

# BIGGIN PARISH COUNCIL

Biggin, Sherburn in Elmet, North Yorkshire, LS25 6HJ

Minutes of the Ordinary Council Meeting of Biggin Parish Council held at The Cream Room, Eversley Park Centre, Low Street, Sherburn in Elmet, LS25 6BA held on Wednesday 12<sup>th</sup> February 2025.

*The meeting opened at 6.00pm*

Present: Cllr N Kaiper-Holmes (Chairman), Cllr R Anderson, Cllr V Earle, Cllr J Lamb and Georgina Ashton, Clerk to the Council. 15 members of the public present and 1 member of the press.

## Minutes of Meeting

25/64 To receive and consider apologies for absence – Cllr Hartley

**Resolution: to approve the reasons for absence received in advance of the meeting from Cllr Hartley.**

25/65 To receive any Declarations of Interest from Members

Members are invited to declare disclosable pecuniary interests and other interests in items on the agenda as required by Biggin Parish Council for Members and by the Localism Act 2011.

None declarations received.

25/66 Public Participation Period

25/67 County Cllr report – update from Cllr Lee

Cllr Lee had provided his apologies to the meeting. He will update the Clerk and circulate email comms.

25/68 To approve the Minutes of the last meeting held on Wednesday 4<sup>th</sup> December 2024.

**Resolution: to approve as a true and accurate record the minutes of the last meeting held on Wednesday 4<sup>th</sup> December 2024.**

25/69 Planning

a. To consider any live planning applications in the Parish –

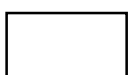
b. ZG2024/1322/FULM – Biggin Lane, Little Fenton - Temporary solar farm, battery energy storage system (BESS), access improvement, ancillary development and including ecological enhancements and continued shared agricultural use.

There are 88 documents on the planning portal in support of this application. The Clerk has read the 2 documents which raise the most concern for Biggin residents. Namely the Construction Management Plan and the Traffic Assessment. The proposal is for all construction to enter and egress the site via Biggin Lane and Oxmoor Lane to the junction of the B1222. Clerk has written to the applicant to request for their attendance at this meeting but they were unavailable.

**Resolution: for the Clerk to liaise with Little Fenton Parish Meeting to arrange a meeting for Abei Energy Ltd to attend to answer questions.**

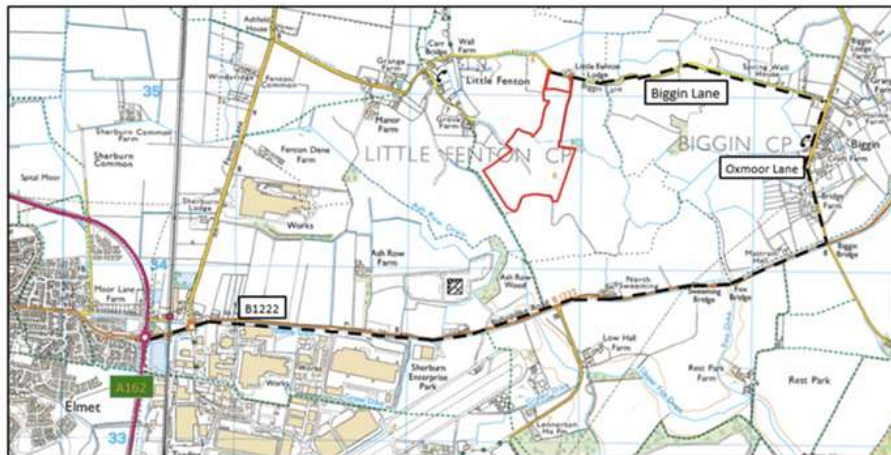
The key points are as follows:

1. The contractor will conduct a pre- and post-construction condition survey from Biggin Lane (where the site is accessed) along the haul route, with the contractor liable to repair any damage to the road attributed to the construction of the proposed development. This will extend from the site access point to its junction with the B1222.



2. All traffic movements will be carried out between 8am-6pm Monday to Friday and 8am-1pm on Saturday for *approximately* 48 weeks. There will be some work outside of these times, but it will be 'limited'.
3. Biggin Lane is circa 3m wide. The HGVs used will be predominantly 16.5m in length and 2.55m wide. *Whilst the road is not wide enough for two vehicles to pass, there are verges on both sides of the road, to allow an oncoming vehicle to pass.*
4. Construction traffic will be routed to avoid travelling through Little Fenton, with traffic limited to Biggin Lane and Oxmoor Lane only.
5. Oxmoor Lane varies in width at circa 4.5-5.5m wide linking to the B1222. *The road may not be wide enough for two large vehicles to pass in places, however, there are verges and areas of widening to allow on oncoming vehicle to pass.*

**Figure 1 - Construction Traffic Route Map**



Page 6 of the Construction Management Plan

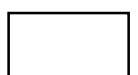
6. Along this designated route during the construction phase there will be 3,300 HGV vehicular movements – this increases to 3,630 during the decommissioning phase. During construction (approximately 48 weeks) this equates to 69 HGVs a week and 14 a day, with 2 every hour.
7. Page 4 – 2.6.4 Consideration will be given to operating some level of vehicle / delivery control to minimise the possibility of two vehicles passing each other on Biggin Lane and Oxmoor Lane. This could also be in the form of radio controls or a traffic light system where passing is not possible.
8. Reduction in hectares from 23.5 to 17.5ha from the screening opinion proposal last year and a slight variation to the site boundary to move away from the edge of Sweeming Lane for LF residents.

