

NORTH YORKSHIRE COUNTY COUNCIL

PLANNING AND REGULATORY FUNCTIONS COMMITTEE

30 OCTOBER 2007

**C8/10/3AB/PA PLANNING APPLICATION FOR CONTINUATION OF CLAY
EXTRACTION AND INFILLING OF RESULTING VOID WITH INERT WASTE TO
PROVIDE MOUNTAIN BIKE SKILLS CENTRE AND ASSOCIATED FACILITIES
AT ESCRICK BRICK WORKS, ESCRICK ON BEHALF OF PLASMOR LIMITED
(SELBY DISTRICT) (ESCRICK ELECTORAL DIVISION)**

1.0 PURPOSE OF REPORT

- 1.1 Plasmor Limited has submitted a planning application for the continuation of clay extraction and infilling of resulting void with inert waste to provide a mountain bike skills centre and associated facilities at Escrick Brickworks, Escrick. The proposal represents a significant alteration to the previously approved after usage therefore the matter should be determined by the Planning and Regulatory Functions Committee.

2.0 BACKGROUND

- 2.1 Escrick Brick and Tile Works is located to the west of the A19 Trunk Road midway between York and Selby. The villages of Escrick and Riccall are located approximately 2 kilometres to the north and south respectively. The site has been in active use as a clay extraction and infilling facility for many years. Although the site is known as a brick works, the manufacture of bricks and tiles ceased in 1991. The brick factory was demolished in 2006.
- 2.2 The applicant, Plasmor Limited, has owned the Escrick Brickworks Site (as shown on the plan attached to this report) for a number of years and the Company continues to extract clay from the site for use in its kilns in the village of Heck, North Yorkshire. The Company wishes to complete clay extraction from the site in order to maintain supply of material to these kilns.
- 2.3 Historically, the brickworks site has been subject to numerous planning consents for the erection of buildings and equipment, the extraction and storage of clay, and the disposal of biodegradable waste by landfilling.
- 2.4 Planning permission was granted by the County Council on 14 January 1992 for an extension to the clay workings together with the backfilling of the void with domestic, commercial and industrial waste (Ref: C8/10/3R/PA).

- 2.5 The area towards the east of the brickworks site, previously occupied by the factory, workshops, offices and product storage area, is currently awaiting development as a small Business Park which was approved consent by Selby District Council on 15 December 2005. Road improvement works are currently underway and it is anticipated that over thirty office and light industrial/commercial units with associated landscape and parking areas will be brought forward.
- 2.6 The application site as a whole extends to some 14.3 hectares however the proposals relate mainly to the western part of the brickworks site which consists of an active clay pit extending to 11.6 hectares. A further 2.2 hectares of the old clay pit has been infilled with biodegradable waste but is not located within the application area. Clay extraction in this western area of the site has taken the base of the excavation down as low as 2 metres below ordinance Datum. Although the majority of the base is currently at around 0.5 metres below ordinance datum the side slopes of the clay pit are relatively steep at a gradient of around 1 in 3 to 1 in 4. Small water areas occupy part of the quarry floor. One of these water areas serves as a sump for water accumulating on site from where it is pumped into the nearby Bentley Park Drain.
- 2.7 The national long distance Cycle Way between York and Selby (a Public Right of Way) runs adjacent to the western boundary of the site where access by cycle would be readily achievable.
- 2.8 The Applicant has stated that in the event of a grant of planning permission in respect of this application, then no further landfilling of bio-degradable waste would be carried out.
- 2.9 A number of residential/commercial properties lie within 250 metres of the clay extraction works and these include five properties at Brickworks House, Brickworks Cottages and West End (220 metres to the east) as well as Glade Farm (230 metres to the south east)
- 2.10 A plan showing the application area and adjoining land within which the Applicant has an interest is attached to this report.

3.0 THE PROPOSAL

- 3.1 The Applicant has requested that in order to complete the clay extraction operations as previously permitted, an extension of the time allowed for working would be necessary. At the Planning Committee meeting of 11 September 2007 a report was presented in respect of the variation of condition no 3 of planning permission reference: C8/10/3R/PA. Members resolved to grant approval for the extension of the clay extraction works up until January 2012.

This application seeks approval for the restoration of the site, following completion of the clay extraction, to a mountain bike skills centre and fitness circuit. Two small residual water bodies will also be created. The application also seeks approval for the remaining voids at the site to be filled with inert waste.

