

Escrick Parish Council

Planning Application Consultation Response

REPRESENTATION FORM TO BE RETURNED TO NORTH YORKSHIRE COUNTY COUNCIL ON OR BEFORE: 11-OCT-2019

DATE :

Planning App. Ref	NY/2019/0136/ENV
Alt Ref:	
Proposal	Proposed new quarry to extract approximately 6 million tonnes of clay by 2053
Address	Land adjacent to and to the west and north of the current Escrick Quarry to the south west of Escrick, North Yorkshire, YO19 6ED

Approved by Parish Council meeting on:	Date: 7 th Oct 2019
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COMMENTS ON PLANNING APPLICATION

Overview:

The context for Escrick Parish Council's response is the representations we made in February 2016 to the (NYCC *et al*) *Minerals and Waste Joint Plan*. We have always had concerns about the scale rather than the principle of the proposals. The Inspector's Report into the Plan is still awaited and the Plan not yet adopted, so outstanding questions as to whether there are other viable options that would affect the scale of the operations required here remain unanswered. In the meantime, we would wish to ensure that, if the proposed development is found to be necessary, then there are various practical issues that we would wish to have conditioned to ensure the smooth operation of the proposals, given that we may have to live with the consequences for the next circa 35 years.

As it did in 2016, Escrick Parish Council has the following concerns:

- Loss of best and most versatile agricultural land and environmental concerns;
- Disruption, such as noise and dust, from quarrying and in-fill activities;
- Highways impact – including traffic volume increase and road safety concerns.

A Parish survey undertaken in 2018 to support the development of a Neighbourhood Development Plan, has reaffirmed that local residents and businesses do not support any additional large, traffic intensive industry being developed within the Parish. Of over 100 responses, 65% highlighted A19 traffic volume and related road safety issues as a key concern. Given that this is the continuation of an existing operation in this location (albeit with some gaps in operation), we are therefore concerned that it should run as smoothly as possible and mitigate where practical any adverse impacts.

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Any proposal of this type must therefore ensure that:

- Restrictions are put in place to protect the amenity of residents and other nearby businesses;
- Restrictions are put in place to limit the number of vehicles in all operations, and how they operate;
- Effective guarantees are put in place with regard to a timely restoration programme in line with agreed plans and to an agreed standard (secured by Unilateral Undertakings and other guarantees to secure delivery as and when promised);
- Suitable works / off site contributions are made to mitigate the highways effects of the increased operation on the A19 and allow its effective use for other businesses and residents within the Parish.

We attach a copy of the representations made by EPC to the *Minerals and Waste Joint Plan* in 2016 and would ask you to consider the issues raised from our local knowledge perspective in your consideration of the application.

Detailed Observations:

Timing and scale: The applicant's Planning Statement concludes that the Escrick Brickworks site is the 'most appropriate option' to fulfil its needs. Escrick Parish Council supports the NPPF presumption that development proposals that accord with the development plan should be approved without delay, but remains concerned as to whether this application is premature given that the Inspector's Report into the *Minerals and Waste Joint Plan* is still awaited and the quantum and distribution of land needed for extraction remains unknown. EPC would like to see evidence as to what other sites have been examined as options, whether a 30 minute drivetime is an industry norm for comparative site evaluation, and why this is the only site deemed worthy by the applicant of progressing for their operations. Whilst obviously any industry or business would like certainty in forward planning, we would also request that Planning officers satisfy themselves as to whether a supply guarantee until 2053 is appropriate, given that the Plan period of the *Minerals and Waste Joint Plan* runs until 2030. If it is not usual, or indeed generally appropriate, for large housing developments to be approved of a scale / number of houses for a 23 years period **beyond** the current Plan period, we would ask officers to explain why it would be appropriate here.

1 - Loss of best and most versatile agricultural land and environmental concerns:

Clearly, best and most versatile agricultural land (mainly grade 2, with some grade 3 and 3b) will be dug out of use during the extraction activities. Given the increasingly important sustainability agenda and need to minimise distance of food travel and import requirements, officers will need to balance this issue against the requirement to create suitable building materials for the construction industry. This will be led by the conclusions of the *Minerals and*

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Waste Joint Plan and the amount of land allocated for this Plan period and / or phased, but this is still unknown.

However this is also an important issue when the details of the proposals are considered. ie the Planning Statement and the plans propose that 32ha of land will be eventually restored to agriculture. Detailed conditions / Unilateral Undertaking obligations should ensure that the quality of the restoration matches that which has been lost - as 38ha of grade 2 will be lost, the proposed 32ha replacement following restoration should also be guaranteed to be of grade 2 classification standard. This is reasonable to guarantee that a satisfactory grade of replacement land is provided in the longer term.

