

## Scoping Opinion

**Request for a Scoping Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 for Request for an EIA Scoping Opinion for increased extraction of pulverised fuel ash on land at Gale Common, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11**  
**0BB**

Date Issued: 17<sup>th</sup> January 2019

This opinion has been adopted by North Yorkshire County Council based on the information provided by the proposed developer and the comments and opinions resulting from consultations with the developer and other consultation bodies prior to adopting this opinion.

This opinion is made freely available to members of the public and North Yorkshire County Council accepts no responsibility whatsoever for comments made by third parties whom this opinion references. Neither does the Council accept responsibility whatsoever to third parties to whom this opinion, or any part thereof, is made known. Any such party relies upon the opinion at their own risk.

The fact that North Yorkshire County Council has given this opinion shall not preclude them from subsequently requiring the developer to submit further information in connection with any future submitted planning application to the Council.

## **Introduction**

An overview of the process carried out by North Yorkshire County Council in order to arrive at its scoping opinion for the proposed Environmental Impact Assessment development comprising Gale Common, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB on land at Gale Common, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB on behalf of EP UK Investments, is set out as follows:

- Background to Scoping- information on the EIA scoping opinion process;
- Scoping Methodology – An outline of the approach to scoping used for this request;
- Site Description;
- Planning History;
- The Proposal;
- Consultation;
- Planning Policy and Guidance;
- Environmental Baseline and Required Information; and
- The Results of the consultation process undertaken and the finalised scope of the EIA.

## **Background to Scoping**

EIA is a procedure that attempts to ensure that prior to any development decision likely to have significant effects on the environment being made by a competent Authority; those effects are fully understood and taken into account. Scoping forms a component within the overall EIA process, and aims to identify all of the possible environmental impacts that a development project might cause and then subsequently determine which of those impacts are likely to be significant and which therefore require detailed investigation in the EIA.

Scoping Opinions are not legally required by the EIA Regulations but nonetheless seen as an important part of the EIA process. Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 forms the basis of this procedure for any “person who is minded to make an EIA application” to ask the relevant planning authority to state in writing their opinion as to the information to be provided in the Environmental Statement (ES) and this forms the “scoping opinion”. However, it should be noted that the fact that an authority has adopted and issued this opinion in relation to the scope of an EIA, shall not preclude the authority from subsequently requiring the developer to submit further information as part of any further application.

## **Scoping Methodology**

The EIA Scoping Opinion attached hereto has been prepared in response to the EIA Scoping Request document (dated 5<sup>th</sup> December 2018) submitted to the County Council by Dalton Warner Davis LLP on behalf of EP UK Investments.

Should the actual proposals put forward in a subsequent application differ, then the opinion of the Authority and other consultees may differ as to what issues should be addressed within the EIA. The EIA Scoping Opinion informs the proposed overall EIA methodology and is

based on the information supplied to North Yorkshire County Council as referred to above and provides details of the proposed development, details of the site and its surroundings and the proposed 'scope' of the EIA.

Under Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, any ES must include the following information in addition to requests made by consultees:

- Description of the development comprising information on the site, design and size of the development;
- Description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment;
- Description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects. Such effects should relate to the existence of the development, the use of natural resources and the emission of pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment;
- The data required to identify and assess the main effects which the development is likely to have on the environment;
- An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for this choice, taking into account the environmental effects;
- A Non-Technical Summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

The ES should report on how consultation responses have been addressed by the EIA including any justifications for scoping any issues out. The EIA should identify all possible environmental impacts that the development project might cause, and its methodology should use both qualitative and quantitative information to identify significant environmental impacts including potential positive, negative, direct, indirect and cumulative impacts. Where significant environmental effects have been identified, the EIA should propose mitigation and monitoring measures.

### **Site Description**

The proposed development site is Gale Common, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB. The site is located approximately 700 m to the east of the village of Cridling Stubbs and to the south of the M62 Motorway, near Junction 34. The nearest main settlements to the Site are Knottingley approximately 2 km to the north-west, Goole approximately 20 km to the east and Askern approximately 9 km to the south. A site location plan is provided as **Figure 1** as appended to this report.

The Site is bounded to the north by the M62 Motorway and Cobcroft Lane; woodland, arable land and the village of Cridling Stubbs to the west; and woodland and arable land to the south and east. A motocross track adjoins a section of the Site's eastern boundary. The surrounding area largely comprises agricultural land (with the exception of the Site itself) and is relatively flat. The area is crossed by a number of roads and railway lines as well as the Aire and Calder Navigation.

The Site is owned by the Applicant and lies within Selby District Council (SDC).

The Site extends to approximately 301 ha in area and is bound by the following constraints:

Agricultural Land Classification - Non- Agricultural			
Airfield Safeguard Zone -Robin Hood Airport			
Internal Drainage Board Area - Danvm Drainage Board Commissioners, Shire Group of Internal Drainage Boards - withi			
Coalfield Consultation Area - Notts - within			
Site of Importance for Nature Conservation - Gale Common Ash Disposal Site - various others within 250 m			
Historic Landfill Site - Gale Common			
Impact Risk Zones for SSSI's - within			
Green Belt - within			
Private Airfields - Burn (Gliding), Sherburn in Elmet, Thorne, Walton Wood			
Highways Agency_Motorway - M62 - 80 m N from area of proposed development			
Ancient Woodland - Great Lawn Rein - adjacent East - various others within 250 m			
Environment Agency - Flood Zone 2 - Over 250 m from area of proposed development			
Public Right of Way_outside National Parks - Footpaths over 250 m from area of proposed development			
Environment Agency - Flood Zone 3 - Over 500 m from area of proposed development			
Scheduled Ancient Monument - Over 500 m from area of proposed development			
Electricity Towers - Over 500 m from area of proposed development			
Electricity - overhead lines NATIONAL GRID - Over 500 m from area of proposed development			
Electricity - fibre optic network NATIONAL GRID - Over 500 m from area of proposed development			
Listed Buildings - Various over 1000 m from area of proposed development			
National Rail Network - Over 500 m from area of proposed development			
Conservation Area - Over 1000 m from area of proposed development			
Locally Important Landscape Area - Over 1000 m from area of proposed development			

### **Planning History**

The Site was originally consented in October 1963 by the County Council of West Riding of Yorkshire. The consent established the principle for the progressive implementation of an ash disposal operation within a defined area divided into three stages.

Stage I of the Site was completed in 1994 and has since been restored and landscaped. Planning agreements/obligations entered into by EPUKI's predecessor, the CEGB, in 1986 and EPUKI itself in 2008, provide the planning framework for the development of Stages II and III of the ash disposal operation. Stages II and III are incomplete.

A 2003 planning permission allowed for the construction of a weighbridge to facilitate the removal of up to 30,000 tonnes of PFA per annum from the Site for sale and use in the manufacture of construction materials.

In addition to the above, there are a large number of other planning history records for the Site, although these mainly relate to permissions granted in the late 1980s and 1990s for the removal of cenospheres from the ash settlement lagoons.

A review of the planning history for the proposed development site has returned the following:

