

Part 1: Marton cum Grafton Parish Council response to the AWRP Planning Statement

This report addresses the deficiencies in the AWRP Planning statement. It complements the second document of this submission prepared in collaboration with planning experts from the Landscape and Development Practice (LDP), which provides a detailed critique of the reasons why the AWRP application is contrary to planning policy. The two reports should be read alongside each other.

This application falls to be considered under the terms of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that all planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise (Planning Policy Statement 1, PPS1).

In seeking to assess either departure from or non-compliance with the relevant local, regional and national policies and guidance the areas of harm, mitigation and need are covered elsewhere in our submission but where there are departures from policy these are noted herein. Where an over-riding need can be substantiated this may, in certain circumstances, allow the setting aside of relevant policies. However, in this instance, where the evidence of over-riding need is not proven, then the assessment against policy is solely determined by whether or not the application complies with that policy.

Harrogate Local Plan 2001

Policy C2 states that “Development should protect existing landscape character...”

- 1.1 AWRP would be located in the open countryside away from existing settlements. The site is not allocated for development in the development plan. It follows that any proposals for development should be strictly controlled.
- 1.2 Furthermore, the existing restoration conditions on the site mean that the appropriate comparator for the “intrinsic character” and the “beauty”, “diversity”, “heritage”, “wildlife” and “wealth of natural resources” of the landscape is not the current condition of the land, but the restored landscape.
- 1.3 It cannot, therefore, be classed as previously developed land and must be considered as a greenfield site.
- 1.4 The applicant acknowledges that due to size, massing and height of the proposal it is impossible to fully screen the related structures; indeed, it further acknowledges that the visual impact of the development would be as severe in year 15 as during the construction phase in year one. There are no proposals which could effectively mitigate the severe impact of an alien feature in this countryside location.

Landscape and Visual Impact

- 1.5 In terms of Visual Receptor Sensitivity, the applicant places great emphasis on the views of CABI regarding how the development would be an attractive view for passers-by on A1 M, yet their sensitivity is deemed to be LOW as compared to those who live near and/or would see it every day.

- 1.6** The applicant claims “Observers travelling at speed in vehicles or people involved in indoor activities are less sensitive to visual change”. By definition, this supports the view that those who are frequent receptors will be very sensitive to visual change and that this impact will be severe, with no prospect of mitigation.
- 1.7** Concerns regarding the height of the stack and its severe visual impact have been raised and, the applicant claims, after discussion with NYCC and HBC Landscape officers, the final design resulted in reduction in the height of the stack from an initial 80 m to 70 m.
- 1.8** However, this can only be assessed as a thinly veiled attempt to lessen the adverse visual impact as the final height of the stack would be at the determination of the Environment Agency and would be covered under the terms of the required Licence. In reality, this means that the stack could be considerably higher and therefore much more visually intrusive.
- 1.9** Furthermore, although mention is made of the extent of the plume, predicted up to 300 metres in length, its impact is not recognised in any of the photomontages presented as part of the application. As the plume is a consequence of the development, its impact should form a full part of the visual assessment.



A view of the AWRP from the A1/M overbridge showing a reconstructed 300 m plume.

- 1.10** The figures stating that a plume would be visible between 48% and 57% of the time during daylight hours fail to also acknowledge the visibility after dark. There is a significant source of light pollution emanating from the Driving Range at Flaxby Golf Club which would form an intense light backdrop to the facility. This would mean that the stack and plume would be

visible during the night time operating hours of the club, adding to the already severe impact during the day.

