traffic regulation order (TRO) on Cobcroft Lane/Whitefield Lane, which would reduce the speed limit (which is currently 60mph). Only NYCC can propose and implement a TRO, hence why EPL is to paying a contribution to NYCC.

Restoration and Aftercare (Schedule 3)

6.18 Schedule 2 sets out the obligations relating to the management, public access, restoration and aftercare of the Gale Common Ash Extraction Site, as follows. It is also relevant to note that a landscaping plan (for areas which are not to be worked) is separately secured by the proposed conditions (see earlier in this Section 6).

6.19 Stage I interim management – this requires EPL to continue to maintain and manage Stage I, which has already been restored and will not be worked.

6.20 Stage I public access – this secures the submission of proposals to allow public access to Stage I, and their implementation within one year of approval. This period is required to ensure that EPL can carry out the works at an appropriate time of year.

6.21 Restoration plans – a phased restoration of the Gale Common Ash Extraction Site is proposed, and this is secured in these obligations. These are reflected in the Indicative Landscape and Biodiversity Restoration Plan (60589011-SRP-001) which is submitted with the Application and is intended to be attached to the Section 106 Agreement.

- First Interim Restoration Plan – this relates to parts of Stage III which will be the first area where extraction and related activities finish and which can therefore be restored. EPL must submit details of the proposed restoration within three months of completing extraction in that area, and must then implement the restoration plan in accordance with the approved programme;
- Second Interim Restoration Plan – this relates to parts of Stages II and III which will be the second area where extraction and related activities finish and which can be restored. EPL must submit details of the proposed restoration once extraction in Stage II reaches 34 metres – this is the point at which shale will be uncovered and will therefore be extracted and placed immediately where it will stay permanently as part of the restored site (to avoid double handling). EPL must then implement the restoration plan in accordance with the approved programme; and
- Final Restoration Plan – once extraction is complete (or permanently ceases) at the Gale Common Ash Extraction Site, EPL must submit this final plan to NYCC for approval within 12 months. It must then implement the Final Restoration Plan in accordance with the approved programme. It is noted that the Indicative Landscape and Biodiversity Restoration Plan (60589011-SRP-001) provides for public access to various parts of the Gale Common Ash Extraction Site and which must therefore be reflected in the Final Restoration Plan.

6.22 Once the Gale Common Ash Extraction Site has been restored, there is then a period of aftercare during which the restoration 'beds in' and EPL is required to ensure that it is functioning and growing as anticipated. The Aftercare Plan must be submitted to and approved by NYCC, and EPL must then maintain the Gale Common Ash Extraction Site in accordance with the approved Aftercare Plan for 10 years from the completion of restoration.

Gale Common Community Liaison Group (Schedule 4)

6.23 Schedule 4 provides that EPL must set up and run the Gale Common Community Liaison Group, which is intended to meet throughout the period of PFA extraction at the Gale Common Ash Extraction Site and to provide a forum to discuss the extraction operations and any issues which may have arisen.

6.24 The obligations require EPL to invite NYCC, Selby District Council, Whitley, Eggborough, Cridling Stubbs and Womersley Parish Councils, and the Environment Agency to participate and attend in meetings.

NYCC's obligations (Schedule 5)

6.25 Schedule 5 sets out the obligations on NYCC which are relevant to the planning obligations above, including that NYCC must enter into the relevant highways agreements, and providing for how and when NYCC must use the TRO contribution.

## 7.0 PLANNING POLICY

### Introduction

- 7.1 This section provides a brief overview of the relevant planning policy and guidance at local and national level. The design of the Proposed Development has been influenced by these policies and the proposals are assessed against them in section 8 of this report.
- 7.2 The planning application will be determined in accordance with section 70(2) of the Town and Country Planning Act 1990 (as amended), which states that in dealing with applications, local planning authorities shall have regard to the provisions of the statutory development plan and to other material considerations.

### Statutory Development Plan (local planning policy)

- 7.3 The following adopted planning policy documents from the statutory development plan are considered most relevant to the Proposed Development:
- the 'saved' policies of the North Yorkshire Waste Local Plan (adopted 2006);
  - the 'saved' policies of the North Yorkshire Minerals Local Plan (adopted 1997);
  - the 'saved' policies of the Selby District Local Plan (adopted February 2005); and
  - the Selby District Core Strategy (adopted October 2013).
- 7.4 Importantly, the Proposed Development, whilst relating to a historic waste disposal site, is not a waste management proposal in itself. Nevertheless, some waste management planning policies are still relevant and have been considered in preparing the planning application. The relevant policies are set out later in this section.
- 7.5 NYCC (as minerals and waste planning authority), along with the City of York Council and the North York Moors National Park Authority, is producing a 'Minerals and Waste Joint Plan' ('MWJP'). Once finalised, it will set out new planning policies for minerals and waste developments across all three council areas, which will guide decisions on planning applications up to 31 December 2030.
- 7.6 The MWJP, although not yet adopted, is a material consideration on the basis that it is at an advanced stage in the Examination in Public process, i.e. the final stage before adoption. Whilst there is currently no date set for the commencement of the consultation on the 'Main Modifications' following examination of the plan, the April 2018 'Modifications to the Publication Draft' document is the most recent and has been considered in this section.
- 7.7 In addition to the MWJP, SDC is preparing a 'Sites and Policies Local Plan' known as 'PLAN Selby' to deliver the strategic vision outlined within the Selby District Core Strategy. The latest round of consultation comprised the 'Additional Site' consultation in spring 2018. The plan is not considered sufficiently advanced for further consideration here.

### North Yorkshire Minerals Local Plan (1997)

- 7.8 The policies considered to be of most relevance are as follows:
- 4/1 – Determination of Planning Applications;
  - 4/6A – Nature Conservation and Habitat Protection – Local;
  - 4/10 – Water Protection;
  - 4/13 – Traffic Impact;

- 4/14 – Local Environment and Amenity;
- 4/16 – Ancillary and Secondary Operations; and
- 4/20 – Aftercare.

North Yorkshire Waste Local Plan (2006)

7.9 The policies considered to be of most relevance are as follows:

- 4/1 – Waste Management Proposals;
- 4/3 – Landscape Protection;
- 4/10 – Locally Important Sites;
- 4/18 – Traffic Impact;
- 4/19 – Quality of Life;
- 4/22 – Site Restoration; and
- 7/3 – Re-working of Deposited Waste.

Draft Minerals and Waste Joint Plan (2018)

7.10 The policies considered to be of most relevance are as follows:

- M11 – Supply of alternatives to land-won primary aggregates;
- W01 – Moving waste up the waste hierarchy;
- W09 – Managing power station ash and Incinerator Bottom Ash;
- S01 – Safeguarding mineral resources;
- S02 – Developments proposed within Minerals Safeguarding Areas;
- S03 – Waste management facility safeguarding;
- S06 – Consideration of applications in Consultation Areas;
- D01 – Presumption in favour of sustainable minerals and waste development;
- D02 – Local amenity and cumulative impacts;
- D03 – Transport of minerals and waste and associated traffic impacts;
- D05 – Minerals and waste development in the Green Belt;
- D06 – Landscape;
- D07 – Biodiversity and geodiversity;
- D08 – Historic environment;
- D09 – Water environment;
- D10 – Reclamation and afteruse;
- D11 – Sustainable design, construction and operation of development;
- D12 – Protection of agricultural land and soils; and
- D13 – Consideration of applications in Development High Risk Areas.

Selby District Local Plan (2005)

7.11 The policies considered to be of most relevance are as follows:

- ENV1 – Control of Development;
- ENV2 – Environmental Pollution and Contaminated Land;
- ENV9 – Sites of Importance for Nature Conservation;
- T1 – Development in Relation to the Highway Network;
- T2 – Access to Roads;
- EMP9 – Expansion of Existing Employment Uses in the Countryside;
- GB2 – The Control of Development in the Green Belt; and
- GB4 – The Character and Visual Amenity of the Green Belt.

Selby District Core Strategy (2013)

7.12 The policies considered to be of most relevance are as follows:

- SP1 – Presumption in Favour of Sustainable Development;
- SP2 – Spatial Development Strategy;
- SP3 – Green Belt;
- SP12 – Access to Services, Community Facilities, and Infrastructure;
- SP13 – Scale and Distribution of Economic Growth;
- SP15 – Sustainable Development and Climate Change;
- SP18 – Protecting and Enhancing the Environment; and
- SP19 – Design Quality.

**Other Material Considerations**

- 7.13 The NPPF was published in March 2012 and last updated in February 2019. The NPPF sets out the Government’s planning policies for England and how these are to be applied. The policies contained within the NPPF are expanded upon and supported by the ‘Planning Practice Guidance’, which was published in March 2014 and has been updated periodically since.
- 7.14 The National Planning Policy for Waste (‘NPPW’) document was published in October 2014. It sets out the Government’s planning policies relating specifically to waste management and should be read in conjunction with the NPPF. The document is relevant for the same reasons as stated in respect of waste planning policy documents and waste policies at local level.
- 7.15 The above documents contain policies that are relevant to the Proposed Development and are therefore a material consideration.
- 7.16 The following, whilst not planning policy documents, also form material considerations:
- BEIS Research Paper No. 19 (2017); and
  - NYCC Annual Monitoring Report 2016/17 (2017).
- 7.17 BEIS Research Paper No. 19 (previously referenced in section 2 ‘Need’ of this report) provides an overview of the use and characteristics of different types of ash, discusses the drivers and barriers to using it, presents an analysis of the projected future availability, and sets out potential solutions. The paper is a material consideration

because it was prepared by the UK Government and provides relevant information in respect of supply and demand.

- 7.18 The NYCC Annual Monitoring Report 2016/17 (the 'AMR 2017') is prepared under the requirements of the Planning and Compulsory Purchase Act 2004 and covers the period 01 April 2016 to 31 March 2017. The AMR, amongst other things, provides information on the current and future supply of minerals in the NYCC administrative area. It is a useful tool in terms of gauging future demand for mineral, including secondary aggregates.

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## 8.0 ASSESSMENT OF THE PROPOSED DEVELOPMENT

### Introduction

8.1 This section provides an assessment of the Proposed Development, in order to consider its compliance with planning policy and other material considerations. The key assessment topics are as follows:

- Principle of development;
- Need, mineral sterilisation and effect on reserves;
- Development within the Green Belt;
- Minerals safeguarding;
- Waste safeguarding;
- Restoration and aftercare;
- Traffic and transport;
- Landscape and visual;
- Biodiversity;
- Amenity and impact on the local community;
- Scale, appearance and design;
- Cultural heritage;
- Flood risk;
- Groundwater and pollution; and
- Other matters.

8.2 The above topics have been influenced by a review of planning policy, including paragraphs 54-56 of the NPPF, Policy 4/1 of the North Yorkshire Minerals Local Plan, Policy 4/1 of the North Yorkshire Waste Local Plan, Policy ENV1 of the Selby District Local Plan, and paragraphs 7 and 8 of the NPPW.

8.3 Furthermore, through consideration of the pre-application advice issued by NYCC, and comments received from the local community and other consultees as part of pre-application consultation.

### Principle of development

#### Policy summary

8.4 A central aim of the NPPF (paragraphs 203 and 204) is to use natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. In order to achieve this aim, the NPPF (paragraph 204) requires that planned and potential sites for recycled and secondary aggregate related uses are safeguarded and that decision makers take account of the positive contribution that secondary and recycled materials have in terms of sustainability and carbon reduction.

8.5 Policy M11 (Supply of alternatives to land-won primary aggregates) of the MWJP states that proposals which would facilitate the supply and use of secondary and recycled aggregates as an alternative to primary land-won aggregate will be permitted, including the supply of secondary aggregate from a waste disposal site, provided it would not

involve disturbance to restored ground or a landscaped feature which has become assimilated into, or is characteristic of, the local landscape, or is of archaeological value.

