



Decision No ZG2025/0107/S73

NOTICE OF DECISION

Town and Country Planning Act
1990

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION
FOR
PERMISSION TO CARRY OUT DEVELOPMENT**

This decision does not constitute approval under the Building Regulations
Please read notes at the end of this notice

British Power Development Partners
c/o Mrs Kay Carpenter
STAT Planning
Edwinstowe House
High Street
EDWINSTOWE
NG21 9PR

The above named council being the Local Planning Authority for the purposes
of your application dated 4 February 2025 in respect of the following:

Proposal: Section 73 application to vary conditions 02 (plans) and 14 (highways) of approval 2021/1402/S73 Section 73 application to vary conditions 02 (approved plans), 14 (vehicle access, parking, manoeuvring and turning areas) and 22 (refuse derived fuel fired combined heat and power plant) of approval 2020/0355/S73 Section 73 application to vary/remove condition 02 (approved plans) of planning permission reference 2018/0898/EIA Section 73 application to vary condition 02 of approval 2016/1456/EIA Proposed Installation of a Refused Derived Fuel (RDF) fired Combined Heat and Power (CHP) plant with 8000m² Factory Extension and Associated Infrastructure granted on 03 April 2019 granted on 12 February 2021

Location: Kingspan Insulation Ltd, Enterprise Way, Sherburn In Elmet

have considered your application and have determined to GRANT permission in accordance with the application drawings and particulars subject to the following conditions and reasons

01. The development for which permission is hereby granted shall be begun within a period of three years from 23 June 2017.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans and specifications;

Location Plan- 108838.001

Existing Site Plan-26478/4 REV A

Whole site Proposed Layout Plan - 108838-005A

Parking Plan -108838-002D

Environmental Statement-November 2016

Transport Statement-SJT/JLA/15273-01b -5th December 2016

Traffic Statement Addendum dated November 2021

Planning Statement dated 02 August 2018

Planning Statement Addendum February 2022

Planning Statement Addendum January 2025

Environmental Statement Addendum dated 30 August 2018

Site Plan (UZA) Layout General over all- Ref: DJ-066-M-101-Rev 14 Sheet 01

Site Plan (UZA) Layout General over all- Ref: DJ-066-M-101-Rev 14 Sheet 02

Site Plan (UZA) Layout General over all- Ref: DJ-066-M-101-Rev 14 Sheet 03

Site Plan (UZA) Layout General over all- Ref: DJ-066-M-101-Rev 14 Sheet 04

Site Plan (UZA) Layout General over all- Ref: DJ-066-M-101-Rev 14 Sheet 05

Site Plan (UZA) Layout General over all- Ref: DJ-066-M-101-Rev 14 Sheet 06

Site Plan (UZA) Layout General over all- Ref: DJ-066-M-101-Rev 14 Sheet 07

Site Plan (UZA) Layout General over all- Ref: DJ-066-M-101-Rev 14 Sheet 08

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Policy ENV1.

03. The recommendations and mitigation measures detailed in the Preliminary Ecological Appraisal by Peak Ecology Ltd dated 01/06/2016 shall be carried out in full prior to the first bringing into use of the development.

Reason:

To mitigate against the loss of existing biodiversity and nature habitats and to comply with Policy ENV1 of the LP and SP18 of the CS and the NPPF.

04. Before any part of the development is brought into use, a comprehensive scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights of planting and positions of all trees, shrubs and bushes to include details of the grassland seed mix shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme should thereafter be carried out in its entirety within the period of 12 months beginning with the date on which the landscaping scheme is agreed by the Local Planning Authority or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes should be adequately maintained for the period of five

years beginning with the date of completion of the scheme and during that period all losses should be made good as and when necessary.

Reason:

To allow the Local Planning Authority to control the development in detail in order to ensure that the proposals are in keeping with the character and appearance of the area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

05. Before any part of the development is brought into use, a detailed biodiversity management plan for the maintenance of the approved landscaping scheme of shall be submitted to and approved in writing by the Local Planning Authority. The approved plan should thereafter be implemented concurrently with the implementation of the landscaping scheme required under condition 04 above) unless otherwise agreed by the Local Planning Authority and the agreed plans shall be maintained for the lifetime of the development.

Reason:

In the interests of maximising the biodiversity potential of the site in accordance with Policy ENV1, SP18(3)(b) and the National Planning Policy Framework.

06. The development shall be carried out in full accordance with the detailed site investigation report (including soil contamination analysis), the remedial statement and the unforeseen contamination strategy which have been submitted to and approved on 27 January 2021 by the Local Planning Authority under the discharge of condition application reference 2020/0276/DOC. The development shall be carried out in strict accordance with the agreed documents and upon completion of works a validation report shall be submitted certifying that the land is suitable for the approved end use.

Reason:

To secure the satisfactory implementation of the proposal, having had regard to Policy ENV2 of the Selby District Local Plan and the NPPF.

07. The development shall be carried out in accordance with the investigation and risk assessment which have been submitted to and approved on 27 January 2021 by the Local Planning Authority under the discharge of condition application reference 2020/0276/DOC. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

08. The detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) which has been submitted to and approved on 27 January 2021 by the Local Planning Authority under the discharge of condition application reference 2020/0276/DOC shall be carried out in full in accordance with the agreed details to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

09. Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and be subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. Before work begins on the construction of the buildings and structures for the RDF and CHP plant above ground level hereby a schedule and samples of the external walling materials and roofing materials for the new buildings and structures shall be submitted to and approved in writing by the

Local Planning Authority. Only those materials approved shall be used in the development hereby approved.