application_number	proposal	received_date	planning_application_1	planning_application_2	decision_date	decision
NY/2007/0172/SDL	Proposed extension of ash disposal	07/02/2007	C8/40/29A/PA	other Selby ref 2007/0194/CPO	09/05/2008	DET
MIN3434	Construction of weighbridge	24/09/2003	C8/40/60A/PA		11/12/2003	GRA
MIN3090	Raising of the 'C' lagoon embankment	25/05/2000	C8/41/71G	C8/40/57	27/07/2000	GRA
MIN3109	Raising of the 'C' lagoon embankment	25/05/2000	C8/40/57	C8/41/71G	27/07/2000	GRA
MIN2843	Recovery of cenospheres from the v	20/01/1999	C8/41/71F/PA		23/03/1999	GRA
MIN2774	Removal of Cenospheres from Pha	18/08/1998	C8/41/106/PA		30/10/1998	GRA
MIN2869	Section 73 Application for extension	07/11/1996	C8/41/71E/PA		22/04/1997	GRA
MIN2137	Removal of cenospheres from lagoon	12/08/1994	C8/40/33D/PA	C8/41/71D/PA	27/01/1995	GRA
MIN2145	Removal of cenospheres from lagoon	12/08/1994	C8/41/71D/PA		27/01/1995	GRA
MIN2143	Continued removal of cenospheres	11/07/1994	C8/41/71C/PA		19/09/1994	GRA
MIN2139	Section 73 application under conditi	11/07/1994	C8/40/33C/PA		19/09/1994	GRA
MIN2135	Continued removal of cenospheres	07/02/1994	C8/41/71B/PA	C8/40/33B/PA	21/06/1994	GRA
MIN2142	Continued removal of cenospheres	07/02/1994	C8/40/33B/PA	C8/41/71B/PA	21/06/1994	GRA
MIN2148	Variation of conditions under C8/40/	23/10/1992	C8/41/71A/PA	C8/40/33A/PA	15/06/1993	GRA
MIN2147	Variation of condition under C8/40/3	23/10/1992	C8/40/33A/PA	C8/41/71A/PA	15/06/1993	GRA
MIN2149	Buildings for archaeological dig at V	25/02/1988	C8/41/72/PA		24/05/1988	GRA
MIN2141	Extraction of cenospheres from Pha	18/02/1988	C8/41/71/PA	C8/40/33/PA	24/05/1988	GRA
MIN2140	Extraction of cenospheres from Pha	18/02/1988	C8/40/33/PA	C8/41/71/PA	24/05/1988	GRA
MIN2133	Temporary PFA stockpile	11/03/1987	C8/40/29/PA	C8/41/15D/PA	10/06/1987	GRA
MIN2131	Temporary PFA stockpile	11/03/1987	C8/41/15D/PA	C8/40/29/PA	10/06/1987	GRA
MIN2146	The transport of diluted chemical wa	10/01/1986	C8/40/27/PA	C8/41/62/PA & C8/42/92/PA	23/10/1986	GRA
MIN2134	Chemical Waste Disposal	08/01/1986	C8/41/62/PA	C8/40/27/PA & C8/42/92/PA	23/10/1986	GRA
MIN2132	Chemical Waste Disposal	08/01/1986	C8/42/92/PA	C8/40/27/PA & C8/42/62/PA	23/10/1986	GRA
MIN2136	Erection of a heavy plant maintenanc	30/06/1980	C8/41/15B		18/08/1980	GRA
MIN2150	Steel-frame storage building	07/09/1977	C8/41/15A		02/11/1977	GRA
MIN2138	Temporary single storey office block	16/01/1976	C8/41/15/PA		10/03/1976	GRA
MIN3007	Erect office & laboratory accommod	07/02/1973	OG.1376/F		17/04/1973	GRA
MIN3004	Building to be used for temporary si	17/10/1966	OG.1376/C		21/10/1966	GRA
MIN3003	Access to Booster & Return Water F	26/05/1966	OG.1376/B		17/06/1966	GRA
MIN3002	Erection of contractors buildings	13/01/1965	OG.1376/A		22/02/1965	GRA
MIN2144	Disposal of ash	01/03/1963	OG/1376		21/10/1963	GRA

Further information on much of the planning history for the site can be accessed via the County Council's Online Planning Register:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

Search 'Application Reference' using the 'NY/...' or 'MIN' reference, however please note that not all cases or documents associated with a case are currently available in an electronic format. Notably, whilst some information regarding the original 1963 permission OG/1376 (MIN2144) and the subsequent Section 52 legal agreement is scanned there are other approvals of restoration and aftercare schemes and amendments to the restoration plans which are currently not in electronic format **online**. For example, the emergency lagoons were permitted to be raised in height in 2000. There was also an integrated land management plan. However, following trawling through the files, scanning of some of those documents has been arranged with the applicant's agent.

## **The Proposal**

Request for a Scoping Opinion for increased extraction of pulverised fuel ash on land at Gale Common, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB on behalf of EP UK Investments.

The proposed development comprises the increased extraction of secondary aggregate materials on land at the Gale Common Ash Disposal Site. Extraction would occur from certain areas within the wider Gale Common Ash Disposal Site (the emergency ash disposal lagoons, Stage II and Stage III areas of the Site only. Stage I (which is the fully restored part of the Site) would be retained in its current form. The areas where extraction would occur are illustrated on **Figure 5**. The predominant extraction material would be PFA; however, some areas of the

Site contain shale and furnace bottom ash, which also has commercial value and may be extracted in small quantities.

To facilitate the operation of the Proposed Development, the following infrastructure is proposed:

- a new security gatehouse;
- up to four automated weighbridges (and the retention of an existing manual weighbridge);
- removal of an existing (redundant) conveyor to allow the loading pad to be expanded;
- expansion of the existing concrete loading pad and addition of a covered area to keep materials dry during inclement weather;
- sections of new and upgraded internal access roads to improve the circulation of Heavy Goods Vehicle (HGV) traffic within the Site;
- expansion of existing office accommodation; and
- a new wheel wash facility (or upgrading of the existing).

### **Consultations**

Consultations were undertaken on 28<sup>th</sup> November 2018, and further on the 21<sup>st</sup> December 2018 following additional information submitted by the applicant. The list below identifies which consultee responses were received (referred to in detail later in this Scoping Opinion). Appendix B of this Scoping Opinion contains complete versions of all consultation responses received during the course of this scoping exercise.

Selby District Council (Planning)	No response as at 15/01/2019
Environment Agency York	08/01/2019
Womersley Parish Council	No response as at 15/01/2019
Whitley Parish Council	No response as at 15/01/2019
Cridling Stubbs Parish Council	No response as at 15/01/2019
Yorkshire Water Services Ltd	No response as at 15/01/2019
Natural England	17/12/2018
Highways England	07/01/2019
Danvm Drainage Commissioners	18/12/2018
Network Rail	No response as at 15/01/2019
NYCC Arboricultural Officer	No response as at 15/01/2019
NYCC Heritage - Principal Landscape Architect	08/01/2019
NYCC Heritage - Ecology	18/12/2018
NYCC Public Rights of Way Team	No response as at 15/01/2019
NYCC Highways Authority	11/01/2019

Any responses received following the issue of the 'Scoping Opinion' will be forwarded onto the applicant/agent, and should be actioned accordingly.

### **Advertisement and Representation**

Given that this is a request for a Scoping Opinion and not a planning application, there is no requirement under the Regulations to advertise or ask for representations from the public prior to the issuing of the scoping opinion. Therefore no public notification letters or formal notices have been issued.

## **Planning Policy and Guidance**

In considering and determining a forthcoming planning application at this site there will be a range of policy considerations material to the proposed development. This includes directives, legislation, regulations and policies from the European level to the local level.

The National Planning Policy Framework (NPPF) (Department for Communities and Local Government (DCLG), 2012a) was published on 27 March 2012 and a revised NPPF was published on 24 July 2018, setting out the government's planning policies for England and how these are expected to be applied. The NPPF also has a bearing on the weight to be accorded to local plans

The NPPF will be reviewed and appropriate policies identified which may have a bearing on the decision making process as related to the Proposed Development. National Planning Practice Guidance:- On 6 March 2014, the Department for Communities and Local Government (DCLG) publish edits Planning Practice Guidance (PPG) (DCLG, 2012b), which consolidated and revised a large number of practice guidance documents. Since its initial publication, the PPG has been the subject of a number of updates. Guidance outlined in the PPG will be considered in preparing the planning application and reserved matters applications for the Proposed Development.

**Local Planning Policy** The statutory development plan comprises of the following development plan documents: the 'saved' policies of the North Yorkshire Waste Local Plan (adopted 2006); the 'saved' policies of the North Yorkshire Minerals Local Plan (adopted 1997); the 'saved' policies of the Selby District Local Plan (adopted 2005); and the Selby District Core Strategy Local Plan (adopted 2013).

It is relevant to note that SDC is preparing a 'Sites and Policies Local Plan', known as 'PLAN Selby' to deliver the strategic vision outlined within the Selby District Core Strategy (2013). The latest round of consultation comprised the 'Additional Site' consultation in spring 2018. The plan is not considered sufficiently advanced for further consideration here.

In addition to PLAN Selby, NYCC (as minerals and waste planning authority), along with the City of York Council and the North York Moors National Park Authority, is producing a 'Minerals and Waste Joint Plan'. The Plan, once finalised, will set out new planning policies for minerals and waste developments across all three council areas, which will guide decisions on planning applications up to 31 December 2030. The Minerals and Waste Joint Plan is at an advanced stage of preparation, in that it is currently going through examination, with hearings having taken place in spring 2018.