- 1.11** The applicant states “It is important to recognise however that other LCAs and the TCAs in the study area form the landscape context within which AWRP is located and.... the visual effect of a large industrial complex within an otherwise rural area does have the potential to change landscape character and possibly the townscape character of nearby settlements. These effects have therefore been taken into consideration in the assessment”. However, they have only been assessed and where impacts recognised they fall short of an accurate assessment and fail to be mitigated.
- 1.12** The applicant goes on to state “All construction phase visual effects would be of a short term temporary nature. However, operational phase visual effects would be of a long term nature and would last until AWRP was demolished. At all but one viewpoint location, the effects in Year 15 of the operational phase were found to be the same as in Year 1. This is because although many of the views would benefit from improved screening of AWRP as the proposed on site planting matures, *the additional screening benefits, relative to the scale of the stack and larger buildings, would generally be of insufficient scale to result in a reduced magnitude of adverse visual effects.*” (our italics).
- 1.13** This is a clear recognition that even 15 years into the project, there will be no screening or mitigation provided by on site planting at all, evidentially as a result of the size, scale and massing of the buildings and stack.
- 1.14** The applicant attempts to relate the construction and the operational phase in order to give some direction to a visual impact assessment. This is a falsehood and should be discounted. The visual impact should be judged solely on the relationship of the restored Greenfield site and the proposed development. To do otherwise would not allow for a sound analysis with which to judge the impact against the relevant Planning Policy.
- 1.15** Further claims are made that the visual impact of the A1(M) help to reduce the visual impact of the proposal but these are over-estimated. The motorway is particularly well screened throughout this section, mainly travelling through cuttings and already benefitting from the planting along the bunds constructed on the previous north bound carriageways.
- 1.16** Moderate to Large Adverse daytime effects are identified by the applicant at a number of viewpoints. He states “The introduction of such features would be uncharacteristic of these existing rural views, and although usually prominent, would not generally be sufficient to change the scale of the surroundings and wider setting.”
- 1.17** The whole thread of a landscape assessment is to identify visual impacts and to ascertain mitigation requirements. It is, therefore, inconsistent to acknowledge an impact and then to dismiss that impact as insignificant.
- 1.18** At viewpoint 11 from a bridleway adjacent to a farmhouse at Ninevah, 1 km from the Site, a Large Adverse daytime impact has been identified. This is a visual receptor of high sensitivity located close to the Site, where several of the buildings and stack would be visible above intervening vegetation to form a prominent feature that is uncharacteristic of the existing rural scene. This is one of the many locations where the visual impact would be severe and repeatedly so, for any passers by to this location. That is to say, this type of impact is not a one-off but indeed one which would be constantly repeated for 25 years.
- 1.19** In terms of lighting impacts “Moderate to Large Adverse effects are likely to be experienced at several visual receptors of high sensitivity within 3.5 km of the Site, including a number of isolated dwellings and public rights of way to the west, north and east, some dwellings on

the extreme southern edges of Arkendale and Marton and, possibly, one or two properties on the north-eastern edge of Coneythorpe.”

- 1.20** Although attempts may have been made to limit lighting impacts, it is clear that light pollution will cause significant impacts at a significant distance from the site, particularly when compared to the situation of the planned restored landscape which would be present in the absence of this proposal.
- 1.21** Little concern is given to the visual impacts on the village and Conservation Area of Marton cum Grafton. The applicant acknowledges the high sensitivity of the area but fails to appreciate, or even mention, the impact upon the views from Grafton Hills. This area forms a high point for the village and previously contained an Iron Age Hill Fort. It now forms an area of extensive work and financial commitment from the village to form not only a playing fields area but also one which has benefitted from recent restoration and the opening of a number of footpaths and viewpoints. Views of both York Minster and Ripon Cathedral are available, as are the wide ranging views to the Dales and across the Vale of York to the North Yorkshire Moors. It is evident that the impact of this facility on this area would be very adverse.
- 1.22** It is worth quoting the applicant’s comments at this point:
- 1.23** “4.8.4 AWRP will be composed of large scale structures, which because of their height cannot be completely screened from distant viewpoints. However, the stack is a slender structure, the height of which has been reduced to 70m from an initial design height of 80m, and it will not be possible to further mitigate its impact on views in the wider landscape by further design amendment.
- 1.24** 4.8.5 It is unlikely that any further on-site provisions already made and assessed against, would successfully reduce visual impacts. Accordingly no further mitigation of landscape and visual impacts are proposed within the Site.”
- 1.25** This is a clear indication that the applicant has proposed screening at the maximum level of their ability and yet this is still insufficient to mitigate the severe adverse visual impact.
- 1.26** Other proposals, namely the Community Heritage Fund as proposed under a section 106 agreement cannot offer any further mitigation particularly as the 106 has to be agreed and deliverable otherwise it carries no weight in planning terms. The lack of any detailed proposals make this claim invalid (see Section 3 of our submission on Mitigation).
- 1.27** The further proposals for a fund to provide works to the registered Park and Gardens of Allerton Park can also be discounted in terms of landscape mitigation. Although park structures may benefit from remedial work, this is to be funded from the public purse with little corresponding benefit for those who have financed the works. They do not serve to mitigate the landscape impacts, instead they assist the site landowner in carrying out works for which he has sole financial and legislative responsibility.
- 1.28** It is clear, therefore, that negative landscape impacts have been identified as a result of this proposal. These impacts, as acknowledged by the applicant, cannot be successfully mitigated against and, with the lack of a case of over-riding need required to set-aside policy C2, the application is deemed to be contrary to this policy and should be refused.

