

Update List

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3. Planning Applications

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Report of the Deputy Chief Executive.

Please note that plans are available to view on the Council's website through the Public Access facility.

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PLANNING COMMITTEE
SUPPLEMENTARY INFORMATION
14 January 2021

Agenda Item	Application number, site location and Parish	Respondent	Comments
2	20/01136/FUL Land Adjacent To Oakfield York Road Thirsk Sowerby	Officer	1. Changes to conditions. A typo in one drawing reference within condition 2. Condition 2 to read: The permission hereby granted shall not be undertaken other than in accordance with the drawing(s) and/or details received by Hambleton District Council listed below unless otherwise modified by this condition or other conditions of this permission and agreed in writing by the Local Planning Authority: Dwg No. 15307-24 Rev E Proposed Site Layout. Dwg No. 15307-26 Rev D Proposed Costa Coffee Layout. Notwithstanding the 12m Totem which is specifically excluded from the permission the development shall otherwise be in accordance with the details on Dwg No. 15307-27 Rev E Proposed McDonalds Layout. Dwg No. 15307-25 Rev D Proposed Petrol Filling Station Layout. Dwg No. 1800(SIDE)-01E Costa Dwg No. 1800(SIDE)-02E Costa Dwg No. 7280_AEW_8716_0005 Rev C Proposed Building Elevations McDonalds' Dwg No. 15307-29 Rev D Proposed Site Elevations Dwg No. 15307_28 Rev B Proposed Petrol Filling Station Building Elevations

2. Representations Received

Three further representations from members of the public have been received, including a joint correspondence from Thirsk Friends of the Earth and the CPRE.

The comments from the public representations are summarised as follows:

- Concerns raised regarding the decision made by the Secretary of State on the Environmental Impact Assessment (EIA) Screening Direction.
- There is no need for the proposed facility.
- Impact on the countryside.
- The loss of Prime Agricultural Land.
- Loss of green fields.
- Adverse impact on the rural character of the market town.
- Little support from local residents.
- There are existing services.
- Will add to congestion
- Will increase emissions
- Highway safety
- Will have a severe negative impact on food businesses within Thirsk, which is exacerbated by current Covid 19 regulations.
- There are comments made on the motivation of the Planning Agents to expand growth of Thirsk and past decisions made by the Secretary of State which are not material considerations.

The above representations are considered within the report.

The comments from Thirsk FoE and the CPRE are attached in full to this update for members to read, and also briefly summarised below:

- The development is not a preferred site for housing or employment in the emerging Local Plan due to its importance to the setting of Thirsk and Sowerby.
- The proposal supports fossil fuel infrastructure.
- Would be built on unallocated green space, close to a conservation area and with no robust evidence of need.
- It would set a precedent along York Road and on other green belt sites.
- They disagree with the view of the Secretary of State that the proposed development would not cause 'substantial harm' to the environment.
- The Secretary of State did not mention climate change in the decision.
- The representation provides a summary of recent evidence and figures on global climate change particularly in relation to global temperature increases and global warming.
- The representations provide a summary of quotes from eminent experts on the global crisis particularly in relation to CO2 emissions and climate change and the need for disinvestment from the fossil fuel industry and implementation of planning decisions.
- They consider the applicants are motivated to encourage car use, particularly with the drive-thru model.
- They advise there has been no attempt, to measure the future carbon footprint of the service station proposal.
- Based on a Carbon Calculator they estimate the total emissions for this proposal at just under 20,000 metric tonnes of CO2 equivalents (tCO2 eq) per year, so nearly a quarter of a million tonnes over the ten-year period up to 2030.
- The Government has stated that we must have cut our emissions by 68%.
- They advise Hambleton needs to reduce its emissions.
- They estimate by 2030 that this filling station alone would, if approved, use up around 13% of the district's entire annual carbon budget.
- They consider that members have a responsibility to explain how that is at all compatible with the 68% by 2030 reduction target.

- They advise Elected Members of a planning committee are entitled to come to a different view to their officers and place greater or less weight on material considerations.
- There is a lack of evidence presented on the mitigation of climate change impacts.
- Other opportunities to create attractive jobs are emerging instead.
- The proposal would have impacts upon local green space, heritage assets, risk the viability of the town centre and undermine the principles of the emerging Local Plan.
- The proposal would set back progress towards reaching statutory net-zero obligations.

Comments from the Planning Agent are summarised below:

- Each of the intended operators are committed to developing buildings which have a low impact on the environment, achieved through their intelligent design, sustainable sourcing of materials, efficient use of energy and resources, and site waste reduction;
- All McDonald's restaurants and BP petrol filling stations are powered by 100% renewable energy;
- The proposed petrol filling station will incorporate four electric vehicle charging points, with scope for potential further facilities in future.
- They consider the key to greater EV adoption lies in the provision of more convenient charging for both consumers and businesses. That means charging stations in the right locations and faster recharging times.
- More generally, the design of each of the proposed new uses could potentially incorporate a range of sustainability measures
- By enhancing the range of convenience goods and food and drink provision serving the existing residential communities of Thirsk and the surrounding area, the proposed development will also reduce the need for local residents to travel further afield to access the type of retail and food and beverage facilities provided at the application site.