In this instance the planning policies and guidance relevant to the determination of a planning application for the proposed development would potentially include the following:-

### National Planning Policy Framework (NPPF) (2018)

- Paragraphs 54-56 within Chapter 4 (Decision-making)
- Paragraphs 102-104 and 109 within Chapter 9 (Promoting sustainable transport)
- Paragraphs 124-127 within Chapter 12 (Achieving Well Designed Places)
- Paragraphs 143- 146 within Chapter 13 (Protecting Green Belt Land)
- Paragraphs 170, 175, 178, 180 and 183 within Chapter 15 (Conserving and enhancing the natural environment)

- Paragraphs 203-205 within Chapter 17 (Facilitating the sustainable use of minerals)

National Planning Policy for Waste (NPPW) (2014)

- Paragraph 4 and 5 – Identifying Suitable Sites and Areas
- Paragraph 7 and 8 – Determining Planning Applications
- Appendix A – The Waste Hierarchy
- Appendix B – Locational Criteria

National Planning Practice Guidance (NPPG) (2014 as amended)

- Air Quality
- Design
- Natural Environment
- Noise
- Waste
- Land Stability
- Minerals

- Travel Plans, Transport Assessments and Statements
- Water Supply, wastewater and water quality

'Saved' policies contained within the North Yorkshire Waste Local Plan (2006)

- 4/1 – Waste Management Proposals
- 4/3 – Landscape Protection
- 4/6 – Green Belts
- 4/10 – Locally Important Sites
- 4/18 – Traffic Impact
- 4/19 – Quality of Life
- 4/22 – Site Restoration
- 7/3 – Re-working of Deposited Waste

'Saved' policies contained within the North Yorkshire Minerals Local Plan (1997)

- 4/1 – Determination of Planning Applications
- 4/6A – Nature Conservation and Habitat Protection – Local
- 4/10 – Water Protection
- 4/13 – Traffic Impact
- 4/14 – Local Environment and Amenity
- 4/16 – Ancillary and Secondary Operations
- 4/18 – Restoration to agriculture

Policies contained within the Selby District Core Strategy Local Plan (2013)

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP3 – Green Belt
- SP13 – Scale and Distribution of Economic Growth;
- SP18 – Protecting and Enhancing the Environment; and
- SP19 – Design Quality.

'Saved' policies contained within the Selby District Local Plan (2005)

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV9 – Sites of Importance for Nature Conservation
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- EMP9 – Expansion of Existing Employment Uses in the Countryside
- GB2 – The Control of Development in the Green Belt; and
- GB4 – The Character and Visual Amenity of the Green Belt.

Please note that the above policy list is not exhaustive and includes extant policies at the time of writing and may be subject to change.

From a brief assessment of the development site and the relevant planning policies, it is considered that the key issues pertaining to any future planning application would be:-

- Principle of the Development;
- Mineral sterilisation, effect on reserves;
- Scale, appearance, design;
- Impact upon the open countryside and landscape character;
- Environmental protection & local amenity impacts (vibration, dust, noise);
- Site drainage;
- Flood Risk;
- Access & highway safety & capacity;
- Economic impact
- Biodiversity & ecological mitigation; and
- Quality of restoration & aftercare, soils handling, protection, storage and re-use

In addition there are also policies within the Minerals and Waste Joint Plan that has been prepared by North Yorkshire County Council, the City of York Council and the North York Moors National Park Authority which although not yet adopted should be given some weight given the progress of the Joint Plan through the Examination in Public process. Whilst there is currently not a date set for the commencement of the consultation on the Main Modifications, there is a document on the minerals-and-waste-joint-plan-examination webpage which gives an indication on progress towards that stage as at 13 April 2018. It is document LPA/90 in the 'Documents from local planning authorities' section under the Examination documents heading.

The relevant Joint Plan policies are considered to be:

- M11 – Supply of alternatives to land-won primary aggregates
- W01 – Moving waste up the waste hierarchy
- W09 – Managing power station ash and Incinerator Bottom Ash
- S01 – Safeguarding mineral resources
- S02 – Developments proposed within Minerals Safeguarding Areas
- S03 – Waste management facility safeguarding
- S06 – Consideration of applications in Consultation Areas
- D01 – Presumption in favour of sustainable minerals and waste development
- D02 – Local amenity and cumulative impacts
- D03 – Transport of minerals and waste and associated traffic impacts
- D05 – Minerals and waste development in the Green Belt
- D06 – Landscape
- D07 – Biodiversity and geodiversity
- D09 – Water environment
- D10 – Reclamation and afteruse
- D13 – Consideration of applications in Development High Risk Areas

Please note that the above list is not exhaustive and includes extant policies at the time of writing.

### **Environmental Baseline and Required Information**

The aim of scoping is to help, through consultation with the relevant statutory bodies, establish an environmental baseline and to set environmental benchmarks for consideration within the ES. However it is expected that an Applicant will want to consult the relevant statutory bodies directly, who will be expected to provide information useful to the applicant.

Information within the ES relating to impacts and their prediction shall include:

- Impact prediction;
- Methodology;
- Assumptions and underlying rationale;
- Fact, interpretation of facts, opinions and judgments based on facts;
- Confidence limits associated with the prediction;
- The characteristics and dimensions of the impacts – i.e. nature, magnitude, extent, timing, duration, reversibility, likelihood and significance;
- Impact uncertainty;
- Worst case;
- Impact range; and
- Risk Assessment.

Establishing the significant of impacts can inevitably be contentious as it often involves value judgments and expert interpretation. It is therefore prudent that any significance criteria is established on a transparent methodology, based on official standards, legislation, policy and expert opinion, which would lead to the conclusions.

Mitigation measures proposed within the ES should be detailed within a schedule of environmental commitments that could assist in the consideration of the proposed draft conditions and or Section 106 agreements. It is advised therefore that the Applicant adopts a hierarchical approach to the development of mitigation measures, by:

- Avoiding adverse impacts;
- Minimising or reducing impacts to as low as possible; and
- Remedying or providing compensative measures where adverse impacts that are unavoidable.

It is important that potential positive and negative residual effects remaining after mitigation measures have been identified and accounted for within the ES, are assessed as to their significance and acceptability. Consequently, each environmental issue should relate to a Table of Residual Effects

### **Scope of the EIA**

The Applicant has proposed in the EIA Scoping Request document dated 22 November 2018 a range of assessments requirements to be included in the Environmental Statement ('scoped in') and other surveys and reports to be included in the Supporting Planning Statement ('scoped out') to accompany the Planning Application.

The applicant considers that due to the nature and scale of the proposed development the following environmental features have the potential to give rise to significant adverse impacts and will therefore form part of the Environmental Statement (**‘scoped in’**):

Based on an evaluation of the baseline environmental information that exists for the Site and surrounding area and the potential environmental effects of the Proposed Development, it is proposed that the EIA include the following technical disciplines:

- **planning policy context;**
- **landscape and visual amenity;**
- **ecology and nature conservation;**
- **traffic and transport;**
- **air quality and greenhouse gas emissions;**
- **noise and vibration;**
- **geology, hydrogeology and contaminated land; and**
- **cumulative effects and interactions.**

The applicant has also identified the environmental topic areas that are not proposed to be assessed under the Environmental Impact Assessment Regulations 2017 because the impacts upon them are not likely to be ‘significant’. The following topics will not therefore form part of the Environmental Statement (**‘scoped out’**):

- Cultural Heritage
- Water Resources and Flood Risk
- Socio Economics
- Waste
- Human Health
- Major Accidents and Disasters
- Sustainability and Climate Change

The applicant has further advised that these elements would be scoped out for the following reason:

#### Cultural Heritage

Archaeological investigations have been undertaken at the Site prior to development at the Site. The applicant states that given that the operational site will be extracting previously deposited PFA (with the Site itself classified as a permitted and historic landfill site) that it is not considered the potential for the Proposed Development to impact upon undiscovered buried archaeological assets. They also state that the site is also a considerable distance from designated heritage assets and as such is not considered the Proposed Development would result in significant adverse effects on their setting. In addition, due to the nature of the extractive works and associated restoration of the landform to its historic level there is not considered the potential for the Proposed Development to lead to significant adverse effects on the setting of the non-designated asset of Wood Hall Medieval Moated Site. Therefore, it is proposed that Cultural Heritage is scoped out of the EIA.