- 8.6 Policy W01 (Moving waste up the waste hierarchy) of the MWJP states that proposals will be permitted where they would contribute to moving waste up the waste hierarchy through the increased re-use or recycling of waste. The NPPW also sets out support for moving waste up the waste management hierarchy. Policy W09 (Managing power station ash and Incinerator Bottom Ash) states that proposals to increase the utilisation of power station ash as secondary or recycled aggregate or for other beneficial use, in line with Policy M11 of the MWJP, will be permitted.
- 8.7 Saved Policy 7/3 (Re-working of Deposited Waste) of the North Yorkshire Waste Local Plan states that proposals to re-work deposited waste will be permitted only where the proposals represent the best practicable environmental option and re-working would achieve material planning benefits that would outweigh any environmental or other planning harm which might result.
- 8.8 Paragraph 7.17 of the North Yorkshire Waste Local Plan goes on to state “*there may be instances where the re-working of deposited waste is required...where changed economic circumstances support the re-use of deposited waste for example pulverised fuel ash (PFA)*”.
- 8.9 The above policies set out the need for and benefits of secondary/ recycled aggregates and that these need to be balanced against a requirement to avoid unacceptable impacts. Policy D01 of the MWJP sets out a presumption in favour of sustainable minerals development, including where a suitable balance can be struck between benefits resulting from extraction and impacts on the environment. The NPPF, NPPW and Selby District Core Strategy also set out a more general presumption in favour of sustainable development, where a suitable balance can be achieved.

#### Assessment

- 8.10 There is clearly strong in principle support for the use of PFA, particularly in terms of the positive contribution that secondary and recycled materials can make in terms of sustainability and carbon reduction. PFA is used in the construction industry as a sustainable alternative to natural materials, such as sand and limestone. The use of PFA is therefore consistent with the NPPF requirements because it is a recycled material and it also helps the construction industry reduce its carbon emissions.
- 8.11 Having established that there is clear in principle support for the general use of PFA as a secondary/ recycled aggregate, it is necessary to consider the principle of extracting it from a disposal site such as the Gale Common Ash Disposal Site.
- 8.12 The use of PFA from the Gale Common Ash Disposal Site would move a material that was deposited as a waste up the waste management hierarchy; recycling it and reusing it in a beneficial way in accordance with Policies W01 and W09 of the MWDP.
- 8.13 Paragraph 7.17 of the North Yorkshire Waste Local Plan acknowledges that changing economic circumstances may necessitate the re-use of deposited waste. Such circumstances include the Government’s decision to close unabated coal-fired power plants by 2025 and the effect this has had in terms the need to identify alternative domestic sources of PFA.
- 8.14 The general support given to the use of PFA is partially because its use is generally viewed as more sustainable and environmentally beneficial than extracting primary aggregates from new greenfield sites or importing material from abroad, in accordance with Policy 7/3 of the North Yorkshire Waste Local Plan.

8.15 The specific benefits of the Proposed Development include the following (see the Sustainability and Carbon Review that forms part of the planning application for more detail):

- A large deposit of PFA (around 23 million tonnes) is available for extraction from Gale Common Ash Disposal Site; one of the largest in the UK.
- The Gale Common Ash Disposal Site, unlike many similar disposal sites in the UK, has not been fully restored and assimilated into the landscape.
- PFA sourced from Gale Common Ash Disposal Site could be used in a variety of applications, which are broadly separated into non-cementitious uses (block manufacture and grouting for ground stabilisation) and cementitious uses (as a replacement for other materials in cement). Both applications confer significant carbon savings and sustainability benefits, including reducing the use of primary aggregates, reducing the need to import PFA, and contributing to a more circular economy. In some instances, PFA also performs better than alternative materials.
- The potential total carbon savings over the proposed 25-year operational phase of extraction are estimated to be in the order of 84,240 tonnes of carbon dioxide when used in 100% non-cementitious applications.
- Far greater carbon savings are available if the PFA extracted is used in cementitious applications. For instance, if 50% of PFA extracted each year is used in cementitious applications and the remainder in non-cementitious applications, the potential carbon savings could be in the order of 10,966,800 tonnes of carbon dioxide.
- Overall, regardless of exactly how the extracted is used in the construction industry, it is expected that significant carbon savings would be realised through its use. Increasing the capacity of extraction of PFA in the coming years would therefore make a positive contribution to the UK's decarbonisation targets.
- In addition to these carbon savings, increasing PFA extraction at the Gale Common Ash Disposal Site would provide a range of wider sustainability benefits, through contributing to the circular economy in the construction industry, providing up to 47 full-time jobs, and improving resource efficiency via reduced use of primary raw materials.
- Lastly, increasing extraction at Gale Common Ash Disposal Site would help to ensure that the PFA secondary aggregates business is continued as coal power stations in the UK and across Europe close.

8.16 The above comprise material planning benefits that outweigh the environmental impact of the Proposed Development. The ES submitted as part of the planning application demonstrates that the majority of effects are not significant and those that are classed as significant are at most moderate (following mitigation). There are no major adverse effects. The remainder of this section demonstrates why the environmental impacts of the Proposed Development are acceptable, with reference to specific topics.

8.17 On the basis of the above, it is considered that the principle of the Proposed Development at the Site is supported by relevant planning policy.

### **Need, mineral sterilisation and effect on reserves**

#### Policy summary

8.18 Paragraph 203 of the NPPF makes clear that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country

needs. Furthermore, that since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

- 8.19 Paragraph 204 of the NPPF goes on to state that mineral resources should be safeguarded and known locations of specific minerals resources of local and national importance are not sterilised.
- 8.20 The AMR 2017 echoes the above, stating that minerals are important resources which provide essential raw materials for a wide range of industries such as construction, power generation and manufacturing.
- 8.21 The AMR shows that reserves of sand and gravel are below required levels (7 year landbank) in some areas of North Yorkshire. The AMR also shows that PFA sales in North Yorkshire have reached levels as high as 1.6 million tonnes between the years 2005 to 2014, notwithstanding that part of this period was a recession.

#### Assessment

- 8.22 Having considered the above policy, it follows that where unacceptable environmental impacts can be avoided, as is the case when considering the Proposed Development, a mineral resource of national importance should be safeguarded from sterilisation. There is approximately 23 million tonnes of PFA at the Gale Common Ash Disposal Site and any refusal of planning permission may sterilise a resource that is beneficial and could be considered of national importance.
- 8.23 The resource is considered significant on the basis of (firstly) its size (up to around 50% of the national resource of PFA within disposal sites, when considering figures set out in BEIS Research Paper No.19) and (secondly) the significant need for it.
- 8.24 It is demonstrated in section 3 of this report, with reference to BEIS Research Paper No.19, that the combination of the closing of unabated coal-fired power plants and the more difficult circumstances for power plants in the electricity market is expected to greatly reduce the availability of domestically produced direct-use PFA in the near future and possibly even stop it completely. Modelling by the UK Government suggests that there will be a significant shortage of PFA in the short to medium term, if alternatives to domestic direct-use supplies are not identified.
- 8.25 Furthermore, it is not inconceivable to consider that the shortage of primary aggregates (an alternative to PFA) in some part of North Yorkshire (as shown by the AMR) could significantly increase demand for PFA beyond the 1.6 million tonnes of sales stated in the AMR. This amount is significantly higher than the up to 1 million tpa proposed for extraction from the Gale Common Ash Disposal Site as part of the Proposed Development. Indeed, sterilising the resource at the Gale Common Ash Disposal Site could have a significant adverse effect on reserves of a valuable mineral.
- 8.26 On the basis of the above, it is considered that the Proposed Development complies with relevant policies relating to need, mineral sterilisation and effect on reserves.

### **Development within the Green Belt**

#### Policy summary

- 8.27 The location of the Site within the Green Belt is one of the key matters to consider when assessing the planning merits of the Proposed Development.
- 8.28 Paragraph 133 of the NPPF confirms that the Government attaches great importance to Green Belts. Paragraph 144 confirms the five purposes of the Green belt as:

*“a) to check the unrestricted sprawl of large built-up areas;*

- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

- 8.29 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.30 Paragraph 144 goes on to state that:
- “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 8.31 Paragraph 145 confirms that local planning authorities should generally regard the construction of new buildings as inappropriate in the Green Belt, although exceptions to this include buildings for agriculture and forestry; the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments (as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it); the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling in villages; and limited affordable housing for local community needs.
- 8.32 Importantly, paragraph 146 goes on to confirm that mineral extraction is also not inappropriate in the Green Belt provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 8.33 Part 1 (‘Minerals’) of Policy D05 (Minerals and waste development in the Green Belt) of MWLP, echoes the NPPF, stating that development within the Green Belt:
- “will be supported where it would preserve the openness of the Green Belt. Where minerals extraction in the Green Belt is permitted, reclamation and after use will be required to be compatible with Green Belt objectives.”*
- 8.34 Policy GB2 (Control of Development in the Green Belt) of the Selby District Local Plan and Policy SP3 (Green Belt) of the Selby District Core Strategy also echo the NPPF. Policy GB4 (The Character and Visual Amenity of the Green Belt) of the Selby District Local Plan states that proposals for development in the Green Belt, or which are conspicuous from an area of Green Belt, will only be permitted where they would not detract from the open character and visual amenity of the Green Belt.

#### Assessment

- 8.35 Planning policy relating to the Green Belt is clear in stating that mineral extraction, such as that proposed at the Site, can be appropriate in the Green Belt. However, importantly, a proposal is not acceptable simply by being categorised as mineral extraction; rather, it must preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Furthermore, restoration and aftercare should be compatible with Green Belt uses. These are the key policy tests to consider relative to the Proposed Development.

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- 8.36 It is considered that the Proposed Development would not conflict with the purposes of including land within the Green Belt. The location of the Site and nature of the Proposed Development mean that it would not impact on the ability to check unrestricted urban sprawl and would not cause neighbouring towns to merge (the Site is located in a countryside location, remote from towns); it would not impact on the ability to preserve the setting of a historic town (there are none nearby); and it is not specifically related to and would not affect the Green Belt aim of assisting in urban regeneration.
- 8.37 The main Green Belt aim to consider when assessing the Proposed Development is therefore that relating to safeguarding the countryside from encroachment. This should be considered alongside the policy requirement to preserve openness. In order to test these matters, it is necessary to consider the existing baseline and context, in terms of openness and encroachment, and the impact the Proposed Development would have on this.
- 8.38 The landscape and visual impact of the Proposed Development has been given detailed consideration by EPUKI in preparing the planning application and considering the planning merits of the Proposed Development. The assessment is set out in ES Volume I, Chapter 6 'Landscape and Visual Amenity'.
- 8.39 The Gale Common Ash Disposal Site already benefits from mature woodland and boundary vegetation that provides screening, and a maturing restoration scheme within the Stage I ash disposal area which assists in integrating the Gale Common Ash Disposal Site into the surrounding landscape. The vast majority of the vegetation would be retained and maintained for purposes of screening, landscape integration and biodiversity benefit.
- 8.40 The assessment notes that the scale of the Proposed Development is similar to or smaller than existing buildings found in the local landscape, including Eggborough Power Station, Drax Power Station and other industrial structures. However, due to the generally open nature of views and low topography of the study area, the landform at the Gale Common Ash Disposal Site is generally visible from views within and around the study area applied by the assessment, where intervening vegetation and built form allows.
- 8.41 The assessment considers that there would be a reduction in the scale and extent of the overall elevated landform caused by the extraction of materials from the Gale Common Ash Disposal Site. However, the key characteristics associated with the elevated Stage I area would be retained and the influence of the Proposed Development on landscape character would be limited to the localised landscape around the Site.
- 8.42 The assessment concludes that due to the existing industrial character of the setting of the Site and surrounding landscape, it is anticipated that there is a low likelihood that the effects would be sufficient to result in an inherent change to the existing landscape character at local, regional or national scale. From this perspective therefore, it can be concluded that there would be no significant impacts on openness, and encroachment on the countryside is not significant, particularly when considering the existing context.
- 8.43 It is also necessary to consider more localised views around the Site and what impact the Proposed Development might have. Visual effects of the Proposed Development have been assessed (in ES Volume I, Chapter 6) and it is notable that potential significant effects during operation have been identified at three viewpoints. This is due to visibility of the Proposed Development during different phases of operation, a noticeable reduction in landform and a lack of alternative views. The assessment determines that the Proposed Development is likely to result in a short term moderate adverse effect on
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visual amenity at these locations during the operational stage of the Proposed Development.

