

Escrick Parish Council

Planning Application Consultation Response

REPRESENTATION FORM TO BE RETURNED TO SELBY DISTRICT COUNCIL AND CITY OF YORK COUNCIL ON OR BEFORE:

DATE :

Planning App. Ref	2019/0045/EIA (Selby DC)
Alt Ref:	19/00078/OUTM (York CC)
Proposal	<p>Redevelopment of former mine to leisure development comprising a range of touring and glamping uses, static caravans and self contained lodges with associated facilities (SDC Consultation period expires 15 February 2019 + extension following readvertisement)</p> <p><u>Outline application for redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and glamping uses, static caravans and self contained lodges with associated facilities.</u></p> <p>North Selby Mine New Road Deighton York YO19 6EZ Ref. No: 19/00078/OUTM Received: Fri 11 Jan 2019 Validated: Thu 17 Jan 2019 Status: Awaiting decision (YCC Consultation period expires 2 March 2019 + extension following readvertisement)</p>
Address	North Selby Mine / Land between New Road and Wheldrake Lane, Wheldrake Lane, Escrick

PARISH COUNCIL RESPONSE BY THE CLERK

Signed :	Date :
Reviewed at Parish Council meetings held on	Date: 4 February 2019 and 4 March 2019

COMMENTS ON PLANNING APPLICATION

Escrick Parish Council supports the principle of the proposed use but objects to specific details of the proposed application. We require key amendments to the proposals before any consent could be granted, including:

- **Reduction of the scale of the development to delete those areas of accommodation located within the SINC and established woodland;**
- **Restrictions to be applied to prevent permanent residential use of the holiday accommodation;**
- **A maximum number of accommodation units on the site to be specified in any consent to ensure that the various impacts are assessed and mitigated appropriately as required;**

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- Works to be required and restrictions applied to mitigate the impact of light, noise and traffic during both construction and use of the holiday park;
- The highways impact of the development on the A19 needs to be more thoroughly understood and mitigated as appropriate. Improvements to the A19/New Road junction may be required to ensure that cars pulling caravans do not overhang the A19 central reservation when waiting to turn and cause a safety hazard;
- To encourage sustainable travel, a footpath/cycleway should be installed from the site along the length of New Road and within the A19 verge from its junction to the BP garage/Spar shop on the edge of Escrick;
- To safeguard the amenity of existing residents, construction traffic and heavy lorries delivering the lodges and static caravans etc should be prohibited from using Skipwith Road and other streets within the village.
- Again, to safeguard local amenity concerns, conditions restricting hours of work of construction and requiring that the ‘Code of Considerate Practice’ of the Considerate Constructors Scheme is fully adhered to in order to minimise the impact on the local community should be imposed.

Escrick Parish Council’s full comprehensive response includes the following:

Planning context:

The original consent for the North Selby Mine contained a condition requiring that the site be returned to agricultural use. Due to the more recent planning history of the site, we are advised that this will not now happen. We acknowledge that, despite substantial local opposition, in 2014 planning permission was granted for the demolition of the existing buildings and construction of an anaerobic digestion combined heat and power facility, associated horticultural glasshouse, with associated works. The applicant states that the anticipated ‘*developer, Peel, has now withdrawn from the anaerobic digestion project because of the cost of connection to the infrastructure*’. Therefore, ‘*Harworth is pursuing alternative development options on the brownfield site, whilst continuing to market the site for the implemented development*’. Since the consent was granted, the Allerton Waste Recovery Facility has become fully operational and includes an anaerobic digestion plant and therefore it must be even more questionable whether this additional local digestion plant could be economically viable or sustainable. Hence Escrick Parish Council does not object to the landowner seeking a more suitable economic use for the site and prefers the principle of the proposed leisure development to the previously approved waste plant. **Escrick Parish Council does not object to the development of a leisure park in principle subject to amendments to address the concerns raised herein.**

However, the planning context remains that the site lies within statutory Green Belt. Exceptional circumstances must be shown to exist for any planning approval of development.