Residents are encouraged to read the following documents: 1) Design, Access and Planning Statement 2) Construction Management Plan 3) Traffic Assessment, 3) Noise Impact Assessment.

**Resolution: for the Clerk to circulate the above documents on email.**

c. ZG2024/1187/FUL – single storey extension to caravan site reception

The Clerk has chased this with the planning officer, Ryan King who confirmed on Tuesday 11<sup>th</sup> February that his focus had been on the main application at the site. Now that the main application had been refused, he would look at this application. The Clerk explained to the planning officer that there is no identifiable need for the extension to a caravan site reception if there were no caravan site permission granted. Parishioners have reported to the Clerk that work has commenced on site without consent.



- d. Application for Certificate of Lawful Use – Bridge House, Biggin (main site with dwellings and outbuildings)

This application is still not validated, it was received by the LPA on the 2<sup>nd</sup> deadline of Friday 30 January 2025 but as of Monday 10<sup>th</sup> February the application was not validated as no application fee was provided. The Clerk has chased this with both the Enforcement Team and the planning department and has written to the Planning Officer, Ryan King to state that local residents supported by the Parish Council will be contesting any evidence brought forward by the applicant to justify that a commercial business has operated from the shed (in the domestic curtilage of the dwelling) for a constant period of 10+ years.

**Resolution: for the Clerk to continue consistent contact and communication with Rachel Robinson, Head of Enforcement and Ryan King, Planning Officer on a weekly basis to request updates on the progression of the Certificate of Lawful Use and the planning application ZG2024/1187/FUL until determination. The Council wished to understand why the applicant has been afforded favourable treatment to submit not meet the deadlines set by the LPA.**

**Resolution: for the Clerk to lodge an enforcement concern with the LPA with regard to the potential unauthorised construction on site for the caravan site reception.**

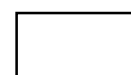
- e. ZG2024/1067/FULM – full planning application for mixed use of land to transit traveller site and ancillary tourism

Planning Application REFUSED on Monday 10<sup>th</sup> February 2025, the officer's report and notice of decision shared with members and those residents on the email distribution list. The applicant has 6 months from 10 February 2025 and the planning officer confirmed to the Clerk on the morning of the 11 February that the agent has intimated that an appeal will be lodged against the decision with the Planning Inspectorate in Bristol.

The Clerk wished to note the personal vote of thanks she has received from several residents. They were gratefully received. The Clerk has already written to Alec Shelbrooke MP to thank him for his support. The Clerk suggested that the PC write to all the local parish council's who supported the objections: Cawood, Wistow, Ryther and Little Fenton Parish Councils with a copy of the notice of decision and minutes of the meeting. All of these avenues of support have contributed to the refusal decision including the wealth of support and continued comments / communications from local residents (97 neighbour comments).

There were 9 clear reasons as stated for the reasons for refusal as follows:

1. Contrary to policies C and H of the Planning Policy for Traveller Sites 2024, Policies SP1, SP2, SP11 and SP19 of the Core Strategy and the approach to sustainable development as set out in the NPPF (Dec 2024).
2. Partly located in Flood Zone 3a, (defined as land having a high probability of flooding, therefore the proposal is constituted as "highly vulnerable". Contrary to policy ENV1 of the Selby District Local Plan (paras 170-182) of the NPPF and the associated Planning Practice Guidance.
3. The proposed development has resulted in significant adverse impacts on the existing biodiversity of the site. The works undertaken at the site have led to *irreversible degradation of flora and fauna*. The development occurred has permanently removed ecological features, undermining local conservation objectives and contravenes national and local policies aimed at protecting and enhancing environmental quality. Given the scale of the impact and the lack of robust, effective mitigation measure, proposal is contrary to Policy SP1, SP18 and SP19 of the Core Strategy, Policy ENV1 of the Local Plan and para 187d of the NPPF.
4. Siting of the chalet (adjacent to northern boundary) leads to *significant loss of residential amenity* compromising privacy and quiet enjoyment of the rear garden for the neighbouring property. Contrary to Policy ENV1 of the Selby Local Plan and the advice contained in the NPPF.



