



FOR TOWN AND COUNTRY PLANNING ADVICE

NY/2019/0091/ENV - The extraction and export of pulverised fuel ash ('PFA') from Lagoons C and D and Stages II and III of the Gale Common Ash Disposal Site and associated development, including the provision of processing plant, extended site loading pad, upgraded site access arrangement and facilities, additional weighbridges and wheel wash facility, extended site office and other ancillary development; highway improvement works on Cobcroft Lane/Whitefield Lane between the site and the A19 and at the Whitefield Lane junction with the A19; and a new access from Cobcroft Lane, car parking and ancillary development in connection with proposals for public access to Stage I.

At land at Gale Common Ash Disposal Site, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB

Report prepared on behalf of: Whitley Parish Council
Date: 11th September 2019



Written Representation

Whitley Parish Council

Project: NY/2019/0091/ENV - The extraction and export of pulverised fuel ash ('PFA') from Lagoons C and D and Stages II and III of the Gale Common Ash Disposal Site and associated development, including the provision of processing plant, extended site loading pad, upgraded site access arrangement and facilities, additional weighbridges and wheel wash facility, extended site office and other ancillary development; highway improvement works on Cobcroft Lane/Whitefield Lane between the site and the A19 and at the Whitefield Lane junction with the A19; and a new access from Cobcroft Lane, car parking and ancillary development in connection with proposals for public access to Stage I.

At: At land at Gale Common Ash Disposal Site, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB

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CONTRACT

This report describes work commissioned by Whitley Parish Council, in September 2019. The Client representative for the contract is John Hunter (Clerk). Report prepared by Katie Atkinson, BA (Hons), Dip TP, MA, MRTPI.

PURPOSE

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1. Introduction

- 1.1 KVA Planning Consultancy has been instructed by the Whitley Parish Council ('WPC') to prepare a written representation to an application for the extraction and export of pulverised fuel ash ('PFA') from Lagoons C and D and Stages II and II of the Gale Comon Ash Disposal Site and associated development, including the provision of a processing plant, extended silt loading pad, upgraded site access arrangement and facilities, additional weighbridges and wheel wash facility, extended site office and other ancillary development; highway improvement works on Cobcroft lane/Whitefield Lane between the site and the A19 and at the Whitefield Lane junction with the A19; and a new access from Cobcroft Lane, car parking and ancillary development in connection with proposals for public access to Stage 1. The proposed site is located at the Gale Ash Disposal Site, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB
- 1.2 Accompanying the application is an Environmental Statement ('ES') and associated appendices and a Planning Statement ('PS'). The application was submitted to North Yorkshire County Council as the Minerals Planning Authority ('MPA') on behalf of EP UK Investments Ltd ('the applicant').

2. Grounds for Objection

- 2.1 Having taken the opportunity to consider the documents submitted on behalf of the applicant in support of the planning application, WPC object to the proposals for the following reasons:
- The detrimental impact of the proposals on the surrounding landscape and countryside;
 - The proposals do not meet the required tests set out in the NPPF in relation to Green Belt;
 - Noise impacts from the proposals; and
 - The detrimental impacts from the proposed transportation routes and highway safety implications.
- 2.2 WPC consider that the proposals are not in conformity with relevant planning policies relating to the above objections and therefore object to the development proposals. Furthermore, they respectfully ask that the application be refused.
- 2.3 The reasons for objection are discussed in further detail within section 4 of this report.

