

**Item Number:** 7  
**Application No:** 19/00432/MFUL  
**Parish:** Sherburn Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Wood Energy Ltd (Mr Tim McLeman)  
**Proposal:** Installation of a Renewable Energy Centre consisting of a 10MW waste wood boiler and a 1.8MW Organic Rankine Cycle (ORC) unit to provide all heat and electricity required for the entire manufacturing facility with any excess energy exported to the local power grid network  
**Location:** Kingspan St Hildas Street Sherburn Malton North Yorkshire YO17 8PQ  
**Registration Date:** 7 May 2019  
**8/13 Wk Expiry Date:** 6 August 2019  
**Overall Expiry Date:** 5 June 2019  
**Case Officer:** Rachael Balmer **Ext:** 43357

#### CONSULTATIONS:

<b>Sherburn Parish Council</b>	No response received- Officer has emailed the Parish Council to see if they are going to respond. No response at the time of writing the report.
<b>Highways North Yorkshire</b>	No objections
<b>Environmental Health Officer</b>	No concerns
<b>Highways England</b>	No objection
<b>Archaeology Section</b>	Recommend condition
<b>Neighbour responses:</b>	No responses received.

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#### 1.0 SITE:

1.1 The site is part of the Kingspan complex to the immediate east of the village of Sherburn. The site is within Development Limits. It is currently an area of hardstanding with lorries and containers stored to the very north eastern corner of the site, although vehicles serving the site would use the existing access onto St. Hilda's Street, and then be served by the signalised junction onto the A64. Boundary features comprise a metal fence to the north and to the east a belt of conifer trees, with limited breaks in their extent. The site is in flood zone 1, and whilst being in an area of known Archaeological sensitivity is currently hardstanding.

#### 2.0 PROPOSAL:

2.1 The applicants are called Wood Energy Limited, they design and built high-specification energy scheme from biomass (wood). The proposal is to develop a Renewable Energy Centre in the north eastern corner of the Kingspan complex. This is a B2 General Industrial use in the context of the Use Classes Order.

The description of the development is:

Installation of a Renewable Energy Centre consisting of a 10MW waste wood boiler and a 1.8MW Organic Rankine Cycle (ORC) unit to provide all heat and electricity required for the entire manufacturing facility with any excess energy exported to the local power grid network.

2.2 Installation would include the formation of a building 'Renewable Energy Centre' with flue

stack to house the following equipment:

- A boiler (10MWth);
  - A 1.8MWe Organic Rankine Cycle (ORC) unit
  - Emissions abatement equipment
  - Associated walking floor and hydraulic ram feed system
- 2.3 The installation will be fuelled by waste wood graded B and C. These are forms of wood that are safe by virtue of their previous uses to not have creosote and other chemicals which harm the operation of the plant by putting residue on the pipes. It is by virtue of the use of waste wood, that it is seen as a renewable form of energy- as a by-product from the construction industry and which otherwise would have been diverted into a waste stream.
- 2.4 The unit is designed to be a net zero energy plant serving the entirety of the needs of the Kingspan Complex in terms of energy for power and heating requirements. Excess will (by arrangement) be fed into the National Grid.
- 2.5 It is proposed to be sited in the north eastern corner of the existing Kingspan complex. The structure is steel framed, and to be clad in Kingspan composite panels in ‘Goosewing Grey’ which is a mid- grey colour. The building is in three components and has a footprint of c.1875 square metres. The main, tallest, building reaches a height of 19.5metres at the roof ridge, and 17.1 metres to the eaves. The flue is just taller than the highest building, at just over 20 metres, and is sited close to the buildings. There is a further lower building to the west, and a smaller lean to building set within the return angle created by the two taller buildings. The overall width of the buildings is 38 metres, and the overall depth is 36 metres.
- 2.6 In terms of general matters of operation, it will be served by 28 lorries per week. No foul drainage is required. Surface water drainage will connect into the existing drainage system on site. It is noted that given the site is already hardstanding surface water runoff will already be occurring, but there are a surface water run-off is diverted into the East Beck. Waste will be generated by the scheme in the form of ash which will be removed from site and disposed of. Members should note that a permit from the Environment Agency will be necessary in order to operate the activity. This is a separate legislative requirement.

### **3.0 HISTORY:**

- 3.1 There is extensive planning history for the Kingspan site, but no history for the area subject of this application.