- 8.44 Importantly, however, it is notable that the 10 other viewpoints considered did not register significant effects and, on this basis, the overall visual impact can be considered not significant. Furthermore, the significant effects would be temporary, and the Gale Common Ash Disposal Site would be progressively restored. It is therefore considered that, on balance, the openness on the Green Belt would be preserved and anticipated impacts as a result of encroachment are not to a degree considered significant enough to conflict with the aims of including land within the Green Belt.
- 8.45 The proposed restoration and aftercare is compatible with Green Belt uses, with the Indicative Landscape and Biodiversity Restoration Plan (60589011-SRP-001) (secured in the Draft Section 106 Agreement) proposing a range of habitats and open areas which are entirely appropriate and consistent with the surrounding landscape.
- 8.46 With regards to the remainder of the Site (aside from Stage I), restoration would be undertaken as soon as practicable. The restoration scheme provides a mixture of habitats to encourage biodiversity, along with pathways and other features to facilitate public access. The wider restoration proposals and public access are secured as part of the Draft Section 106 Agreement. It is considered that the restoration and aftercare proposals are compatible with relevant Green Belt policy.
- 8.47 It is also notable that the new buildings and structures proposed at the Gale Common Ash Disposal Site (e.g. the site office extension, security cabin and driver welfare facilities) comply with paragraph 145 of the NPPF, in terms of comprising what could be considered appropriate development within the Green Belt. This is on the basis that the extensions, alternations and additions do not result in disproportionate additions over and above the size of the original buildings and structures, and the new or replacement buildings and structures would be in the same use and not materially larger than the ones they replace or extend. This is clear when viewing the plans that form part of this planning application.
- 8.48 Notwithstanding the above, EPUKI has reviewed the position in the event that NYCC considers that 'very special circumstances' need to be demonstrated when considering the Proposed Development, and it is considered that such circumstances exist. These include, amongst other things, that the Proposed Development would realise significant sustainability benefits; the mineral resource could be considered of national importance; that the resource was placed in this location and has been successfully managed over many years; and modelling by the UK Government suggests that there will be a significant shortage of PFA in the short to medium term if alternatives to domestic direct-use supplies are not identified. These matters are set out in more detail in section 2 of this Planning Statement and under 'Principle of development' earlier in this section.
- 8.49 For the avoidance of doubt, however, it is considered that it is not necessary to demonstrate very special circumstances in this instance, on the basis that the Proposed Development complies with relevant Green Belt policy at local and national level.

### **Minerals safeguarding**

#### Policy summary

- 8.50 The Site is identified by the MWJP as falling within a 'Safeguarded Surface Mineral Resource Area', specifically allocated for Sand and gravel, and Brick and Clay. Importantly, this is not a site-specific designation, rather it covers a large part of the Selby District.

- 8.51 As a result of falling within this safeguarded area, Policy S02 (Development proposed within Minerals Safeguarding Areas) is relevant. The policy sets out where permission for development other than minerals extraction will be granted and lists the development, other than mineral extraction, that will be granted within Surface Minerals Safeguarding Areas. The criteria include, amongst other things, that it would not sterilise the mineral or prejudice future extraction; or the need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral.

Assessment

- 8.52 Firstly, it is notable that the Proposed Development is for mineral extraction, therefore it arguably complies with the policy in this respect; although, it could also be argued that the Proposed Development does not relate to the type of mineral for which the area is safeguarded.
- 8.53 Notwithstanding the above, the Proposed Development complies with the policy on the basis that it would not permanently sterilise the resource any further than the current situation (noting the existing consents and planning agreements), and it has been demonstrated that there is a significant need for PFA (see section 2 of this Planning Statement), which, amongst other things, forms a sustainable alternative to primary aggregate.

**Waste safeguarding**

Policy summary

- 8.54 The MWJP identifies the Gale Common Ash Disposal Site as a 'Safeguarded Strategic Waste Site'. Policy S03 (Waste management facility safeguarding) of the MWJP states that:

*"Waste management sites identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for waste development, unless:*

- i) The need for the alternative development outweighs the benefits of retaining the site; and*
- ii) Where the site is in active use for waste management purposes, a suitable alternative location can be provided for the displaced infrastructure; or*
- iii) The site is not in use and there is no reasonable prospect of it being used for waste management in the foreseeable future.*

- 8.55 Policy S06 (Consideration of applications in Consultation Areas) of the MWJP requires that where a development proposal is located in a safeguarded area, that NYCC is consulted.

Assessment

- 8.56 The Proposed Development complies with the policy on the basis that the Gale Common Ash Disposal Site is no longer required to be retained in operational use for its permitted waste management purpose, on the basis that the power stations at Eggborough and Ferrybridge 'C' (the historic source of waste) have closed. Furthermore, it has been demonstrated that there is a significant need for the PFA from the Site (see section 2 of this Planning Statement).
- 8.57 EPUKI has consulted NYCC in respect of the Proposed Development and no in principle objection has been raised; rather, in principle support for and potential benefits of using PFA have been acknowledged.

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### Restoration and aftercare

- 8.58 Policy 4/21 (Progressive Restoration) of the North Yorkshire Waste Local Plan states that applications should demonstrate that wherever possible and practicable, progressive restoration will be undertaken to achieve a prescribed after-use or combination of after-uses. Policy 4/22 (Site Restoration) goes on to state that such proposals should demonstrate that the restoration proposals will restore and enhance, where appropriate, the character of the local environment.
- 8.59 Policy 4/23 (Aftercare) of the North Yorkshire Waste Local Plan and Policy 4/20 of the North Yorkshire Minerals Local Plan state, in summary, that permissions subject to conditions requiring restoration to agriculture, forestry or amenity uses will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified after-use.
- 8.60 Part 1 of Policy D10 (Reclamation and Afteruse) of the MWJP states that proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and, where appropriate to the scale and location of the development, have demonstrably (in summary):
- been brought forward following discussion with local communities and other relevant stakeholders and, where practicable, the proposals reflect the outcome of those discussions;
  - taken into account the location and context of the site;
  - provided benefits;
  - provided for progressive, phased restoration where appropriate, providing for the restoration of the site at the earliest opportunity in accordance with an agreed timescale; and
  - provided for the longer-term implementation and management of the agreed form of restoration and afteruse.
- 8.61 Part 2 of the policy goes on to state that proposals that include a focus on biodiversity should promote the delivery of net gains for biodiversity and the establishment of a coherent and resilient ecological network, based on contributing, where practicable, towards established objectives including the creation of suitable habitats, and seeking to deliver benefits at a landscape scale.
- 8.62 Paragraph 171 of the NPPF includes that development proposal, where possible, should include for the provision of green infrastructure. Policy SP12 of the Selby District Core Strategy (Access to Services, Community Facilities and Infrastructure) states that creating new green infrastructure will be strongly encouraged and that these provisions should be secured through conditions attached to the grant of planning permission or through planning obligations. The plan defines green infrastructure as including land for recreation and amenity; and lakes, ponds and wetlands.

### Assessment

- 8.63 The Proposed Development includes a scheme of progressive restoration to an afteruse that provides for biodiversity and recreation. The biodiversity focussed elements have been designed to take account of the existing habitats and species on the Gale Common Ash Disposal Site and in the surrounding area, and to take account of the context of the area from a landscape and visual perspective.
- 8.64 The restoration proposals and extended 10-year aftercare period are secured by the Draft Section 106 Agreement that forms part of the planning application. The progressive

restoration is shown in the Indicative Landscape and Biodiversity Restoration Plan (60589011-SRP-001) and the Gale Common Indicative Phase 1 Plan (60589011-PH-0001) through to Gale Common Indicative Phase 7 Plan (60589011-PH-0007). The planning application boundary has been defined to include the entirety of the Gale Common Ash Disposal Site, following early consultation with NYCC, to provide a consolidated scheme.

- 8.65 ES Volume I, Chapter 7 'Ecology' concludes that restoration of the Site is likely to have a long-term beneficial effect on ecology and nature conservation, including for most of the protected and notable species currently associated with the Site, e.g. great crested newt, badger, breeding birds, reptiles. It is also notable that ES Volume I, Chapter 6 'Landscape and Visual Amenity' concludes that once the Site is restored, it would have a beneficial effect on the local landscape.
- 8.66 Furthermore, it is notable that the restoration and aftercare proposals have been developed in consultation with the local community, particularly the proposals relating to public access. EPUKI has carried out a comprehensive and meaningful pre-application consultation exercise in respect of the Proposed Development. EPUKI took the decision to adopt a three-stage approach to its pre-application consultation with the local community, centred around public events. In addition to the three defined stages, EPUKI undertook a significant amount of other consultation with the local community, prior to and following each of the three stages. Please refer to the Consultation Report that forms part of the planning application for more detail.
- 8.67 EPUKI used the public events as a forum to ask members of the local community what they wanted to see in terms of restoration and aftercare. The overwhelming response was that gaining access to restored parts of the Gale Common Ash Disposal Site for recreational purposes is of significant interest to the local community; a benefit which is not secured by the current scheme. EPUKI added to the Proposed Development following the Stage 1 Consultation to provide early public access to Stage I and to provide public access to other appropriate parts of the Site following restoration (when made safe).
- 8.68 The restoration and aftercare proposals satisfy the relevant policy tests on the basis of being phased where appropriate, providing an extended aftercare period, facilitating the provision of public access and valuable green infrastructure, and providing a beneficial effect to ecology and the local landscape.

### **Traffic and transport**

#### Policy summary

- 8.69 Saved Policy 4/13 (Traffic Impact) of the North Yorkshire Minerals Local Plan states that where rail, waterway or other environmentally preferable modes of transport are not feasible, mining operations other than for coal, oil and gas will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network and would not cause undue disturbance to local communities.
- 8.70 Policy D03 (Transport of minerals and waste and associated traffic impacts) of the MWJP states that where alternatives to road transport are not possible proposals will be permitted where there is existing network capacity, appropriate access arrangements and suitable on-site arrangement. It also states that for proposals which will generate significant levels of road traffic a transport assessment and green travel plan will be required to demonstrate opportunities for sustainable transport and travel were considered and will be implemented where practicable.

8.71 Saved Policy T1 (Development in Relation to the Highway Network) of the Selby District Local Plan states that:

*“Development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer.”*

8.72 Policy T2 (Access to Roads) states that any new access or intensification at an existing access will only be permitted where:

*“There would be no detriment to highway safety and the access can be created in a location and to a standard acceptable to the highway authority”*

8.73 Importantly, paragraph 109 of the of the NPPF stresses that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### Assessment

8.74 In terms of sustainable transport, the Sustainable Transport Feasibility Study submitted as part of the planning application has identified that the Site is located in the vicinity of existing navigable waterways and railway infrastructure, which have potential for use in the transport of PFA subject to the development of additional loading and unloading infrastructure to access these modes of transport. However, at the present time it is not known with certainty where the end-users (i.e. customers) for the PFA would be located or if suitable infrastructure is available at the end-user location. In addition, current extraction volumes do not support the investment required to facilitate the use of barge or rail transport. It is not therefore possible to commit to the use of alternatives to road transport at this time. However, EPUKI has committed to reviewing the viability of transporting PFA by sustainable modes of transport (see section 6 of this report for a suggested condition which would secure this).

8.75 EPUKI carried out an extensive assessment relating to traffic and transport, which is set out in ES Volume I, Chapter 8 ‘Traffic and Transport’. The assessment is based on a scenario where all PFA is exported by road. It considers the current baseline traffic and the additional traffic that would be generated by the Proposed Development once operational; to consider the impact on, amongst other things, highway safety, capacity and amenity. The chapter is supported by a Transport Assessment (‘TA’) presented within Appendix 8A (ES Volume II), which is accompanied by an Interim Travel Plan (an annex to the TA).