			<p>Comments from officers:</p> <ul style="list-style-type: none">• A PFS by its nature, a facility that does not promote renewable energy, however, the provision of electric vehicle charging points would assist in reducing carbon emissions.• The EIA decision by the Secretary of State made reference to associated emissions• There is potential to future proof the development by converting to renewable energy in the future.• All lorries/vehicles might be electric in the future.• There are measures from the Government to address transport freight emissions.• There are no policy requirements for the applicant to demonstrate the carbon footprint of the development.• Conditions have been attached to secure the sustainability measures• NPPF advises that decisions should support transition to low carbon and that there are three strands to sustainable development social, economic and environmental.
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Dear Hambleton Councillors

On Thursday, HDC's planning committee will decide whether to approve or refuse the proposal for a new service station on the edge of Thirsk – a BP petrol station with a McDonald's, Costa, M&S kiosk and HGV parking – on a parcel of land rejected by officers within your own policy department for development within the emerging local plan because of its importance to the setting of Thirsk and Sowerby.

We want to stress first of all that we understand that planning decisions often involve making difficult choices and trying to balance economic, social and environmental priorities. We understand, too, that councillors rightly want to attract jobs and investment. In our view, however, building new fossil fuel infrastructure as part of a drive-thru retail area on unallocated green space, close to a conservation area and with no robust evidence of need is the wrong way to go and would inevitably encourage further speculative proposals all the way up York Road and on other green belt sites.

You will be aware that the Secretary of State concluded that the proposed development would not cause 'substantial harm' to the environment. We disagree, but then in planning regulations the bar for proving substantial harm is pretty high, and of course a lot of 'less than substantial harm' – loss of hedges, green space, views, character, heritage and wildlife – eventually mounts up to a degraded environment.

There is one crucial issue the Secretary of State did not mention in his decision – climate change. Not a single reference to this, the biggest single threat we face in the years ahead. Climate change should not be a party-political issue. It is not 'fake news' or a conspiracy theory. It is about science. Right now, in a triumph of human ingenuity, scientists have designed a series of vaccines that give us hope of beating the pandemic. Their knowledge and skill protect us. We trust them with our lives. It's time we also listened to the many scientists who have been telling us for years, as a matter of great urgency, that we must stop releasing greenhouse gases into the atmosphere. In the words of North Yorkshire's Rural Commissioner, Dr Debbie Trebilco, also a scientist, 'There is no vaccine for climate change.'

Let's take a quick look at some of the most recent evidence on climate change from leading experts, scientists, economists, politicians, business leaders and researchers, and then see whether it makes sense to go ahead and build new fossil fuel infrastructure such as the proposed filling station that will lock in emissions for years to come.

First off, here's (just some of) the science ...

- 2020 was the joint hottest year on record (with 2016).
- The last six years have been the hottest six on record.
- In 2020, the Arctic and northern Siberia saw particularly extreme average temperatures, in some areas 6C above the long-term average. Wildfires caused by this heat released a record 244 million tonnes of CO₂ into the atmosphere.
- The average increase in surface temperature across the planet in 2020 was 1.25C, dangerously close to the 1.5C target set by the world's nations to avoid the worst impacts of climate change.
- Despite a brief dip in carbon dioxide emissions caused by the COVID-19 pandemic, the world is still heading for a temperature rise in excess of 3C this century – far beyond the Paris Agreement goals of limiting global warming to well below 2C and pursuing 1.5C.

Source: 2020 Report by the EU's Copernicus Climate Change Service (C3S) and UN Emissions Gap Report 2020. See [Climate crisis 2020 was joint hottest year ever recorded - YouTube](#).

... and here's what the world's top experts, scientists, economists and world leaders are telling us.

Sir David Attenborough: "We are facing an urgent crisis. One which threatens our very existence – the climate catastrophe. The climate stability of the past 12,000 years has come to an end, and around the world we are now suffering from the impact. We are at a critical juncture in our planet's history. What each one of us does in the next few years will determine what happens in the next few thousand years. It will define our legacy to all future generations ... The moment of crisis has come." Watch the video on YouTube at [The Climate Crisis: Towards Zero Carbon - YouTube](#).

Prof Richard Betts, Met Office: "The human-caused build-up of CO₂ in the atmosphere is accelerating. It took over 200 years for levels to increase by 25%, but now just over 30 years later we are approaching a 50% increase. Global emissions will need to be brought down to net zero within about the next 30 years if global warming is to be limited to 1.5C."

Carlo Buontempo, director of the EU's Copernicus Climate Change Service (C3S). "It is no surprise that the last decade was the warmest on record, and is yet another reminder of the urgency of ambitious emissions reductions to prevent adverse climate impacts."