### **4.0 POLICY:**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises:

- The Ryedale Local Plan Strategy (2013)
- The Ryedale Plan- Local Plan Sites Document (2019)
- The Policies Maps (2019)

The Yorkshire and Humber Plan (Regional Spatial Strategy)- York Green Belt Policies (YH9 and Y1)

(The Regional Spatial Strategy is not considered as part of the determination of this proposal)

The Ryedale Plan - Local Plan Strategy (5 September 2013)

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP6 Delivery and Distributing of Employment Land and Premises  
Policy SP12 Heritage  
Policy SP13 Landscapes  
Policy SP14 Biodiversity  
Policy SP16 Design  
Policy SP17 Managing Air Quality, Land and Water Resources  
Policy SP18 Renewable and Low Carbon Energy  
Policy SP19 Presumption in Favour of Sustainable Development  
Policy SP20 Generic Development Management Issues

Material Considerations:

National Planning Policy Framework (NPPF) (2019)  
National Planning Practice Guidance  
The Natural Environment and Rural Communities Act 2006 s.40.

## **5.0 CONSULTATIONS:**

- 5.1 A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view on the public access webpage, and referred to in the report accordingly.
- 5.2 Sherburn Parish Council – no response has been received after the agreed extension of time until 19 June. The Case Officer has chased for a response and will be reported verbally if it is provided.
- 5.3 No responses have been received from residents.

## **6.0 APPRAISAL:**

- 6.1 The main considerations to be taken into account are:
- i) Principle of the Development in terms of Location and of Use
  - i) Site- Specific Considerations:
    - Impact on Highways,
    - Landscape
    - Design
    - Heritage
    - Foul and Surface Water Management
    - Amenity Matters
    - Ecology
  - iii) Energy generation sustainability
  - iv) Conclusions

### **i) Principle of the Development**

- 6.2 The site of the proposal is allocated in the Development Plan as an existing employment site (Policy SP6). It is also within the Sherburn Development Limits, and is therefore not within the Open Countryside. Policy SP6 is supportive of small scale sites coming forward in an adjacent to Development Limits. Whilst it is not an employment scheme of any significant scale (needing only 2 staff to operate the scheme) it is clearly an ancillary operation to the activities of the Kingspan Site, within Development Limits, and moving operations towards a

zero carbon approach for an enterprise that does provide significant employment in the District. It is therefore considered that it is a form of development which is compatible with the provisions of Policy SP6.

6.3 It is noted that Policy SP6 also has some policy principles concerning significant Industrial Process in Open Countryside Locations, which whilst acknowledging the site is not in an open countryside location are nevertheless important considerations around the suitability of the site for the proposed use:

- They are required in that location and no other suitable sites are available in the locality- The siting of the unit is very much sited to harness the heat and power generated by the scheme by the intended key user, with any spare capacity being put into the National Grid. It is considered that this scheme meets that requirement;
- They can be satisfactorily accommodated on the highway network and will not lead to significant adverse highways impacts- no objections have been received from both Highways England, responsible for the A64, and NYCC Highways;
- They do not adversely affect the amenity of neighbouring occupants – No objections have been received from Environmental Health;
- They can be satisfactorily accommodated in the surrounding landscape in line with Policies SP13 and SP16- this is discussed in more detail in the report; and
- The economic benefits to the District outweigh any adverse impacts; this is discussed later in the report in relation to the landscape impacts and the wider benefits of renewable and low carbon technologies.

6.4 Policy SP18 is concerned with the provision of renewable and low carbon energy schemes. The policy is supportive of the principle with some criteria:

Renewable and Low Carbon Energy Developments that generate renewable and/or low carbon sources of energy will be supported providing that individually and cumulatively proposals:

- Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering;
- Would not impact adversely on the local community, economy, or historical interests, unless their impact can be acceptably mitigated;
- Would not have an adverse impact on nature conservation, in particular in relation to any sites of international biodiversity importance, unless their impact can be acceptably mitigated;
- Would not have an adverse impact on air quality, soil and water resources in Policy SP17, unless their impact can be acceptably mitigated

6.5 The scheme therefore raises no issue of policy compliance in respect of the principle of the development. The capability of the scheme to comply with these specific policy criteria is considered in the following sections.

## **ii) Site Specific Considerations:**

### Impact on Highways

6.6 Acknowledging the presence of some construction traffic, which is a temporary situation, the scheme generates minimal on-going traffic in terms of staffing (two operatives), and consequential parking. Indeed, given the nature of the site, construction traffic will be significantly less because of the on-site manufacturing of the cladding for the building. The site already has extensive vehicular movements, and it is not considered that a further 28 lorries per week will be detrimental to the operation of the highway network. This is the conclusion of both highways England and the Local Highway Authority who have no objections, and have not recommended any conditions. This is in no small part due to the

priority signalised access for vehicles to enter onto the A64. It is considered that the scheme demonstrates compliance with Policy SP20- Generic Development Management Issues, which covers access parking and servicing. It also complies with Policy SP18 in this regard, as it would not have an adverse impact on the local community.