- 3.2 The Applicant puts forward in the supporting statement that, once exhausted of mineral, the void space remaining would gradually fill with water and as a result will lead to the creation of a water body some 6 - 7 metres in depth with steeply sloping margins. The supporting statement concludes that such water bodies are of minimal value to biodiversity and they would also threaten the integrity of the completed landfill cell as the northern and western flanks of the cell would become submerged.
- 3.3 Previous proposals at the site intended to see the site returned to agricultural use with the void being infilled with biodegradable wastes. Given the current pressure at local and national levels to reduce the amount of biodegradable waste being disposed of to landfill the Applicant feels it is unlikely, although still possible, that the site will be restored to a useful purpose by completing the permitted landfilling scheme. The Applicant has therefore undertaken a review of the proposals and considered alternative methods of restoring the site.
- 3.4 As a result of this review the Applicant proposes to continue to infill the site but with inert fill material only. To make this operation economically viable, this would be accompanied by an inert waste recycling facility which would produce secondary aggregates. Following the completion of infilling, the site would be restored to a relatively high level and used as a mountain bike skills centre along with other associated recreational uses such as a 1 kilometre fitness trail and a small fishing lake. Nature Conservation has also been considered in the formulation of the restoration of the Escrick Brickworks Site.

Clay Extraction

- 3.5 As previously stated the extension of time approved by Members at the last meeting on 11 September 2007 allowed for the continued clay extraction which allows the reserves situated in the south-western corner of the site to be extracted up until 2012. The amount of clay to be extracted is expected to be in the region of 120,000 tonnes within an area of excavation of 1.95 hectares to a depth of 10 metres.
- 3.6 Working is to proceed according to current practice which involves the use of two long-reach and one standard excavator in extraction operations with one of these being used for loading clay directly onto road haulage vehicles. The HGVs approach the working face directly from the existing weighbridge area via the haul road running alongside the northern boundary of the existing landfill cell. All HGVs leaving the site do so via the existing wheel wash and weighbridge area.

- 3.7 An average of 50 vehicle movements consisting mainly of 20T vehicles currently come and go from the site each day. These vehicles have direct access onto the A19 Trunk Road. It is unlikely that the approval of this application would give rise to an increase in vehicle movements and hence the situation regarding vehicle movements would remain unchanged.
- 3.8 The proposed operating hours for clay extraction works would be in accordance with the previously approved permission ie 0700 to 1700 Monday to Friday and 0700 to 1300 Saturday with no operations to be carried out on Sundays or Bank Holidays

Inert waste recycling and Secondary Aggregate Production

- 3.9 The standard method of recycling inert waste to produce secondary aggregates is to feed suitable waste through a crusher and then screen it onto stockpiles of various size factions pending transportation off site. This method would be followed in this proposal but with the addition of a secondary crusher and washing plant in order to manufacture a high quality product.
- 3.10 Prior to the installation of crushing and screening equipment the recycling area would be regraded to form a level platform at about 3 metres AOD. The recycling plant would therefore be at a relatively low level compared with neighbouring residential properties, the business park and the Trans Pennine Trail. A low, sympathetically profiled grassed mound of 3 metres in height would also be constructed along the eastern boundary of the recycling area with the aim of further enhancing the visual and acoustic screening of the Business Park area.
- 3.11 In addition to the recycling of construction and demolition waste, soils would also be treated at the site. Material acceptability checks would be carried out at source as well as being inspected at the weighbridge at the site. This would involve the importation of soils from construction sites and the screening out of oversize material. It is then intended that the processed soils would be stockpiled to a maximum height of 5 metres for use both in the restoration of the main part of the site and off-site in general landscaping works, the residual over-size material would be fed into the secondary aggregate production process.
- 3.12 The inert waste recycling facility would remain in place until the rest of the site has been filled to the required levels at which point aggregate washing would cease and levels in the lagoon area would be brought up to final contours. Finally the equipment would be removed from the site and the platform area in turn restored.