3. Summary of the Proposed Development and Site Context

- 3.1 There is a long history of ash disposal at the application site, dating back to 1963. The applicant helpfully sets out the history of the site in Section 3 and Appendix 1 of the PS which includes details of when ‘extraction’ was first permitted at the site and the relevant permissions associated with the operation.
- 3.2 The application documents also sets out permissions relating to the various restoration schemes as approved by the MPA. Stage 1 of the existing area has been restored in line with the existing planning condition. The application includes a proposal to open the Stage 1 restored site for public recreational access.
- 3.3 The application to be determined deals specifically with ash disposal areas Stages II and III and Lagoons C and D which are currently used as further ash disposal areas. None of these are complete or have been restored to date.
- 3.4 The applicant has set out how operational hours will alter from the present hours of 07:00 to 17:00hrs Mon to Fri and 07:00 to 12:00 on Saturdays to seven days per week 05:00-21:00hrs (potentially in two shifts within those periods) as operations activities increase to 1million tonnes per annum (‘tpa’) from the current approved limit of 30,000 tpa and estimate that 47 permanent jobs will be created as a result of gaining approval for the proposals.
- 3.5 A preferred route for HGV movements has been proposed, stating that should proposals be permitted, during the operational phases, HGV movements would be approximately 266 two-way movements per day, or around 11 HGV arrivals and 11 HGV departures per hour on average, plus operational staff traffic for up to 47 site staff. Furthermore, they have stated that HGV movements exporting materials will be limited to 07:00 to 19:00hrs Monday to Friday and between 07:00 to 13:00hrs on a Saturday to reduce the impact on local communities and the local road network.
- 3.6 The four main activities associated with the extraction process of the phased development is set out in Section 5 of the PS and consist of in summary: Activity 1 – Extraction; Activity 2- Screening (and potentially crushing; Activity 3 – Stockpiling and Loading at the Loading Pad; and Activity 4 – Export off site.
- 3.7 The applicant has stated that only ‘limited’ construction activities would be required to enable the export of PFA to increase given the site already exists – primarily widening and repair works to Cobcroft Lane and Whitefield Lane, widening the site entrance, installation of new plant and equipment an internal site road widening, extension of the HGV loading

pad, installation of lighting columns, installation of new site offices, a new diesel storage tank and associated bunded area and facilities for public access to Stage 1. Other than concrete pouring activities, construction hours would be limited to 08:00 to 18:00hrs Monday to Friday and 08:00 to 13:00hours on Saturdays with no more than 10 two-way HGV movements per average day for a period of two-three months, although during concrete pouring activities this may be upwards of 50 two-way HGV movements per day for one week.

- 3.8 The applicant has suggested that each part of the site would be restored following completion of extraction operations ‘as soon as practicable’ and has submitted indicative plans. It is envisaged that a planning obligation relating to interim and final restoration phasing would be secured to determine timescales and details of the final restoration plan.

Site Context

- 3.9 The site is located within the Selby District Council administrative area and within a Green Belt designation. It is bounded to the north by Cobcroft Lane and the M62 Motorway, woodland, arable land and the village of Cridling Stubbs to the west, woodland and arable land to the south and east. Several (approximately 13) residential properties are located at the eastern of Whitefield lane near the junction with the A19, in the village of Whitley.
- 3.10 The surrounding countryside is mainly in arable usage and is relatively flat apart from the landforms created by the ash disposal site.
- 3.11 The site is located within the Environment Agency’s Flood Zone 1 – defined as land at least likely risk of flooding, although because of its scale, a flood risk assessment has been prepared on behalf of the applicant.
- 3.12 There are no Public Rights of Way (‘PROWs’) within the site, although there are several in the immediate vicinity.
- 3.13 There are no national or international designations within the site area proposed for extraction, although there are two Sites of Special Scientific Interest (‘SSSi’) within 5km of the proposed site, Forlorn Hope Meadows SSSI (3km to the south) and Brockadale SSSI (3.8km to the south west). There are two local designations of Sites of Importance for Nature Conservation (‘SINCs’) within the site – Great Lawn Rein (50m north-east of Stage II ash disposal area) and Grant Spring (50m south-west of Stage III ash disposal area) – both of which are recognised ancient woodlands.
- 3.14 There are no heritage assets within the site. However, Whitley Thorpe moated Templar Grange Site is located 600m to the south-east of the site and the remains of a medieval settlement and Victorian Icehouse (Icehouse Park) lies 1km to the south-west of the site. The

Womersley Conservation Area is located circa 1km to the south of the site and Knottingley Conservation Area is circa 4.5km to the north-west.