#### Water Resources and Flood Risk

The applicant advises that given the large distance between the Site and the nearest major watercourses there is not considered to be the potential for significant adverse effects to occur on surface waterbodies. Impacts on groundwater are considered further in the Geology, Hydrology and Contaminated Land section of the proposed ES.

In addition, the applicant argues that as the majority of the Site lies within Flood Zone 1 (low risk of flooding) (including all 5.5 areas where extraction related activities will take place) no significant adverse effects from or to flood risk are expected.

The applicant therefore proposes that an assessment of impacts on surface water and flood risk is scoped out of the EIA. However, as the Site area is larger than 1 ha, in accordance with the NPPF, a Flood Risk Assessment (FRA) is required and will be undertaken for inclusion in the planning application, and an appropriate drainage system (using the existing infrastructure where appropriate) will be designed to contain and appropriately manage potentially contaminated runoff from the loading pad, internal access roads, and the wheel wash.

### Socio-Economics

The Proposed Development requires approximately 25 on-site staff for the 25 year operational period.

As part of the final Site restoration process, the applicant has advised that options are being considered for opportunities for community benefit, such as recreational footpaths through the Site.

While job creation may result in a beneficial effect on the local and regional economy and the community benefits realised following restoration will also benefit the region, this is not considered to result in significant effects. Socio-economics assessment has therefore been scoped out of the EIA.

### Waste

The applicant claims minimal waste will be generated by the extraction activities. While a small volume of waste will be generated from the screening process, this will likely be less than 1% of the total volume screened. The waste is likely to include inert, uncontaminated material which could beneficially be used as part of the restoration of the Site. This is not considered to result in significant effects on local or regional waste management sites. As such it is proposed that an assessment of waste is scoped out of the EIA.

### Human Health

The scoping report identifies human health risks as a result of the Proposed Development are considered by the applicant to be limited due to the Site's location - predominantly away from human habitation - and also because the Proposed Development is a relatively simple process as an extraction facility using mobile plant. However, it is acknowledged that some environmental topics (air quality, noise and transport) do have some potential to result in effects on human receptors, although these are not expected to be significant. Potential human health impacts will be considered as part of these technical chapters, using appropriate guidance, legislation and standards and it is therefore considered that a separate human health assessment can be scoped out of the EIA.

### Major Accidents and Disasters

The description of the Proposed Development in the ES would provide sufficient information to allow key environmental issues identified to be adequately assessed, and as such the applicant does not propose to include it within the ES, however it is proposed that accidental events, such as the potential for fuel spillages and how the risk of such events would be minimised, will be detailed in the relevant chapters and appendices of the ES. Potential accidental events will be covered by a concise risk assessment within the ES, which will include reference to the Applicant's overarching principles of emergency management. Thus, it is not proposed to include a standalone major accidents and disasters chapter within the ES.

### Sustainability and Climate Change

The applicant states that greenhouse gas (GHG) emissions associated with the Proposed Development will be assessed within the air quality and GHG assessments of the ES and sustainability matters will be considered in the introductory chapters of the ES, and as such would not form a standalone sustainability and climate change chapter in the ES.

It is considered that the Scoping set out in that document broadly covers all the main environmental and cumulative impacts of the proposed development however the applicant's attention is drawn to the comments of the consultees, and this additional information should be included within and submitted ES. NYCC also accepts the applicant's claims with regards

to the matters to be scoped out of the ES, but would reiterate that all of this information is required and should be included within the planning statement and documentation to provide sufficient evidence on which the authority can make an informed assessment and decision.

Please note: With regards to surveys, all surveys included within the ES or supporting documentation should be completed in accordance with 'Validation Requirements for Planning and other applications submitted under the Town and Country Planning Act March 2016'.

An ES needs to demonstrate that it is objective, transparent while being well written, scientifically rigorous, well assembled and easy to read. There are particular aspects which the County Council consider should be addressed in more detail. These are highlighted in the below section and take account of the responses of consultee organisations, copies of which are attached to the Appendix B of this Opinion.

<b>Environmental Statement</b>	
<b>SECTION</b>	<b>COMMENTS</b>
<u>Landscape and Visual Amenity</u>	<p style="text-align: center;"><i>NYCC – Heritage Service</i></p> <p>As part of the ES the applicant should undertake detailed topographical survey which should be used to understand and explain all the key features and characteristics of the existing site including levels and landform, existing vegetation and screening, topsoil and subsoil stores, stages of current working and restoration.</p> <p>Landscape Character Assessments – Reference should be made to local site specific landscape assessments including the 'Landscape Assessment of Selby District, Woolerton Dodwell, 1999' and the Applicant's own assessment the area.</p> <p>Baseline Conditions - the scoping document proposes to use existing site conditions as part of the baseline study which will form the basis of the assessment to predict landscape and visual impacts. The proposal will affect a larger partly completed and restored project at Gale Common where the original baseline has been changed by ongoing work since the original 1960's application. Further clarification is needed to understand and explain the assessment baseline(s).</p> <p>Overall Site Design - Consideration should be given to understand the overall Gale Common site design (Phases I-III) in context and how the proposed development will affect this.</p> <p>Green Belt – the site is located within Green Belt. The Applicant should consider the effect of the proposed development on openness of the Greenbelt in line with the NPPF Protecting Green Belt Land.</p>

Existing Trees and Vegetation – this should be reviewed, protected and retained where appropriate. Tree survey and arboricultural impact assessment should be to BS5837. This is important if vegetation is needed for ongoing screening of the site and to protect restored areas of the site.

Soil Management – a soil management plan is needed in order to protect and manage site soils needed for restoration.

Study Area – An initial 5km radius study area for the LVIA should be used.

Assessment Viewpoints, Mapping Effects and ZTV – The principle of using representative viewpoints to illustrate the experience of different types of visual receptor is acceptable, however the assessment should describe and assess the full effects of the development. The number of viewpoints and accurate visual representations should be determined by the quantity necessary to explain the effects of the development (not limited to 10 viewpoints or 4 visual representations as paras. 6.14 and 6.15).

The assessment should provide mapping of the landscape and visual effects to help quantify and illustrate the location of all receptors and likely effects of the development (not limited to a summary of viewpoints).

The principle of establishing a ZTV using DTM is acceptable but this should be verified through fieldwork to establish an accurate visual envelope.

Development Timescales – due regard should be given within the assessment to the timescales taken for past and further future working of the site, which are significant.

3D Ground Model and Photomontages – I would welcome the use of these techniques to inform the ES (because of the scale and significance of the design and landform) and should be used to illustrate the agreed baseline(s), ongoing work at key stages during the 25 year working period, and the final restoration stage.

Site Restoration, Landscape Proposals, Mitigation, Maintenance and Aftercare - The outline restoration

	<p>plan should consider the whole Gale Common site (Phases I-III). Hard and soft landscape proposals, progressive phased restoration and after use should be explained, together with a short and long-term maintenance and management strategy for the site. This should include all operational areas affected by the development.</p> <p>Landscape proposals and mitigation should have regard for and contribute to the wider landscape character, connectivity of green infrastructure and sustainable transport. The principles of the European Landscape Convention need to be taken into account</p> <ul style="list-style-type: none"> <li>•</li> </ul>
<Traffic and Transport	<p><i>See comments made by Highways England</i></p> <ul style="list-style-type: none"> <li>• Highways England concur with the proposals as identified within the scoping document and all matters should be included within the ES as stated.</li> <li>•</li> </ul>
<Traffic and Transport	<p><i>See comments made by NYCC Highways Authority</i></p> <ul style="list-style-type: none"> <li>• <i>The Highway Engineer has attended a meeting with AECOM where the scope of the ES was discussed, along with the development and its impact on the local road network. At the meeting the scope identified where the applicant should focus attention especially in relation to the impact on Whitely Bridge.</i></li> <li>• <i>In detail:</i></li> <li>• <i>6.33 would agree that Whitefield lane is existing traffic flows are low.</i></li> <li>• <i>6.34 ok after visiting the site this is the case.</i></li> <li>• <i>6.35 As above have discussed the contents of the transport assessment</i></li> <li>• <i>6.37 assessment of non HGV traffic will be encouraged to reduce the impact on the local highway network.</i></li> <li>• <i>6.38 Would add:- for surrounding residents especially at whitely Bridge after first sentence.</i></li> </ul>