Infilling and Phasing

- 3.13 The purpose of infilling the quarry is to secure suitable contours and surfaces for use as a mountain bike skills centre and for the establishment of a fitness trail. It is therefore important that materials are placed in the clay pit so that appropriate gradients are achieved for a variety of cycle hazards, and that appropriate surfaces are provided for the surface of the fitness trail. This may result in wastes with particular characteristics being sorted in the clay pit pending use for a particular purpose. The void created by the mineral extraction operations amounts to 800,000 cubic metres and covers a total area of 11.63 hectares. Only inert waste is proposed to be tipped comprising of construction and demolition waste.
- 3.14 Apart from the occasional requirement to temporarily store waste the normal operating procedure would be for vehicles delivering the waste to discharge their contents at the appropriate point in the current phase. Details of the proposed infilling phases are provided on the attached plan. Whilst operational works continue access to the Mountain Bike Skills Centre will only be gained from the adjacent national cycleway.
- 3.15 During the infilling of the Phase 1 (approximately 3.56 hectares) area a temporary Mountain Bike Skills Centre would be maintained in the western part of the clay pit; this would be separated from the active infill by fencing, bunding and appropriate signage. This pattern of having at least some of the clay pit area available for recreational use at either the lower or upper level would be continued for the duration of the development.
- 3.16 The formation of the upper levels of the restoration profile would entail the careful placing of waste materials and the formation of various features to be used by cyclists and joggers; whilst this 'fine-tuning' of Phase 1 is taking place it will be necessary to open Phase 2 (approximately 2.5 hectares) of the development in order to take wastes unsuitable for the upper levels of Phase 1. It is anticipated that the final restoration of Phase 1 would be completed within 12 months of work commencing in Phase 2.
- 3.17 Prior to the commencement of development in Phase 2 the low level Mountain Bike Skills Centre would be re-located to the Phase 3 area (approximately 1.95 hectares). As previously appropriate boundary enclosure and signage will be erected. As soon as is possible a permanent track for the Mountain Bike Skills Centre would be established on the upper levels of Phases 1 and 2. Infilling would take place from north to south and a surfaced access road would be maintained along the western toe of the landfill cell during and after operations in Phase 3.
- 3.18 Phase 4 of the infilling programme which occupies 1.93 hectares includes the lagoon area associated with the waste recycling operation. Prior to infilling in Phase 4, the washing of aggregates would cease with associated plant being removed from site and lagoons emptied. Infilling would take place from west to east as an extension to the Phase 3 area.

- 3.19 The final phase for infilling, Phase 5, would required the prior cessation of inert waste recycling in this area and the removal of associated plant and equipment. During the development of Phase 5, the Mountain Bike Skills Centre would already be established in Phases 1 and 2 and would be extended to Phase 3 on a permanent basis.
- 3.20 The restoration of Phases 4 and 5 would include the construction of two linked shallow water areas. The most westerly of these would be set aside as a nature conservation area with the eastern lake being used for fishing. In order to provide a suitable lining for these water bodies clay would be stockpiled in the Phase 4 are pending final use.
- 3.21 The application is also supported by a noise assessment, a dust impact assessment, a visual impact assessment and an ecology report and a Great Crested Newt Survey.

4.0 CONSULTATIONS

- 4.1 Selby District Council (Planning) – No objections providing mitigation measures are taken to protect and enhance biodiversity within the context of the development.
- 4.2 Escrick Parish Council – No comments have been received within the requisite time period.
- 4.3 Environment Agency – No objections providing conditions which address drainage and surface water disposal are attached to any approval.
- 4.4 Natural England – No objections however Natural England have requested that any indigenous topsoils and subsoils which might be stored on site should be utilised in a sustainable manner in accordance with the MAFF good practice guide for handling soils.
- 4.5 Highways Agency – No comments have been received within the requisite time period
- 4.6 County Councillor E Casling – No comments have been received within the requisite time period
- 4.7 NYCC Highways Authority – No objections but have made the following comments in relation to the proposal:
- i) There is the potential for vehicle conflict between users of the site for both the household waste recycling centre and the mountain bike skills centre with the construction traffic associated with the proposals for Phase 1 to 4 respectively. Further details demonstrating how the risk of conflict between site vehicles and the general public will be minimised should be submitted for approval.

- ii) Further details will also be required in relation to the potential number of trips associated with the final proposal and the level of car parking provision.

4.8 NYCC's Heritage Unit – No objections and initially recommended a Great Crested Newt Survey be undertaken. Following receipt of the survey the Heritage Unit maintained their suggestion for conditions to protect the variety of species and habitats at the site

5.0 ADVERTISEMENT AND REPRESENTATIONS

5.1 This application has been advertised by means of a Site Notice being posted at the entrance to the site on 16 May 2007 and a press notice being published on 24 May 2007 in the Selby Times.

5.2 No objections have been received as a result of this publicity.

6.0 PLANNING POLICY CONTEXT

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application must firstly be assessed against the relevant policies contained within the extant Development Plan. At present the Development Plan consists of the Minerals Local Plan Saved Policies and the Waste Local Plan which was adopted in 2006. The application must also be assessed against the relevant policies contained within the Selby District Wide Local Plan (Adopted February 2005).

Minerals Local Plan Saved Polices

6.2 In the absence of an adopted Minerals Core Strategy and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the saved policies which where submitted to the Government Office in March 2007 can now be considered as material planning considerations. The relevant policies are listed below and are taken fully into account in Section 7 of this report.