- 3.15 The nearest Air Quality Management Area ('AQMA') lies approximately 250m to the north-west of the site. The M62 AQMA, was designated by Wakefield Council due to concerns relating to exceedances of annual average air quality objectives for nitrogen dioxide because of emissions from the strategic motorway.

4. Policy Context

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.2 In February 2019, the Government produced a revised National Planning Policy Framework ('NPPF' or 'the Framework') setting out the Government's planning policies for England and how these should be applied, this replaced the 2012 and 2018 documents and is, therefore, a relevant material consideration to the determination of this application.
- 4.3 The planning system should contribute to achieving sustainable development. The NPPF aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:
- c) *'approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*
- 4.4 Paragraph 213 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).
- 4.5 The Development Plan that this application should be determined against consists of the following documents:
- The saved policies of the North Yorkshire Minerals Local Plan (adopted 1997);
 - The saved policies of the North Yorkshire Waste Local Plan (adopted 2006);
 - The saved policies of the Selby District Local Plan (adopted 2005); and
 - The Selby District Core Strategy Local Plan (adopted 2013).

- 4.6 North Yorkshire County Council, alongside the City of York Council and the North York Moors National Park Authority, are in the process of producing a Minerals and Waste Joint Plan ('MWJP') for North Yorkshire as the MPAs. Once adopted it will set out the planning policies for minerals and waste developments across all three administrative areas. The plan has recently been through Examination in Public, although consultation on any further modifications is awaited in relation to further questions asked by the Inspector. However, due to its advanced stage in preparation, it should be considered a material consideration and given due weight in the planning balance when determining the application in accordance with paragraph 48 of the NPPF. However, until the MWJP has been found sound by the independent Inspector and been adopted by the Council, the above documents remain in force as the Development Plan.
- 4.7 Selby District Council are also in the process of preparing a Sites and Policies Local Plan to deliver the strategic vision set out in the Selby District Core Strategy. However, this Plan is not considered to be at an advanced stage of preparation, therefore, as such cannot be given weight in the determination of the application.
- 4.8 WPC consider that there are sufficient planning policies in the saved policies of the Development Plan and within the emerging MWJP which are aligned to the Framework in order to determine the proposals against, that paragraph 11 of the NPPF is not triggered.
- 4.9 The remainder of this section sets out the main policy assessment for the reasons for objection. The principal of extraction has already been established for part of the site, therefore, the assessment to be made is whether the increased scale and extension in size and associated activities and required infrastructure is acceptable development for this location.

Detrimental impact of the proposals on the surrounding landscape and countryside

- 4.10 The general topography of the surrounding location of the site means that the landforms, particularly the restored Stage 1 mound, are highly visible from the surrounding area, including from the several PROWs located within close proximity of the site.
- 4.11 The applicant's assessment in the Landscape ES chapter clarifies that there are potential significant adverse effects from at least four of the assessed viewpoints during different phases of the operation and activities. Whilst boundary planting may be offered to residents along the properties directly opposite the proposed realigned Whitefield Lane junction on Selby Road (A19) at Whitley to minimise the identified effects, there is no guarantee that this will be taken up by residents and the applicant has not proposed any further mitigation measures.
- 4.12 The assessment has determined that the Proposed Development is likely to result in a significant long-term adverse effect on the users of footpaths during parts of the operation stage. Recreational users of PRoW 35.73/2/1 at Gravel Hill Lane, Whitley (Viewpoint 2) and recreational and road users located to the south-west of the Gale Common Ash Disposal Site

at Fulham Lane, Womersley (Viewpoint 3) will experience adverse significant effects for the duration of operations (17-20 years) in the Stage II disposal area as a result of the close distance and limited screening vegetation.