Prof Dave Reay, University of Edinburgh. "Covid lockdowns around the world may have caused a slight dip in emissions, but the CO₂ accumulating in the atmosphere is still going up fast. Unless the global economic recovery from the nightmares of 2020 is a green one, the future of many millions of people around the world looks black indeed."

Lord Deben, Chair of the Government's Climate Change Committee (CCC): "Any policy and investment decisions made (... now) that lock in emissions or climate risks would be unacceptable."

Sir David King, former government chief scientist and member of Independent SAGE: "Climate change ... is the greatest threat to humanity." "(Disinvestment from the fossil fuel industry in favour of carbon-free technologies is) needed to reverse the established risk of rising sea levels globally over the coming decades which is already threatening to be civilisation's biggest tragedy."

John Kerry, Climate Envoy to incoming US President Biden: "America will soon have a government that treats the climate crisis as the urgent national security threat it is."

Fatih Birol, Executive Director of the Paris-based International Energy Agency (IEA), part of the OECD: "We have no room to build anything that emits CO₂ emissions."

What's the view of planning experts?

Here's what the **Town and Country Planning Association (TCPA)** and the **Royal Town Planning Institute (RTPI)** say about the role of the planning system in tackling climate change in "Rising to the Climate Crisis. A Guide for Local Authorities on Planning for Climate Change."

"Although the current National Planning Policy Framework contains strong policy on climate change, delivery on the ground through local plans has been relatively poor. Local plans in England are not dealing with carbon dioxide emissions reduction effectively, nor are they consistently delivering the adaptation actions necessary to secure the long-term resilience of local communities."

"In this context, action on climate change can seem hard to achieve. But there are clear opportunities to act now, and strong legal and policy requirements do remain in place. What is required in this environment is the confidence to act, and the certainty to make best use of this existing policy, legislation, and technology."

Back to the BP proposal

To be clear, this application is, first and foremost, a proposal to build new fossil fuel infrastructure at a time of climate emergency. Not only that but the drive-thru model is of course designed to encourage driving. All the operators have an economic interest in maximising the number of car journeys to increase profitability.

Despite these enormous risks, there has been no attempt, as far as we are aware, to measure the future carbon footprint of the service station proposal. Surely this is a matter of due diligence. Based on BP's own projected sales figures, information on concrete emissions supplied by the Economics Department at the University of York, a construction carbon calculator and EU figures for the loss of soil carbon fixing, we estimate the total emissions for this proposal at just under 20,000 metric tonnes of CO₂ equivalents (tCO₂ eq) per year, so nearly a quarter of a million tonnes over the ten-year period up to 2030 by when the Government has stated that we must have cut our emissions by 68%.

Based on the local authority carbon budgets calculated by the Tyndall Centre for Climate Change (see [Local and Regional Implications of the United Nations Paris Agreement on Climate Change \(manchester.ac.uk\)](https://www.manchester.ac.uk), Hambleton needs to reduce its emissions from the estimated level of 790,000 tCO₂ eq (in 2019) to 150,000 tCO₂ eq by 2030. That means reducing CO₂ emissions by around 14.2% per year. By 2030, we estimate that this filling station alone would, if approved, use up around 13% of the district's entire annual carbon budget.

Should councillors decide to approve the proposal, we feel they have a responsibility to explain how that is at all compatible with the 68% by 2030 reduction target, which is a crucial part of the Government's forward strategy, or indeed how it is at all justifiable in the face of repeated and increasingly dire warnings from scientists about the likely catastrophic damage that climate change will inflict even if we completely halt all greenhouse gas (GHG) emissions today.

As you will be aware, elected members of a planning committee are entitled to come to a different view to their officers provided there is a rational and discernible basis for doing so. In particular, they are entitled to place greater or less weight on material considerations than that of their officers. For example, they may place greater weight on climate change matters or landscape harm and less weight on the economic benefits than their officers. In our view, a refusal decision based at least in part on a lack of evidence presented on the mitigation of climate change impacts would be rational in that no such evidence has been presented to officers or to the planning committee.

Other opportunities to create attractive jobs (both skilled and unskilled) in our area are emerging – solar, wind, heat pump installation, retrofitting, broadband rollouts, hydrogen and in particular sustainable tourism (pre-COVID growing at 10% per year). We should not sacrifice local green space and heritage assets, risk the viability of our town centre, undermine the principles of the emerging Local Plan – which, importantly for this decision, ruled out the prospect of allocating this site due to its important setting to Thirsk and Sowerby – and, most importantly, set back progress towards reaching our statutory net-zero obligations by allowing this development to go ahead. Science tells us that the threat of climate breakdown is real and imminent. Fossil-fuelled economic development needs to stop. The risks are too great.

Kind regards

Thirsk Friends of the Earth

CPRE North Yorkshire

Thirsk Churches Ecology Group

Revd Paul and Elizabeth Rathbone (St Mary's)

Karen Collin (St Mary's)

Dick Collin

Revd Canon Adrian Botwright

Rowena Webster

Make It Wild

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