### Landscape Setting

- 6.7 The application site is situated within the National Landscape Character Area of the Vale of Pickering, which is primarily defined in extent by the Vale's low-lying topography. However, the 2012 Vale of Pickering Statement of Significance which was produced by Historic England in partnership, makes clear that the cultural landscape of the Vale very much includes the land which rises into the Moors and Wolds. There is strong intervisibility between the different Landscape Character Areas. It states that the Vale landscape is of significance due to the continuous record of habitation from the Mesolithic through to present day, which is about 10,000 years. At Sherburn, the land is in a zone of transition. With views of the rising land of the Wolds Escarpment clearly being viewed in the Vale land, and vice versa.
- 6.8 The 2011 Landscape Characterisation Project of North Yorkshire and York identifies the area in which this site is situated as 'Sand and Gravel Vale Fringe' but does not go into the same level of detail that the District-level Landscape Character Assessment (LCA) (Landscapes of Northern Ryedale, 1999). The landscape features of this site are typical of the LCA which identifies the land as being part of the Vale of Pickering and within a strip of the Wooded Open Vale, a strip of land covering land to the immediate north of the A64. The key characteristic features are:
- Flat, low-lying terrain
  - Open countryside
  - Long views punctuated by geometric woodland blocks
- 6.9 The eastern and northern elevations are the most visible. The cross-section layout plan shows that the building will be clearly viewable from a range of vantage points by virtue of the building's height. The building is approximately twice the height of existing buildings, and will also rise above the existing trees which afford boundary screening to the existing operations. It is not considered that views of the building will be achieved from within the centre of Sherburn and from the west due to the distance of the building from these vantage points. However, the building will be visible on the relatively open and exposed northern elevation, and will be viewable from the public footpath which runs out in to the Vale from the eastern side of the village. This view, is however, already dominated by the existing buildings on the site, and whilst it will be higher, and some loss of the view of the rising land of the Wolds will be experienced, this loss is intermittent.
- 6.10 Concerning the eastern elevation, this does have the presence of the trees which will help to break up the mass of the building. Views of the building will be intermittent due to the blocks of woodland which are a feature of the landscape in this part of the Vale. Such views will be predominantly experienced by those coming from the east, on the approach to the village. Views of the building will be achieved from the Wolds. A site visit confirmed that clear views of the building will be achieved from the Wolds (Centenary) Way walk in a westerly direction c. 900 metres west of Potter Brompton. However, such views are read within the context of the existing industrial site complex, and other buildings within the vicinity of the site. Views from further along, at Sherburn Brow already show clearly the existing Kingspan complex. Views from the National Park will be very much limited by the intervening distance and tree cover within the Vale itself.
- 6.11 Policy SP13 is concerned with protecting the distinctive elements of the landscape character of the Vale of Pickering (as a valued local landscape is valued for this degree of intervisibility and its historic landscape character). The test of Policy SP13 is to carefully consider the impact of development proposal on the landscape, and weigh that impact in the balance.

Policy SP18 requires that the development can be 'satisfactorily assimilated'. A building of this height does have an unavoidable impact in the landscape, as the means to screen it would, ultimately, itself become a defining feature in the landscape. However, the Vale of Pickering is less sensitive than other parts of the District for sizable vertical features, in part due to the topography and intervening belts of trees. There are also few better locations in the Vale of Pickering where such a building could be located when considering intervisibility from the elevated land of the Wolds. This is because, irrespective of the increased height, it will be viewed within the context of the existing buildings which can already be seen quite clearly from the elevated parts of the Wolds, as the site visits have shown, and in that respect it is significantly less sensitive than other parts of the Vale. It is therefore considered that whilst it is not possible to fully mitigate the presence of the building, this is the most suitable location for the building in terms of the landscape setting. On that basis it is considered the proposal does not conflict with the thrust of Policies SP13 and SP18, but that there is some harm to be attributed to a structure of this size. Members are therefore requested to undertake a balancing exercise in weighing up the benefits of the scheme versus the impact of the structure as a feature within the landscape.