- 4.13 Properties along Northfield Lane and the north-eastern edges of Cridling Stubbs (Viewpoint 6) will experience adverse significant effects for the duration of operations in the Stage II and III disposal areas as a result of the close distance and limited vegetation which could be for up to 23 years if stages are worked consecutively as indicated is the preference in the PS.
- 4.14 WPC are concerned that the assessment has not considered the long-term cumulative effects of the proposals on the landscape and potential residential and amenity receptors from surrounding properties/footpaths. Nor has there been any landscape assessment of impacts relating to a potential close-boarded fence to be located between a newly aligned road on Whitefield Lane acting as an acoustic barrier at a height of 2m (or upwards) as set out in Chapter 10 of the Applicants ES. Whilst this may offer some acoustic protection to residents nearby, it has not been assessed from a landscape point of view especially considering the long duration of works and thus permanence of the structure.
- 4.15 The NPPF states clearly that decisions should recognise the intrinsic character and beauty of the countryside and protect and enhance valued landscapes. The far-reaching, semi-rural views experienced in this part of the Selby District are indeed valuable to the residents of and visitors to the Whitley Parish area. The WPC are concerned that the increased size of the plant would facilitate a large amount of disruption, particularly to users of pedestrian routes along Selby Road and Whitefield Lane who will experience site traffic, construction works and operational works for potentially the life of the proposal – 29 years plus restoration, which is a significant duration.
- 4.16 Policy SP18 of the Selby District Core Strategy sets out that *'the high quality and local distinctiveness of the natural and manmade environment will be sustained by:*
- 1. Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance...'*
- 4.17 Saved Policy EMP9 of the Selby Local Plan *'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: (inter alia)*
- 2. The nature and scale of the proposal would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests;'*
- 4.18 In a similar way the applicant has not provided enough information to explain how the proposals incorporate measures to improve or create new green infrastructure corridors as directed by national and local policy requirements. In this regard, there seems to be a reliance on the fact that the applicant proposes to provide public access to the restored Stage 1 site –

although does not provide adequate detail on these facilities or an assessment of these within the landscape and restoration strategy either to allow a full assessment suitable for determination of the impacts. Green Infrastructure is not simply about a person's enjoyment of the countryside but also provides clear pathways for biodiversity.

- 4.19 Insufficient information has been submitted in support of the application in relation to the management plans for restoration, therefore, it is not possible to fully determine these elements of the proposal.
- 4.20 Policy SP12 sets out importantly that *'in all circumstances opportunities to protect, enhance and better join up existing Green Infrastructure, as well as creating new Green Infrastructure will be strongly encouraged, in addition to the incorporation of other measures to mitigate or minimise the consequence of development'*.
- 4.21 Paragraph 175 of the Framework explains that *'opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity'*.
- 4.22 WPC are concerned that the applicant has not provided sufficient information to allay fears that the proposed increased size of the site will not have a significant detrimental impact on the surrounding landscape and open countryside and will impact on users and their enjoyment of local pedestrian routes and well-used PROWs in the area which for many are their way of accessing the countryside at this location close to a strategic road network. Furthermore, the applicant has not proposed any extensions to or enhancements of local Green Infrastructure in line with policy. For these reasons, the proposals should be refused.

The proposals do not meet the required tests set out in the NPPF in relation to Green Belt

- 4.23 The location of the site within the Green Belt is a key consideration when determining the proposals. The Government places substantial weight on maintaining and protecting Green Belt land. Paragraph 143 states clearly that *'inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*
- 4.24 Paragraph 146 states that some developments in the Green Belt may not be 'inappropriate' if they *'preserve the openness and do not conflict with the purposes of being included'* within a Green Belt designation (as set out in paragraph 134), it includes within this 'minerals extraction'. However, as the proposed development does not equate to a 'mineral extraction operation' it should not be concluded that it is an 'appropriate development'. It is in fact a 'waste extraction' proposal – (although it is recognised that the proposals involve mineral waste as a secondary product and the utilisation of such is given general support). Thereby, paragraph 143 of the Framework is triggered and the applicant needs to satisfy the MPA that 'very special circumstances' exist.
- 4.25 Policy D05 of the Emerging MWJP is in conformity with the NPPF prescribing that:
'Part 1) - Minerals
Proposals for minerals development within the York and West Yorkshire Green Belts will be supported where it would preserve the openness of the Green Belt and, where the

development would be located within the York Green Belt, would preserve the historic character and setting of York. Where minerals extraction in the Green Belt is Publication Draft Plan Minerals and Waste Joint Plan 168 permitted, reclamation and after use will be required to be compatible with Green Belt objectives.