6.3 Policy 4/1 provides details of what the County Council would normally view as being appropriate for consideration during the consideration of an application for extraction operations. The policy reads:

In considering an application for mining operations, the Mineral Planning Authority will need to be satisfied that, where appropriate:-

- a) *the mineral deposit on the application site has been fully investigated;*
- b) *the siting and scale of the proposal is acceptable;*
- c) *the proposed method and programme of working would minimise the impact of the proposal;*

- d) *landscaping and screening has been designed to effectively mitigate the impact of the proposal;*
- e) *other environmental and amenity safeguards would effectively mitigate the impact of the proposal;*
- f) *the proposals and programme for restoration are acceptable and would allow a high standard of restoration to be achieved;*
- g) *a high standard of aftercare and management of the land could be achieved;*
- h) *the proposed transport links to move the mineral to market are acceptable; and*
- i) *any cumulative impact on the local area resulting from the proposal is acceptable.*

6.4 Policy 4/14 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.

6.5 Policy 4/17 looks at the issue of importation of wastes for restoration purposes. The Policy states that:

Proposals for mining operations involving restoration through infilling with imported wastes will only be permitted where

- a) *waste disposal can assist in achieving the most appropriate restored landform; and*
- b) *the transport and disposal of the waste would not have an unacceptable impact on the environment or local amenity*

6.6 Policy 4/20 relates to the aftercare of minerals sites. The policy states that:

Planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity (including nature conservation) will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified afteruse. Normally this requirement will run for a period of five years following restoration. Additionally, where forestry and amenity (including nature conservation) afteruses are proposed, the Mineral Planning Authority may seek to secure longer term management agreements.

Waste Local Plan Adopted 2006

6.7 The adopted Waste Local Plan provides detailed policies and proposals that will guide waste related development in the County. The policies and proposals of the plan relate to waste processing, transfer and recycling facilities together with the disposal of waste. The following policies are considered to be relevant to this application.

6.8 Policy 4/1 sets out the general criteria for waste management proposals it states that:

Proposals for waste management facilities will be permitted provided that:

- a) *the siting and scale of the development is appropriate to the location of the proposal;*
- b) *the proposed method and scheme of working would minimise the impact of the proposal;*
- c) *there would be an unacceptable environmental impact;*
- d) *there would not be an unacceptable cumulative impact on the local area;*
- e) *the landscaping and screening has been designed to effectively mitigate the impact of the proposals in a way that is sympathetic to local landscape character;*
- f) *where appropriate, adequate provision is made for the restoration aftercare and management of the site to an agreed afteruse;*
- g) *the proposed transport links are adequate to serve the development; and*
- h) *other environmental and amenity safeguards would effectively mitigate the impact of the proposal;*
- i) *it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with waste;*
- j) *the location is geographically well located to the source of the waste thereby according with the proximity principle.*

6.9 Policy 4/21 states:

Planning Applications for waste disposal should demonstrate that wherever possible and practicable, progressive restoration will be undertaken to a high standard to achieve a prescribed after-use or combination of afteruses.

6.10 Similarly policy 4/22 states:

Proposals for waste disposal should demonstrate that the restoration proposals will restore and enhance, where appropriate, the character of the local environment.

- 6.11 With regards to reduction, reuse and recovery of waste materials Policy 5/7 is most appropriate when dealing with applications that would involve the disposal of inert waste. The policy states:

Proposals for recycling facilities for construction and demolition wastes will be permitted provided that:

- a) *The proposed site is suitably located within an existing, former or proposed industrial area of a character appropriate to the development; or*
- b) *The proposed site is suitably located within a redundant site or building; or*
- c) *The proposed site is appropriately located within, or adjacent to active or worked quarries or landfill sites; and*
- d) *That where relevant it does not prejudice the restoration and afteruse of the quarry or landfill site; and*
- e) *The highway network and site access can satisfactorily accommodate the traffic generated; and*
- f) *The proposal will not have an unacceptable impact on local amenity or the environment*

- 6.12 Policy 6/1 is applicable when assessing applications relating to landfill proposals. The policy states:

Proposals for additional landfill capacity for the disposal of waste will be permitted provided that:

- a) *it can be demonstrated that there is an overriding need for the development and there are no available alternative methods for treating the waste; or*
- b) *it is required for the restoration of a former mineral void which cannot be satisfactory reclaimed in any other way; and*
- c) *where appropriate, provision is made for the selective recycling of waste; and*
- d) *the highway network and site access can satisfactorily accommodate the traffic generated; and*
- e) *the proposal will not have an unacceptable impact on local amenity or the environment.*

6.13 Policy 6/2 again relates to proposals involving inert waste. It states:

Proposals involving the deposit of inert waste for land improvement schemes will be permitted provided that:

- a) *the proposal will improve derelict or degraded land, enhance the area and result in an overall environmental and amenity improvement; and*
- b) *no other satisfactory means exist to secure the necessary improvement; and*
- c) *the proposal will not have an unacceptable adverse impact on local landscape character, local wildlife habitats and the open countryside; and*
- d) *the proposal will not have an unacceptable impact on local amenity; and*
- e) *the highway network and site access can satisfactorily accommodate the traffic generated.*

6.14 Policy 8/1 is applicable to all planning applications relating to waste disposal it states;

Planning applications should be accompanied by sufficient information to enable an informed assessment to be made of the impact of the proposals. Such information should address, as appropriate, the criteria listed in Policy 4/1. Planning permission will not be granted where insufficient information is supplied.