Ecology and Nature Conservation	<p style="text-align: center;"><i>See comments made by NYCC Ecology</i></p> <ul style="list-style-type: none"> <li>• <i>Supportive of the assessment as outline but encourage the applicant to document how measures to avoid, mitigate and compensate for impacts upon site, habitats and species have been incorporated into the development plans in accordance with national policy.</i></li> <li>• <i>Paragraph 175 of National Planning Policy Framework (NPPF) 2018 should be taken into account in terms of the mitigation hierarchy (avoid, mitigate and as a last resort compensate) and demonstrating how the project will 'secure measurable net gains for biodiversity'. Where this cannot be achieved on site there may be a need to consider offsite options and this could link with landscape, access and green infrastructure enhancements.</i></li> <li>• <i>Within the scoping document there is very little information on restoration, other than to say that the landform will be returned to its original state. There is a need to consider as part of the impact assessment the loss of the habitats which were due to be restored and the value that would have been provided for nature conservation. Whilst the landform may change as part of this proposal the commitment to delivering a high quality restoration with benefits for biodiversity should remain.</i></li> <li>• <i>Habitats proposed should be typical to the local area providing reference points for target NVC communities where possible. A restoration, establishment and management plan will need to be submitted as part of the application to demonstrate how the site will be managed sustainably in the long term.</i></li> <li>• <i>Long term management</i></li> <li>• <i>The application submission should address the issue of long term management to ensure that the elements of mitigation, compensation and enhancement secured as part of any permission granted and delivered through the restoration scheme are established and managed in the long term. This detail should include the objectives of management, management prescriptions, monitoring, reporting and the period of management.</i></li> </ul>
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<p>Geology, Hydrology and Contaminated Land</p>	<p style="text-align: center;"><i>See comments made by Environment Agency</i></p> <p><b>Groundwater Protection</b></p> <p>This site overlies a Principal and Secondary B aquifer, so any pathways for contamination must be strictly controlled to avoid pollution of the principle and secondary aquifers from any historic contamination identified on the site from previous or current use. At this stage, we do not provide detailed site-specific advice or comments with regard to land contamination issues, apart from identifying the site sensitivity as above. Whilst we will not be providing specific advice at this stage, it is recommended that the requirements of the National Planning Policy Framework (NPPF) are followed. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Therefore, in completing any site investigations and risk assessments the applicant should assess the risk to groundwater and surface waters from contamination which may be present and where necessary propose appropriate remediation. In making our response we have considered issues relating to controlled waters only. End 2</p> <p>The evaluation of any risks to human health arising from the site should be discussed with the Environmental Health Department.</p> <p>We recommend that the applicant:</p> <ul style="list-style-type: none"> <li>• Applies the risk-based framework set out in the Model Procedures for the Management of Land Contamination (CLR 11) and follow the guidance in that document so that the best decision are made for the site;</li> <li>• Refers to our guidance on requirements for land contamination reports;</li> <li>• Uses BS 10175, Investigation of potentially contaminated sites – Code of Practice as a guide to undertaking the desk study and site investigation scheme;</li> <li>• Uses MCERTS accredited methods for testing contaminated soils at the site; and</li> <li>• Consult our website at <a href="http://www.gov.uk">www.gov.uk</a> for further information about any permissions that may be required.</li> </ul>
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	<p><b>Flood Risk</b> Although flood risk has been screened out of the ES, some of the site is shown to lie within Flood Zone 2 on our Flood Map for Planning, having a medium probability of flooding from rivers and/or the sea. A site-specific flood risk assessment should be prepared in line with our Flood Risk Standing Advice.</p> <p><b>Environmental Permitting Regulations</b></p> <ul style="list-style-type: none"> <li>We have reviewed the existing environmental permit and there is no restriction within the permit on the amount that can be extracted. The specified 30,000 tonnes is a planning restriction and was not carried through into the permit.</li> </ul>
<p>Geology, Hydrology and Contaminated Land</p>	<p><i>Comments made by Drainage Commissioner</i></p> <ul style="list-style-type: none"> <li><i>The application lies within the IDB district and indicates that: -</i></li> <li><i>The application may increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site.</i></li> <li><i>Our current guidelines for any increase in surface water discharge are as follows:-</i></li> <li><i>If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.</i></li> <li><i>If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.</i></li> <li><i>If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff.</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.</i></li> </ul> <p><i>ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.</i></p> <p><i>For further guidance, pre-application advice &amp; consent form visit: www.shiregroup-idbs.gov.uk, and select “Danvm DC”</i></p> <p><i>For direct enquiries e-mail: <a href="mailto:planning@shiregroup-idbs.gov.uk">planning@shiregroup-idbs.gov.uk</a></i></p>
Cultural Heritage	<p style="text-align: center;"><i>Comment made by Natural England</i></p> <p>The scoping request is for a proposal that does not appear, from the information provided, to affect any nationally designated geological or ecological sites (Ramsar, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONBs, Heritage Coasts, National Trails), or have significant impacts on the protection of soils (particularly of sites over 20ha of best or most versatile land).</p> <ul style="list-style-type: none"> <li>• At present therefore it is not a priority for Natural England to advise on the detail of this EIA. We would, however, like to draw your attention to some key points of advice, presented in annex to this letter, and we would expect the final Environmental Statement (ES) to include all necessary information as outlined in Part 4 of the Town &amp; Country Planning (Environmental Impact Assessment) Regulations 2017. If you believe that the development does affect one of the features listed in paragraph 3 above, please contact Natural England at <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a>, and we may be able to provide further information.</li> </ul>
<b><i>Planning Supporting Statement</i></b>	
<p>As the applicant has not provided detailed information of the proposed additional planning documentation over and above that to be scoped in or out of the ES, the applicant should refer to the Councils Validation Requirement by default - ‘Validation Requirements for Planning and other applications submitted under the Town and Country Planning Act March 2016’. (or successor document).</p>	

### **Additional Information**

1. The time taken preparing an Environmental Statement is acknowledged however, it is recommended that as much information as is available is provided to avoid the need to request additional information during the processing of the application and thereby avoiding potential delays in the determination of the planning application.
2. Information submitted should be as up to date as possible.
3. Due consideration should be given to ensuring that where information is likely to be directed by national planning or Development Plan policy then the correct reference(s) to the requirements are undertaken and the assessment needed or information necessary is provided in accord with the relevant document or policy in the preparation of the Environmental Statement. This equally applies to the use of other regulatory or statutory guidance that may be affected by the proposed development. If possible it is recommended that discussions take place with the various consultees, prior to the submission of the Environmental Statement, with regard to the likely content of the information to be provided to ensure that this will meet their needs. This will lessen the likelihood for the need to formally ask for more information thereby delaying the processing of the application.
4. It is important to ensure that in preparing plans and drawings to accompany the planning application and the Environmental Statement that these have all the necessary information attached i.e. appropriate standard scales, that existing and proposed elevations are clearly defined and notated with regard to direction and dimensions if these are shown, and the provision of a north point on layout and location plans. On site location plans the red line boundary should be clearly marked and extended to include off-site works where these form a part of the application. Any additional land owned by the applicant, but not forming a part of the application should be outlined blue.

The planning application should be correctly completed and particular attention paid to the completion of the relevant certificates of ownership and the agricultural holdings certificate. That these are correctly signed and if notice has to be given in respect of ownership or to a tenant(s) of an agricultural holding then the correct notification in writing should have been given within the required period and the details of recipients of the notices correctly identified on the form. Evidence of the written notifications should be provided with the planning application form.

### **Conclusion**

This EIA Scoping Opinion informs the proposed overall EIA methodology and is based on the information supplied to the County Council at the time of the formal request for the Opinion. It attempts to ensure that any significant effects on the environment are fully understood and taken into account prior to any development decision being taken.