8.76 The assessment concludes that the roads that are to be used by the Proposed Development benefit from sufficient capacity and the existing access to Cobcroft Lane is adequate for the proposed use. Furthermore, that the other existing infrastructure at the Gale Common Ash Disposal Site, including internal access roads, is adequate; although, it is notable that EPUKI has included provision to upgrade some site infrastructure at a future date, subject to a commercial decision.

8.77 Notwithstanding the above, the assessment has identified a number of management and mitigation measures, which can be summarised as follows:

- using the shortest route to the motorway for exports – east on Cobcroft Lane/ Whitefield Lane then north on the A19 to the M62;
- limiting delivery hours to 07:00 – 19:00 Monday to Friday and 07:00 – 13:00 Saturday;

- sheeting of HGVs to avoid dirt on the roads;
- advance warning signage to be erected on Cobcroft Lane prior to the Site entrance to warn drivers of the potential for slow turning vehicles;
- on-site wheel washing facility;
- visual inspection of all HGVs before they leave the Site to ensure the exterior of the vehicle is in a clean condition prior to leaving the Site with jet wash facility available;
- contact name and number of site manager for members of the public to contact should there be any issues relating to operational traffic; and
- a community forum meeting will be held quarterly every year where residents will be invited to attend to raise any concerns with EPUKI regarding any issues in relation to HGV traffic.

8.78 The above measures are secured as part of the Operational Traffic Management Plan ('OTMP') (see ES Volume II, Appendix 8A), planning conditions (see section 6 of this report for suggested conditions) and/or legal agreement (see the Draft Section 106 Agreement and section 6 of this report).

8.79 In addition to the above, to mitigate the environmental impact on residential properties at the eastern end of Whitefield Lane of the additional HGVs above a certain threshold, it is proposed to realign the road further to the south and form a new junction with the A19 Selby Road. Furthermore, in order to prevent verge over-running it is proposed to undertake localised widening along some short sections of Cobcroft Lane/ Whitefield Lane that do not meet the minimum width requirements for two HGVs to pass easily. In addition, bend improvements near the Whitley end of Whitefield Lane would be undertaken. These latter measures would improve safety on Cobcroft Lane/ Whitefield Lane.

8.80 The assessment in the ES concludes that there would be no significant traffic and transport effects. Although the assessment considers the Proposed Development to potentially result in significant adverse effects on pedestrian amenity (the pleasantness of the route for pedestrians) on Whitefield Lane and the A19, it is concluded that professional judgement needs to be applied (rather than just a bare numerical assessment), due to the low number of pedestrians using the footway and the low volume of traffic compared to design capacity. This latter point means that whilst the percentage increase in HGVs appears high, this actually reflects the low existing numbers on the road. In addition, an alternative pedestrian route is already provided between Whitefield Lane and the A19 via Whitefield Bungalows. On this basis, the pedestrian amenity effects are not considered to be significant. Nevertheless, EPUKI is committed to undertaking the aforementioned road improvements at the appropriate time. It is notable that the realignment of the eastern end of Whitefield Lane would also avoid significant noise effects on residents along Whitefield Lane.

8.81 It is also notable that EPUKI has proposed that speed limit of Cobcroft Lane and Whitefield Lane is reduced from 60 mph to 40 mph. The decision is ultimately made by NYCC, however necessary funds for a traffic order have been secured by EPUKI in the Draft Section 106 Agreement.

8.82 On the basis of the assessment set out above, it is considered that the Proposed Development complies with relevant planning policy, as there would not be an unacceptable impact when considering traffic and transport.

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## Landscape and visual

### Policy summary

- 8.83 Policy 4/3 (Landscape Protection) of the North Yorkshire Waste Local Plan will only be permitted where there would not be an unacceptable effect on the character and uniqueness of the landscape. Furthermore, wherever possible, proposals should result in an enhancement of the local landscape character.
- 8.84 Policy D02 (Local amenity and cumulative impacts) of the MWLP states that proposals for minerals development will be permitted where it can be demonstrated that there will be no unacceptable impacts as a result of visual intrusion.
- 8.85 The NPPF also includes policy relating to the protection of valuable landscapes and visual amenity.

### Assessment

- 8.86 The landscape and visual impact of the Proposed Development has been given detailed consideration by EPUKI and the proposals include a comprehensive restoration scheme for the entire Gale Common Ash Disposal Site, as required by planning policy. The assessment is set out in ES Volume I, Chapter 6 'Landscape and Visual Amenity'.
- 8.87 The scale of the Proposed Development is similar or smaller than existing buildings found in the local landscape, including Eggborough Power Station, Drax Power Station and other industrial structures. Due to the generally open nature of views and low topography of the study area, the landform at the Gale Common Ash Disposal Site is generally visible from views within and around the study area applied by the assessment, where intervening vegetation and built form allows.
- 8.88 The landscape character assessment has considered that there would be a reduction in the scale and extent of the overall elevated landform caused by the extraction of materials from the Site. However, the key characteristics associated with the elevated Stage I area would be retained and the influence of the Proposed Development on landscape character would be limited to the localised landscape around the Site.
- 8.89 The assessment concludes that due to the existing character of the setting of the Site and surrounding landscape, it is anticipated that there is a low likelihood that the effects would be sufficient to result in an inherent change to the existing landscape character at local, regional or national scale.
- 8.90 Visual effects of the Proposed Development during the operational phase have also been assessed and potential significant effects have been identified at three viewpoints. This is due to visibility of the Proposed Development during different phases of operation, a noticeable reduction in landform and a lack of alternative views. The assessment has determined that the Proposed Development is likely to result in a short term moderate adverse effect on visual amenity at these locations during the operational stage of the Proposed Development. Importantly, however, it is notable that the 10 other views considered did not register significant effects.
- 8.91 Once the Site is restored, it is expected that the comprehensive scheme would actually have a minor beneficial effect on the local landscape. I
- 8.92 On the basis of the above, it is considered the landscape and visual impacts associated with the Proposed Development are not unacceptable and the relevant planning policies have been complied with.

## Biodiversity

### Policy summary

- 8.93 Saved Policy 4/6A (Nature Conservation and Habitat Protection – Local) states that in making decisions, the Mineral Planning Authority will protect the nature conservation of sites with nature conservation interest or importance and have regard to other wildlife habitats. Policy 4/10 (Locally Important Sites) of the Waste Local Plan states that proposals will only be permitted where there would not be an unacceptable effect on the intrinsic interest of protected sites, including SINCS.
- 8.94 Policy D07 (Biodiversity and Geodiversity) of the JMWP states that:  
*“proposals will be permitted where it can be demonstrated that there will be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites and features, Sites of Importance for Nature Conservation, Sites of Local Interest and Local Nature Reserves, local priority habitats, habitat networks and species, having taken into account any proposed mitigation measures.”*
- 8.95 Policy ENV9 (Sites of Importance for Nature Conservation) of the Selby District Local Plan deals with SINCS and seeks to protect such areas. Policy SP18 also seeks to protect SINCS from inappropriate development. Policy ENV9 states that proposals for development which would harm a local nature reserve, a site of local importance for nature conservation or a regionally important geological/geomorphological site, will not be permitted unless there are no reasonable alternative means of meeting the development need and it can be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic local nature conservation value of the site or feature.
- 8.96 Policy SP18 (Protecting and Enhancing the Environment) of the Selby District Core Strategy confirms that SDC will promote effective stewardship of the District’s wildlife by safeguarding international, National and local protected sites for nature conservation, including SINCS, from inappropriate development.

### Assessment

- 8.97 Habitats and species within and close to the Site have been surveyed and the findings are presented in ES Volume I, Chapter 7 ‘Ecology and Nature Conservation’.
- 8.98 There are no national or international designations within or immediately adjacent to the Site, and there are no local level (or other) designations within areas of the Site that are proposed for extraction.
- 8.99 There are two SSSIs within 5 km – Forlorn Hope Meadows SSSI, approximately 3 km to the south, and Brockdale SSSI approximately 3.8 km to the south west. There are no SACs, SPAs, or Ramsar Sites within 5 km of the Site. There are two SINCS (local designations) within the Site (both designated for their ancient woodland habitats):
- Great Lawn Rein, Womersley (a section of Southmoor Wood, 50 m north-east of Stage II ash disposal area); and
  - Grant Spring, Womersley (50 m south-west of Stage III ash disposal area).
- 8.100 For the avoidance of doubt, the above are not within areas of the Site that are proposed for extraction.
- 8.101 The assessment concludes that the Proposed Development has limited potential to result in significant adverse ecological effects, and no significant adverse effects are predicted for the construction phase or operation of the Stage III ash disposal area. Operation of

Stage II and/or Lagoons C and D ash disposal areas has potential to result in short to medium term significant adverse effect on the conservation status of bats, reptiles and terrestrial invertebrates. However, appropriate mitigation can be provided such that the residual effect would not be significant.

- 8.102 Notwithstanding the above, restoration of the Site is likely to have a long-term significant beneficial effect on ecology and nature conservation, including for most of the protected and notable species currently associated with it, e.g. great crested newt, badger, breeding birds and reptiles.
- 8.103 On the basis of the above, it is considered that the Proposed Development would not result in an unacceptable impact on ecology and relevant planning policy is complied with.

### **Amenity and impact on the local community**

#### Policy summary

- 8.104 Policy D02 (Local amenity and cumulative impacts) of the MWLP states that proposals for minerals development will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space including as a result of the following (only matters that are potentially relevance to the Proposed Development have been included):
- noise and vibration;
  - odour, vermin, birds and litter;
  - emissions to air (including dust), land or water;
  - visual intrusion (considered earlier in this section);
  - site lighting;
  - public health;
  - disruption to the public rights of way network; and
  - cumulative effects arising from one or more of the above at a single site and/or as a result of a number of sites operating in the locality.
- 8.105 Proposals will be expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable.
- 8.106 The policy also encourages applicants to conduct early and meaningful engagement with local communities in line with NYCC's Statement of Community Involvement ('SCI') prior to submission of an application and to reflect the outcome of those discussions in the design of proposals as far as practicable.
- 8.107 Similar matter to those listed above, e.g. noise and vibration, are set out in the NPPW (Appendix B).
- 8.108 Policy 4/14 (Local Environment and Amenity Proposals) of the North Yorkshire Minerals Local Plan states that proposals for mining operations and the associated depositing of mineral waste will be permitted only where there would not be an unacceptable impact on the local environment or residential amenity. Policy 4/19 (Quality of Life) of the Waste Local Plan states that proposals will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity.

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Assessment

- 8.109 As required by the above planning policy, EPUKI has carried out a comprehensive and meaningful pre-application consultation exercise in respect of the Proposed Development, primarily focused on the local community, but also including consultation with NYCC and other key consultees. EPUKI has listened to the views expressed by consultees, including the local community, and has made a number of significant changes and additions to the Proposed Development as a result, including a comprehensive regime of impact avoidance, management and mitigation measures, which are set out in Table 5.1 of this Planning Statement.
- 8.110 The approach taken to consultation was akin to the consultation exercise which would have been carried out had the Proposed Development been classified as a Nationally Significant Infrastructure Project, notwithstanding that the Proposed Development does not fall into this category. Further detail in respect of the consultation undertaken, including with the local community is set out in the Consultation Report that forms part of the planning application.
- 8.111 The effect on amenity with regards to specific topics itemised in planning policy are considered below
- Odour, vermin, birds and litter*
- 8.112 Adverse impacts for these aspects are commonly associated with waste management proposals that relate to municipal waste, including food waste. These are not significant when considering the Proposed Development, which relates to the extraction of an inert material.
- Noise and vibration*
- 8.113 EPUKI has carried out an assessment of noise as a result of the Proposed Development, which is set out in ES Volume I, Chapter 10 'Noise and Vibration'. The assessment considers noise from both construction and operation.
- 8.114 The construction aspects of the Proposed Development are limited, primarily because much of the necessary infrastructure already exists at the Site. Standard good practice methods will be employed during the construction stage and the majority of construction works are not expected to result in the production of any significant noise or vibration effects. This is due to the small-scale nature of much of the works, the distance to the closest receptor, and the existing background noise levels.
- 8.115 The noise and vibration assessment has determined that without mitigation, significant effects could occur to some properties during the Whitefield Lane re-alignment construction works. However, the assessment has predicted that by implementing best practice construction methods, and where necessary, solid fencing (imperforate hoarding) around construction areas, it would be possible to reduce construction noise to levels which are not significant.
- 8.116 No significant amounts of vibration or disruption from construction traffic are expected to occur. This is due to the small amount of construction traffic expected to be produced.
- 8.117 During operation, the Proposed Development would require HGVs to export the extracted PFA. Under normal conditions HGV traffic coming into the Site would use the designated HGV route from the M62 onto the A19 at Junction 34. From the A19 traffic would turn onto Whitefield Lane, Whitley and head westbound to the Gale Common Ash Disposal Site. Part of this preferred route along the A19 and Whitefield Lane is located within the village of Whitley, where traffic would travel near to residential

properties and could result in changes to road traffic noise emissions experienced at Noise Sensitive Receptors.