The Selby District Wide Local Plan (adopted February 2005)

6.15 With regards to the proposed Mountain Bike centre element of the scheme the application must be considered against the relevant policies contained within the Selby District Wide Local Plan. The site is defined as being outside of the settlement limits of Escrick and therefore in planning terms is located in open countryside. Policy DL1 is therefore relevant. Policy DL1 states;

Development in the countryside, outside of the Green Belt and development limits, will only be permitted where the proposal complies with all other relevant policies and the proposal;

- 1) *Would be appropriate in a rural area; or*
- 2) *Involves the reuse, adaptation or extension of an existing building; or*
- 3) *Is required to meet the identified social or economic needs of a rural community; or*

- 4) *Would be of direct benefit to the rural economy including additional small scale employment development and the expansion of existing firms;*

Where development is considered appropriate, it must be located and designed so as not to have a significant adverse effect on residential amenity or the character and appearance of an area and must not harm acknowledged nature conservation interests.

- 6.16 In general terms the Selby Local Plan recognises that recreation and tourism development in principle can be an appropriate countryside use. The most relevant policies are therefore considered to be policies RT3 and RT5. These are outlined in full below:

Policy RT3 - Proposals for sport and recreation development will be permitted, provided:

- 1) *The proposal would not be so intrusive as to seriously detract from the character of the area by virtue of its appearance and associated noise;*
- 2) *The proposals would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;*
- 3) *New buildings or structures would be well designed and appropriately landscaped; and*
- 4) *The facilities are designed in such a way as to allow easy access and active participation by disabled people in sport*

Within areas of green belt, proposals will only be permitted where they relate to uses of land and essential facilities for outdoor sports and recreation which preserve the openness of the green belt and do not conflict with the purposes of including land in it.

Policy RT5 – Proposals for small-scale developments associated with informal public use and enjoyment of the countryside will be permitted provided:

- 1) *The proposal would not be intrusive by virtue of associated noise or appearance and any new buildings or structures would be well screened by existing vegetation or new planting;*
- 2) *The nature and scale of the proposal would be appropriate to the locality;*
- 3) *The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; and*
- 4) *The proposal would not harm acknowledged nature conservation interests or have an adverse effect on adjacent agricultural interests or other land uses.*

National Planning Policy

- 6.17 With regards to this application the relevant national planning policy guidance is contained within a variety of Planning Policy Statements (PPS), Planning Policy Guidance (PPG), Mineral Policy Statements (MPS) and Mineral Policy Guidance (MPG) documents. The relevant Regional Policies are contained in this case in the Regional Planning Guidance for the Yorkshire and Humber and the emerging Regional Spatial Strategy. The majority of this guidance encourages the restoration of minerals works to be of a high standard both in terms of design and impact on the environment. The documents also encourage the appropriate recycling of waste materials.

7.0 PLANNING AND POLICY CONSIDERATIONS

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 In this instance it is therefore important to consider the relevant saved policies of the North Yorkshire Minerals Local Plan, the North Yorkshire Waste Local Plan and the Selby District Local Plan. Whilst the full planning policy context is outlined above in general the policies seek to protect the amenity of the surrounding environment as well as the amenity of the general public and surrounding neighbours.
- 7.3 In addition to the guidance contained within these policies the fact that the site is currently in use as an active quarry is also a material planning consideration.
- 7.4 As part of the application and as described in paragraph 3.21 above the applicant has provided a supporting statement, a noise assessment, a dust impact assessment, a visual impact assessment and an ecology report. These documents have been assessed by the County Council's internal consultees, the Environment Agency, the Highways Agency and have also been available to members of the public since April 2007. No objections have been received.
- 7.5 As stated above in granting approval for the variation of condition no. 3 of application ref: C8/10/3AA/PA the extension of the clay extraction facility has been agreed. In assessing this application the main issues are therefore considered to be the acceptability of the mountain bike centre and the creation of the water bodies in terms of their effect on the environment and the open countryside and the acceptability of the infilling of the redundant voids with inert waste.