Policy HD 7a

Development will not be permitted where it would adversely affect the character and setting of parks and gardens included in the English Heritage register of parks and gardens of special historic interest.

- 1.29** The registered parks and gardens of Allerton Park are subject to those same landscape impacts as discussed under Policy C2.
- 1.30** The location of the park *adjacent to the application site*, as opposed to only being within the area of Landscape Character assessment, determine that those impacts may be considered at their most sensitive in relation to the park itself. Although the applicants go to great lengths to attempt to reassure the determining authority that the impacts are not only less than significant but that those impacts can be mitigated by the provision of a publically funded scheme of works, this conclusion fails to recognise that the causes of the wider landscape impact are even more concentrated due to the close proximity of the registered park. The repairing of small structures cannot mitigate the visual damage of the AWRP.
- 1.31** Although some intervening landforms may assist in lessening direct views of part of the built form, they cannot obscure the stack and its associated plume. Financial incentives may help when directed to mitigate the direct impact of development of a building / structure which is itself important but here it is the *setting* of the park which is compromised by the proposed development.
- 1.32** Any development which can be deemed to have severe impacts upon the landscape will, by definition, also have severe impact upon the setting of a designated area. It therefore follows, that the application is contrary to policy HD7a, notwithstanding the provision of the heritage fund.

Policy HD20

Proposals for new development should take into account...

- 1.33** Policy HD20 indicates which characteristics of design are acceptable in new development and acknowledges the importance that proposals should be respectful of and fit in with local landscape and built form. It is very firm in its judgement and states that “Development which is contrary to these design principles will not be permitted”.
- 1.34** As has previously been discussed, the proposal fails to satisfy the requirements of Policy C2 and it is the very design and proposed built form which is the cause of the proposals’ failure. It therefore follows that the design of the proposal is unacceptable in terms of HD20.
- 1.35** Frequent reference is made in the application to the comments of CADE (apparently engaged by the applicants and therefore not independent whose comments are based on their architectural preferences. These are not the same principles that determine whether or not a proposal fits with the relevant policy directive.
- 1.36** The claim that the “curved design of the building fits well into the surroundings” is misleading. No evidence has been submitted with the application that the CADE review team have either visited the site or given a comprehensive site assessment and design rationale.
- 1.37** At 1.11.94 the applicant makes reference to policy HD20 and quotes “The principles contained within the Local Plan policy, and within other relevant national guidance, has informed the approach to design decision-making in ensuring that a significant development

within the open countryside, provides an attractive benefit to the local character rather than appearing out of place.”

- 1.38** A judgement has to be taken at this point to assess whether this proposal is indeed “an attractive benefit to the local character” particularly when compared to the restored character of the present site. This comment sits uneasily with the applicant’s own judgement that AWRP cannot be either screened or hidden – why would there be a requirement to hide such an “attractive benefit”?
- 1.39** The application is therefore contrary to Policy HD20.

Policy H2

The net loss of housing... will not be permitted

- 1.40** The applicant claims that the Claro House unit will be replaced by moving the *existing* tenants to alternative accommodation provided by conversion of former games store/cart shed on the freehold owners’ estate. However, this application (ref: 11/02483/FUL) is justified on the grant of application notice as necessary for the needs of the business.
- 1.41** The justification states “The development would be unacceptable unless justified by the needs of the business and occupied only in relation thereto”. The grant of the application is also conditional an Agricultural Occupancy condition which restricts its occupancy.
- 1.42** No such restriction exists at Claro House. It is clear, therefore, that the claimed replacement dwelling has no linkage with the loss of Claro House and that that application has been determined upon completely unrelated criteria.
- 1.43** The application is contrary to Policy H2 as it will result in the loss of Claro House as existing housing stock in Harrogate District.

Policy E4

Land allocated for Industrial/Business development.

- 1.44** The application site is not allocated for Industrial/Business development.