- 8.118 The assessment of operational traffic noise impacts concludes that ash extraction of less than or equal to 420,000 tpa would not result in significant noise effects at any of the identified properties in Whitley. However, it is expected that significant noise effects would occur once extraction exceeds 420,000 tpa, due to the increase of HGVs required to transport ash from the Site. Consequently, to avoid significant operational traffic noise effects at the nearby properties, the realignment of Whitefield Lane before extraction exceeds 400,000 tpa has been incorporated into the design of the Proposed Development.
- 8.119 As a result of PFA extraction at the Site it has been determined that significant effects would be likely to occur at one residential property if on-site operations were to occur at night (2200 – 0700) during the Lagoons C and D extraction phase. Consequently, to remove the possibility of significant noise effects at this property, night time operations would not be conducted during the Lagoons C and D phase (this is secured in the draft conditions, see Section 6 of this Planning Report). No other significant noise or vibration effects are expected to occur as a result of on-site operations.
- 8.120 In summary, it is concluded that no significant construction or operational vibration effects are expected to occur and that by implementing the mitigation measures outlined above, significant noise effects can be avoided during the construction and operation of the Proposed Development. Also, no significant noise or vibration effects are predicted to occur during the restoration phase due to the low volumes of traffic and the small scale of the works required.

*Emissions to air, including dust*

- 8.121 EPUKI acknowledges that the HGVs which would export the PFA would result in increased traffic emissions to air. EPUKI has carried out an operational road traffic assessment which is set out in ES Volume I, Chapter 9 'Air Quality and Greenhouse Gases' and is summarised in the ES Non-Technical Summary. The assessment demonstrates that there would be no exceedance of air quality objectives. At the majority of receptor locations, the Proposed Development would have an imperceptible to low magnitude of impact which would have a negligible effect. At receptors located adjacent to the A19 north of Whitefield Lane, the change would have a minor adverse effect. Negligible to minor adverse effects are not considered to be significant.
- 8.122 Extraction and export of ash has been undertaken at the Site for over 15 years and there are already well-established methods for controlling and monitoring dust. Notwithstanding this, EPUKI also carried out a detailed assessment of dust emissions, also set out in ES Volume I, Chapter 9 'Air Quality and Greenhouse Gases' and summarised in the ES Non-Technical Summary. This assessment accounts for the existing and proposed dust management and mitigation measures described within the Dust Management Plan (Appendix 9B (ES Volume II)). The existing management and mitigation measures on site consist of:
- at least once daily inspection of the site to assess dust blow potential;
  - use of water bowers to dampen haul roads, site roads and working areas during periods of dry weather where work could result in airborne dust;
  - shutting down any faulty plant which is causing airborne dust emissions; and
  - in the event of a complaint from the public, action shall be taken to deal with the source of the complaint.

- 8.123 There is also an extensive range of proposed additional management and mitigation measures to be included in both the design and operation of the Site which include, but are not limited to:
- dust generating activities not fixed by location will, where possible, be located where maximum protection can be obtained from topography, woodland or other sheltering features;
  - a regular inspection of the Site boundary to check for abnormal levels of dust deposition and the transfer of dusty material beyond the site boundary, plus dust monitoring that has been conducted for many years;
  - providing a telephone number for local residents to call in the event of any issue arising; and
  - HGVs will be cleaned with via wheel wash, visually inspected and then, if necessary, cleaned with a jet wash to prevent carrying any dust out of the site.

8.124 The assessment referred to above found that the scale of works, level of mitigation and likelihood of dusty winds experienced at the operational dust sensitive receptors would have a negligible effect which is considered to be 'not significant'. Therefore, no additional operational dust mitigation measures were considered beyond those set out above.

*Public health*

8.125 The concerns regarding human health largely tie into matters referred to above, including air quality and dust. PFA itself, which is widely used in construction in the UK and other countries, is not considered to be hazardous or endanger people's health.

8.126 As set out in earlier in this section, EPUKI carried out assessments regarding the potential impact of HGV emissions on air quality and dust being blown off site. With regards to the air quality, the assessment demonstrated that there would be no exceedance of air quality objectives. At the majority of receptor locations, the Proposed Development would have an imperceptible to low magnitude of impact which would have a negligible effect. At receptors located adjacent to the A19 north of Whitefield Lane, the change would have a minor adverse effect. Negligible to minor adverse effects are not considered to be significant. With regards to dust, the assessment referred to above found that the scale of works, level of mitigation and likelihood of dusty winds experienced at the operational dust sensitive receptors will have a negligible effect which is considered to be 'not significant'.

*Other matters*

8.127 All lighting would be designated to appropriate standards and angled into the Site to prevent spillage and the potential for adverse impacts. There are no public rights of way within or adjoining the Site, therefore no severance or other direct impacts would occur. The ES (Volume I, Chapter 13) includes an assessment of cumulative impacts and not significant adverse effects are anticipated.

8.128 On the basis of the above, it is considered that there would be no unacceptable impacts on amenity or the local community and that the Proposed Development complies with relevant planning policy.

**Scale, appearance and design**

8.129 Policy D/11 of the MWJP states that proposals will be permitted where it has been demonstrated that measures appropriate and proportionate to the scale and nature of

the development have been incorporated in its design, construction and operation, including in relation to management and mitigation.

- 8.130 Policy 4/16 (Ancillary and Secondary Operations) of the North Yorkshire Minerals Local Plan states that the NYCC will expect proposals for operations ancillary or secondary to mineral extraction to be sited, designed and maintained so as to minimise the impact on the environment and local amenity. .
- 8.131 Policy EMP9 of the Selby District Local Plan states that proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map, will be permitted provided:
- the proposal would prejudice highway safety;
  - the nature and scale of the proposal is acceptable; and
  - the proposal would achieve a high standard of design, materials and landscaping.
- 8.132 Policy SP19 (Design Quality) of the Selby District Core Strategy states that proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings.

#### Assessment

The Proposed Development includes a comprehensive regime of impact avoidance, management and mitigation measures, which are set out in Table 5.1 of this Planning Statement. The Proposed Development has been designed as far as possible to avoid adverse impacts and, where necessary, specific mitigation measures have been proposed to reduce anticipated impacts to an acceptable level. The assessment in the ES confirm this.

- 8.133 The restoration and aftercare proposals satisfy the relevant policy tests on the basis of being phased where appropriate, providing an extended aftercare period, facilitating the provision of public access and valuable green infrastructure, and providing a beneficial effect to ecology and the local landscape.
- 8.134 The scheme of extraction has been designed to avoid the areas of Gale Common Ash Disposal Site where restoration has been completed, and other areas which were not previously disturbed. The Gale Common Ash Disposal Site benefits from the necessary infrastructure to facilitate extraction and is designed to facilitate the movement of HGV and plant around the Site.
- 8.135 The Gale Common Ash Disposal Site already benefits from mature woodland and boundary vegetation that provides screening, and a maturing restoration scheme within the Stage I ash disposal area which assists in integrating the Gale Common Ash Disposal Site into the surrounding landscape. The majority of the vegetation would be retained and maintained for purposes of screening, landscape integration and biodiversity benefit.
- 8.136 It should also be considered that the Gale Common Ash Disposal Site is an allocated waste management site and is already used for the purpose of mineral extraction, albeit at a level significantly below that proposed. The Gale Common Ash Disposal Site benefits from a suitable highway access and it has been demonstrated that the Proposed Development would not result in any unacceptable impacts in terms of traffic and transport based on the proposed measures that are incorporated into the Proposed Development.

- 8.137 On the basis of the above assessment, it is considered that the Proposed Development complies with relevant policies relating to scale, appearance and design.

### **Cultural heritage**

#### Policy summary

- 8.138 Policy D08 (Historic Environment) of the JWMP states that proposals will be permitted where it can be demonstrated that they will conserve and, where practicable, enhance those elements which contribute to the significance of the area's heritage assets including their setting.
- 8.139 Policy ENV28 (Other Archaeological Remains) of the Selby District Local Plan deals with sites of known or possible archaeological interest, while Policy SP18 (Protecting and Enhancing the Environment) of the Selby District Core Strategy seeks to safeguard the historic environment of the District. Policy ENV28 states that:

*“(A) Where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application.*

*“(B) Where development affecting archaeological remains is acceptable in principle, the Council will require that archaeological remains are preserved in situ through careful design and layout of new development.*

*“(C) Where preservation in situ is not justified, the Council will require that arrangements are made by the developer to ensure that adequate time and resources are available to allow archaeological investigation and recording by a competent archaeological organisation prior to or during development.”*

- 8.140 Policy SP18 (Protecting and Enhancing the Environment) of the Selby District Core Strategy seeks to conserve, and where possible enhance the historic environment and historic assets of the District.

#### Assessment

- 8.141 There are no designated cultural heritage sites or assets within or immediately adjacent to the Site.
- 8.142 There is one Scheduled Monument within 1 km of the Site (Whitley Thorpe moated Templar grange site), which is approximately 600 m to the south-east of the Site. A second (Womersley medieval settlement remains and Victorian ice house in Icehouse Park) lies just beyond 1 km south west of the Site. There are no Registered Parks and Gardens, Registered Battlefields, conservation areas or listed buildings within 1 km of the Site. The Womersley Conservation Area is located approximately 1 km south the Site with Knottingley Conservation Area approximately 4.5 km to the north-west. All are a sufficient distance away from the Site so as not to be adversely impacted by the Proposed Development.
- 8.143 The nearest known archaeological assets relate to Wood Hall, a non-designated heritage asset, located within the southern section of the Site, well outside of the areas proposed for extraction. Given the extensive disturbance due to the licensed archaeological excavation activities previously undertaken, it is unlikely that any archaeology remains are in situ.
- 8.144 On the basis of the limited archaeological assets present in close proximity to the Site and the nature of the works, 'Cultural Heritage' was scoped out of the EIA, as detailed in the EIA Scoping Report (ES Volume II, Appendix 1A). This was agreed with NYCC in the Scoping Opinion (ES Volume II, Appendix 1B) and, for the avoidance of doubt, no

adverse impacts on cultural heritage are anticipated. It is therefore considered that the Proposed Development complies with relevant planning policy relating to cultural heritage.

### **Flood risk**

#### Policy summary

8.145 The NPPF stresses the importance of considering flood risk when preparing planning applications. Paragraph 163 states that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Furthermore, that development in areas subject to a higher risk of flooding (i.e. Flood Zones 2 and 3) should be avoided where possible and any planning application relating to a site in excess of 1 ha should be accompanied by a flood risk assessment.