The restoration proposed is to be a mix of wetland and restoration to agriculture, resulting in a net permanent loss of agricultural land and habitats. There are mixed views on this issue. Those directly impacted favour restoration of agricultural land to a minimum standard of that lost; albeit concerns about traffic from infill activities means others favour establishing some wetlands which will require less infill. EPC has no objection to the mix of uses proposed, subject to a detailed Masterplan and specification being approved as part of any consent granted, with longer term maintenance guarantees, all tied up by a Unilateral Undertaking / S106, with financial securities (such as bonds) provided to guaranteed implementation in a timely manner following the extraction. Current aftercare arrangements proposed following completion of the restoration works is for 5 years for agricultural land (for each phase) and 10 years for the nature conservation areas. What arrangements or funding will be available in the longer term, especially for the nature conservation areas? Future obligations (including bonds as appropriate) require to be secured through a Unilateral Undertaking / S106 to ensure longer term aftercare of the new restoration environments.

The proposed restoration scheme relies on the importation of waste for infill prior its commencement (on a phased basis) to make the land up to the required levels. This is an accepted fact, and again the details should be secured in order that changes cannot be made in the future, contrary to any permission granted now. The applicant has proposed that infill will be limited to inert waste. Residents are concerned that whilst there may initially be planning and/or licencing restrictions on the type of waste that can be used, these could subsequently be amended to allow different categories of waste to be disposed at the site. Again, to ensure delivery of what is promised, we would require that the use of inert fill only (which is compatible with the proposed end uses following restoration) should be tied down and secured through a Unilateral Undertaking / S106 Agreement. This will help secure the guarantees needed that the proposals will be implemented in the longer term as per the current proposals.

Businesses close by with an outdoor element (eg farming, stables, children's nursery, horse riding tuition, car detailing, garages, etc), together with people using the cycle path for recreational purposes, have raised concerns regarding environmental impacts of the proposals and that they will be adversely affected. Likewise, the amenity of residents of the many properties nearby (e.g. Glade Farm, Brickworks Cottages, Hollicarrs Close, Hollicarrs Caravan

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Park and Three Hagges Wood) will be also adversely affected. We would request further consideration of these amenity impacts by officers, with safeguards put in place where required.

For example, in dry and windy weather, dust will be generated from quarrying and in-fill activities. Escrick Business Park tenants, including a children's day nursery, adjacent farms and local residents alike, have existing experience of these issues from the existing former quarry and infill site, and have no reason to believe the new proposals will be any different. Suitable enforceable conditions would need to be imposed to ensure good working practice throughout the extraction, infill and restoration periods in order to minimise any adverse effects of the proposed operations and provide a satisfactory living environment for these residents. A suitable management plan for each of the operations should be secured by condition.

- **3 - Highways impact – including traffic volume increase and road safety concerns**

Whilst we welcome confirmation that the previously proposed northern access road is no longer required, Parishioners have raised significant concerns regarding the highways impact of the proposals, as well as the environmental impacts on the users of the Sustrans Regional Cycle Route / York and Selby Cycle track that runs within the site. When considering the impact of the proposals, we would ask officers to seriously consider these, given the long term nature of the proposals with a circa 35 years impact (when taking into account the total extraction, infill and restoration periods).

In a Parish-wide survey undertaken in 2018 to identify the main issues to address in the Neighbourhood Development Plan, a significant majority of local residents and businesses highlighted the A19 traffic volume and use as the most important issue that required mitigation. There was an overwhelming response objecting to any proposals that would intensify its use by any further additional large amounts of traffic, in particular HGVs, or traffic intensive industry being developed within the Parish. Of over 100 responses, 65% highlighted A19 traffic volume and related road safety issues as the key concern.

These concerns fall into two main areas:

- Volume of all traffic, and significant periods of congestion - both on the A19 itself and for vehicles trying to exit the village onto the A19;
- Volume of HGV traffic in particular – with particular impact on any part of Escrick Parish and the village where there are residential frontages directly onto the A19, or where there may be other routing preferences (such as on Skipwith Road dwellings).

Additionally, residents have raised localised safety concerns around the junctions at/near-to the business park.

Traffic volume

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The applicant advises that lorries associated with clay extraction will routinely route south towards Selby; this is based on current practices, but as the permission runs with the land, and not one particular operator which could change within the 35 years period, it is essential that officers satisfy themselves that the highway impact on both routes and impacts north and south would be satisfactory, should working practices change in the future. The applicant identifies the lorries associated with infill could come from either north or south; it is appreciated that there is no certainty on routing of importation of fill and therefore that impacts on both directions should be assessed..

The quarrying and infill activities would collectively generate an additional 200 movements (100 HGVs in and 100 HGVs out) per day, (approximately 10 entries and 10 exits per hour, or 1 every 3 minutes).

