



The countryside charity
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Branch President
The Lord Crathorne KCVO
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Mr S White

Authority: Selby District Council

Type of consultation: Planning Application

Full details of application/consultation:

2019/0547/EIA - Proposed construction of a motorway service area – amended plans, description, information and additional information

At land at: Lumby, South Milford, Leeds, West Yorkshire, LS25 5LE

Type of response: Objection

Date of Submission: 20th March 2020

Please note, 'CPRE - the Campaign to Protect Rural England', has undergone a national rebranding exercise. Whilst the charitable objectives and ethos remain the same, CPRE will now officially be known as 'CPRE The Countryside Charity' - the acronym only remains. CPRE North Yorkshire CIO have, therefore, adopted this new branding and remain committed to the preservation, enhancement and promotion of the North Yorkshire countryside.

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy
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Comment

CPRE North Yorkshire (CPRENY) welcomes the opportunity to comment on the amended plans for the proposed motorway service area (MSA) at Lumby, having previously commented on this application in October 2019.

CPRENY are pleased that the applicant has provided more information in line with our request in October, however, it is considered that the information submitted does not allay the concerns of this charity and for that reason an objection must be lodged. It is requested that this letter is read alongside our previous response which sets out the primary areas of concern.

In February 2019, the Government published an updated version of the National Planning Policy Framework (NPPF). This replaced the original 2012 and the revised 2018 documents. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The NPPF is, therefore, a material consideration which should be taken into account in determining this application.

The planning system should contribute to achieving sustainable development. The NPPF aims to deliver sustainable development through the implementation of its policies. Paragraph 11 sets out the requirements in terms of sustainable development.

Paragraph 213 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).

The Development Plan relevant to this application consists of:

- The Selby District Core Strategy Local Plan (adopted October 2013); and
- Saved Policies of the Selby District Local Plan (adopted February 2005).

Paragraph 48 of the NPPF also sets out that decision-takers may also give weight to relevant policies in emerging plans according to (inter alia) “the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given) and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given)”. The Council have commenced the production of a new Local Plan having terminated the production of the previous Site Allocations Local Plan. Due to the early stage in preparation, however, no weight can be attributed to this document for the purposes of decision-making.

CPRENY are of the opinion that the information submitted by the applicant is not in conformity with policies in the adopted Development Plan documents or the NPPF, therefore, should be refused.

The proposal for the MSA in the green belt location appears to be predicated on ‘need’ for the HGV parking area. The MSA, when considered as a whole, does not fall under the definition of ‘local transport infrastructure’ which is appropriate development as set out in paragraph 146 of the NPPF, therefore, the applicant must justify very special circumstances (VSC) as prescribed in the NPPF at paragraph 143. The justification for VSC by way of HGV parking requirements do not meet this test as set out in the Secretary of States decision confirming the Appeal Inspector’s recommendation at APP/F4410/W/18/3197290 (the Brodsworth appeal). The Inspector and Secretary of State both found that ‘need’ did not outweigh ‘harm’ to the Green Belt despite being above the recommended distance of 28miles between MSA as set out in Circular 2/2013. The proposed site, in this instance, is a mere 6 miles from the nearest MSA, therefore, the purported

'need' must be challenged.

It is also of note that HGV parking could be provided elsewhere within the nearby Sherburn Industrial Park and it is unclear as to why the applicant has not explored this and put forward a justification as to why the parking provision is required at the MSA, within green belt, in policy terms.

Furthermore, the 5.8Ha site is located within the Selby DC Locally Important Landscape Area as well as being within the green belt. Due to the topography of the site, CPRENY consider that it will not be possible to minimise to acceptable levels the adverse impacts of the proposals on the landscape and visual effects at this location from all viewpoints, as illustrated by the applicants recently submitted photomontages. It is commended that the applicant has sought to 'green' the proposal through the provision of green roofs and planting schemes, however, this is not sufficient at this location in our opinion.

CPRENY also have significant concerns regarding the impact of the proposals on ecological features found at the site and in the immediate vicinity. Whilst some of this could be dealt with via mitigating conditions, it is considered that overall there is not sufficient information to prove that the development of the site will be suitable mitigated and various aspects compensated for. It is therefore considered that the proposals are not in conformity with paragraph 175 of the NPPF which states that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.'

The NPPF and the emerging Environment Bill seek to secure net gains for biodiversity by incorporating improvements in and around developments as a mandatory requirement. It is, therefore, disappointing that the development will not introduce a net gain for biodiversity and no compensatory measures have been put forward to offset the loss elsewhere, other than a small amount of landscape planting as a result of a loss of hedgerow.

CPRENY reserve the right to comment further should any additional information be submitted in support of this application.