

From: Amotherby PC Chairman

Sent: 01 July 2021 11:41

To: Niamh Bonner Gary Housden

Cc: Cllr Simon Thackray Cllr Mike Potter Cllr Steven Mason>; Cllr Caroline Goodrick Cllr Eric Hope
Cllr Michael Cleary ; Cllr Carrie-Anne Brackstone Cllr John Mackenzie Cllr John Windress

Subject: BATA Application 20/00088 - additional PC documents for July planning committee meeting

Dear Ms Bonner

Please find attached letters from Amotherby Parish Council and KVA Planning Consultancy, also the presentation I gave to the planning Committee on 8 June as this was hurried and may have been hard to digest at the time.

Due to the lateness of sending these letters I have taken the liberty of copying in members of the Planning Committee so that they will be sure of seeing them in time to read before next Tuesdays meeting.

Kind regards,
Nige Ballard

Mrs Nigella Ballard
Amotherby Parish Council Chairman

It is extremely difficult to separate the seemingly simple addition of the building in this application from the operation of the mill and the whole BATA site and we hope that Members will take our concerns seriously as we believe the proposed bins and their increased capacity will result in even greater use of the site resulting in increased noise and disturbance in the village.

BATA started as a local farmers co-operative producing animal feed and up until at least 2015 the mill worked 6am to 10pm and on rare occasions to midnight on 5 1/2 days a week. Over the last few years there has been a steady slow increase and since autumn 2019 the mill has been running 24hrs a day and, except rarely, 7 days a week.

BATA has ceased to be just a local farmers co-op, incorporating Thompson of York and continuing to expand, having also become a distribution centre for other goods. Whilst this growth may be applauded it should not be at the expense of the amenity and health of residents of Amotherby. The scale of the operation now eclipses what the village has accepted without complaint in the past and is the type of use that should be on an industrial estate. The approval of the bins with increased capacity and throughput will add to ongoing amenity and health issues.

Clearly the mill working longer hours will have increased production and the BATA Directors Report 2020 on page 2 confirms this, together with their intention to increase production further. BATA confirmed in Nov 2020 that the proposed additional bins will allow storage of overnight production.

Of relevance to production capacity is the District Council issued Environmental Permit. The PC believes that the Permit issued in Jan 2012 is way out of date and does not appear to have been updated. At that time the mill was running far fewer hours and stated production was up to 40,000 tons/yr. Our estimates are that on current working hours it could now produce 192,000 tons/yr. There is no assessment of the capacity the mill could get to from the change of hours, upgrade of equipment and additional new bins.

The PC are also of the opinion that a material change of use may have taken place due to the change in character of the use of the site resulting from the increased hours of operation of the mill from the historic, 6.00 am to 10.00 pm 5.5day week to 24 hours 7 days a week.

The PC formally asked for this to be investigated in Sept 2020 and, with respect, do not agree with the conclusion in the Officers Report that this has not occurred. There is case law that supports the PC view and we would ask that this issue is considered again in more detail, with external, relevant, legal assistance if necessary, prior to any decision being made.

The PC asks that the application is refused, or if allowed, that the 1990 Condition 4 (when the mill was not operating at night) should be applied, preferably with even lower noise levels set for night time and weekends if the mill continues to operate 24/7.

If Members consider visiting the site prior to making a decision this should be at 6.00 am and 10.00 pm in order to understand the full impact of the issues confronting neighbours. Members may also wish to visit the site individually and unannounced at these times.

Please consider very carefully the impact that this application could have on the residents of Amotherby.

AMOTHERBY PARISH COUNCIL

Clerk to the Council
Miss S Bath

Glenmore,
Amotherby,
MALTON
YO17 6TG

Planning Department
Ryedale House
MALTON
YO17 7HH

1st July 2021

Application 20/00088/FUL – BATA Ltd

Dear Ms Bonner

The PC wish to thank those who attended the site visit on 21st June and hope that greater understanding of the problems the village faces with this application was gained. Following on from this we do wish to point out that at the time the site was unusually quiet, the mill did not appear to be running at its normal level and there were fewer lorries than normal. Noise readings taken at 9-30 am from the Seven Wells lamppost were 47.4-48.0 and from the Ryedale Cottages lamppost up to 49.4, both well below levels usually recorded. Later in the day readings returned to their more normal level of at Seven Wells 55.4-56.9, at Ryedale Cottages 56.8-57.4, levels which continue all night long.

The Parish Council respectfully disagrees with the findings of the LPA as reported in the Officers Report to the 8 June Planning Committee and have commissioned our own independent assessment by KVA Planning Consultancy. This is sent along with this letter.