Policy E8

New Industrial and Business development in the open countryside will be permitted where *all* the following criteria are met:

- 1.45** The application is contrary to all the criteria of this policy. It is not re-use of existing buildings, it is not small scale in nature, it can be argued that it is not well located as over 50% of its supply stream comes from outside 25 miles and it would have a significant adverse effect on the landscape, appearance and general amenity of the area.
- 1.46** The application is contrary to Policy E8.

Policy C16

Adaptation and re-use of existing rural buildings

- 1.47** Although the proposed conversion of Claro House to a Visitor Centre is submitted as part of the Waste and Minerals application, it should be viewed as subsidiary to this and therefore

be judged on its own merits. Indeed, there is a case to be made that it should actually be submitted as a separate application to the relevant determining authority i.e. Harrogate Borough Council.

- 1.48** The conversion of the house and buildings bear little relevance to the main application. Any need for tours around this facility have not been demonstrated and in any case they could be accommodated easily within the proposed structure/offices of the main application.
- 1.49** Further, the claim that the provision of the Visitor Centre would be beneficial to improve awareness of recycling fails on two counts. Firstly, the stated aim of the site and the technology used is to incinerate 85% of all material entering the site, over the next 25/30 years. This is contrary to any suggestion that the centre will help to increase recycling levels. Secondly, although a visit to the site itself would be necessary to witness the physical plant in operation, a more efficient method of broadening the message of reduce, re-use, recycle is to take that message to the communities and centres where the most waste is produced. To provide a centre to which people, pupils, community groups etc have to travel to does not fit in with the requirements of sustainable, Green Travel Plans. All such groups would be adding to traffic, CO2 outputs and unnecessary journeys. It would be better and more effective if that message were taken to them.
- 1.50** Further, it is claimed that the building could be used as a Community facility. This raises concerns regarding the impact of this facility upon existing community facilities within the local area, in particular Village Halls. Much work is done throughout the area in order to preserve and enhance those facilities which are deemed vital for the sustainability of local communities. This proposal threatens these facilities and should be refused.
- 1.51** In summary, this aspect of the application is contrary to Policy C16 because of the lack of need, the lack of a Green Travel Plan, the conversion of a traditional, rural farmstead which gives character to the area and the adverse impact which the proposal would have on existing community facilities.

Policy EQ1

- 1.52** The applicant states “1.11.107. The fundamental objective of the AWRP development is to seek to reduce waste to landfill which could otherwise be reused, recycled or recovered”. The facility will reduce waste to landfill but achieves this by largely replacing the landfill element with incineration.
- 1.53** This does not meet the requirement to treat waste as high up the waste hierarchy as possible, as required by government policy. In fact, it determines that the element of waste which should be reused, recycled or recovered is actually *prevented* from moving up the hierarchy as it is disposed of via incineration.
- 1.54** The figures provided by the applicant which demonstrate that >85% of the waste which enters the site will be incinerated. This confirms that the proposal does not meet the overarching aims of moving waste appropriately up the waste hierarchy.
- 1.55** Although there is a renewable element to the proposal (the Anaerobic Digestion (AD) plant), this is a minor element of the proposed treatment processes and due to inefficient pre-sorting of material going in to the plant, the resulting material will also be incinerated.
- 1.56** The applicant also indicates that the facility should be classed as a renewable facility, they claim that over 50% of the input waste should be considered as biogenic. If the biogenic content is >50% then this would make a case for a greater element of recycling and

recovery of recyclates through either a larger AD plant or extraction by efficient recycling processes.

- 1.57** The facility is not a renewable facility, indeed PPS22 specifically excludes mass burn incineration of domestic waste from its definition of renewable. It is therefore contrary to Policy EQ1.

Policy EQ2

- 1.58** Policy EQ2 seeks to protect the character and heritage of the district. It seeks to protect and where possible, to enhance the environment. The applicant claims that the proposal is neutral to this policy. However, he acknowledges that there will be significant adverse impacts as a result of this proposal *which cannot be mitigated*.
- 1.59** The provision of a fund for repair of built forms within the adjacent listed parkland carries little significance in terms of mitigation and the proposal for additional off-site planting carries no weight. This is because a condition of a Section 106 agreement requires a plan that can be identified and implemented. This proposal can achieve neither and so should be discounted. It is, therefore, contrary to policy EQ2.