8.146 Policy D09 (Water Environment) of the MWJP states that:

*“Proposals for minerals and waste development will be permitted where it can be demonstrated that no unacceptable impacts will arise, taking into account any proposed mitigation, on surface or groundwater quality and/or surface or groundwater supplies and flows.”*

8.147 Furthermore, that:

*“Permission for minerals and waste development on sites not allocated in the Joint Plan will, where relevant, be determined in accordance with the Sequential Test and Exception Test for flood risk set out in national policy. Development which would lead to an unacceptable risk of, or be at an unacceptable risk from, all sources of flooding (i.e. surface and groundwater flooding and groundwater flooding from rivers and coastal waters) will not be permitted.”*

8.148 The flooding related policies in other relevant local and national policy documents are comparable to the above.

#### Assessment

8.149 The Environment Agency’s flood maps identify that the majority of the Site lies within Flood Zone 1 (low risk of flooding). Importantly, this includes all areas where extraction related activities would take place. However, as the Site is larger than 1 ha, a Flood Risk Assessment (‘FRA’) has been prepared in accordance with the NPPF to accompany the planning application (see Appendix 4A, ES Volume II).

8.150 The FRA concludes that the Proposed Development would remain safe from flooding during its lifetime and would not increase flood risk elsewhere. This is on the basis that, in summary:

- the Site is located predominantly in Flood Zone 1, including where extraction activities are proposed;
- the Site is at low risk of flooding from surface water and the risk of flooding from artificial sources and sewers and drainage infrastructure and is low;
- the FRA includes a proposed drainage strategy and it is proposed that further detailed drainage design is secured by planning condition (see section 6 of this report for suggested conditions);
- the risk of flooding from surface water would be managed so as not to increase off-site flooding;

- within the report it has been demonstrated that safe and effective disposal of surface water from the Site is possible, provided any proposed system is appropriately designed and maintained; and
- following implementation of mitigation measures there are considered to be no on or off-Site impacts as a result of the Proposed Development in relation to flood risk.

8.151 It is therefore considered that the Proposed Development complies with relevant planning policy relating to flood risk.

### **Groundwater and pollution**

#### Policy summary

8.152 Policy 4/10 of the North Yorkshire Minerals Local Plan (Water Protection) states that proposals for mining operations and the associated depositing of mineral waste will only be permitted where they would not have an unacceptable impact on surface or groundwater resources. Policy ENV2 of the Selby District Local Plan also provides for the protection of the environment from pollution and contamination.

#### Assessment

8.153 EPUKI consulted the Environment Agency and Danvm Drainage Commissioners regarding the potential of the Proposed Development to affect groundwater and other hydrological and hydrogeological receptors. Following these consultations EPUKI carried out a detailed assessment and identified no significant contamination risks to controlled water.

8.154 Furthermore, there are a number of impact avoidance measures set out in ES Volume I, Chapter 11 'Geology, Hydrology and Land Contamination' which would be employed. These include, but are not limited to:

- reducing the risk to surface water and groundwater from run-off from any contaminated stockpiles during extraction works by sealing stockpiles to prevent rainwater infiltration;
- in the event that contamination is identified during construction works, appropriate remediation measures will be taken to protect water resources;
- retention of the existing landfill liners that are in place at the Gale Common Ash Disposal Site as required for the site environmental permit, at least until the PFA stored above the liners has been removed; and
- any waters removed from excavations by dewatering would be discharged appropriately, subject to the relevant licences being obtained.

8.155 As a result of these measures the assessments concludes that significance of effects related to potential hydrogeological related risks with the Proposed Development during the construction, operation, restoration and post-restoration stages are likely to be minor adverse, and therefore not significant.

8.156 It is therefore considered that the Proposed Development complies with relevant planning policy.

### **Other matters**

8.157 Policy D13 (Consideration of applications in Development High Risk Areas) of the MWJP states that where development is proposed within Development High Risk Areas identified by the Coal Authority, proposals should be accompanied by a coal mining risk

assessment. Chapter 11 'Geology, Hydrology and Land Contamination' considers coal mining risks. No residual impacts of significance have been identified.

- 8.158 A number of the policies in this section refer to the consideration of cumulative impacts. ES Volume I, Chapter 13 'Cumulative Effects and Interactions' has considered a number of other developments within the vicinity of the Site and the potential for cumulative impacts to arise from the other developments together with the Proposed Development. Through consideration of the information available (at the time of assessment), the assessment concludes that aside from one significant adverse cumulative visual effects at one receptor during operation (but no greater than the Proposed Development in isolation), all other assessment topics conclude that there is no potential for significant cumulative effects to arise as a result of the construction, operation or restoration phases of the Proposed Development when considered alongside the other identified developments. The assessment of interactions has therefore not identified any significant interactions.
- 8.159 Policy D12 (Protection of agricultural land and soils) of the MWJP states that development proposals will be required to demonstrate that all practicable steps will be taken to conserve and manage on-site soil resources in a sustainable way. The application includes a soils management plan (ES Volume II, Appendix 11B), which provides for the management of soils in accordance with recognised standards.
- 8.160 It follows that the Proposed Development complies with planning policy relating to the 'Other matters' set out above.

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## 9.0 SUMMARY AND CONCLUSIONS

- 9.1 EPUKI is seeking planning permission to allow for the extraction and export of up to 1 million tpa of PFA from the Gale Common Ash Disposal Site, along with associated development. At present up to 30,000 tpa of PFA is exported from the Site.
- 9.2 PFA of all qualities can be used in a range of construction activities, such as road construction, embankments, general fills, grouting, cement and breeze blocks. It is classed as a recycled/ secondary aggregate, the use of which is supported in principle by planning policy at national and local level.
- 9.3 As set out in this Planning Statement, modelling by the UK Government suggests that there will be a significant shortage of PFA in the short to medium term, if alternatives to domestic direct-use supplies are not identified. The Proposed Development forms a viable alternative and would address the need for PFA, as highlighted by the UK Government. Indeed, EPUKI has received a significant number of expressions of interest for PFA from the Gale Common Ash Disposal Site.
- 9.4 EPUKI has carried out a comprehensive and meaningful pre-application consultation exercise in respect of the Proposed Development, primarily focused on the local community, but also including consultation with NYCC and other key consultees. The consultation with NYCC included a formal request for pre-application advice, along with meetings and email correspondence. EPUKI has listened to the views expressed by consultees, including the local community, and has made a number of significant changes and additions to the Proposed Development as a result, including significant highway improvement and re-alignment works to Whitefield Lane, which forms part of the designated export route from the Gale Common Ash Disposal Site.
- 9.5 It has been demonstrated that the Proposed Development, on balance, complies with planning policy, and that pursuant to the EIA carried out for the Proposed Development the majority of impacts would be not significant. The Proposed Development would also ensure that early public access is provided to the Stage I disposal area (as shown on Figure 1.5 earlier in this report). Additionally, the proposed restoration scheme includes public access to appropriate areas after extraction operations cease on the remainder of the Site (in addition to the Stage I disposal area), which could not otherwise be delivered as it is not permitted by the approved scheme.
- 9.6 These factors, when combined with the significant need for PFA, mean that the planning balance (and in particular when considered in the context of the tests under Section 38(6) Planning and Compulsory Purchase Act 2004) is weighed significantly in favour of the Proposed Development.
- 9.7 In light of the above, it is considered that the Proposed Development is reasonable and appropriate, and that there are no reasons why planning permission should not be granted. It is therefore respectfully requested that planning permission is granted.

## APPENDIX 1: PLANNING HISTORY RECORDS

## Gale Common Planning History

North Yorkshire County Council

<b>Decision Reference</b>	<b>Site Address</b>	<b>Description</b>	<b>Decision Date</b>	<b>Decision</b>
MIN2144	Gale Common Ash Disposal Site	Disposal of ash	21 Sep 1963	Granted
MIN2131	Gale Common Ash Disposal Site	Temporary PFA stockpile	10 June 1987	Granted
MIN2133	Gale Common Ash Disposal Site	Temporary PFA stockpile	10 June 1987	Granted
MIN2149	Gale Common Ash Disposal Site	Buildings for archaeological dig at Woodhall Farm, Womersley	24 May 1988	Granted
MIN2147	Gale Common Ash Disposal Site	Variation of condition under C8/40/33/PA & C8/41/71/PA application to allow the continued removal of cenospheres	15 Jun 1993	Granted
MIN2148	Gale Common Ash Disposal Site	Variation of conditions under C8/40/33/PA & C8/41/71/PA application to allow the continued removal of cenospheres	15 Jun 1993	Granted
MIN2142	Gale Common Ash Disposal Site	Continued removal of cenospheres Section 73 application under C8/40/33A/PA & C8/41/71A/PA	21 Jun 1994	Granted
MIN2135	Gale Common Ash Disposal Site	Continued removal of cenospheres Section 73 application under C8/41/71A/PA & C8/40/33A/PA	21 June 1994	Granted
MIN2143	Gale Common Ash Disposal Site	Continued removal of cenospheres	19 Aug 1994	Granted
MIN2139	Gale	Section 73 application under	19 Aug	Granted

<b>Decision Reference</b>	<b>Site Address</b>	<b>Description</b>	<b>Decision Date</b>	<b>Decision</b>
	Common Ash Disposal Site	condition of Permission No C8/40/33B/PA & C8/41/71B/PA for continued removal of cenospheres	1994	
MIN2137	Gale Common Ash Disposal Site, Cridling Stubbs	Removal of cenospheres from lagoon B via part of lagoon C	27 Jan 1995	Granted
MIN2145	Gale Common Ash Disposal Site, Cridling Stubbs	Removal of cenospheres from lagoon B via part of lagoon C	27 Jan 1995	Granted
MIN2869	Gale Common Ash Disposal Site	Section 73 Application for extension of time under Condition of Permission No. C8/40/33D/PA & C8/41/71D/PA	22 April 1997	Granted
MIN2774	Gale Common Ash Disposal Site	Removal of Cenospheres from Phase 2	30 Sep 1998	Granted
MIN2843	Gale Common Ash Disposal Site	Recovery of cenospheres from the western part of Lagoon B via part of Lagoon C	23 Mar 1999	Granted
MIN3090	Gale Common Ash Disposal Site	Raising of the 'C' lagoon embankment to create additional storage capacity	27 Jul 2000	Granted
MIN3109	Gale Common Ash Disposal Site	Raising of the 'C' lagoon embankment to create additional storage capacity	27 Jul 2000	Granted
MIN3434	Gale Common Ash Disposal Site	Construction of weighbridge	11 Dec 2003	Granted
MIN2140	Gale Common Ash Disposal	Extraction of cenospheres from Phase 1	24 May 2005	Granted

<b>Decision Reference</b>	<b>Site Address</b>	<b>Description</b>	<b>Decision Date</b>	<b>Decision</b>
	Site, Cridling Stubbs			
MIN2141	Gale Common Ash Disposal Site, Cridling Stubbs	Extraction of cenospheres from Phase 1	24 May 2005	Granted
NY/2007/0172/SDL	Gale Common Ash Disposal Site	Proposed extension of ash disposal onto Stage 3 and modifications to Stages 1 and 2 under the terms of the Section 52 Agreement dated 24/04/1986 in connection with Planning permission OG/1376	9 May 2008	Determined

*Selby District Council*

<b>Decision Reference</b>	<b>Site Address</b>	<b>Description</b>	<b>Decision Date</b>	<b>Decision</b>
CO/1988/0050	Wood Hall Farm Womersley	Proposed siting of accommodation for an archaeological dig to include a portacabin for offices, secure wooden hut for work implements and a portaloo	24 May 1988	Permitted
CO/1988/0047	Gale Common Ash Disposal Site Cobcroft Lane Cridling Stubbs Knottingley North Yorkshire	Proposed removal from site of surface lagoon deposits of light weight ash for sale	24 May 1988	Permitted
CO/1987/0023	Gale Common Ash Disposal Site Off Cobcroft Lane Cridling Stubbs	Proposed temporary stockpile of pfa	10 Jun 1987	Permitted
CO/1987/0020	Gale Common	Proposed temporary stockpile of pfa	10 Jun 1987	Permitted

Decision Reference	Site Address	Description	Decision Date	Decision
	Ash Disposal Site Off Cobcroft Lane Cridling Stubbs			
CO/1986/0037	Gale Common Cobcroft Lane Cridling Stubbs Knottingley North Yorkshire WF11 OBB	Proposed transportation of diluted chemical waste from the croda premises at knottingley for disposal on land	23 Oct 1986	Permitted
CO/1986/0038	Gale Common Cobcroft Lane Cridling Stubbs Knottingley North Yorkshire WF11 OBB	Proposed transportation of diluted chemical waste from the croda premises at knottingley for disposal on land	23 Oct 1986	Permitted
CO/1986/0033	Gale Common Cobcroft Lane Cridling Stubbs Knottingley West Yorkshire WF11 OBB	Proposed transportation of diluted chemical waste from the Croda premises at Knottingley for disposal on land at	23 Oct 1986	Permitted

## APPENDIX 2: NYCC'S PRE-APPLICATION ADVICE

J Barnes-Gott  
DWD Property & Planning  
6 New Bridge Street  
London  
EC4V 6AB

**Planning Services**

Growth, Planning and Trading Standards  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AH

Tel: 01609 780780

e-mail: [planning.control@northyorks.gov.uk](mailto:planning.control@northyorks.gov.uk)

[www.northyorks.gov.uk](http://www.northyorks.gov.uk)

**Contact:** Rachel Pillar

Our ref: NY/2018/0220/PRE

2 November 2018

Dear Mr Barnes-Gott

Proposed extraction of pulverised fuel ash at Gale Common, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB on behalf of EP UK Investments

Thank you for your pre-application planning enquiry, in connection with the above proposed development, which was received on 11 October 2018. I have now had the opportunity to examine the contents and understand that the proposed development is for the proposed extraction of pulverised fuel ash from Gale Common. I wish to provide the following advice.