A review of the consultation responses received has been included in the previous section of this report. Within this report, issues that have been identified as being of particular relevance to the proposal or are lacking in scope are noted in tabular form. This concludes that whilst

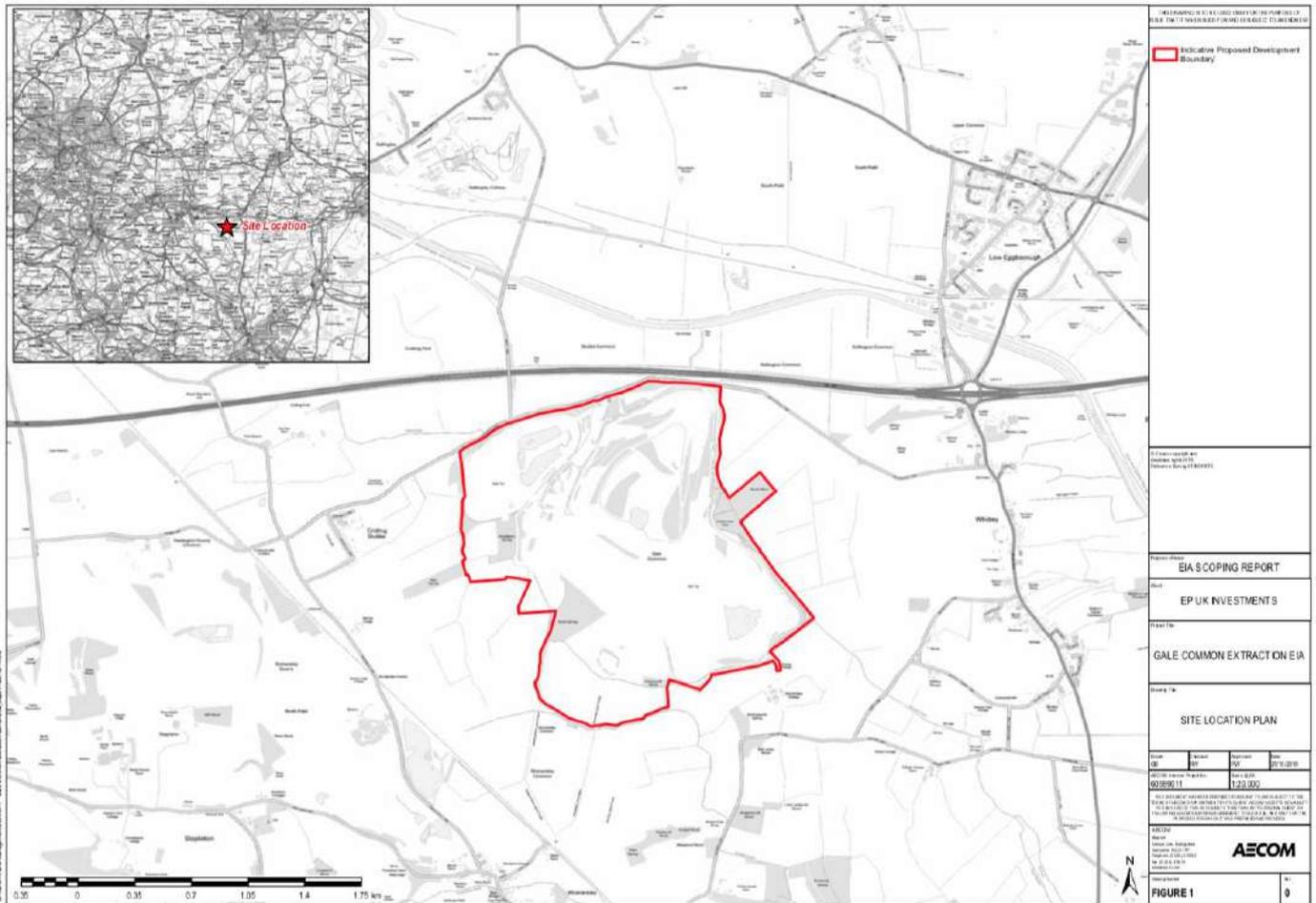
the principal structure of the ES is considered to be appropriate, the applicant is advised to pay further attention to certain matters, such as Landscape and Visual Amenity, Traffic and Transport, Geology, Hydrology and Contaminated land.

The final ES should include all necessary information as outlined in Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017. Furthermore it is recommended that, in order to ensure the completeness and quality of the ES, the Applicant liaises with competent experts during its preparation and the ES must be accompanied by a statement outlining the relevant expertise or qualifications of such experts.

**END OF DOCUMENT**

**Appendix A- relevant plans and drawings**

**FIGURE 1**



**FIGURE 5.**



**Appendix B- complete versions of all consultation responses**

**Appear below, and are also attached as a separate PDF file to the email dated 17/01/2019**

FAO Neal Richmond  
Planning Services

**Heritage Services**

Growth, Planning and Trading Standards  
Business and Environmental Services  
North Yorkshire County Council  
Northallerton  
DL7 8AH

**Your ref:** NY/2018/0250/SCO  
**Our ref:** 190108 NY/2018/0250/SCO  
**Date:** 08 January 2019

**Contact:** John Wainwright  
Principal Landscape Architect  
**Email:** john.wainwright@northyorks.gov.uk  
**Tel:** 01609 5325299

Dear Sir/Madam

Re-consultation on planning application for the purposes of the Request for an EIA Scoping Opinion for increased extraction of pulverised fuel ash on land at Gale Common, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB

Thank you for your consultation on the above Scoping Opinion.

Background

The Application is for increased extraction of pulverised pule ash and new site infrastructure at Gale Common Ash Disposal Site (the Site). The Site was originally consented in 1963 for progressive ash disposal in three Stages (Stages I to III). Stage I of the Site has been restored and landscaped. Stages II and III are incomplete.

Brenda Colvin was commissioned by the CEGB in the 1960's to influence the design for Gale Common with its unique artificial 'hill fort' landscape design. Despite changes, the key concepts have been carried forward to the present day.

The site has been partly restored and incorporates modelled landform, established areas of tree, shrub and grassland planting.

The Proposed Development will extract up to 1 million tonnes of PFA per annum over 25 years.

The scoping report indicated that the landform will be returned back to a state comparable to its original state prior to the development of the site (with the exception of Stage I).

In relation to Landscape and Visual Amenity I am generally supportive of the proposed ES methodology, but I have the following comments:

Landscape and Visual Effects

Detailed Study of Existing Landscape Components - The Applicant should undertake a detailed topographical survey which should be used to understand and explain the all the key features and characteristics of the existing site including levels and landform, existing vegetation and screening, topsoil and subsoil stores, stages of current working and restoration.

Landscape Character Assessments – Reference should be made to local site specific landscape assessments including the ‘Landscape Assessment of Selby District, Woolerton Dodwell, 1999’ and the Applicant’s own assessment the area.

Baseline Conditions - the scoping document proposes to use existing site conditions as part of the baseline study which will form the basis of the assessment to predict landscape and visual impacts. The proposal will affect a larger partly completed and restored project at Gale Common where the original baseline has been changed by ongoing work since the original 1960’s application. Further clarification is needed to understand and explain the assessment baseline(s).

Overall Site Design - Consideration should be given to understand the overall Gale Common site design (Phases I-III) in context and how the proposed development will affect this.

Green Belt – the site is located within Green Belt. The Applicant should consider the effect of the proposed development on openness of the Greenbelt in line with the NPPF Protecting Green Belt Land.

Existing Trees and Vegetation – this should be reviewed, protected and retained where appropriate. Tree survey and arboricultural impact assessment should be to BS5837. This is important if vegetation is needed for ongoing screening of the site and to protect restored areas of the site.

Soil Management – a soil management plan is needed in order to protect and manage site soils needed for restoration.

Study Area – I would support the proposal for an initial 5km radius study area for the LVIA.

Assessment Viewpoints, Mapping Effects and ZTV –The principle of using representative viewpoints to illustrate the experience of different types of visual receptor is acceptable, however the assessment should aim describe and assess the full effects of the development. The number of viewpoints and accurate visual representations should be determined by the quantity necessary to explain the effects of the development (not limited to 10 viewpoints or 4 visual representations as paras. 6.14 and 6.15).

The assessment should provide mapping of the landscape and visual effects to help quantify and illustrate the location of all receptors and likely effects of the development (not limited to a summary of viewpoints).

The principle of establishing a ZTV using DTM is acceptable but this should be verified through fieldwork to establish an accurate visual envelope.