Part 2) – Waste

Proposals for waste development in the Green Belt, including new buildings or other forms of development which would result in an adverse impact on the openness of the Green Belt or on the purposes of including land within the Green Belt, including those elements which contribute to the historic character and setting of York, will be considered inappropriate. Substantial weight will be given to any harm to the Green Belt and inappropriate waste development in the Green Belt will only be permitted in very special circumstances, which must be demonstrated by the applicant, in which the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations.'

- 4.26 WPC do not agree, therefore, with the applicant at paragraph 8.49 of the PS which sets out that *'it is not necessary to demonstrate very special circumstances'* ('VSC'). It is noted that the Planning Officer at Selby District Council also agrees that the applicant should be required to demonstrate VSC. The applicant has stated that 'if' the MPA considers VSC need to be demonstrated, they rely on the fact that the government suggests there *may* (my emphasis) be a shortfall in PFA should alternatives to domestic use supplies for building products/infrastructure projects and that if that is the case, a total of 44% of PFA from disposal sites should be recovered and used to meet this demand to 2030. However, this is all based on an 'potential' scenario. The applicant acknowledges that there are potential barriers to the extraction of PFA including the potential impact on local communities and the environment.
- 4.27 Whilst it is acknowledged that the Gale Common Ash Disposal Site is not fully restored which must weigh in favour of the development in the planning balance, the increased scale of the operation (covering 312 Ha) and increased vehicular movements associated with the proposals (as set out in paragraph 3.4 above), will result in a significant impact on the local communities and environment for reasons set out within section 4 of this report.
- 4.28 Furthermore, it is considered that the proposals encroach into the countryside at this relatively flat location to such an extent as to fail to comply with the policy test set out in paragraph 146 in that it conflicts with the purposes of being included within the Green Belt and as such must be considered to be harmful development.
- 4.29 Paragraph 141 of the Framework also requires thought to be given to enhancing the *'beneficial use of Green Belts including opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity...'* It is felt that the restoration plans, whilst brief in description of Stage 1 public access, is deficient in promoting opportunities to provide connectivity or further access to the countryside for residents/visitors to the area, particularly by walking or cycling or providing stepping stones

and further Green Infrastructure opportunities as directed by both local and national policy as discussed above.

- 4.30 WPC therefore must conclude that at present the applicant has not demonstrated that VSC exist as to warrant an extension to the site as the Government has not demonstrated that there is such a shortfall and requirement – only that there may be. In any event, it is considered that the proposals do not pass the Green Belt tests and therefore, should be considered harmful and inappropriate development and refused planning permission.

Noise impacts from the proposals

- 4.31 The development proposals assume an operation that will exist for a significant number of years, it is therefore not understood why the applicant requires to commence work at 07.00hrs on a Saturday morning in relation to transportation of materials which will cause nuisance and disturbance to those residents at closest proximity to the site. It is considered that a 09:00hr commencement time would be more suitable at this location and should be conditioned as to restrict movements to that time should the Council be so minded as to approve the proposals.
- 4.32 WPC consider that the applicant has not sufficiently '*reduced to a minimum*' noise levels during that period associated with night-time operations (22:00-07:00hrs) for properties at Grange Meadows and Grange Farm which have been set limits of 42dBa. The Minerals Planning Practice Guidance clearly sets out that 42dBa is an absolute cap and that the onus is on the operator to ensure levels are reduced to a minimum before onerous burden is encountered. It is not considered that the applicant has demonstrated any onerous reason as to why they could not lower noise levels below the threshold of 42dBa and as such the proposals should not be considered acceptable. It is acknowledged that these dwellings are both outside of the WPC administrative area, however, being a relatively small rural parish, WPC are concerned that these impacts will be felt by residents of the 'local area'.
- 4.33 The applicant has, however, fairly noted that noise at 'NSR1' will be significantly adverse resulting from works at lagoons C and D and suggested a later working commencement time of 07:00hrs at this location. This is welcomed, although given the length of working time at these sites (up to 5-6 years) and the proximity of the nearest residents, it is considered that a 08:00hr or 09:00hr start time would be of more benefit and that this should be conditioned. – It should also be considered for NSR2, which may reduce the impact set out in paragraph 4.32 above.
- 4.34 Furthermore, whilst the Parish Council strongly oppose the application in its entirety, it is considered that if permitted, the realignment of Whitefield Road should be considered vital to the protection of the residents closest to the site and those situated along the entire length of the A19, in order to help mitigate projected traffic movements. As such, rather than waiting until export tonnage of PFA reaches 400,000 tpa to trigger realignment, it is felt that this element of the project should be implemented as a priority and thus be elevated to

