

North York Moors National Park Authority Planning Committee

Public Minutes of the meeting held at The Old Vicarage, Helmsley on Thursday 17 October 2013.

Present: J Bailey, M Bowes, D Chance, Ms A Fisher, B Griffiths, D Hugill, D C Jeffels, Ms S Oswald, J Ritchie, E Sanderson, A Scott, G H Simpson, R I Thompson, P Wheeler

Apologies: Mrs C Patmore, J Walker, B Briggs, Mrs J Mitchell, H Tindall, B Suthers, Mrs H Swiers, Mrs J Frank

Copies of all Documents Considered are in the Minute Book

75/13 Minutes

Resolved:

That the minutes of the meeting held on 19 September 2013, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

75/13 Members Interests

Members were reminded of their responsibility to declare any personal, prejudicial and/or discloseable interests relating to any agenda item prior to its consideration,

76/13 Emergency Evacuation Procedure

The Chairman informed Members of the Public of the emergency evacuation Procedure.

77/13 Proposed Submission Whitby Business Park Area Action Plan

Considered:

The report of the Policy Manager

David Chance advised the Planning Committee that this matter had been discussed at a Scarborough Borough Council Meeting and declared that he withdrew from consideration of the matter at the Scarborough Borough Council Meeting so that he could take part fully in the item when discussed at the Meeting of North York Moors National Park Authority.

Resolved:

That Members noted the comments made during consultation on the Draft Area Action Plan and provided feedback on the responses. Members noted the content of the Proposed Submission Area Action Plan and authorised publication of the Plan followed by submission to the Secretary of State. Members authorised Officers to make any other minor text changes in preparing the document for publication and authorised the Director of Planning in consultation with the Chair of the Authority to agree changes arising from issues raised by the Inspector or other interested parties during the examination of the Plan. For clarification, Members confirmed that they consider consultation to be required between the Director of Planning and the Chair of Planning Committee, not the Chair of the Authority as stated in the recommendation.

78/13 **York Potash Planning Application NYM/2013/0062/MEIA – Update for Members**

Considered:

The report of Director of Planning

The Authority's solicitor Richard Smith declared a conflict of interest in this Item due to his connection with Scarborough Borough Council and left the room.

Resolved:

That Members noted the contents of the report, and congratulated the planning team on the report and progress to date dealing with the York Potash mine application.

79/13 **Miscellaneous Items**

Considered:

The report of the Director of Planning

Resolved:

That the report be noted.

80/13 **Applications for Planning Permission**

The following members of the public addressed the meeting regarding the Plans List Items indicated:

Plans List Item 1 – Paul Foster spoke in favour of the application.

Plans List Item 2 – Paul Foster spoke in favour of the application.

Plans List Item 4 – Paul Elsome spoke against the application.

Plans List Item 5 – Fiona Dickson spoke against the application.

Plans List Item 8 – Jon Zigmond spoke against the application.

Considered:

The report listing applications and the Director of Planning's recommendations thereon. Members also considered further information circulated on the Members' Update Sheet at the meeting including; updated recommendations from the Director of Planning and comments received after the agenda was printed from: consultees, objectors and supporters.

Resolved:

- (a) That with regard to all applications listed in the report and subject to:
- (i) the amendments specified below; and
 - (ii) the imposition of conditions in accordance with the relevant provisions of Sections 91-94 of the Town and Country Planning Act 1990, except in those instances where an alternative condition is contained in the Director of Planning's recommendation or in an amendment referred to in (i) above;
- decisions be given in accordance with the Director of Planning's recommendations:

List No	Plan No and Description of Proposal
1.	<p>NYM/ 2013/0477/EIA – Gas production from existing wellsite for a temporary period (five years), construction of gas conditioning building/plant, water separator building and administration building, connection to the existing LTZ gas pipeline on site, provision of metering facilities, flare and storage tanks and erection of gas engine and associated plant and machinery, creation of hardstanding areas and 2 no. accesses off Ebberston Common Lane together with landscaping and drainage works and means of enclosure at Ebberston Moor 1 Wellsite and Lockton Compound, Ebberston Common Lane, Snainton for Viking UK Gas Limited, fao: Mr John Dewar, Knapton Generating Station, East Knapton, Malton, North Yorkshire, YO17 8JF.</p>
	<p>Decision</p> <p>Approved as recommended with the decision delegated to the Director of Planning to clear conditions in relation to timings of flare stacks, timings of implementation of noise attenuation measures, archaeology if appropriate following discussions with the Authority’s Archaeologist and the receipt of Highway Authority conditions, and with two additional conditions as set out on the Members Update Sheet:</p> <p>8. The permission hereby granted permits the extraction of upto 15 mmscf/d of conventional natural gas only by conventional drilling methods. For the avoidance of doubt it does not permit hydraulic fracturing of any part of the gas reservoir resource.</p> <p>9. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the MPA. The CEMP shall include:</p> <ul style="list-style-type: none"> a. Details of the size, location and design of the compound, including how any potentially polluting materials will be stored to minimise the risk of pollution; b. All fuel/oil to be stored in proprietary tanks with integral bunding with a capacity equal to not less than 110% of the capacity of the tank. Such tanks shall be located on a bunded, impervious hardstanding with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks; c. All replenishment of tanks and containers and all refuelling of vehicles, plant and equipment shall take place within that bunded, impervious hardstanding; d. Details of a protocol to deal with any pollution that may occur during the course of construction e.g. provision of spill kits close to storage areas/compounds. This shall include training staff on how to use these correctly; e. Plant and wheel washing is carried out in a designated area of hard standing at least 10 metres from any watercourse or surface water drain; f. Run-off from plant, wheel and boot washing collected in a sump, with settled solids removed regularly and water recycled and reused where possible; g. A strategy for recycling/disposing of waste resulting from construction works; h. Details of how the requirements of the approved CEMP will be disseminated to all relevant staff/contractors throughout the construction period. <p>Development shall thereafter proceed only in strict accordance with the approved CEMP.</p>

2. NYM/2013/0593/EIA – Gas production from existing wellsite, provision of water storage tank, gas fired heater, pipeline pig trap area, fire water tank (50 cubic metres) and gas-fuelled electrical generator, water separator building, storage tanks and construction of a 15.3 km steel underground pipeline (5.7 km approx. within the National Park) to Knapton Generating Station at Ebberston Moor A Wellsite, Ebberston Common Lane, Snainton for Viking UK Gas Limited, fao: Mr John Dewar, Knapton Generating Station, East Knapton, Malton, North Yorkshire, YO17 8JF.

Decision

David Jeffels declared a personal interest in this item as a substitute Member of North Yorkshire County Council’s Planning Committee and advised that he would abstain from voting so that he can take part fully in the item when discussed at the Meeting of North Yorkshire County Council.

Approved as recommended with the decision delegated to the Director of Planning to clear conditions in relation to timings of flare stacks, timings of implementation of noise attenuation measures, archaeology if appropriate following discussions with the Authority’s Archaeologist, amendment to the condition 6 to remove the wording ‘Within two years of the date of the date of commencement of this development,.....’ and replacement with ‘Before commencement of development,.....’ and replacement of the wording ‘approved lifetime of the mine’ with ‘approved lifetime of the development.’..... and the receipt of Highway Authority conditions, and nine additional conditions as set out on the Members Update Sheet:

10. The development hereby permitted shall not be commenced until such time as a scheme for all has been submitted to, and approved in writing by, the Local Planning Authority:

1. the storage of materials;
2. the storage of chemicals;
3. the storage of oil;
4. the storage of hazardous materials;
5. the pressure testing of the pipeline;
6. the disposal of foul and surface water;
7. the removal and treatment of suspended solids from surface water run-off;
8. the proposed method of working;
9. the proposed phasing of development;
10. the proposed maintenance and after-care of the site;
11. the provision of road and wheel cleaning facilities;
12. the proposed scheme for monitoring.

Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the Local Planning Authority.

11. Notwithstanding the details submitted for the proposed development of the site, there shall be no:

1. de-watering of the site;
2. interruptions to ground or surface water flows

without the written consent of the Local Planning Authority.

12. There must be no raising of ground levels in the flood plain. All excess spoil arising from the works must be removed from the floodplain.

13. Prior to the commencement of any works on site, a scheme to show how the proposed development will lead to a net gain in biodiversity must be submitted to, and approved in writing by the Local Authority. The development must then proceed only in strict accordance with the approved scheme, and any timing/phasing contained therein. Proposals for net gain should be commensurate with the scale of the development.