5. The intensity of the use of the site with the volume of caravans, internal roads, surfacing, lighting, loss of vegetation and screen cover together with the erection of a 1.8m high close-boarded fence on the boundary, results in a development which has a severely harmful visual and urbanising impact on the character and appearance of the rural area that is incongruous within its open countryside setting, exacerbating its visual impact due to the loss of significant natural screening. Contrary to policy H of the Planning Policy for Traveller Sites 2024, Policies SP1 and SP19 of the Core Strategy, ENV1 of the Selby District Local Plan and the advice contained in the NPPF and the PPTS.
6. Insufficient information: to properly assess the impact of harm or mitigation required for the management of foul sewage and how it will be disposed of. Scheme does not include information to demonstrate that the risks of pollution posed to Bishops Dyke water quality can be safely managed. Contrary to policy ENV1 of the Selby District Local Plan, Policy SP15 of the Core Strategy and para 187e of the NPPF.
7. Insufficient information: to properly assess the impact of harm or mitigation required external lighting at the site, taking into the account of the natural surroundings and nearby sensitive receptors. Provision of street lamps would have a harmful impact on this rural site on a prominent crossroad location in the open countryside. Contrary to policies ENV1 and ENV3 of the Selby District Local Plan, SP19 of the Core Strategy and para 198c of the NPPF.
8. Insufficient information: to properly assess the impact of noise on the amenity of occupiers of the existing dwelling on the site. A noise survey should be undertaken to confirm external noise levels. Contrary to policy ENV1, ENV2 of the Selby District Local Plan, SP19 of the Core Strategy and para 198a of the NPPF.
9. Insufficient information: to properly assess the impact on the amenity from odour in respect of managing onsite waste and/or odour from domestic/commercial waste and in relation to any animals kept on the site. Detail scheme of waste treatment and waste mgt provision should be provided. Contrary to policy ENV1, ENV2 of the Selby District Local Plan, SP19 of the Core Strategy and para 198a of the NPPF.

- f. To receive an update on the breaches of conditions of the Temporary Stop Notice against Bridge House, Biggin

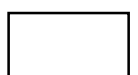
Head of Enforcement confirmed from site visit undertaken on Tuesday 4<sup>th</sup> February: at the time of the visit there were 35 caravans in total on the Land subject to the TSN. The grey prefab building was also on site. The owner has been contacted in writing on 7/2/2025 and given 7 days to remove the additional 3 caravans from the 32 that have been previously counted by planning enforcement officers. The owner has also been requested to remove the grey prefab building within the **next 7 days**. A follow-up site visit is planned imminently to see if the TSN has been adhered to.

In relation to the siting of the gorilla statue on the area of land in front of Bridge House, this land is included within the TSN to protect any open land being used for the siting of caravans. The siting of the statue and associated works are a breach of the TSN and the matter was raised during the site visit with the owner who advised that they did not realise the TSN restricted these works. The LPA has discretion when undertaking planning enforcement action and must consider the expediency of taking enforcement action. The TSN was served to prevent the further development of the unauthorised caravan site, as these works are not related to the development of the caravan site it is not considered expedient to take action.

Rachel confirmed that in relation to the issues about waste, water egress and fires: that these have been reported to Environmental Health and Dan Hampton has been being with these matters.

- g. To receive an update on the Enforcement Notice imposed by North Yorkshire Council from 12<sup>th</sup> February 2025

The Enforcement Notice is enforced from Wednesday 12<sup>th</sup> February 2025 unless a validated appeal is lodged with the Planning Inspectorate before the start date.



25/70 RFO Finance Report

- a) Financial update from the Clerk, balance at bank – to 15<sup>th</sup> January 2025  
Balance carried forward on 14 January 2025 - £737.50.
- b) To approve and consider the Bank Reconciliation and any payments –  
Room hire fees for 04/12/24 and 12/2/2025 (recharge to Clerk £16.50+£16.50= £33.00).  
Community Heartbeat Trust - £151.20  
Walker Morris legal fees - £2,574.00 +VAT (£3,090.00)

Cllr Anderson to seek confirmation from WM if the invoice can be paid immediately after the 01 April 2025 once the precept has been received for 2025-2026. If not, discussion around alternative methods to cover the cost of the legal fees.

Clerk has written to the new CIL/S106 co-ordinator to request to draw down the funds, no forms received yet. There has been some reorganisation at NYC with the regeneration infrastructure team and most Parish Councils in the Selby area have not received a CIL/S106 statement since November 2022. However, the Clerk has it confirmed in writing that this delay will not negatively impact on the PC to access the funds. Discussion continued around the purchase of the village entrance gates vs a proposal from a resident to purchase established trees and benches suggested as an alternative to village entrance gates.

25/71 Community Safety and village projects

- a) Defibrillator report – new pads replaced
- b) Grass cutting – no update

25/72 Correspondence received and to note information exchange and representative reports – no additional information received.

25/73 To note the date of the next meeting – Wednesday 2<sup>nd</sup> April 2025 6pm

Chairman's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*The meeting closed at 7.15pm*