a pre-commencement style condition. However, the WPC consider that the proposal should not be permitted.

Detrimental impacts from the transportation routes and highway safety implications

- 4.35 Section 9 of the NPPF is very clear that transport issues should be considered at the earliest stages of development proposals to ensure that the potential impacts of development on the transport networks can be addressed and that (amongst other things) opportunities to promote walking, cycling and public transport usage can be identified and that the environmental impacts of traffic and transport infrastructure can be identified assessed and taken into account. Paragraph 108 clearly states that in assessing sites for specific development proposals, it should be ensured that (inter alia): *'safe and suitable access can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'* It even goes as far as stating in paragraph 109 that development should *'only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 4.36 Policy D03 of the emerging MWJP sets out that *'where alternatives to road transport are not possible, proposals will be permitted where is existing network capacity, appropriate access arrangements and suitable on-site arrangement'*. This is in line with saved Policy T1 of the Selby Local Plan which states *'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.'* Saved Policy T2 takes this one step further stating specifically that *'Development proposals which would result in the creation of a new access or the intensification of the use of an existing access will be permitted provided:*
- 1) *There would be no detriment to highway safety; and*
 - 2) *The access can be created in a location and to a standard acceptable to the highway authority.'*
- 4.37 WPC acknowledge that the applicant has considered using existing waterway and railway infrastructure during the development process for the application and welcome the suggested condition 11 set out in section 6 of the applicant's PS, however, believe that this should be extended to include relevant rail authorities in line with policy. Furthermore, WPC consider that it would be beneficial for the MPA to require the applicant to review transportation matters as a whole after every 5 years of operation by way of this condition. This would include assessing the viability of pumping ash slurry back to Eggborough Power Station for transshipment, an operation that the operator indicated to WPC that they would be willing to consider if at all possible. The methods in which materials and produce are transported are going to be required to go through a transition in the next few years in order to adapt in order to combat climate change. A condition requiring a review of transportation

matters at regular intervals during any operation with a long-term project life is considered sensible.

- 4.38 The applicant has proposed a preferred route which uses the shortest route to the motorway for exported material as possible. Whilst it is acknowledged that this is the shortest route to the strategic road network and the motorway, in this instance, WPC strongly objects to this approach. By utilising the proposed approach, the entirety of vehicular movements associated with the site will be forced to traverse through Whitley, which is considered to be wholly unacceptable due to the disturbance and nuisance it will inevitably cause. It is recognised that the applicant proposes to realign the route and widen the access arrangements to allow a two-way passage of vehicles, however, whilst these mitigation measures are welcomed, they are not considered sufficient to mitigate the impacts and noise from 266 vehicular movements per day. The increased number of vehicles along this section of the road will be intimidating for occupants wishing to access or egress their properties and for other users traversing the route, or those using the pedestrian footways to the edge of the road. It is considered that the applicants should not be traversing through the village *at all* in order to get to the strategic road network. However, at the very minimum, should the MPA consider this route is required, then the permission should be conditioned to enforce vehicles to traverse along different routes in order to evenly distribute the disturbance over the lifetime of the operation. This would benefit not only the population of Whitley and other residences along the A19, but also the environment by not concentrating all emissions in one localised area.
- 4.39 The increased number of vehicles will add to those already in existence (by 102%) using this route and increase the potential risk of accident to other road users. This level of percentage increase will effectively double the amount of traffic presently on the road and thus double the impact of noise and level of pollution. Should the Highways Authority deem that capacity is sufficient to withstand the increased number of vehicles, road safety implications should be considered to ensure enough road width and possible safe passing points. The increased traffic would increase the already significant numbers of daily HGVs on the A19 section of the route prior to joining the motorway. The MPA would need to be satisfied that this would not lead to congestion and road safety implications.
- 4.40 Notwithstanding the above, the route passes a children's primary and nursery school which have over 200 pupils on roll. Many of these pupils and their parents and siblings walk along the footpath at the side of this route and must cross the busy A19 to access the schools. By permitting this development, WPC are concerned that the increased levels of vehicular movements will severely impact the users of the school leading to highway safety concerns and potential congestion at such peak times. The route is also busy at these times with commuters to nearby Tunstall Healthcare Group in Whitley Bridge. Furthermore, the school is set in a cutting beneath the A19 and M62 and WPC are concerned that fumes from vehicle exhausts will collect in this area and impact on the children's health.