Infilling

- 7.6 The Escrick Brickworks has been used in the past as a landfill site for biodegradable and other wastes including some asbestos. The south-eastern corner of the clay pit has been filled with approximately 150,000 tonnes of waste which is now contained in a cell which was lined along its base and sides and also capped. Landfilling in this area was discontinued in 1996.
- 7.7 With regards to the current proposals the applicant has suggested in the supporting statement that in order to make the proposals viable and in order to achieve a more balanced biodiversity the infilling of the redundant voids will be required. Policy 4/22 of the Waste Local Plan and Policy 4/17 of the Saved Minerals Policies require applicants to demonstrate that restoration proposals will restore and enhance the character of the local environment. In this case following the completion of the clay extraction the void space which would be created would as suggested above eventually fill with water. This would lead to the creation of a water body some 6 - 7 metres in depth with steeply sloping margins. Such an impact would not be desirable both in terms of creating a sustainable environment for wildlife and in terms of public safety.
- 7.8 As such in order to comply with the wider context of Policies 4/22 of the Waste Local Plan and 4/17 of the Minerals Local Plan the voids would need to be filled with an appropriate material. In this case inert waste is considered to be the most appropriate form of infilling as the varying contours needed for the creation of the mountain bike and fitness circuits could be adequately achieved.
- 7.9 The use of the site for infilling with inert waste is also in accordance with policy 5/7 of the Waste Local Plan as the site forms part of an actively worked quarry.

Creation of mountain bike centre, fitness trail and water bodies

- 7.10 The County Council's Development Plan is generally supportive of schemes which would enhance the character of quarries once extraction has ceased. In this case the application seeks approval for the creation of a mountain bike centre, fitness trail and two small residual water bodies in the locations shown on the attached plan. The phasing of the proposed works is described in detail in Section 3 above.
- 7.11 In addition to the hard landscaping works which would lead to the creation of the mountain bike and fitness circuits the proposals also seek approval for the creation of two residual water bodies. Following the creation of these ponds the nature conservation interest of the site would begin to be developed. The Council's ecologist has advised that care would need to be taken to keep the ponds hydrologically distinct as the introduction of fish would involve a different nutrient enrichment that could potentially prevent the successful breeding of Great-crested Newts which are protected species.

The ecologist has also suggested a condition which would protect any breeding birds from disturbance caused by the ground works or vegetation clearance and has questioned how the site will be managed in the long term. There is merit in the suggestion of retaining hydrological distinction between the two proposed water bodies and as such this should be addressed at the stage of submission of the final restoration details. Based on the Ecologist's comments, it is considered that conditions requiring a) the submission of a management plan and b) requiring that no ground works or vegetation clearance is undertaken between 1 March and 31 August unless the area has been checked for breeding birds, should be attached to any approval of planning permission.

- 7.12 As stated above with regards to the effect of the proposals on the open countryside the applicant has submitted supporting noise, dust and visual impact reports. The contents of these reports have been assessed and accepted by the Council's internal consultees. Given that the site is currently in use as an active quarry there is currently a certain amount of noise and dust implications associated with the site.
- 7.13 With specific regards to the restoration proposals current noise impact associated with the site and the impact that would be created through the infilling processes will not exceed the background noise level by more than 10dB(a) at any noise sensitive property. The noise associated with the Mountain Bike Skills Centre is expected to be significantly less and hence in conclusion it is not considered that the existing or proposed noise levels would be detrimental to the amenity of the surrounding neighbours. This is in line with the thrust of the relevant planning policies.
- 7.14 With regards to the impact on visual amenity of the area due regard must be made to the fact that the site is currently in use as an active quarry. The recent planning approval issued by Selby District Council for the erection of a small business park and the fact that the A19 and the former east coast railway line run to the east and west of the site respectively must also be taken into account. Mitigation measures such as further planting could potentially improve the quality of the landscape and therefore a condition requiring full landscaping details to be provided should be attached to any approval. Ground levels are expected to be restored to similar levels in the immediate vicinity and therefore the restoration works are considered to have a limited impact on the landscape. This would be in accordance with Policy DL1 of the Selby District Local Plan.
- 7.15 As part of the Council's consultation procedure Selby District Council were consulted on this application. The District Authority has considered the proposals for the recreational element of the scheme and considers them to be broadly in line with policies RT3 and RT5 of the Selby District Local Plan. As such the District Authority has no objections to the scheme.

7.16 Access to the site will remain as existing for the additional clay extraction and infilling process. Access to the Mountain Bike Centre will be taken initially from the cycle way which runs to the west of the site. On completion of the extraction works access will also be achievable by vehicles via the same route as the HGV vehicles which will no longer be associated with the site. With regards to the access provisions no objections have been received from either the Council as Highway Authority comments that there is potential for conflict between users of the Mountain Bike Skills Centre and the operational vehicles however assurances have been given by the Applicant that such conflicts will not occur. Furthermore, any increase in vehicle numbers or movements may be addressed at the stages of phased submission to the County Planning Authority.