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As stated by the applicant, the previous consent related to development of the waste plant on the brownfield area of the hardstandings / previously development land. However, the new leisure village development proposals encompass a far extended area including greenfield land incorporating part of Spring Wood and a designated SINC. **No exceptional circumstances have been shown that this extended area should be developed and the application should be rejected unless the developable area is reduced to a more reasonable scale and area encompassing generally the brownfield land (within which the previous consent was sited).**

No Permanent Residency:

No 'Site Management Plan' is provided to state whether the site will operate the full 12 months a year and what occupancy restrictions will be imposed. Whilst the application is for the *sui generis* use as a leisure development, the determination of the application (as advised by the Officer Report) and **any consent granted must ensure that the accommodation is not used as 'Use Class C3 residential' which would not be permitted here.**

This is important as occupants living permanently on the site would have implications for education, health and social provision and other residential needs of these residents and on the Parish and wider area.

An enforceable condition must therefore be attached to restrict occupation to meet the 'Newbury' tests. Example restrictions from other developments include:

- *"The caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the LPA."*
- *"The holiday village hereby approved shall be closed and shall not be occupied for holiday purposes for a continuous period of four weeks each calendar year, such period extending from the first Saturday of each February."*
- *"The holiday lodges hereby approved shall be used for holiday purposes only and for no other purposes whatsoever including as permanent residential units."*

Ecology and nature conservation:

We note and support the consultee response to this application from NYCC's Ecologist which raises concerns regarding proposed development on the North Selby Mine SINC. She advises that this designation has only recently been reassessed in 2018 and found to remain of SINC quality. Although we await the response of City of York's Ecologist, this recent reassessment is reconfirmed as part of the City of York Council current set of Local Plan Examination Core Documents where the 'Sites of Importance for Nature Conservation Review 2017' examined

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all SINC's and ratified this specific site with its area of 9.99ha unchanged. Therefore its status and importance must not be undermined by the applicant seeking to maximise the developability of their land ownership by proposing development within the designated SINC, a designated protected area of nature conservation.

We would also remind you of the context of the previous determination of the Anaerobic Digester when Officer advice contained in the City of York Council Planning Committee Report of February 2013 recommended approval of the AD complex on the brownfield area of the site on the basis that the *'area of land to the south of the existing colliery apron and buildings is a designated site of importance to nature conservation (SINC)'* would be retained and enhanced. It requested *'mitigation for the SINC to secure the long term protection and facilitate the enhancement of the SINC site'*, with *'additional planting within the SINC requested by the Landscape Officer, an open grassland / scrub mosaic would be feasible and could be beneficial in wildlife terms'*. *'The part of the site that includes the mounding to the south of the mine buildings have been designated a SINC'* which *'supports a number of habitats for species including Great Crested Newts, bats, barn owls and Little Ringed Plover'*.

The Environment Agency and York Council's Ecologist raised *'no objection to the application on the grounds of biodiversity due to the negligible impact on the local ecology and the potential for ecological enhancement.'* **This area, which previously remained undeveloped in recognition of its importance to nature conservation, should remain undeveloped under the current proposals, with additional enhancement proposed and conditioned to ensure its long-term preservation, as was offered previously.**

We support the County Ecologist's concerns that the development as proposed will lead to direct and indirect impacts upon the SINC, particularly the loss of a significant area of open mosaic habitat on previously developed land both within and outside of the SINC area. She advises that *'whilst some measures have been proposed to mitigate and compensate for the identified impacts it is not considered sufficient to offset the impacts of the development and 'secure a measurable net gain' as set out in the NPPF. It is recognised within the report that open mosaic habitat on previously developed land is becoming increasingly rare as the conditions for the habitat type to develop have reduced alongside the declining industry. It is recommended that further measures are considered to avoid the loss of this habitat of principal importance by reviewing the layout of the development.'*

Likewise, the February 2013 Committee Report stated that *'the surrounding woods, in particular Spring Wood, and the natural and proposed topography and planting provide sufficient visual mitigation of the development in the context of the larger landscape.'* It states that *'Spring Wood lies to the west of the site and screens the site from the approach road and from the west. Boundary planting and bunding along the northern boundary partly screens the site from the public right of way that runs along the boundary.'* Again, the applicant is proposing development within the areas of Spring Wood previously retained and is proposing *'selective removal of trees'* to make large areas usable. The existing site aerial photograph in the Design and Access Statement (figure 5) shows this area as heavily wooded. **We object to the removal of large numbers of trees and this natural habitat and consider that the footprint of development should be generally restricted to the extensive brownfield area,**

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as per the previous planning approval.