Waste Strategy England 2007

- 1.60** This strategy sets a preference for EfW proposals that recover heat and electricity and indicates that such facilities should be in locations where they are able to maximise opportunities for CHP. As such, it is key to the assessment as to whether this application follows the government "direction of travel".
- 1.61** Where incineration is accepted as a method of last resort (i.e. for RDF) then the government preference is for facilities which are able to utilise the maximum amount of energy recovery from the process. This determines that incineration with CHP is the preferred option. In fact, it goes further than this and seeks to discourage facilities where energy recovery is only in the region of 30%, as is the case for mass burn incineration.
- 1.62** The AWRP clearly fails to adhere to this strategy. Indeed, the Government Waste Review (2011) has moved mass burn incineration further down the waste hierarchy and it is easy to understand how it will soon be considered unacceptable unless the facility is genuinely for CHP.
- 1.63** At 1.11.115. the applicant states that "AWRP is fundamentally supported by the objectives of WSE2007. It would assist in diverting waste from landfill providing the investment necessary to develop the infrastructure required to increase recycling and energy recovery from residual waste and meets the preference towards EFW proposals which are CHP compliant".
- 1.64** Diversion of waste from landfill to mass burn incineration is not compliant with the desire to treat waste as high up the hierarchy as possible and indeed prevents those products from being able to benefit from recycling as they have been disposed of through burning. It also fails to meet the government and EU preference for CHP plants.
- 1.65** The application makes a claim that it is "CHP ready" but this is misleading on two accounts. Firstly, no conditions can be imposed upon the grant of planning permission which could guarantee future use for the heat output from the plant. Secondly, the location of the plant in the open countryside, far removed from other current or possible future outlets for heat, dictate that this plant could never satisfy those requirements.

- 1.66** As the Secretary for State states in her introduction to the Waste Review, the Government's aim is to "get the most energy out of waste, not the most waste into energy".

The Yorkshire and Humber Regional Spatial Strategy

- 1.67** Following Royal Assent on 15th November the Localism Act 2011 has now reached the Statute book. This Act includes Section 109 which deals with revoking the Regional Strategies. Considerations of the environmental effects of this revocation are due on 20th January 2012 and these should finally consign the RSS to the history books. Although the evidential base for the strategies may still prove some use, it is clear that the policies themselves no longer carry sufficient weight for them to be considered.
- 1.68** The emerging policies and strategies, both local and national, will now guide the direction of travel and will be particularly important in consideration of this application. This includes, importantly, the developing Core Waste Strategy.

North Yorkshire County Council Waste local Plan (2006)

Policy 4/1

- 1.69** Policy 4/1 states;

Proposals for waste management facilities will be permitted provided that:

- a) the siting and scale of the development is appropriate to the location of the proposal;
 - b) the proposed method and scheme of working would minimise the impact of the proposal;
 - c) there would not be an unacceptable environmental impact;
 - d) there would not be an unacceptable cumulative impact on the local area;
 - e) the landscaping and screening has been designed to effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character;
 - f) where appropriate, adequate provision is made for the restoration, aftercare and management of the site to an agreed after use;
 - g) the proposed transport links are adequate to serve the development; and
 - h) other environmental and amenity safeguards would effectively mitigate the impact of the proposal:
 - i) it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with the waste;
 - j) the location is geographically well located to the source of the waste thereby according with the proximity principle A recent recommendation by Mr Bowe, the Corporate Director – Business and Environmental Services, NYCC, to the Planning and Regulatory Functions Committee at their meeting on 13th December 2011 regarding planning application number C5/34/2011/12077 is worth noting here.
- 1.70** This application, for a Waste Transfer Station, bears many resemblances to the current application, although it is much smaller in scale (with a single span building of only 60 m x 40 m x 11 m) and whilst sitting in a similar position alongside the A168 and near to the A1 (M), is not adjacent to a Grade 1 listed Heritage Asset.