BATA appear to be denying that they have already increased production and are seeking to further expand their business, although this is contradicted by their own Director's Report included in the Annual Return & Accounts 2020 (see extract as appendix 1). This is very important because further expansion of production at Amotherby and the need for the additional storage bins is fundamental to the concerns of the Parish Council. It is clear that increased production has already led to greater noise and disturbance, over a longer period of time than historical working hours, to the detriment of residents.

The Parish Council wish to highlight National Planning Policy Framework 2019 paragraph 170:-

- 170. Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and..."*

and the Council's own Policy SP20 in the adopted Local Plan Strategy:-

Amenity and Safety

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impact on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence. Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.

When considering this application the Parish Council would expect that the highest level of the WHO guidelines are applied, especially as WHO "Night Noise Guidelines for Europe" consider noise levels of over 55 dB as dangerous to public health.

Amotherby Parish Council continue to OBJECT to this application.

Yours sincerely,

Sara Bath
Clerk to Amotherby Parish Council

Appendix 1 (see para. highlighted in red)

**BRANDSBY AGRICULTURAL TRADING ASSOCIATION LIMITED
DIRECTORS' REPORT
FOR THE YEAR ENDED 30 SEPTEMBER 2020**

The board of directors has pleasure in submitting the report and accounts for the year ended 30 September 2020.

This year's consolidated financial report details BATA and William Thompsons (York) Limited. It also includes the acquisition of South West Lancashire Farmers (SWLF). The acquisition of Sensa Oil and Gas Limited during this reported period is included in the BATA sales.

BATA sales for the year amounted to £63.6m. This resulted in a pre-tax profit of £ 2.9 m. The sales for William Thompson (York) Ltd and its subsidiaries amounted to £44 .2 m, generating a pre-tax surplus of £ 96 k.

After adjustments for inter-group trading and for providing for amortisation of goodwill the consolidated turnover for the BATA group amounted to £108.7m, generating a group pre-tax surplus of £2m. This year's outcome has been achieved during what has been an exceptionally challenging period, dramatic market conditions and incomparable demand swings brought about by the Covid-19 pandemic have tested and continue to test our business and indeed a great many businesses.

The trading year 19/20 has yet again seen increased change in the agricultural sector as it continues to consolidate. Fluctuating currency and relatively static markets during the period generated a downturn of opportunity in some months and unprecedented sales in others. The wet start to the year and warm summer was greatly overshadowed by the Covid-19 pandemic and its effect on trading during the year. The business took significant proactive measures at the beginning of the pandemic and these measures have been further enhanced and to date have proven to be effective in reducing the risk of infection in our facilities, thereby maintaining a safe working and trading environment for our staff and customers. We have been and remain very much open offering the services and products our members and customers expect.

As highlighted above we have been active in developing our business opportunities.

SWLF is, like BATA, an agricultural cooperative based in Skelmersdale, trading in Lancashire, Yorkshire, Cheshire and Derbyshire. This business has its own coarse mixing facility, a country store and large warehouse providing its customers with a range of products very similar to BATA. SWLF sales amounted to £8.4m and after contributing to the profitability through intercompany trading it left a pre-tax loss of £ 200 k. The business is working above predictions and work continues to develop improved systems and exploit any

synergies despite the issues caused by the pandemic. Sensa Oil and Gas Limited, an LPG business based in Ryedale, was also acquired during this reported trading year which added over 100 new LPG customers and associated assets to BATA's business. These developments have provided a production facility where all coarse mixtures for the group can be produced, substantial warehousing, an additional country store and an enhancement to our energy offering.

Directors believe this demonstrates commitment to bring new production and services as part of the offering to our growing customer base.

Brexit and our departure from the European Union still pose both an opportunity and a threat to the sectors we work in. The unknown is very difficult to plan for, but as a business, like many we have again put measures in place in an effort to maintain supply to what is still an unpredictable series of transitions.

It is only in these recent months, towards the end of the financial year, that these improvements have been seen in animal feed following static and unremarkable markets. **However, both feed manufacturing sites at Amotherby and York have produced record tonnages supporting our members and customers. The rations we offer and our attention to produce nutritionally sound performance reflects our commitment to ensuring the livestock you feed perform to the best of their ability. It is our intention to continue to expand this area, to meet the growing demand for our products along with the knowledge and service we offer.**

Despite another warm winter our fuel and energy service have performed well. Fuel oils were only slightly lower in volume mainly due to the effect of less travelling during the pandemic lockdown. LPG however was higher in volume as a result of natural growth and our acquisitions. Both oil and LPG contributed well despite significant challenges arising from erratic swings in demand.