To clarify these concerns as to where we support the proposed holiday accommodation and where we object, the proposed areas are highlighted on the applicant's plans as follows:

- Woodland area, north of retained main spine road – touring caravans / campers – 1.49ha / 92 pitches – located within former car park and western part of former pithead, ie brownfield hardstanding areas – no objection in principle
- Woodland area, south of retained main spine road – glamping – 0.75ha / 47 pitches – **located within existing woodland area, part of Spring Wood, ie greenfield area, not previously proposed or approved for development– object to development within these areas.** Glamping units could be provided elsewhere within site if market demand, with appropriate new planting as required.
- Bowl - static caravans – 6.87 ha / 254 pitches – located mainly within former pithead, ie brownfield hardstanding areas – no objection in principle, including to flexibility of type of accommodation/pitches to be provided.
- Valley – lodges – 1.64 ha / 41 no units – **located within SINC, ie greenfield important nature conservation area, not previously proposed or approved for development– object to development within this area.** Lodge units could be provided elsewhere within site if market demand, eg within Bowl, with appropriate new planting as required.

Escrick Parish Council objects to the application as currently shown on the plans but would support the redevelopment of the site if the developable areas within Spring Wood and the SINC were deleted and pitches and ancillary accommodation contained within the brownfield areas of the site. This would better protect the important nature conservation and ecology of the site, with proposed enhancements and mitigation implemented and managed in the longer term as required to satisfy NYCC's and CYC's Ecologists and other nature conservation bodies.

On this basis, we consider that the maximum appropriate accommodation level for the site, is approximately 25% less - ie circa 346 units, not the 434 units currently proposed. **We would request that a maximum accommodation level be imposed on any permission granted to ensure that the various impacts are assessed and mitigated appropriately as required. This would ensure that any Reserved Matters applications will not increase numbers beyond that previously approved.**

Highways:

A consequence of the redundant mine site being brought back into use is that additional traffic will accrue. We note the response of Highways England and will be pleased to see County and York Council Highways' officers' comments on traffic impact and request that they consider the cumulative impact of the various proposals to ensure that the A19 does not

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accumulate even longer delays.

The Planning Statement acknowledges the existence of the early work on the Escrick Neighbourhood Development Plan. Local consultation on the NDP has identified traffic and highways as a major issue of concern to residents.

Local experience causes us to query the Traffic Assessment in various respects:

We consider that arrival and departure traffic will vary considerably from visitor traffic once resident at the site and should be considered separately.

Arrival / departure traffic:

The nature of the ownership of the lodges is significant to the highways impact and therefore needs to be established. Rental lodges tend to have higher levels of occupancy and follow fixed weekly rental periods (e.g. Friday to Friday or Saturday to Saturday) with significant traffic peaks at check-in and check-out times. Owned lodges have lower occupancy levels and less significant peaks in arrival/departure. By their nature touring plots and glamping pods are likely to have fixed check-in/check-out times. Depending upon how these times are set, there is also a need to consider the arrangements for early arrivals. For example, if access to the site is not permitted until 4pm, where are early arrivals likely to park and wait prior to this time?

