

**19/01923/FULMAJ | Creation of energetic material storage and distribution place (Use Class B8) with erection of six low level lit earth banded storage magazines, 4 no. detached storage units, a communications cabin and a re-packing shed, with associated access, hardstanding and landscaping. | Land Adjacent to Arena Display, Minster Hag Business Park, Rudgate, Bilton In Ainsty, York, North Yorkshire, YO26 7QU**

**Tockwith Residents Association strongly objects to this planning application**

1. There is no detail in the publicly available application documents regarding the exact type of explosives to be stored in the magazines (there is just brief information stating detonators and materials that are only combustible if mixed with other materials before use will be stored), we feel that assurances should be made with the Applicant regarding:

• **The security of the site.** A strong legislative and policy framework exists for considering Community Safety as part of the planning process. The Revised National Planning Policy Framework (February 2019) states that planning policies and decisions should aim to ensure that developments create safe environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. **This is a recurring concern expressed by residents who have no confidence in the mitigations proposed by the applicants.** It is therefore recommended that a request is made that the applicant produces a comprehensive Management Policy. This should demonstrate how they have considered crime and disorder and what measures they intend to put in place to reduce the likelihood of an increase in these levels. It is noted that the Police Architectural Liaison Officer has been consulted on the Application but has yet to provide a response. **Therefore, the public are invited to comment on the application without full information.**

2. paragraph 8.3.7 of the Planning Statement suggests that the loss of 0.25 ha of woodland to facilitate the construction of four of the proposed magazines would be mitigated by recent tree planting which has taken place. However, it is understood from pages 21 and 22 of the Landscape and Visual Impact Assessment that the recent tree planting actually replaces the trees felled sometime post-2016 and therefore, in our opinion does not actually mitigate that proposed to be removed.

3. it is unclear in the application submission what the proposed packing shed will be used for. The Applicant needs to provide more detail on this; will this building be handling explosives? And what explosives? **Again, this demonstrates an overly relaxed attitude to the justified concern of local residents and businesses.**

Regarding the contamination assessment, the submitted report/form indicates that topsoil will need to be imported for the proposed development (likely for the bunds surrounding the magazines). Clarification is needed from the Applicant/Council that the appropriate conditions will be put in place to ensure that the relevant certificates are submitted to the Local Planning Authority (LPA) confirming the soils suitability for use.

4. Landscape and Visual Impact Assessment Other than safety concerns landscape impact, in our opinion, is the main material planning consideration for this application.

• Page 8 of the LVIA quotes some of the pre-application enquiry response provided by Harrogate Borough Council on 10th December 2018. Specific reference is made to the height and direction of proposed security cameras and how they will be a key consideration. However, table 1 on pages 9 and 10 of the LVIA provides a schedule of the proposed buildings/structures and no mention is made of the proposed security cameras and PIR lighting. **It is therefore assumed that these have not been**

**included in the assessment of landscape impacts which is an omission that should be rectified or justified.**

- There appears to be some confusion regarding the proximity of the bridleway which runs alongside nearby Ainsty Beck (ref 15.135/14/1). Page 16 of the LVIA states at its closest point, the bridleway lies less than 50m from the site boundary but paragraph 8.10.1 of the Planning Statement states it is 140m away at its closest point. This would suggest that the applicant's plan contravenes **Policy GS7** of the Council's Emerging Local Plan:

*Development proposals should promote, support and enhance health and wellbeing by:*

*A. Contributing to a high quality, attractive and safe public realm to encourage ... and facilitate movement on foot and cycle.*

*G. Providing opportunities for formal and informal physical activity, recreation and play.*

*I. Improving the quality and quantity of green infrastructure and by protecting and enhancing public rights of way.*

- The Zone of Theoretical Visibility (ZTV) plan provided at Figure 03 indicates that the proposed development will be most visible to the west of the site. This area is more rural in nature and has fewer public vantage points than the eastern side which is more developed. Confusingly, this ZTV plan appears to state that it is based on just the proposed magazines – which are smaller in height than the surrounding bunds, but section 6.1 (page 32) of the LVIA report says the plan uses 6 target points on the earth bunds. Clarification should be requested by HBC: if the bunds have not been included in the ZTV analysis, this would affect the overall viewpoint analysis/visual assessment of the proposed development.

- Photomontages have not been supplied with the LVIA. This a well-established technique to illustrate design proposals in the landscape. **This is another example the application's overly relaxed attitude to public concerns.**

- The report indicates that a copy of the pre-application response from Harrogate Borough Council is provided at Appendix B. This appendix however does not appear to have been uploaded to the Public Access database. The Council should make sure a copy of this Appendix is provided. **Another example of an overly relaxed attitude to the public's need for information.**

- The Landscape Mitigation Plan (Drawing 04) details the landscaping strategy to mitigate the impacts of the proposed development on the surrounding area. The ecological appraisal recommends a number of mitigation measures to be included in landscaping terms which do not appear to have been included on this plan: o Paragraph 7.1.2 recommends that the mature ash tree at the site entrance should be retained if possible. It is unclear if this will be retained or removed. **The plan should make all information clear if a fair appraisal of it is to be made.**

Paragraph 7.4.1 suggests that new roosting provision for bats could be incorporated into the scheme with bat boxes erected in retained trees. There is no evidence of this on the Landscape Mitigation Plan although it is noted that the Principal Ecologist's consultee response to the application has recommended a condition to the application for both an Ecological Management Plan and an Ecological Enhancement scheme. These documents would include the provision for the numbers and

locations of bat boxes. Paragraph 7.5.4 suggests that artificial bird nesting sites could be incorporated into the scheme with bird boxes in retained trees. There is no evidence of this on the Landscape Mitigation Plan although it is noted that the Principal Ecologist's consultee response to the application has recommended a condition to the application for both an Ecological Management Plan and an Ecological Enhancement scheme. These documents would include the provision for the numbers and locations of bird nesting boxes.