4.41 The junction of the A19 and Whitefield Lane is already subject to considerable flooding events due to the limited capacity of existing drains along the route. The proposed construction of a parallel road to Whitefield Lane with the consequent increase in the hard-surface area will increase the surface run-off and put increased pressure on the drainage systems thus exacerbating the potential flood risk in the area. The MPA would need to be satisfied prior to any determination that the risk to surrounding land and properties by way of flooding was minimal and properly mitigated against.

4.42 For the reasons set out above, WPC believe that the application should be refused as the proposal is contrary to both local and national planning policies.

Other matters

4.43 Whilst not included in the primary grounds of objection in section 2 of this report and therefore discussed in detail within section 4, WPC also consider that the MPA would need to be satisfied that issues surrounding: the cumulative impacts of the individual phases of the proposed development and cumulatively with other developments within the surrounding area; ecology; cultural heritage; soil protection; and groundwater pollution, are satisfactorily addressed prior to determination.

5. Conclusion

- 5.1 This report has been commissioned by WPC to form the basis of a response to an application submitted on behalf of EP UK Investments Ltd to NYCC, for the extraction and export of pulverised fuel ash ('PFA') from Lagoons C and D and Stages II and II of the Gale Common Ash Disposal Site and associated development, including the provision of a processing plant, extended silt loading pad, upgraded site access arrangement and facilities, additional weighbridges and wheel wash facility, extended site office and other ancillary development; highway improvement works on Cobcroft lane/Whitefield Lane between the site and the A19 and at the Whitefield Lane junction with the A19; and a new access from Cobcroft Lane, car parking and ancillary development in connection with proposals for public access to Stage 1. The proposed site is located at the Gale Ash Disposal Site, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB.
- 5.2 The site has a long history of ash disposal and Stage 1 of the existing site has already been restored. The proposal to extract the ash from the disposal site will increase the site to approximately 312 ha of land and will allow extraction of circa 1 million tpa over the lifetime of the proposal (some 25 years plus). It is accepted that the principal of extraction of PFA has already been established on part of the site.
- 5.3 The proposals will generate substantial traffic (namely HGV) movements during the operational periods – approximately 266 two-way movements per day, plus 47 staff traffic movements.
- 5.4 The proposal will be a noise generating activity and as such the applicant has suggested noise mitigation measures, although WPC has some reservations about the extent to which these limits will mitigate noise.
- 5.5 The primary grounds for objection are set out in section 2 of the report with a detailed policy assessment relating to each reason presented in section 4.
- 5.6 It is not considered that the applicant has demonstrated that very special circumstances exist to warrant the granting of planning permission in a Green Belt for the proposed use and conflicts with the purposes of the designation. The basis for the proposal is based on a 'potential' scenario rather than an understood position of 'need' and as such should not be considered to meet the policy requirements and as such is inappropriate development.
- 5.7 It is requested that the Planning Committee undertake a site visit and see the site and its surrounding locality to understand the concerns prior to determination of this application.

- 5.8 It is, however, respectfully recommended that these proposals be refused for the reasons set out above.

**This report is intended for use
by Whitley Parish Council**