- 1.71** In terms of the criteria relating to Policy 4/1 there are many comparisons. On page 38 of the report, Mr Bowe states "...it is considered the development is of a scale that does not integrate well with or is complimentary to neighbouring development and appropriate to the form and spatial qualities of the local area which should be small scale, sustainable and related to the rural economy; is not of a form which is appropriate to the local landscape character; would impact on "Greenfield" land without justification and be contrary to the strict controls placed over new development in accordance with national and Development Plan policy to ensure the protection of the countryside and Green Belt; the development would have significant visual and landscape impacts and is not in keeping with the surrounding landscape, has no relationship with the rural land use around the site, that it will have a significant visual impact and detract from the intrinsic rural and landscape character of the locality contrary to the following: national planning policy and guidance set out in PPS1; PPS7 and PPs 10; Policy YH1, Policy YH6 and Policy ENV 10 of the Yorkshire and Humber RSS; "saved" Policy 4/1 (a) (c) and (d) and "saved" Policy 4/3 and "saved" Policy 4/19 of the North Yorkshire Waste Local Plan; and Policy EQ2 and Policy SG4 of the Harrogate Core Strategy document and "saved" Policy C2 and "saved" policy E8 of the Harrogate District Local plan respectively."
- 1.72** This is a very strong and, indeed robust, judgement in terms of a much smaller scale proposal.
- 1.73** Although each application falls to be judged on its own merits, it is difficult to see how, when consistency of approach is demonstrated, an alternative conclusion or recommendation could be given to the AWRP proposal.
- 1.74** The AWRP application is contrary to criteria c, d, e, h, i, and j of Policy 4/1 and should be refused.

Policy 4/3

Landscape Protection

- 1.75** Policy 4/3 is quite clear in stating "Proposals for waste management facilities will only be permitted where there would not be an unacceptable effect on the character and uniqueness of the landscape. Wherever possible, proposals should result in an enhancement of the local landscape character."
- 1.76** It has already been demonstrated that the proposal is in conflict with the Harrogate Plan Policy C2. It follows that the proposal is unable to meet the criteria of Policy 4/3. It will have a severe adverse impact upon the character and uniqueness of the landscape and certainly, there are no elements of the proposal which would satisfy the criteria of enhancement of the local landscape character. It is therefore contrary to Policy 4/3.

Policy 4/14

Historic Environment

- 1.77** A full and reasoned response to the adverse impact of the proposal upon the adjacent Listed Heritage Asset of Allerton Park and Castle is contained elsewhere in this submission (Part 2 and appendix by TPM Consultants on our behalf). This also deals with the inadequacies of the proposed mitigation and the response of English Heritage and demonstrates that the application is contrary to policy 4/14.

Policy 4/18

Traffic Impact

1.78 This is covered in Part 2 of our submission.

Policy 5/2

Waste Recovery

1.79 The application site is not identified within this policy context for a Waste Recovery facility.

Policy 5/10

Incineration of Waste

1.80 Policy 5/10 states that "Proposals for the incineration of household, commercial and non-hazardous industrial waste will be permitted only after opportunities for recycling and composting have been explored and provided the following criteria are met:

The proposed site is suitably located within an existing, former or proposed industrial area of a character appropriate to the development;

OR

The proposed site is suitably located on land formerly occupied by waste management facilities of a character appropriate to the development;

OR

The proposed site is suitably located on areas of contaminated, despoiled or previously derelict land;

AND

The proposal will not have an unacceptable impact on local amenity or the environment."

1.81 The policy also states "and will be part of a mix of facilities including other options ...and should be appropriately sized to avoid competition with recycling".

1.82 It is quite clear that the application fails the first test as it fails to satisfy the requirement that incineration will only be permitted after opportunities for recycling and composting have been fully explored.

1.83 The proposal to incinerate >85% of all waste which enters the site determines that the process itself is the limiting factor in moving the treatment of waste up the Waste Hierarchy.

1.84 It obviously fails the other criteria and particularly the last statement "and will be part of a mix of facilities including other options ...and should be appropriately sized to avoid competition with recycling".

1.85 The stated aim of any proposal which intends to treat >85% of residual municipal waste from all corners of North Yorkshire by incineration is contrary to this aim and, indeed, will prevent future maximisation of recycling opportunities.

Conclusion

1.86 When considering any planning application the determining authority must ensure that it accords with the relevant local, regional and national policies and guidance. If it fails in regard to a single, significant policy, then it must be refused.

It is quite clear that the AWRP application fails to satisfy this test.

1.87 During the determining process there are many factors which need to be considered and accurately weighted in order to make a considered and robust judgement. There are also factors which may be considered which can effectively “set-aside” relevant policies where a level of over-riding need determines that this should be the case.

1.88 However, in this case, the cumulative effect of failure to comply with policy, the established and demonstrable harm (Part 2) which the proposal would cause and the lack of any substantive case being made to set-aside policy (Part 4) ensures that this application can only be determined by a refusal.