8.0 CONCLUSION

8.1 In conclusion it is considered that the proposals offer a sustainable solution for the restoration of the Escrick Brickworks following the completion of clay extraction by the end date of 26 January 2012. The proposals are in line with the policies contained in the Development Plan and are also supported generally by national and regional planning policy. Having regard to all material planning considerations, the application is therefore recommended for approval.

9.0 RECOMMENDATION

9.1 Following due consideration of the planning application under the Town and Country Planning Act 1990 and all other material considerations, it is recommended that planning permission BE GRANTED to allow the continuation of clay extraction and infilling of resulting void with inert waste to provide a mountain bike skills centre and associated facilities for the following reasons:

i) The proposal is in accordance with Saved policies 4/1, 4/14, 4/17 and 4/20 of the North Yorkshire Minerals Local Plan. Policies 4/1, 4/21, 4/22, 5/7, 6/1 and 6/2 of the North Yorkshire Waste Local Plan and policies DL1, RT3 and RT5 of the Selby District Local Plan

9.2 Subject to the imposition of conditions which were previously imposed (where relevant) and the addition of the following conditions:

a) A detailed scheme concerning the creation of the proposed pond and fishing lake and landscaping should be submitted to the County Authority for approval prior to the commencement of infilling operations in Phase 4. Thereafter the scheme should be implemented in strict accordance with the details contained therein. Notwithstanding these details in any event the fishing lake referred to in the application details shall be no more than 2.5 metres in depth.

- b) The development hereby permitted shall be carried out in accordance with the application details dated 12 April 2007, together with the schedule of conditions which shall in all cases take precedence or with such other details as may be subsequently approved in writing by the County Planning Authority.
- c) Every 12 months from the date of this permission or at such other times as may be agreed in writing with the County Planning Authority, a review of the previous year's landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from approved schemes and where appropriate revised schemes shall be submitted to the County Planning Authority for approval providing for the taking of such steps as may be necessary to continue the satisfactory landscaping, working, restoration and aftercare of the site including the replacement of any tree or shrub which may have died, been removed or become seriously damaged or diseased. Thereafter all such works shall be carried out in accordance with the approved schemes. (Standard Condition)
- d) No "hazardous waste" as defined under Section 6 of the Hazardous Waste Regulations (England and Wales) 2005 or regulations thereunder shall be deposited at the site'.
- e) Effective steps shall be taken to prevent the pollution of any adjoining land or watercourse by the overspilling or blowing of loose material or by the entry of leachate polluted water or any other pollutant. If pollution occurs, as defined by this condition, the effects of that pollution shall be rectified and further measures taken to ensure that pollution shall be prevented. (Standard Condition)
- f) No waste which has been deposited at the site shall be removed from the site without prior grant of planning permission.
- g) No imported waste shall be sorted, stockpiled or processed at this site without the prior grant of planning permission.
- h) No materials shall be burned on the site.
- i) Except with the prior written approval of the County Planning Authority no clay extraction or disposal of waste or associated activities nor any transportation of materials to or from the site shall be carried out except between the following times:-
0700 to 1700 hours Monday to Friday
0700 to 1300 hours Saturday
- j) No operations shall be carried out on Sundays or Bank Holidays