### Design

- 6.12 Policy SP20- Generic Development Management Issues- considers the impact of development on the character of the area, and the design implications of development. New development is expected to respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses. Expanding on this, Policy SP16 - Design- requires that development proposals create high quality durable places that are accessible, well integrated with their surroundings and which, amongst other aspects, reinforce local distinctiveness through the location, siting form, layout and scale of new development respecting the context provided by its surroundings including: topography and landform that shape the form and structure of settlements in the landscape, and that views, vistas and skylines that are provided and framed by the above.
- 6.13 It is clear from the plans, and the wider elevation plan which was sought by the Case Officer, that this would result in a sizable building within the landscape setting of Sherburn. It is, nevertheless, a building which needs to be of a certain size to perform technical operations necessary to deliver the heat and power it is capable of generating. It is proposed to be constructed in materials which will be read within the context of the existing buildings on site. These are buildings of considerable scale, and of utilitarian construction and function. In this regard it is considered that the building would not result in a discordant form of development in terms of the building's siting, scale, design and materials, and would not be detrimental to the setting of Sherburn. It is recommended that for a building of this size the external materials are conditioned to control not just the colour of the walls and roof, but the texture and any sheen which may be present on the structure to ensure the building's appearance is as muted as possible, and to reduce any glare. On that basis, it accords with the provisions of both Policies SP16 and SP20.

### Heritage

- 6.14 The proposed building is orientated and sited in such a way to result in no adverse impacts on the setting and therefore significance any of Sherburn's Listed Buildings, including St. Hilda's church, a Grade II\* Listed Church which is on the north-eastern edge of Sherburn.
- 6.15 The site is situated in an area of archaeological significance. Geophysical surveys have been conducted on the fields to the east and west of Sherburn, as part of a wider survey of land between Sherburn and West Heslerton. Findings have shown presence of occupation from the Neolithic to the mediaeval period in parts of this area. 'The Vale of Pickering an Extraordinary Place Statement of Significance' is a document produced by now Historic England, with partners. It refers to the 'cultural landscape' definition which is used by UNESCO to refer to 'a

distinct geographical area ...represent(ing) the combined work of nature and man." To which it is ascribed that the Vale is such a landscape.

- 6.16 Of particular importance is the linear 'ladder settlement' originating in the late bronze age and continuing into the Romano-British period, running east-west along the edge of the wetland Vale of Pickering at the foot of the Yorkshire Wolds. Evidence of field systems, settlement, trackways, burials and industrial activity have been found.
- 6.17 The Heritage Unit of NYCC have advised that archaeological remains were disturbed during construction of the present works in the 1980s. Around Sherburn there is extremely rare evidence for the survival of remains of an Anglian settlement and it is believed the oval enclosure in the field to the north of the application could be that of an early monastic site associated with St. Hilda. There is high potential for associated remains to be present within the area of the proposed facility.
- 6.18 However, the proposals are within an area of existing hardstanding, which has also been subjected to lorries moving across the site, and would have a negative impact on any remains. The receiving pit would be significant excavation, which would have a negative impact on archaeological remains. The Heritage Unit of NYCC have not objected to the proposal, but have sought conditions requiring a scheme of archaeological mitigation recording is undertaken. This should comprise an archaeological watching brief to be carried out during any excavations and the subsequent analyses, report and archive preparation.
- 6.19 The proposal therefore complies with the requirements of Policy SP12 which states that:  
"Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated.  
  
Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset."
- 6.20 The siting of the facility is already on an area which has experienced degradation, and bearing that in mind, the application of conditions which require in-situ archaeological evaluation there is an opportunity to understand any remaining assets which are currently under hardstanding and subjected to the pressure of articulated lorry movements.
- 6.21 The scheme also therefore complies with Policy SP18 which seeks to ensure that proposals do not adversely impact on historical interests, unless their impact can be acceptably mitigated.

#### Amenity Matters

- 6.22 The proposed facility has not raised any objections. The Parish Council's views are awaited. The building is positioned in the far corner of the Kingspan complex at an approximate distance of 500 metres from the nearest residential property. Whilst the building is higher than the existing buildings on the site it raises no overbearing effects. It is also of a sufficient distance away to ensure that noise resulting from the scheme is experienced within the background noise existing operations of the site. The 28 extra lorries is also not significant given that the A64 signalised junction is prioritised to allow the movement of vehicles which leave and arrive from the site. In this regard it raises no issues regarding increased traffic movements.
- 6.23 The Council's Environmental Health Officer concluded that after visiting the site due to the position of the proposed renewable energy centre he has no concerns that it will have any adverse impact on local residents regarding noise and air quality.
- 6.24 It is considered therefore that there are no adverse impacts in terms of residential amenity, and therefore the scheme accords with Policies SP20 and also in relation to Policy SP17 in terms of impacts on natural resources, including water and air quality. The scheme also therefore

complies with Policy SP18 which seeks to ensure that proposals do not adversely impact on the local community, unless their impact can be acceptably mitigated.