Development Timescales – due regard should be given within the assessment to the timescales taken for past and further future working of the site, which are significant.

3D Ground Model and Photomontages – I would welcome the use of these techniques to inform the ES (because of the scale and significance of the design and landform) and should be used to illustrate the agreed baseline(s), ongoing work at key stages during the 25 year working period, and the final restoration stage.

#### Site Restoration and Afteruse

Site Restoration, Landscape Proposals, Mitigation, Maintenance and Aftercare - The outline restoration plan should consider the whole Gale Common site (Phases I-III). Hard and soft landscape proposals, progressive phased restoration and after use should be explained, together with a short and long-term maintenance and management strategy for the site. This should include all operational areas affected by the development.

Landscape proposals and mitigation should have regard for and contribute to the wider landscape character, connectivity of green infrastructure and sustainable transport. The principles of the European Landscape Convention need to be taken into account

Please do not hesitate to contact me if you have any queries.

John Wainwright  
Principal Landscape Architect

**Internal Review:**

<b>Reviewed By:</b>	<b>Signature: Liz Small</b>	<b>Date: 8/01/2019</b>
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From: Julia Casterton  
Direct dial: 01609 532093  
Email: [julia.casterton@northyorks.gov.uk](mailto:julia.casterton@northyorks.gov.uk)

FAO: Neal Richmond, Planning Services

Your ref: NY/2018/0250/SCO

Date: 18th December 2018

Dear Sir/Madam

Request for EIA Scoping Opinion for Gale Common, Cobcroft Lane, Cridling Stubbs, Knottingley

Thank you for your consultation on the above scoping opinion, I have the following comments to make with regards to ecology:

I am satisfied with the scope of the ecological assessment set out within the report – a desk based assessment of data has been undertaken, a number of surveys have been undertaken and it is proposed that these will be supplemented with further surveys in 2019. I am supportive of the assessment following the CIEEM best practice guidance and would encourage the applicant to document how measures to avoid, mitigate and compensate for impacts upon sites, habitats and species have been incorporated into the development plans in accordance with national policy.

Paragraph 175 of National Planning Policy Framework (NPPF) 2018 should be taken into account in terms of the mitigation hierarchy (avoid, mitigate and as a last resort compensate) and demonstrating how the project will '*secure measurable net gains for biodiversity*'. Where this cannot be achieved on site there may be a need to consider offsite options and this could link with landscape, access and green infrastructure enhancements.

Restoration

Within the scoping document there is very little information on restoration, other than to say that the landform will be returned to its original state. There is a need to consider as part of the impact assessment the loss of the habitats which were due to be restored and the value that would have been provided for nature conservation. Whilst the landform may change as part of this proposal the commitment to delivering a high quality restoration with benefits for biodiversity should remain.

Habitats proposed should be typical to the local area providing reference points for target NVC communities where possible. A restoration, establishment and management plan will need to be submitted as part of the application to demonstrate how the site will be managed sustainably in the long term.

Long term management

The application submission should address the issue of long term management to ensure that the elements of mitigation, compensation and enhancement secured as part of any permission granted and delivered through the restoration scheme are established and managed in the long term. This detail should include the objectives of management, management prescriptions, monitoring, reporting and the period of management.



Mr Neal Richmond  
North Yorkshire County Council  
Planning Services  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AH

**Our ref:** RA/2018/139457/01-L01  
**Your ref:** NY/2018/0250/SCO  
**Date:** 08 January 2019

Dear Mr Richmond

**REQUEST FOR AN EIA SCOPING OPINION FOR INCREASED EXTRACTION OF PULVERISED FUEL ASH. GALE COMMON, COBCROFT LANE, CRIDLING STUBBS, KNOTTINGLEY, NORTH YORKSHIRE, WF11 0BB**

Thank you for your consultation on this scoping opinion, received on 29 November 2018. We have reviewed the EIA Scoping report prepared by EP UK Investments Ltd, dated November 2018. This report indicates that the Environmental Statement (ES) will contain assessment of effects relating to Geology, Hydrology and Contaminated Land, which will also include and impacts on groundwater. Water Resources and Flood Risk will not be contained within the ES.

**Groundwater Protection**

This site overlies a Principal and Secondary B aquifer, so any pathways for contamination must be strictly controlled to avoid pollution of the principle and secondary aquifers from any historic contamination identified on the site from previous or current use. At this stage, we do not provide detailed site-specific advice or comments with regard to land contamination issues, apart from identifying the site sensitivity as above.

Whilst we will not be providing specific advice at this stage, it is recommended that the requirements of the National Planning Policy Framework (NPPF) are followed. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Therefore, in completing any site investigations and risk assessments the applicant should assess the risk to groundwater and surface waters from contamination which may be present and where necessary propose appropriate remediation.

In making our response we have considered issues relating to controlled waters only.

Environment Agency  
Lateral 8 City Walk, LEEDS, LS11 9AT.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

The evaluation of any risks to human health arising from the site should be discussed with the Environmental Health Department.

We recommend that the applicant:

- Applies the risk-based framework set out in the Model Procedures for the Management of Land Contamination (CLR 11) and follow the guidance in that document so that the best decision are made for the site;
- Refers to our guidance on requirements for land contamination reports;
- Uses BS 10175, Investigation of potentially contaminated sites – Code of Practice as a guide to undertaking the desk study and site investigation scheme;
- Uses MCERTS accredited methods for testing contaminated soils at the site; and
- Consult our website at [www.gov.uk](http://www.gov.uk) for further information about any permissions that may be required.

### **Flood Risk**

Although flood risk has been screened out of the ES, some of the site is shown to lie within Flood Zone 2 on our Flood Map for Planning, having a medium probability of flooding from rivers and/or the sea. A site-specific flood risk assessment should be prepared in line with our [Flood Risk Standing Advice](#).

### **Environmental Permitting Regulations**

We have reviewed the existing environmental permit and there is no restriction within the permit on the amount that can be extracted. The specified 30,000 tonnes is a planning restriction and was not carried through into the permit.

We trust this advice is useful.

Yours sincerely

**Miss Lizzie Griffiths**  
**Sustainable Places - Planning Specialist**

Direct dial 020 302 58439

Direct e-mail [lizzie.griffiths@environment-agency.gov.uk](mailto:lizzie.griffiths@environment-agency.gov.uk)

Application Number	2018/0250/SCO	 <i>Epsom House Chase Park Redhouse Interchange Doncaster South Yorkshire DN6 7FE</i>
Case Officer/LPA	Neal Richmond – North Yorkshire CC	
Proposal	Request for EIA scoping opinion for	
Applicant:	EP UK Investments	
Address	Gale Common Cobcroft Lane, Cridling Stubbs, Knottingley	
Date of Reply	18 December 2018	
Engineer to the Board/Officer	Paul Jones (Shire Group of IDB's)	
On behalf of	Danvm Drainage Commissioners	

The above application lies within the IDB district and indicates that: -

The application may increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site.

The IDB as a Consultee give the following comments/recommendations:

Our current guidelines for any increase in surface water discharge are as follows:-

**If the surface water were to be disposed of via a soakaway system**, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

**If surface water is to be directed to a mains sewer system** the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

**If the surface water is to be discharged to any watercourse** within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

**No obstructions within 9 metres** of the edge of a watercourse are permitted without Consent from the IDB.

**If surface water or works are planned adjacent to a Main River** within the Drainage District, then the Environment Agency should be contacted for any relevant Permits

Advice/recommendations:

SHOULD Consent be required from the IDB as described above then we would advise that this should be made a CONDITION of any Planning DECISION.

ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

For further guidance, pre-application advice & consent form visit:  
[www.shiregroup-idbs.gov.uk](http://www.shiregroup-idbs.gov.uk), and select "Danvm DC"

For direct enquiries e-mail: [planning@shiregroup-idbs.gov.uk](mailto:planning@shiregroup-idbs.gov.uk)

Date: 17 December 2018  
Our ref: 266220  
Your ref: NY/2018/0250/SCO



North Yorkshire County Council  
[planning.control@northyorks.gov.uk](mailto:planning.control@northyorks.gov.uk)

**BY EMAIL ONLY**

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
C W1 6GJ

T 0300 060 3900

Dear Mr Richmond,

**Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the Town & Country Planning EIA Regulations 2017):** Scoping opinion for Gale Common  
**Location:** Gale Common, Cobcroft lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB

Thank you for your consultation dated and received by Natural England on 29 November 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The scoping request is for a proposal that does not appear, from the information provided, to affect any nationally designated geological or ecological sites (Ramsar, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONBs, Heritage Coasts, National Trails), or have significant impacts on the protection of soils (particularly of sites over 20ha of best or most versatile land).