The A19 north of Escrick already suffers congestion, despite recent investment in the junctions at the A64 and Crockey Hill. We are aware that Highways England recently placed a notice of non-determination on another major application in the Parish due to the potential impact on the A19/A64 junction. If they are not already statutory consultees, we request that this application is brought to Highways England's attention, and to City of York Council, who have both raised detailed concerns relating to congestion on the A19 north of Escrick. (CoYC should be consulted both a policy partner to the *NYCC Minerals and Waste Joint Plan* but also under the duty to cooperate obligations as an adjoining planning authority that would be affected by this major planning application.)

We note that the applicant has considered the cumulative impact of some nearby proposals, but not those of the proposed major caravan and leisure park currently proposed at the former North Selby Mine site. We believe this should also be included - see above - given the volumes involved and the cumulative impact on the A19 by both developments should they both be approved.

We appreciate that traffic flows on the A19 are complex and seasonal and consequently difficult to assess. For example, the A19/A64 roundabout suffers particularly with congestion around peak shopping periods, holiday periods throughout the year (reflecting York's attraction as a visitor attraction throughout the year, with many festivals throughout to attract further visitors) as well as the expected commuter traffic for residents travelling to York, Leeds and other wider cities to work. Many long-distance vehicles, including HGVs, use the A19 as an alternative to the A1 when the A1 is affected by incidents. These regular spikes in volumes are not reflected in the highways impact modelling but are the reality of everyday life. There is concern that every time an individual major application is approved, the cumulative impact is not appreciated until afterwards with increasingly clogged up road. If the application were to be approved, then whatever is the agreed number of traffic movements is agreed by officers to be acceptable, then enforceable conditions should be imposed to ensure that this restriction can be imposed for the longer term. Also that the agreed levels (and type) of fill (prior to restoration) have an agreed approved specification so they cannot be changed in the future.

Road Safety concerns:

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EPC has received several objections to the existing operations at the site and there are valid safety concerns relating to the junction of the A19 and the business park. This is currently a 'ghost island' providing a right-turn lane for southbound vehicles. The layout of the road creates a tendency for northbound vehicles to stray into the right turn lane, or even to use this as an overtaking lane, in direct conflict with vehicles turning right.

Workers at the adjoining business park have also raised concerns that crossing the road as a pedestrian to/from the north and southbound bus stops is particularly hazardous on a 60mph largely unlit road. The increase in volume of vehicles entering and exiting the site will increase this dangerous hazard.

Similarly, residents at Hollicarrs Close have raised similar concerns at that junction. Again, pedestrians have no protection crossing an unlit fast road to access the bus stop, and cars turning left out of York Road can come into direct conflict with overtaking vehicles northbound up the A19.

We would ask officers to consider these issues, as well as the problems of increasing traffic on the A19 on cars endeavouring to enter and exit Escrick Village, and residents using the bus stops on both sides of the A19. EPC would be willing to advise further on the issues to see if suitable mitigation / road improvements can be agreed to mitigate the impact, were the application deemed to be otherwise acceptable by officers. Off site highways improvements to provide a safer road design, crossing points and street lighting should all be considered to reduce risk to other vehicles and pedestrians for this long term development period.

Debris

We have specific concerns regarding dirt and debris being deposited on the A19. This has been a recurring issue with the current infill activities, despite planning restrictions intended to prevent it. This includes:

- mud on the road creating a skid hazard, and obscuring road markings;
- stones on the road creating a hazard to all road users (as the applicant's report identifies, one driver recently suffered serious life changing injuries as a result of debris from a lorry going through her windscreen).

Again we would request that if the application were to be approved, then enforceable conditions should be imposed to ensure that the dangers of debris and associated risks are minimised for the longer term. A Construction Management Plan for each type of operation (for example, to control the size and numbers of lorries, loads, covering, wheel washing facilities etc) must be required and then enforced to ensure smooth and safe operation over this extended period.

Key risks identified

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Scale of Operation

Whilst the stated plans propose to work the site in 15 phases, residents are concerned that multiple phases could be in operation concurrently, exacerbating the loss of agricultural land, and operating the site at a higher intensity than envisaged. This has implications for traffic, noise and other amenity considerations, as well as implications for the restoration of the site.

Risk of restoration not being completed

Whilst the applicant proposes to progressively restore the site, there are real concerns that such restoration may not be undertaken in a timely manner, or indeed might never occur.

Unfortunately, there is a track record of restorations being promised locally and then not being undertaken. For example the Stillingfleet Mine and North Selby Mine sites, both of which were granted planning permission on the basis that they would be restored to agriculture following completion of the mining works, are now neither to be restored. Hence the infilling of the land following extraction to the levels to be agreed now, and subsequent restoration in a timely manner and to an agreed standard, need to be secured as part of any planning consent granted. We believe that a legal agreement and bonds are the most appropriate way forward to ensure that this is achieved.