Reason:

In the interests of visual amenity, and in order to comply with Policies ENV1 of the Selby District Local Plan and SP19 of the Core Strategy.

12. Before any work on the drainage systems commences, a scheme for the drainage of the development and the discharge of surface water from the site incorporating sustainable drainage details, shall be submitted for the written approval of the Local Planning Authority. Only the approved scheme shall be implemented and thereafter maintained for the lifetime of the development.

Reason

To comply with policy ENV1 of the Local Plan and to ensure that the site is properly drained and in order to prevent overloading

13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason

To comply with Policy ENV1 of the Local Plan and SP19 of the Core Strategy and to ensure the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

14. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawings (Ref 108838-002D and Ref: Site Plan Site Plan (UZA) Layout General over all- Ref: DJ-066-M-101 Rev 14 Sheet 01). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with Policy T1 and ENV1 of the Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the area.

15. The development shall be carried out in compliance and strict adherence to the details of the Construction Traffic Management Plan approved 17th June 2020 under the discharge of condition application reference 2020/0329/DOC.

Reason

In accordance with Policy ENV1 and T1 of the Local Plan and to avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area.

16. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason:

In accordance with Policy ENV1 and T1 of the local Plan and to establish measures to encourage more sustainable non-car modes of transport.

17. Prior to the development being brought into use, the existing boundary fence which abuts the footway to the south of the proposed access shall be set back 2 metres from the back of the footway.

Reason:

In accordance with Policy T1 of the Local Plan and in the interests of road safety.

18. Unless otherwise agreed with the Local Planning Authority, the Refuse-Derived Fuel (RDF) used to fire the Combined Heat and Power (CHP) plant shall consist of mainly paper, cardboard and non-recyclable plastics, and shall not include any RDF from of animal origin.

Reason:

In accordance with Selby District Council's Policy SP19 and the National Planning Policy Framework (NPPF) paragraph 109 and to protect nearby industrial uses from contamination.

19. The development hereby approved shall be constructed in accordance with noise mitigation recommendations as detailed in Section 6.3.3 of the Noise Impact Assessment, reference 7976.2/2079/03, and Section 8.61 of the Environmental Statement, reference K108383.

Reason:

To minimise any noise impact of construction activities on nearby noise sensitive receptors in the interest of amenity

20. No external lighting shall be installed on the site until plans have been submitted for the written approval of the Local Planning Authority which shall include details of the following;

- boundary
- a). A contour map showing illumination spill beyond the site measured in lux in the horizontal plane.
 - b). The main beam angle of each light source.
 - c). The uniformity ratio in respect of the lighting.
 - d). The level of illuminance measured in lux, in the vertical plane at the windows of the nearest residential properties facing the site.
 - e). The height of the lighting stanchions.
 - f). Luminaire intensity at the receptors.

Thereafter the approved details only shall be implemented.

Reason

To protect the amenity of the area and to minimise unnecessary light spillage above and outside of the development site and to comply with Policy ENV1 of the LP.

21. No development on the drainage systems for the site shall commence until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reason

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

22. The development shall be carried out in full accordance with the details submitted for the Refuse Derived Fuel fired Combined Heat and Power Plant (RDF & CHP) under this application with the plans referred to in condition 02 of this permission.

Reason

For the avoidance of doubt and to accord with Policy ENV1 of the Local Plan and SP19 of the Core Strategy.

23. Prior to the Refuse Derived Fuel fired Combined Heat and Power Plant being brought into use, the operator shall submit to the Waste Planning Authority for approval in writing, verification that the facility has achieved (Design) Stage T1 Status through Design Stage Certification from the Environment Agency. The facility shall thereafter be configured in accordance with these approved details. Once operational, alterations to the processing plant should be undertaken to satisfy Best Available Technique or continued compliance with the R1.

Reason

To confirm the status of the plant and to ensure the waste hierarchy is considered and implemented fully in accordance with the National Planning Policy on Waste.

INFORMATIVES:

01. The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 39 of the NPPF.
02. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for

ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

03. Unidentified pipelines

There is at least one unidentified pipeline in this Local Authority Area. You may wish to check with the pipeline operator where known or the Local Authority before proceeding. The details HSE have on record for these pipelines is as follows:

4483938_ Knottingley Power Ltd Knottingley Power Project Fuel Gas Supply Pipe

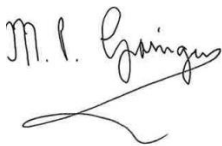
1033513_ Third Energy UK Gas Limited Pickering to Kirby Misperton 1/3

4024_ Third Energy UK Gas Limited Kirkby Misperton 4 to Kirby Misperton 1/3

4025_ Third Energy UK Gas Limited Malton 1 to Kirby Misperton 1/3

4026_ Third Energy UK Gas Limited Kirby Misperton 1/3 to Knapton PS

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at lupenquiries@hsl.gsi.gov.uk.



Martin Grainger
Head of Development Management

DATE 6 October 2025

NOTES

This is an approval under the Town and Country Planning Act only. It does not absolve the applicant from the necessity of obtaining Listed Building consent if necessary or approval under the Building Regulations, or of obtaining approval under any other Bye-laws, Local Acts, Orders, Regulations and Statutory Provisions in force, and no part of the proposed development should be commenced until such further approval has been obtained.

YOUR RIGHTS OF APPEAL ARE AVAILABLE AT www.northyorks.gov.uk/planning

Decision No
ZG2025/0107/S73

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Where this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

Otherwise, if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission or prior approval for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the submitting the appeal. Further details are on [GOV.uk](https://gov.uk).