The Landscape Officer has been consulted on the application, but this response is not yet available on the Public Access website. It is noted however that the Principal Ecologist makes reference to comments from Council's Landscape Architect. The Council should make this response publicly available. **Again, the concerns of local people should inform such comments. To ignore these concerns shows a lack of respect for residents' apprehension over this controversial application.**

## 5. Trees

The application is accompanied by an arboricultural assessment which indicates the condition of the trees as well as those likely to require removal as a result of the proposed development. In any planning application, all trees proposed to be removed for the development should be clearly identified on site plans submitted with the Application. Likewise, it is important that the existing trees are recorded with their Root Protection Areas (RPAs) on the relevant plan/s to illustrate the relationship/proximity of the proposed development to the RPAs. Paragraph 5.2.1 of the relevant British Standard (BS 5837:2012 Trees in Relation to Design, Demolition and construction – Recommendations) confirms this point, with paragraph 5.3.1 stating that the default position should be that structures are located outside the RPAs of trees to be retained. Whilst it is appreciated that the existing trees provide beneficial screening to the proposed development and it would be difficult to establish the RPA's of the group of trees closest to the proposed magazines (G2, G3, G4, G5 and G6), clarity regarding the number of trees to be lost in the groups should be requested by the Council. Section 4.4 of the Arboricultural Assessment just loosely states that 'it is suggested that any tree be removed where ground alteration will take place within 12 times its diameter'. This is noted together with paragraph 7.1.1 of the Ecological Appraisal which states that 'all trees should as far as possible be retained in the scheme'. In addition to the above, we note that a number of individual trees are identified relatively close to the area for the proposed shipping containers and comms cabin (T1.1 Oak, T1.2 Hawthorn and T1.3 Hazel). The RPA's of these trees have not been illustrated and it is not clear whether any proposed Page 6 of 6 works are required to the access road adjacent to these trees. Clarification on this matter should be requested.

## 6. Highways

The Transport Statement submitted with the application indicates that HGV and LGV's will require access to the site for the purposes of delivering the energetic materials and picking up the materials. No swept-path plans have been provided indicating that the existing access is suitable and safe for these types of vehicles to manoeuvre. It is suggested that the Applicant confirms that the access is suitable and safe for these sizes of vehicles, (shipping container bearing HGVs). No comments have to date been received from North Yorkshire County Council (NYCC) highways at the present time. **The Tockwith Residents Association (TRA) objects on the grounds that there is no way the planned access point can be safe for current road users without major road reshaping. The TRA insists that the safety of current users of Rudgate is prioritised over the convenience of the applicants.**

## 7. Rural Economy

Policy GS5: of Harrogate Borough Council's Local Plan states that "The council will encourage sustainable economic growth in the district by supporting the development aspirations of **indigenous** businesses" ... and, in the context of this application, "specifically by: ... Supporting the rural and agricultural economy and its diversification". Local, indigenous businesspeople, especially the adjacent farmer have strongly opposed the proposal. Would a farmer be likely to start up a free-range pig farm immediately adjacent to an existing explosives store?

There is no positive local economic benefit to be derived from the proposed development. - The proposed development is contrary to Criteria C of Policy E8 of Harrogate Borough Councils Saved Local Plan, which seeks to ensure that new industrial/commercial development in the countryside does not have a significant adverse effect on the character and appearance or general amenity of the area. - It represents an expansion of industrial activity into a countryside location. Policy E6 of the Harrogate District Local Development Framework expects industrial activities to be confined to existing industrial areas - It is disingenuous to state that a magazine already exists in this location as it was last used 70 years ago.

Access to the site is on a bad bend with inadequate visibility. Previous planning applications to reopen this access has been refused for this reason. - The removal of 150 metres of hedgerow to improve site lines goes against policy relating to maintenance of rural character and ecological concerns. - Who will then maintain this verge as currently the verges on Rudgate are seldom cut. Previously when the industrial building was built on minster hag, there was a condition that the proposed junction was shut and an alternative entrance found,

**The Tockwith Residents Association (TRA) objects on the grounds that this planning application compromises the happy working of pre-existing, indigenous businesses, for no benefit to the local rural economy. It puts extra strain on the infrastructure without providing any employment. It will disrupt economic growth by making lets on the nearby business park less attractive and more difficult to access.**

### Conclusion

**The Tockwith Residents Association** notes that this proposal was previously planned for Great Ouseburn: 16/05077/HSC at Lightmire Lane; it was rejected. The site notice wording "Application for Hazardous Substances Consent for the storage of up to 50 tonnes of Explosive and up to 200 tonnes of Ammonium Nitrate. By: BREXCO Ltd" is considerably more candid than the current application's wording referencing "energetic materials". It would appear that a lack of due consultation, and indeed, obscurity, characterise the proposal. This is despite the "assurances" of the agent representing the applicant.

Hambleton District Council commented on the lack of Consultation.

**Tockwith Residents Association is not reassured that consultation has been improved and on behalf of its 80 members strongly objects to the storage of tonnes of explosives and dangerous chemicals only a few hundred metres from habitations and businesses. We ask Harrogate Borough Council to reject the application.**

**Peter Pozman**

**Chairman of Tockwith Residents Association**