At present therefore it is not a priority for Natural England to advise on the detail of this EIA. We would, however, like to draw your attention to some key points of advice, presented in annex to this letter, and we would expect the final Environmental Statement (ES) to include all necessary information as outlined in Part 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017. If you believe that the development does affect one of the features listed in paragraph 3 above, please contact Natural England at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk), and we may be able to provide further information.

Yours sincerely

Danielle Priestner  
Consultations Team

## **Annex A – Advice related to EIA Scoping Requirements**

### **1. General Principles**

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

1. A description of the development, including in particular:
  - (a) a description of the location of the development;
  - (b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
  - (c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
  - (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases.
  
2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
  
3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.
  
4. A description of the factors specified in regulation 4(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.
  
5. A description of the likely significant effects of the development on the environment resulting from, inter alia:
  - (a) the construction and existence of the development, including, where relevant, demolition works;
  - (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
  - (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
  - (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
  - (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
  - (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
  - (g) the technologies and the substances used. The description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project, including in particular those established under Council Directive 92/43/EEC(a) and Directive 2009/147/EC(b).

6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

## 2. Biodiversity and Geology

### 2.1. Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. [Guidelines for Ecological Impact Assessment \(EclA\)](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework ([NPPF](#)) sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

### 2.2. Internationally and Nationally Designated Sites

Natural England undertakes an initial assessment of all development consultations, by determining whether the location to which they relate falls within geographical 'buffer' areas within which development is likely to affect designated sites. The proposal is located outside these buffer areas and therefore appears unlikely to affect an Internationally or Nationally designated site. However, it should be recognised that the specific nature of a proposal may have the potential to lead to significant impacts arising at a greater distance than is encompassed by Natural England's buffers for designated sites. The ES should therefore thoroughly assess the potential for the proposal to affect designated sites, including Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites and Sites of Special Scientific Interest (SSSI). Should the proposal result in an emission to air or discharge to the ground or surface water catchment of a designated site then the potential effects and impact of this would need to be considered in the Environmental Statement

Local Planning Authorities, as competent authorities under the provisions of the Conservation of Habitats and Species Regulations 2017, should have regard to the Habitats Regulations Assessment process set out in Regulation 63 of the Habitats Regulations in their determination of a planning application. Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Statutory site locations can be found at [www.magic.gov.uk](http://www.magic.gov.uk). Further information concerning particular statutory sites can be found on the [Natural England website](#).

### 2.3. Protected Species

The ES should assess the impact of all phases of the proposal on protected species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

Natural England has adopted [standing advice](#) for protected species. It provides a consistent level of basic advice which can be applied to any planning application that could affect protected species. It also includes links to guidance on survey and mitigation.

Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species.

### 2.4. Regionally and Locally Important Sites

The ES should thoroughly assess the impact of the proposals on non-statutory sites, for example Local Wildlife Sites (LoWS), Local Nature Reserves (LNR) and Regionally Important Geological and Geomorphological Sites (RIGS). Natural England does not hold comprehensive information on these sites. We therefore advise that the appropriate local biological record centres, nature conservation organisations, Local Planning Authority and local RIGS group should be contacted with respect to this matter.

### 2.5. Biodiversity Action Plan Habitats and Species

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed in the UK Biodiversity Action Plan (BAP). These Priority Habitats and Species are listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, recently [published](#) under the requirements of S14 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

Government Circular 06/2005 states that BAP species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of BAP habitat for the area under consideration.

## **3. Landscape, Access and Recreation**

### 3.1. Landscape and Visual Impacts

The consideration of landscape impacts should reflect the approach set out in the *Guidelines for Landscape and Visual Impact Assessment* (Landscape Institute and the Institute of Environmental Assessment and Management, 2013, 3rd edition), the *Landscape Character Assessment Guidance for England and Scotland* (Scottish Natural Heritage and The Countryside Agency, 2002) and good practice. The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England would expect

the cumulative impact assessment to include those proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

### 3.2. Access and Recreation

The ES should include a thorough assessment of the development's effects upon public rights of way and access to the countryside and its enjoyment through recreation. With this in mind and in addition to consideration of public rights of way, the landscape and visual effects on Open Access land, whether direct or indirect, should be included in the ES.

Natural England would also expect to see consideration of opportunities for improved or new public access provision on the site, to include linking existing public rights of way and/or providing new circular routes and interpretation. We also recommend reference to relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

## **4. Land use and soils**

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the valuing of the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society; for instance as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. The Natural Environment White Paper (NEWP) '*The Natural Choice: securing the value of nature*' (Defra, June 2011), emphasises the importance of natural resource protection, including the conservation and sustainable management of soils and the protection of BMV agricultural land.

Development of buildings and infrastructure prevents alternative uses for those soils that are permanently covered, and also often results in degradation of soils around the development as result of construction activities. This affects their functionality as wildlife habitat, and reduces their ability to support landscape works and green infrastructure. Sealing and compaction can also contribute to increased surface run-off, ponding of water and localised erosion, flooding and pollution.

Defra published a Construction [Code of Practice for the sustainable use of soils on construction sites](#) (2009). The purpose of the Code of Practice is to provide a practical guide to assist anyone involved in the construction industry to protect the soil resources with which they work.

As identified in the NPPF new sites or extensions to new sites for Peat extraction should not be granted permission by Local Planning Authorities or proposed in development plans.

General advice on the agricultural aspects of site working and reclamation can be found in the Defra [Guidance for successful reclamation of mineral and waste sites](#).

## **5. Air Quality**

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which

may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

## **6. Climate Change Adaptation**

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment "by establishing coherent ecological networks that are more resilient to current and future pressures" ([NPPF](#) Para 109), which should be demonstrated through the ES.

## North Yorkshire County Council Highways Response 11/01/2019

Thanks for the information.

First of all I have attended a meeting with the developer and his consultant Aecom to discuss the development and its impact on the local road network. At the meeting we discussed what would be required in the T.A and perhaps more importantly target my concerns especially regards the impact on Whitely Bridge.

Looking at the scoping report Traffic & Transport Section

6.33 would agree that Whitefield lane is existing traffic flows are low.

6.34 ok after visiting the site this is the case.

6.35 As above have discussed the contents of the transport assessment

6.37 assessment of non HGV traffic will be encouraged to reduce the impact on the local highway network.

6.38 Would add:- for surrounding residents especially at whitely Bridge after first sentence.

Hopefully this help but as I have said above I am happy that the developer is preapring a Transport Assessment which should address my concerns about the development.

Thnaks Paul

From: fawdington, jack <jack.fawdington@highwaysengland.co.uk>

Sent: 07 January 2019 11:49

To: Planning Control

Subject: NY/2018/0250/SCO update - Gale Common, WF11 0BB - Highways England Consultation

F.A.O Planning Officer,

Regarding the re-consultation undertaken for the pre-application above, it should be noted that following a review of the proposed development Transport Assessment (currently unsubmitted) in December 2018, Highways England provided comments to AECOM (the Consultant) stating that:

“Highways England would have no issues with the operation of the site in relation to its impact on the SRN, namely Junction 34 of the M62. Should a formal application be made, which remains in line with the proposed traffic data, Highways England would have no objection to the scheme”.

It is noted that the amended EIA Scoping document that has been uploaded to the NYCC portal provides no further information to change Highways England’s perspective on this matter, therefore, as is stated above, should a formal application be made which remains in line with the proposed traffic data supplied to Highways England on 3 December 2018, Highways England would have no objection to the scheme.

Kind regards,

Jack

Jack Fawdington | Asset Manager, North Yorkshire

Highways England | Lateral | 8 City Walk | Leeds | LS11 9AT

Mobile: + 44 7545 371331

Web: <http://www.highwaysengland.co.uk>

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Highways England Company Limited | General enquiries: 0300 123 5000 | National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham B32 1AF | <https://www.gov.uk/government/organisations/highways-england> | [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)

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