#### Foul and Surface Water Management

- 6.25 The site is already hardstanding, so does not increase surface water runoff, and is utilising previously developed land. It is also within Flood Zone 1, which is in terms of management of flood risk, is the most suitable flood risk classification. The site therefore passes the sequential test of ensuring that development occurs in the areas at least risk of flooding. There is no foul water generated by the scheme. Surface water management is addressed satisfactorily through the connection and use of pre-existing land drains. The scheme complies with the requirements of Policy SP17 and inter alia the requirements of Policy SP18 which both require no adverse impacts on air quality, soil and water resources, unless any impact is acceptably mitigated.

#### Ecology

- 6.26 The site is hardstanding with some conifer trees adjacent to the boundary. The ecological resources presented by the site are considered therefore to be non-existent at present, and so the proposal will not undermine any ecological habitats. Therefore the proposal does not undermine Policy SP14 concerning biodiversity, and is also compliant with Policy SP18 as there is no adverse impact on nature conservation.

#### **vi) Wider considerations**

##### Sustainable Energy Generation

- 6.27 Policy SP18 is supportive in principle of low-carbon and renewable energy technologies. Concerns are being raised around the world for the need to accelerate alternative sources of fuel/power which do not contribute to human-accelerated climate change by the release of carbon dioxide and methane. This is a proposal which will generate a very significant amount of sustainable energy/heat generation and can only do so in this location given the end-user. It is proposed to be a development which meets the entire needs of the Kingspan complex in terms of their heating and power requirements. Therefore alternative sources of energy are important to support where they are technically feasible, to reduce reliance on conventional fuel sources such as oil and gas (coal now being in the minority). Accordingly, this is private finance initiative which will, when capacity allows, divert power to the national grid via an arrangement. In a rural, sparsely populated area such as Ryedale, combined heat and power schemes such as these rely significantly on having sustained high energy requirements to make them feasible and viable, and rarely are such opportunities present.
- 6.28 Whilst it can be argued that this is a low carbon rather than a renewable energy source, the raw material whilst growing is a carbon store and releases oxygen. The source of wood is waste wood from the construction industry, which is what defines it as a renewable resource, and diverts waste wood away from landfill. If this was to change, i.e. such sources became more limited, it is likely that the fuel source would come from fast growing plantations, which still have a role to play in removing carbon from the atmosphere. It would be seen as a low-carbon fuel.

#### **iv) Conclusions**

- 6.29 In terms of Plan compliance, it is the scale of the building which Officers consider represents the only element of the scheme which would result in a degree of harm to the landscape setting which is not possible to fully mitigate. However, it is considered the benefits of the scheme's ability to provide an alternative source of heat and power in such a comprehensive manner outweighs the identified moderate harm to the landscape character of the Vale of

Pickering. It is clear that such schemes are naturally difficult to assimilate into the landscape, but this site is less sensitive than some others by virtue of its position within the Vale and pre-existing development. Its ability to deliver carbon neutrality to one of the District's biggest employers, and users of energy, is to be weighed favourably in the balance in terms of other Plan considerations. It is therefore recommended for conditional approval.

**RECOMMENDATION:                      Approval**

1            The development hereby permitted shall be begun on or before ^IN;

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2            The development hereby permitted shall be carried out in accordance with the following approved plans:

1722B012 -PD1 RO2   date valid 7 may 2019

1722B012 -PD2 RO2   date valid 7 may 2019

SITE002.DWG date valid 7 may 2019

1722B012 -OA1 RO3   date valid 7 may 2019

1722B012 -OA2 RO1   date valid 7 may 2019

1722B012 -PD3 RO1   date valid 7 may 2019

Reason: For the avoidance of doubt and in the interests of proper planning, and to ensure that the development complies with the policy provisions of the Ryedale Plan-Local Plan Strategy.

3            Notwithstanding submitted details, the details of the external cladding for the walls and the roof (in terms of colour and texture and level of sheen) shall be submitted to and approved in writing prior to their application on the building.

4            A) No demolition/development shall commence until a Written Scheme of Investigation for an archaeological watching brief has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of the significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under A)

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.