All traffic:

The traffic profiles along the A19 are complex and impacted by factors including:

- Normal commuter traffic with conventional morning and afternoon commuting peaks, where the A19 routinely suffers stop/start traffic throughout the Escrick Parish;
- Seasonal congestion relating to the Designer Outlet, where large visitor numbers to the Designer Outlet cause congestion of the A19/A64 roundabout and cause significant northbound delays on this section of the A19. The impact is at its peak from November through to January, including at weekends;
- The use of the A19 by 'sat nav' systems as a diversionary route for incidents or congestion on the A1 (and to a lesser extent the A1079). This is a growing issue as more vehicles use traffic aware navigation systems, and can occur at any time of the day. The impact is significant and does not appear to be well represented in highways assessments;
- Seasonal congestion relating to coastbound congestion on the A64, where congestion on the A64 causes congestion on the A19/A64 roundabout, including northbound queuing on this section of the A19. The impact is greatest during late morning/early afternoon on fair weather days at weekends and during school holidays.

We consider it unlikely for holidaymakers to make any significant use of public transport or taxis to access the site due to the distance of bus-stops from the site and the cost of taxis to this

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location from the city centre.

The additional traffic needs to be calculated correctly in order to see whether any improvement works on the A19 can and should be undertaken to allow free flow of traffic levels once the proposed development is completed.

We note the envisaged trip assignment in the Traffic Assessment but do not understand why alternative scenarios are envisaged with either 50% or 75% of traffic routing south when all of the attractions listed are all north of Escrick and accessed from the A19 / A64 junction initially. In light of the above comments, we also ask officers to verify whether the assumed traffic profiles, for example the weekend peak of 1100-1200 hours, are typical and realistic for a site of this nature and in this location.

When looking at junction capacity, we request that highways officers check whether the A19 / New Road junction design is adequate and safe for touring caravans entering and exiting the site. Given the volume of traffic on the A19, **there needs to be adequate space within the central reservation for cars pulling caravans to wait without extending into the traffic flow and causing a potential hazard for oncoming traffic. Some highway improvement may be needed at this junction to accommodate this.**

Should the application be approved, it would not be appropriate for much of the traffic to use the village's streets to avoid traffic volumes on the A19. Whilst we appreciate that restricting holidaymakers' cars would be unachievable and unenforceable, we would request that, in order to safeguard the amenity of the existing local community living in Escrick, **construction traffic and heavy lorries delivering the lodges and static caravans etc should be prohibited from using Skipwith Road and other streets within the village. A condition setting out this requirement within a Traffic Management Plan should be applied.**

Sustainable travel:

New Road is the main access to the leisure development from the A19, and from the site to York and wider leisure destinations. It is also a short cycle ride and walk to Escrick with its local facilities and the wider footpath network, already used by local residents.

To encourage sustainable and safe use of New Road for non car users accessing local amenities and bus stops, we would advocate that:

- **A footpath / cycleway should be provided along the length of New Road from the A19 to the site entrance;**
- **This footpath / cycleway should also be extended along the A19 south from the junction of New Road to the BP garage/Spar shop. There is adequate verge width to facilitate this, and the length required is < 200m.**

This would promote the use of public transport into York via the bus stops in either Deighton or Escrick, and promote walking/cycling to the amenities in Deighton (pub) and Escrick

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(shop, pubs, restaurants, church, etc).

We note the consultee response from the York Council's Rights of Way Officer. She correctly advises that the two bridleways are accessed from the west by travelling along New Road. These and the public footpath are also acknowledged in the Design and Access Statement. We also note the response from North Yorkshire Police suggesting the provision of lockable cycle facilities as many people bring pedal cycles with them for use at their holiday destination. Furthermore, the Transport Assessment also promotes the potential to boost walking / cycling habits as a benefit of the development. The footpath / cycleways proposed above would enable that aspiration to be safely achieved.

Noise and other amenity concerns:

Suitable conditions should be also imposed on any consent granted to protect the amenity of nearby residents and villages. Restrictions need to be imposed to mitigate light and noise pollution on the wider vicinity, both during construction and the subsequent use when over 1000 people could be resident on the site. This will include the use of landscaped noise bunds as required. Light and noise will also have implications for wider environmental and ecological concerns raised by consultees.

We would specifically request a condition restricting hours of work of construction.