14. Immediately prior to the commencement of works on site, a pre-construction Water Vole Survey and Mitigation Assessment shall be submitted to, and approved in writing by the Local Authority. The development shall then proceed

	<p>only in strict accordance with the approved scheme.</p> <p>15. An Odour Management Plan be submitted to the Local Planning Authority detailing the precautions to be adopted to prevent gaseous or odour pollution. Such a plan shall be required to be adhered to and approved in writing by the Local Planning Authority prior to commencement of the development.</p> <p>16. The levels of noise emitted from the operational site shall not exceed 60dB(A)LAeq,1 hour, measured at any point on the site boundary, unless otherwise agreed in writing with the Local Planning Authority.</p> <p>17. Before the wellhead sites are commissioned a programme of noise monitoring shall be submitted to and agreed in writing with the Local Planning Authority. The programme shall specify the locations at which noise is to be measured, the method of assessment (which will be in accordance with the relevant sections of BS.4142:1997) and the maximum permissible noise level at each such noise monitoring location. It shall include a requirement that the spectral equivalent continuous noise levels in third-octave bands are measured. A Noise Survey shall be conducted during site commissioning and before the commencement of full commercial operations and the results submitted to the Local Planning Authority for approval in writing. The programme shall include the provision that once the facility is brought into operation, noise measurements shall be conducted on behalf of the operating company as soon as possible on receipt of a written request from the Local Planning Authority. The results of such measurements are to be submitted to the Local Planning Authority within three working days of completion of the Survey. In the event that the predicted noise levels at the site boundary are exceeded, additional attenuation measures shall be taken and further Noise Survey or Surveys conducted until the predicted noise levels are achieved to the written satisfaction of the Local Planning Authority.</p> <p>18. Tonal noise from the gas processing facility shall not be audible outside any residential property in existence at the date of this planning permission. Tonal noise shall be considered to be audible where the level in any third-octave band is 5dB or more in excess of the levels in the two adjacent bands and tonal components are clearly audible.</p>
3.	<p>NYM/2013/0627/FL – Variation of condition 11 of planning approval NYM3/107/0011A/PA to allow agricultural workers dwelling to be used as local needs letting accommodation for a temporary five year period at 1 Abbey Farm Cottage, Rosedale Abbey for Mr Ian David Brown, Pear Tree Cottage, 1 The Green, Sinnington, York, North Yorkshire, YO62 6RZ.</p>
	<p>Decision Approved as recommended.</p>
4.	<p>NYM/2013/0485/FL – Construction of porch to front elevation and 1 no. dormer window to rear elevation at Sycamore Cottage, Appleton le Moors for Mr Philip Trevelyan, Sycamore Cottage, Appleton le Moors, Kirkbymoorside, North Yorkshire, YO6 6TE.</p>
	<p>Decision Jim Bailey declared a personal and prejudicial interest in this item as he is well acquainted with both the applicant and the objector and left the room. Approved as recommended with the decision delegated to the Director of Planning to clear conditions to ensure the dormer window is timber and the side wall of the porch is obscure glazed together with removal of Permitted Development Rights for window replacement to the rear elevation, and with an additional condition as set out on the Members Update Sheet: 7. Doors – Details of Construction to be Submitted</p>
5.	<p>NYM/2013/0534/FL – Construction of ground floor rear extensions following demolition of garden store and utility room at Brook House, Hambleton Lane, Wass for Mr John Jamieson, Brook House, Hambleton Lane, Wass, York, YO61 4BH</p>
	<p>Decision Approved as recommended with the decision delegated to the Director of Planning to clear following the submission of revised plans showing a reduction in size of the scheme and an additional condition requiring the submission of a</p>

	drainage scheme.
6.	NYM/2013/0567/FL – Construction of stone gabions to retain and extend existing hardstanding together with erection of garden shed at land on Staithes Lane, Staithes for Mr Duncan Macdonald, Holme Cottage, Appleton le Moors, York North Yorkshire, YO62 6TE.
	Decision Approved as recommended.
7.	NYM/2013/0594/FL – Erection of replacement picket fence and repainting of front door at 40 West End, Osmotherley for Mr Simon Pitts, 40 West End, Osmotherley, Northallerton, North Yorkshire, DL6 3AA.
	Decision Approved as recommended.
8.	NYM/2013/0541/CU – Change of use of store to form enlarged shop/reception area (no external alterations) (retrospective) at Rosedale Abbey Caravan Park, Rosedale Abbey
	Decision Approved as recommended.