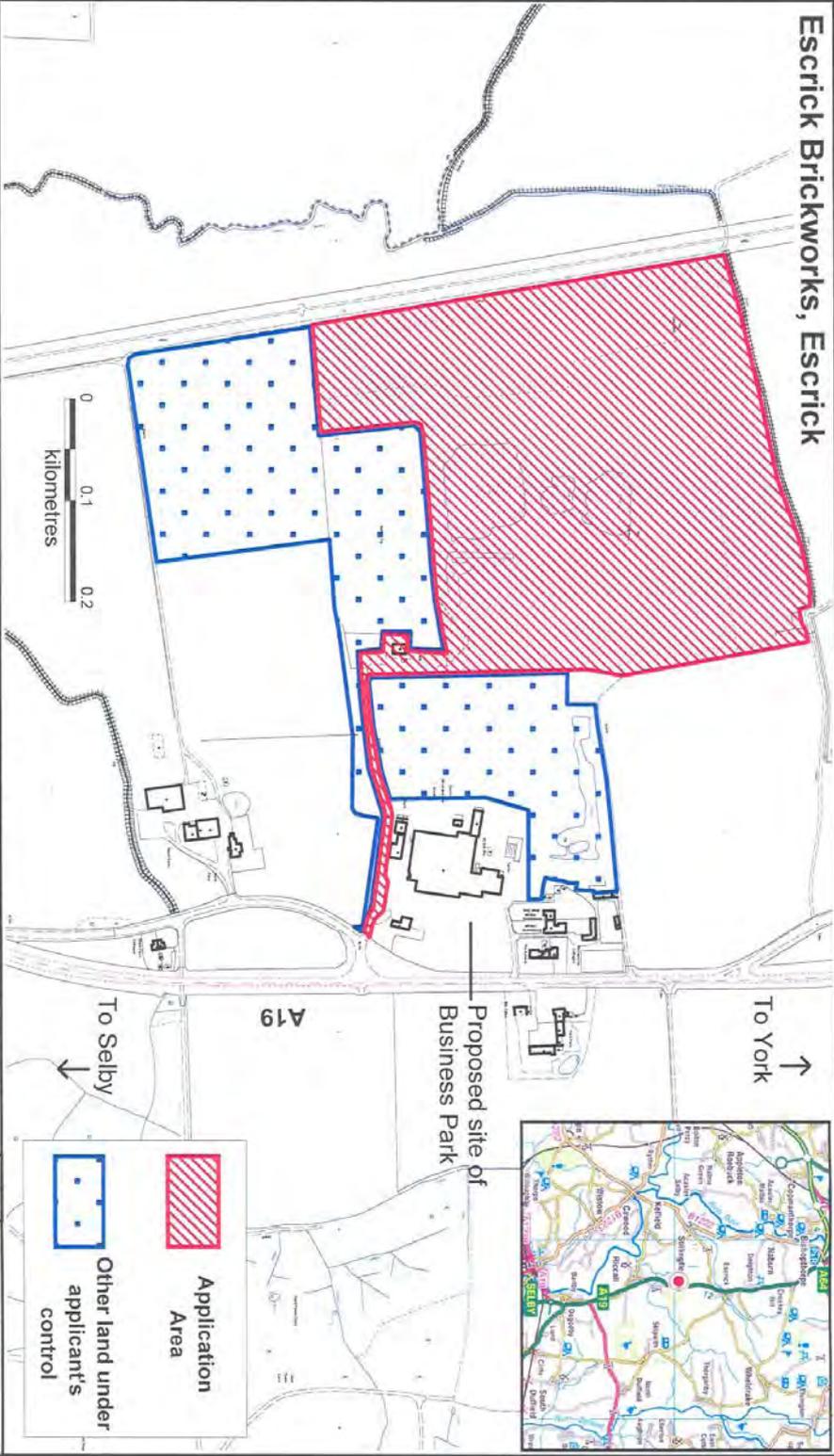
- k) At no residential property shall the noise levels resulting from the permitted operations during the working hours specified in condition 10 above shall exceed $L_{Aeq, 1h} = LA_{90} + 10$ dB or $L_{Aeq, 1 h} = 55$ dB whichever is higher.
- l) Notwithstanding the provisions of Condition 10 above, noise due to temporary operations for the construction and removal of baffle mounds shall not exceed $70dB_{L_{Aeq, 1h}}$ as measured at any noise sensitive location.
- m) Within the 7 days of receiving written notice from the County Planning Authority, such noise monitoring as may be required by the County Planning Authority to assess compliance with the limit stated in conditions 10 and 11 above shall be undertaken. If the limit stated in conditions 10 and 11 above is exceeded, operations at the site will be modified to ensure compliance with the limit specified by these conditions.
- n) All machinery and vehicles shall be well maintained and fitted with effective silencers.
- o) Dust control measures shall be employed to minimise the emission of dust from the site. Such measures shall include the spraying of the access roads, the spraying of dusty loads in the operational area and the discontinuance of soil movements during periods of high winds (Standard Condition)
- p) Clay extraction shall not take place below -2.5 metres AOD without the prior written approval of the County Planning Authority.
- q) Prior to the commencement of restoration a detailed scheme for each phase of the restoration and aftercare shall be submitted to the County Planning Authority for written approval. The scheme should include full details of landscaping and be supported with a management plan. Aftercare and drainage of the site shall thereafter be carried out in accordance with the approved scheme.
- r) In the event of clay extraction and tipping ceasing on the site for a period of 12 months before the completion of the development hereby permitted, a revised scheme of restoration and landscaping shall be submitted to the County Planning Authority for approval within 15 months of such cessation. The approved scheme shall be implemented in accordance with a programme to be included in that scheme. (Standard Condition)

- s) Within 12 months of the completion of clay extraction and tipping operations hereby permitted, the whole of the site shall be restored in accordance with the submitted details. By this date all buildings, plant machinery, other installations, stockpiles, tracks and roadways shall be removed to the satisfaction of the County Planning Authority (Standard Condition)

G GRESTY

Corporate Director, Business and Environmental Services

Escrick Brickworks, Escrick



Title:

Continuation of clay extraction and infilling of resulting void with inert waste to provide mountain bike skills centre and associated facilities

Application No : C8/10/3AB/PA

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