Definition of 'development'

Firstly I can confirm that the proposal is deemed to be development under the Town and Country Planning Act 1990 (Chapter 8) (Part 3) (Section 55) (1), which defines development as: *"the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land"*.

This is because Section 55 (4) (a) clarifies that for *"the purposes of this Act mining operations include (a) the removal of material of any description –*

- (i) *from a mineral-working deposit*
- (ii) *from a deposit of pulverised fuel ash or other furnace ash or clinker; or*  
...

'Permitted development' rights

The proposed development is not considered to be 'permitted development' under the Town and Country (General Permitted Development) Order 2015 Part 17 Class M *'removal of material from mineral-working'* because under M.1 Development not permitted by Class M if- (a) the deposit proposed to be exploited exceeds 2 hectares in size.

## Planning History

A review of the planning history for the proposed development site has returned the following: -

application_number	proposal	received_date	planning_application_1	planning_application_2	decision_date	decision
NY/2007/0172/SDL	Proposed extension of ash disposal	07/02/2007	C8/40/29A/PA	other Selby ref 2007/0194/CPO	09/05/2008	DET
MIN3434	Construction of weighbridge	24/09/2003	C8/40/60A/PA		11/12/2003	GRA
MIN3090	Raising of the 'C' lagoon embankment	25/05/2000	C8/41/71G	C8/40/57	27/07/2000	GRA
MIN3109	Raising of the 'C' lagoon embankment	25/05/2000	C8/40/57	C8/41/71G	27/07/2000	GRA
MIN2843	Recovery of cenospheres from the v	20/01/1999	C8/41/71F/PA		23/03/1999	GRA
MIN2774	Removal of Cenospheres from Pha	18/08/1998	C8/41/106/PA		30/10/1998	GRA
MIN2869	Section 73 Application for extension	07/11/1996	C8/41/71E/PA		22/04/1997	GRA
MIN2137	Removal of cenospheres from lagoon	12/08/1994	C8/40/33D/PA	C8/41/71D/PA	27/01/1995	GRA
MIN2145	Removal of cenospheres from lagoon	12/08/1994	C8/41/71D/PA		27/01/1995	GRA
MIN2143	Continued removal of cenospheres	11/07/1994	C8/41/71C/PA		19/09/1994	GRA
MIN2139	Section 73 application under conditi	11/07/1994	C8/40/33C/PA		19/09/1994	GRA
MIN2135	Continued removal of cenospheres	07/02/1994	C8/41/71B/PA	C8/40/33B/PA	21/06/1994	GRA
MIN2142	Continued removal of cenospheres	07/02/1994	C8/40/33B/PA	C8/41/71B/PA	21/06/1994	GRA
MIN2148	Variation of conditions under C8/40/	23/10/1992	C8/41/71A/PA	C8/40/33A/PA	15/06/1993	GRA
MIN2147	Variation of condition under C8/40/3	23/10/1992	C8/40/33A/PA	C8/41/71A/PA	15/06/1993	GRA
MIN2149	Buildings for archaeological dig at V	25/02/1988	C8/41/72/PA		24/05/1988	GRA
MIN2141	Extraction of cenospheres from Pha	18/02/1988	C8/41/71/PA	C8/40/33/PA	24/05/1988	GRA
MIN2140	Extraction of cenospheres from Pha	18/02/1988	C8/40/33/PA	C8/41/71/PA	24/05/1988	GRA
MIN2133	Temporary PFA stockpile	11/03/1987	C8/40/29/PA	C8/41/15D/PA	10/06/1987	GRA
MIN2131	Temporary PFA stockpile	11/03/1987	C8/41/15D/PA	C8/40/29/PA	10/06/1987	GRA
MIN2146	The transport of diluted chemical wa	10/01/1986	C8/40/27/PA	C8/41/62/PA & C8/42/92/PA	23/10/1986	GRA
MIN2134	Chemical Waste Disposal	08/01/1986	C8/41/62/PA	C8/40/27/PA & C8/42/92/PA	23/10/1986	GRA
MIN2132	Chemical Waste Disposal	08/01/1986	C8/42/92/PA	C8/40/27/PA & C8/42/62/PA	23/10/1986	GRA
MIN2136	Erection of a heavy plant maintenanc	30/06/1980	C8/41/15B		18/08/1980	GRA
MIN2150	Steel-frame storage building	07/09/1977	C8/41/15A		02/11/1977	GRA
MIN2138	Temporary single storey office block	16/01/1976	C8/41/15/PA		10/03/1976	GRA
MIN3007	Erect office & laboratory accommod	07/02/1973	OG.1376/F		17/04/1973	GRA
MIN3004	Building to be used for temporary si	17/10/1966	OG.1376/C		21/10/1966	GRA
MIN3003	Access to Booster & Return Water F	26/05/1966	OG.1376/B		17/06/1966	GRA
MIN3002	Erection of contractors buildings	13/01/1965	OG.1376/A		22/02/1965	GRA
MIN2144	Disposal of ash	01/03/1963	OG/1376		21/10/1963	GRA

Further information on much of the planning history for the site can be accessed via the County Council's Online Planning Register:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

Search 'Application Reference' using the 'NY/...' or 'MIN' reference, however please note that not all cases or documents associated with a case are currently available in an electronic format. Notably, whilst some information regarding the original 1963 permission OG/1376 (MIN2144) and the subsequent Section 52 legal agreement is scanned there are other approvals of restoration and aftercare schemes and amendments to the restoration plans which are currently not in electronic format. For example, the emergency lagoons were permitted to be raised in height in 2000. There was also an integrated land management plan. Unfortunately our paper files are in archive, so if there are any cases which you would like to be retrieved in order to view the information held please let me know and I will organise the retrieval.

## Site Constraints

A constraints check for the proposed development site has identified the following:-

constraint_code	constraint_desc				
ALC	Agricultural Land Classification - Non- Agricultural				
SGZ	Airfield Safeguard Zone -Robin Hood Airport				
IDB	Internal Drainage Board Area - Danvm Drainage Board Commissioners, Shire Group of Internal Drainage Boards - within				
CCA	Coalfield Consultation Area - Notts - within				
SINC	Site of Importance for Nature Conservation - Gale Common Ash Disposal Site - various others within 250 m				
HLS	Historic Landfill Site - Gale Common				
IRZ	Impact Risk Zones for SSSI's - within				
GBELT	Green Belt - within				
PRAIR	Private Airfields - Burn (Gliding), Sherburn in Elmet, Thorne, Walton Wood				
HAMOT	Highways Agency_Motorway - M62 - 80 m N from area of proposed development				
AWOOD	Ancient Woodland - Great Lawn Rein - adjacent East - various others within 250 m				
FZ_2	Environment Agency - Flood Zone 2 - Over 250 m from area of proposed development				
PROW	Public Right of Way_outside National Parks - Footpaths over 250 m from area of proposed development				
FZ_3	Environment Agency - Flood Zone 3 - Over 500 m from area of proposed development				
SAM	Scheduled Ancient Monument - Over 500 m from area of proposed development				
ELTOW	Electricity Towers - Over 500 m from area of proposed development				
ELOVR	Electricity - overhead lines NATIONAL GRID - Over 500 m from area of proposed development				
ELFIB	Electricity - fibre optic network NATIONAL GRID - Over 500 m from area of proposed development				
LBLDG	Listed Buildings - Various over 1000 m from area of proposed development				
NRN	National Rail Network - Over 500 m from area of proposed development				
CNSAR	Conservation Area - Over 1000 m from area of proposed development				
LILA	Locally Important Landscape Area - Over 1000 m from area of proposed development				

## Planning policy and main considerations

In this instance the planning policies and guidance relevant to the determination of a planning application for the proposed development would potentially include the following:-

### National Planning Policy Framework (NPPF) (2018)

- Paragraphs 54-56 within Section 4 (Decision-making)
- Paragraphs 102-104 and 109 within Section 9 (Promoting sustainable transport)
- Paragraphs 124-127 within Section 12 (Achieving Well Designed Places)
- Paragraphs 143- 146 within Section 13 (Protecting Green Belt Land)
- Paragraphs 170, 175, 178, 180 and 183 within Section 15 (Conserving and enhancing the natural environment)
- Paragraphs 203-205 within Section 17 (Facilitating the sustainable use of minerals)

### National Planning Policy for Waste (NPPW) (2014)

- Paragraph 4 and 5 – Identifying Suitable Sites and Areas
- Paragraph 7 and 8 – Determining Planning Applications
- Appendix A – The Waste Hierarchy
- Appendix B – Locational Criteria

### National Planning Practice Guidance (NPPG) (2014 as amended)

- Air Quality
- Design
- Natural Environment
- Noise
- Waste
- Land Stability
- Minerals

- Travel Plans, Transport Assessments and Statements
- Water Supply, wastewater and water quality

'Saved' policies contained within the North Yorkshire Waste Local Plan (2006)

- 4/1 – Waste Management Proposals
- 4/3 – Landscape Protection
- 4/6 – Green Belts
- 4/10 – Locally Important Sites
- 4/18 – Traffic Impact
- 4/19 – Quality of Life
- 4/22 – Site Restoration
- 7/3 – Re-working of Deposited Waste

'Saved' policies contained within the North Yorkshire Minerals Local Plan (1997)

- 4/1 – Determination of Planning Applications
- 4/6A – Nature Conservation and Habitat Protection – Local
- 4/10 – Water Protection
- 4/13 – Traffic Impact
- 4/14 – Local Environment and Amenity
- 4/16 – Ancillary and Secondary Operations
- 4/18 – Restoration to agriculture

Policies contained within the Selby District Core Strategy Local Plan (2013)

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP3 -
- SP13 – Scale and Distribution of Economic Growth;
- SP18 – Protecting and Enhancing the Environment; and
- SP19 – Design Quality.

'Saved' policies contained within the Selby District Local Plan (2005)

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV9 – Sites of Importance for Nature Conservation
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- EMP9 – Expansion of Existing Employment Uses in the Countryside
- GB2 – The Control of Development in the Green Belt; and
- GB4 – The Character and Visual Amenity of the Green Belt.