There are some residents living very close to the site and it is reasonable for their amenity (especially noise) to be protected whilst the removal of the hardstandings and other remediation and construction work is being undertaken. **A condition should require that the 'Code of Considerate Practice' of the Considerate Constructors Scheme is fully adhered to in order to minimise the impact on the local community.**

We support the provision of small scale ancillary facilities (e.g. cafe, toilet / shower block etc within the northern Woodland site), so long as these are contained within the former brownfield area.

Lighting / environmental impact:

A realistic view needs to be taken of the '*minimal lighting within the site to conserve local dark skies character*' proposed in the Design and Access Statement vs the safety and expectations of and use by holidaymakers staying there. The Planning Statement says that '*Low level bollard lights would be used to indicate the main access road within the site. Downlights would be used to identify toilet/ shower blocks*', but this does not address the lighting needed within the site for holidaymakers to access their accommodation after nightfall (including in winter when light fades by mid afternoon) and used by the various types of holiday accommodation both internally and externally. Consultees have raised ecological concerns about the effect of light and noise (from holidaymakers) on protected species, especially in the woodland areas and SINC. The 'Secure by Design' officer will expect safe footpaths within the site, and holidaymakers will have reasonable expectations about being able to light their activities within their own plot and maybe hold BBQs and other outside activities especially in the summer (which also has noise implications as noise travels in the

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open rural area). We would welcome further consideration by Officers and consultees regarding the realistic effect of mixing the proposed glamping with woodland, for example, and the effect on other sensitive areas and environmental impact of the proposals generally.

Tourism / Visitor Expenditure:

We note the Tourism Planning Report Statement supporting the proposed use but would query why the Planning Statement assumes lower than norm occupancy levels in this attractive location close to a major all-year-round tourist City of York and other well used tourist destinations within easy reach for day trips out.

On Visitor Expenditure, the application states that in Cumbria *'annual caravan and camping pitch occupancy of around 40% is normal. For the purposes of this study a slightly lower 37% has been used'*. For rented static caravans, *'annual static caravan occupancy of around 82% is normal. For the purposes of this study an industry norm for self-catering accommodation of 50% has been used'*. For the holiday lodges, a Scottish occupancy level of 52% is used.

We would ask officers to look at the offerings promoted by 'visityork' and 'Welcome to Yorkshire', and consider the fact that York was recently voted 'the best place to live in Britain' by the Sunday Times and also the 'most beautiful city to visit' and 'top city to move to' by the Daily Mail in 2016 and to establish upon what basis these reduced occupancy figures are justified.

Furthermore, as part of justifying the need for holiday/tourist accommodation in this location, the Planning Statement states: *'Given the lack of similar facilities in the area within such close proximity to the city it could be argued that the site is a unique addition to the York offer and will draw new visitors to the area.'* We would highlight that this overlooks the existence of Hollicarrs Holiday Park (with some 200 pitches for holiday lodges and caravans), only some 3 miles south of the site on the A19 and also within Escrick Parish, which recently gained consent for a 3rd phase of development.

We are concerned that these expectations of reduced occupancy levels from that of a more rural and remote area are unrealistic and underplay the attraction of York as a year round destination. This has implications for amenity and environmental impacts and in particular on traffic calculations and the implications of the proposals on the local and wider road network.

Other issues of concern:

There is a lack of information provided about a number other issues which would either assist determination of the application and / or conditions should be applied to ensure successful implementation, including:

- Suitable waste collecting and recycling facilities need to be provided within the site.
- No information is provided on how waste will be disposed of and how frequently.

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- The statutory authorities also need sufficient information to determine whether foul and surface water disposal can be satisfactorily accommodated, as per water management, flood risk and drainage.

Escrick Parish Council hopes that this local perspective will be of assistance to both Selby District Council and City of York Council in considering the application, given the close proximity of the development site and its likely affect on our residents and businesses within the Parish. We would request that we be consulted on any changes to the proposals and be kept informed of progress of this major application. Please contact us if you have any queries or require any clarification.