Even at this site, the restoration of the former brickworks quarry is still ongoing many years after it was scheduled and due to be completed. Indeed, the operator is in the process of applying for a variation to the restoration scheme to increase levels and fill, that would see this further delayed and the disruption of infill activities exacerbated before any restoration even starts. There are obviously long term environmental and traffic impacts to consider, which will be cumulative to the proposals here.

It is not unreasonable and totally understandable that residents and businesses in this Parish have formed a view - through direct experience - that promises made today will likely not be honoured in the future. Councils and other agencies may be unable, unwilling or ineffective at enforcing those obligations due to changed circumstances, and so securing promised works now in a detailed secure way that will not rely on named ownership (as the planning permission runs with the land, so should the obligations that arise as a consequence of the early gains) is reasonable in the circumstances and proper planning practice.

There is a specific concern that the restoration obligations could be sold-on to a third-party company (as has been the case with the old Escrick quarry), and be of poor quality / low accountability or totally ignored. This must be guarded against by secure mechanisms such as Unilateral Undertakings / S106 obligations, bonds, maintenance and aftercare liabilities that run with the land and so cannot be excused or passed off another company's obligations. There must be enforceable restrictions limiting the commencement of a certain phase of work before another operation is completed to a satisfactory standard, with enough phases to allow this to have meaningful effect. EPC would be willing to be involved in discussions to ensure that these

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are sufficient to achieve the desired implemented end as promised by the applicant, as these are important safeguards if permission is to be granted here for any scale of development.

Risk of significant increase in scale

Plasmor has suggested that the new quarry would operate at a similar rate to the existing site at Hemingbrough (which in practice is constrained by their current kiln capacity). However, Plasmor currently only has 12% of the UK concrete block market, and the loss of fly ash from power stations could provide an opportunity for Plasmor to take more market share. If they took, for example, a 100% market share, the rate of quarrying (and hence vehicle movements) would increase 8-fold. Again, restrictions on any consent granted must enable enforcement to ensure that only the impacts proposed in this application are actually allowed on the ground.

Mitigations, conditions, & restrictions

If this application is to be approved, for this scale of development or for a smaller site (with the same consequences, just a shorter period of operation), we believe the following mitigations, conditions and restrictions are essential as a minimum:

Highways

1. Impose an absolute limit on the number of HGV vehicle movements per day, with no scope for this to be subsequently increased (covering all works - ie extraction, infill, and the subsequent restoration works).
2. Specify wheel-wash/vehicle wash equipment on site prior to commencement of all / quarrying operations.
3. Specify and enforce how vehicles loads are secured. Operator to specify/utilise/accept only hauliers who secure HGV loads in and out of site with appropriate robust fabric or tarpaulin type 'over the top' lashing systems.
4. Create a new pedestrian refuge island on the A19 at Escrick Business Park, to allow pedestrians to cross the A19 safely at a point where there is also a bus stop
5. Create a pedestrian refuge island at the A19 junction with York Road (near Hollicarrs Close where residents of Hollicarrs Close and Hollicarrs Caravan Park, including children and many pensioners, need to cross the A19 for the 415/416 bus service). This is a long straight section of wide road, and vehicles regularly travel at 60 miles per hour and often overtake at the junction itself with no protection for those pedestrians from current safety signage or road markings.
6. Safety improvements are required to the A19 junction with the business park. This needs proper traffic islands to protect traffic turning right into the site, and preventing overtaking manoeuvres through the right-turn lane, and arrangements need to be made to ensure the preservation of visibility splays.

Restoration

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1. Given the local track record of failing to achieve restoration schemes, we would encourage NYCC to apply best practice to ensure that the restoration is guaranteed to be undertaken in accordance with the application submission. This will include:
 - i. A Unilateral Undertaking / S106 obligation setting out the proposed phased restoration. This should include detailed plans and specifications of the proposed restoration works, including their longer term management. To ensure implementation, there should be a restriction that no more than 20% of the site can be in the process of being prepared, worked and/or restored at any given time. Failure to adequately fill to the agreed level and then restore in a timely manner would prevent the next phase of extraction from commencing.
 - ii. Any reinstatement conditions should be backed by a bankers performance bond obtained by the applicant;
 - iii. All restoration/in-fill obligations to be underwritten by the landowner, so that the applicant cannot avoid or vary obligations by e.g. winding up the business or selling on the site.
2. An enforceable restriction to ensure only inert waste only going into in-fill, which cannot subsequently be varied.

General

1. Requirements for effective screening and dust suppression.
2. Restriction on the working hours and days.
3. Requirement to establish and provide secretarial support to a residents' liaison committee.
4. A proactive monitoring & reporting regime needs to be established and funded by the applicant to monitor and report upon compliance with the agreed restrictions, rather than rely upon local residents to report issues.