Please note that the above policy list is not exhaustive and includes extant policies at the time of writing this letter and may be subject to change. From a brief assessment of the development site and the relevant planning policies, it is considered that the key issues pertaining to any future planning application would be:-

- Principle of the Development;
- Mineral sterilisation, effect on reserves;
- Scale, appearance, design;
- Impact upon the open countryside and landscape character;
- Environmental protection & local amenity impacts (vibration, dust, noise);
- Site drainage;
- Flood Risk;
- Access & highway safety & capacity;

- Economic impact;
- Biodiversity & ecological mitigation; and
- Quality of restoration & aftercare, soils handling, protection, storage and re-use

In addition there are also policies within the Minerals and Waste Joint Plan that has been prepared by North Yorkshire County Council, the City of York Council and the North York Moors National Park Authority which although not yet adopted should be given some weight given the progress of the Joint Plan through the Examination in Public process. Whilst there is currently not a date set for the commencement of the consultation on the Main Modifications, there is a document on the [minerals-and-waste-joint-plan-examination](#) webpage which gives an indication on progress towards that stage as at 13 April 2018. It is document LPA/90 in the 'Documents from local planning authorities' section under the Examination documents heading.

The relevant Joint Plan policies are considered to be:

- M11 – Supply of alternatives to land-won primary aggregates
- W01 – Moving waste up the waste hierarchy
- W09 – Managing power station ash and Incinerator Bottom Ash
- S01 – Safeguarding mineral resources
- S02 – Developments proposed within Minerals Safeguarding Areas
- S03 – Waste management facility safeguarding
- S06 – Consideration of applications in Consultation Areas
- D01 – Presumption in favour of sustainable minerals and waste development
- D02 – Local amenity and cumulative impacts
- D03 – Transport of minerals and waste and associated traffic impacts
- D05 – Minerals and waste development in the Green Belt
- D06 – Landscape
- D07 – Biodiversity and geodiversity
- D09 – Water environment
- D10 – Reclamation and afteruse
- D13 – Consideration of applications in Development High Risk Areas

### Consultations

Should a planning application be forthcoming for the proposed development I anticipate that the NYCC internal consultees would be the following:-

- Peter Rowe, Principal Archaeologist, 01609 532316, [archaeology@northyorks.gov.uk](mailto:archaeology@northyorks.gov.uk)
- Julia Casterton, Principal Ecologist, 01609 532093, [ecology@northyorks.gov.uk](mailto:ecology@northyorks.gov.uk)
- John Wainwright, Principal Landscape Architect, 01609 532529, [landscape@northyorks.gov.uk](mailto:landscape@northyorks.gov.uk)
- Paul Roberts 01609 532354 or James Kennedy 01609 532502, NYCC Transport & Development Engineers, [development.control@northyorks.gov.uk](mailto:development.control@northyorks.gov.uk)
- Penny Noake, Principal Definitive Map Officer, 01609 532245, [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk)
- Denis Gregson, NYCC Arboricultural Officer, 01609 535308, [denis.gregson@northyorks.gov.uk](mailto:denis.gregson@northyorks.gov.uk) \*

I anticipate that the external consultees would be the Selby District Council (Planning), the District EHO, the relevant Parish Councils (Womersley, Whitley & Cridling Stubbs), the local member, Network Rail, Yorkshire Water, the local Internal

Drainage Board (IDB), Highways England, Natural England and the Environment Agency. Please note that the above consultee lists are not exhaustive and may be subject to change in the light of the scoping process. You may wish to discuss your proposals and the scope of any specific assessments/reports direct with the relevant consultee, particularly in respect of landscape, ecological and highways impacts.

### Community Involvement

We encourage community involvement in the planning process at an early stage, before an application is submitted. This may take the form of discussions with neighbours, a local exhibition, public meeting, circulation of leaflets, or the creation of a well - publicised dedicated website, including a facility to make comments. Therefore the proposed community involvement which was mentioned at the pre-application meeting in October 2018 is welcomed.

Third party comments should be considered before formalising a proposal and any application, which has undertaken pre application consultation with a community group, should set out the details of the consultation process and how the application has responded.

Further guidance is provided in the County Council's Statement of Community Involvement which can be accessed via the below web link:

<http://www.northyorks.gov.uk/article/27433/Statement-of-community-involvement>

### Environmental Impact Assessment (EIA) Regulations (2017)

Given the area of the site involved I would suggest that, as you intend, the next stage would be for you to submit a formal 'scoping request' to this Authority under the EIA Regulations (2017) to determine the topics that it would be appropriate to include within the environmental statement that will need to accompany the planning application as the development falls within Schedule 1 Part 19 of the regulations 'Quarries and open-cast mining where the surface of the site exceeds 25 hectares'.

### Planning Application Requirements

Should you wish to proceed with the submission of an application, please refer to the **attached** validation checklist which details the information required by the County Planning Authority to validate a planning application. The validation checklist and other useful information can be found at <http://www.northyorks.gov.uk/article/26143/Get-planning-advice-and-guidance>. The webpage also contains a guidance document on how to describe development proposals within the planning application. The purpose of the document is to give helpful guidance on how to clearly, concisely and accurately describe development proposals in order to avoid unnecessary delays and costs. The document will be referred to during the validation of your application. Please also refer to the National validation checklist, a copy of which can be located at <http://planningguidance.planningportal.gov.uk/>.

### Planning Application Forms

We recommend that you apply online via the Planning Portal <http://www.planningportal.gov.uk/PpApplications/genpub/en/CreateApplication> or submit an electronic version of your application direct to NYCC by email to

[planning.control@northyorks.gov.uk](mailto:planning.control@northyorks.gov.uk). Alternatively forms can be downloaded from the NYCC website <http://www.northyorks.gov.uk/article/26175/Planning-application-forms> which you can print out, complete and submit by post to Planning Services, County Hall, Racecourse Lane, Northallerton, North Yorkshire, DL7 8AH.

### Planning Fee

Should you wish to proceed with the submission of a planning application for the proposed development the relevant planning fee category is 10 (1) (b). For the purpose of calculating the planning application fee, this would be based on the site area and the fee would be, given that the site area is likely to exceed 15 hectares, £34,934, plus an additional £138 for each 0.1 hectare in excess of 15 hectares to a maximum of £78,000.

Please note that for the purposes of fee calculations, measurements of floor space of buildings are based on external dimensions. If an application is for the replacement of any existing buildings (or part of) that are to be demolished, no account is taken of the floor area of existing building in the fee calculation only the proposed new floor space.

VAT is not payable on fees for planning applications. Further guidance on planning fees including the Online Fee Calculator is available on the Planning Portal website at the below web link:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whatitcosts>

### Timescale for Determination

The proposal constitutes a 'County Matter' development and if no objections are received the target date for determination would be 16 weeks from the date of receipt of the valid (complete) application as being EIA development. Please note that if a valid planning objection is lodged against the application which cannot be resolved the application would need to be determined at a meeting of the Planning and Regulatory Functions Committee. A list of dates of future meetings of the Planning and Regulatory Functions Committee is available via the below web link:

<http://democracy.northyorks.gov.uk/committees.aspx?commid=12> and I have checked when the next few meetings are after those listed on the website: 14 May 2019, 23 July 2019, 10 September 2019 and 12 November 2019.

### Conclusion

As mentioned at the pre-application meeting in October 2018, one of the potential major policy conflicts to address in any application will be the issues of the scale of the development proposed in terms of the potential supply of secondary aggregate from the site and the impacts of the removal of several landforms of significance (including Stage 2, that part of Stage 3 which has been formed and the area known as the emergency lagoons).from the local landscape and the transport/traffic effects of moving to customers the significant volume of material proposed to be removed from the site per year for a 25 year period. It is therefore not possible to definitively state, at this point in time, whether the proposal is acceptable in principle at an Officer level.

Please note that this advice is an informal opinion based upon the information you have provided and does not constitute a legal determination under any relevant

legislation. This advice is an Officer view provided in good faith but without prejudice to the formal consideration of any future planning application.

If you have any queries regarding any of the above information please do not hesitate to contact me.

Yours sincerely

*Rachel Pillar*

Rachel Pillar  
Senior Planner

## APPENDIX 3: EXAMPLE PLANT

**Screener (indicative):**



**Crusher (indicative):**

**Impact Crushers**  
XV350



**Dump Trucks (indicative):**



**Loading Shovel (indicative):**



## APPENDIX 4: LIST OF PLANS

<b>Buildings and Structures Plans</b>
60589011-IN-DW-001 - Existing Security Cabin Floor Plan and Elevations
60589011-IN-DW-002 - Existing Office Floorplan, Layout and Elevations Plan
60589011-IN-DW-003 - Existing Wheel Wash Layout and Elevations Plan
60589011-IN-DW-004 - Proposed Indicative Processing Plant and Conveyor Plan
60589011-IN-DW-005 - Proposed Diesel Tank Elevations and Layout Plan
60589011-IN-DW-006 - Proposed Driver Welfare Facility Floor Plan and Elevations Plan
60589011-IN-DW-007 - Proposed Office Floorplan Layout and Elevations Plan
60589011-IN-DW-008 - Proposed Security Cabin Floor Plan and Elevations Plan
60589011-IN-DW-009 - Mobile Screener Elevations and Layout Plan
60589011-IN-DW-010 - Proposed Wheel Wash Layout and Elevations Plan
60589011-IN-DW-011 - Existing Weighbridge Plan
60589011-IN-DW-012 - Proposed Weighbridge Plan
<b>Highways and Access Plans</b>
60589011-D-0000-001A - Proposed Cobcroft Lane/Whitefield Lane Widening Works Plan
60589011-DP-0000-SK006C - Proposed Access Arrangement Plan
60589011-DP-0000-SK007C - Proposed Internal Road Access Plan
60589011-DP-0000-SK010C - Proposed HGV Loading Pad Plan
60589011-DP-0000-SK016A - Indicative Final Stage 1 Public Access Vehicular Access and Parking Plan
60589011-DP-0000-SK018A - Existing Access Arrangement Plan
60589011-DP-0000-SK019A - Existing Internal Road Access Plan
60589011-DP-0000-SK020A - Existing HGV Loading Pad Plan
60589011-DP-0000-SK021 - Proposed CCTV Camera Locations and Elevations Plan
60589011-P-016B - Proposed Indicative Whitefield Lane Realignment Plan
<b>Phasing, Cross Section and Restoration Plans</b>
60589011-PH-0001 - Gale Common Indicative Phase 1 Plan
60589011-PH-0002 - Gale Common Indicative Phase 2 Plan
60589011-PH-0003 - Gale Common Indicative Phase 3 Plan
60589011-PH-0004 - Gale Common Indicative Phase 4 Plan
60589011-PH-0005 - Gale Common Indicative Phase 5 Plan
60589011-PH-0006 - Gale Common Indicative Phase 6 Plan
60589011-PH-0007 - Gale Common Indicative Phase 7 Plan
60589011-PH-0009 - Gale Common Indicative Cross Sections AA - EE Plan
60589011-SRP-001 – Indicative Landscape and Biodiversity Restoration Plan
<b>Site Location and Layout Plans</b>
60589011-SP-001 - Site Location Plan
60589011-SLP-001 - Existing Site Layout Plan
60589011-SLP-002 - Short Term Operational Site Layout Plan
60589011-SLP-003 - Long Term Operational Site Layout Plan
<b>Utilities Plans</b>
60589011-U-001A - A19 Whitefield Lane Utility Apparatus Locations Plan
60589011-U-002A - A19 Utility Apparatus Location Plan
60589011-U-003A - Whitefield Lane Utility Apparatus Location Plan
60589011-U-004A - Whitefield Lane Utility Apparatus Location Plan
60589011-U-005A - Whitefield Lane Utility Apparatus Location Plan
60589011-U-006A - Cobcroft Lane Utility Apparatus Location Plan
60589011-U-007A - Cobcroft Lane Utility Apparatus Location Plan
60589011-U-008B - Gale Common Utility Apparatus Location Plan
60589011-U-009A - Gale Common Utility Apparatus Location Plan
<b>Other Plans</b>
60589011-DR-001 - Existing Site Drainage System Plan
60589011-SK-001 - Indicative Interim Stage I Public Access Plan - Overall Plan
60589011-SK-002 - Indicative Final Stage I Public Access Plan - Overall Plan