

# Addressing uncontrolled expansion of Ian Mosey Ltd's Blackdale Mill site



# What are we trying to achieve?

- “To ensure that the amenities of nearby residents are not unreasonably affected.”
- “Preserve or improve the amenities of the area through which the road runs.”
- “conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area”
- Whilst having regard for:
  - “the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)”



# What has gone wrong?

- The Mill has expanded without any checks or balances.
  - The mill has expanded from under 2,500 tonnes pcm to over 20,800 tonnes pcm
  - Implying increased vehicle movements both in number and frequency
  - Planning permissions have been retrospective with no evaluation, constraints or mitigation of impacts
  - Continued expansion appears unconstrained
- Truck movements, now great in number, starting at unsociable hours, are affecting residents' reasonable enjoyment of their homes and surroundings.
- Anti-Social Behaviour is not confined to helmetless teenagers on stolen motorcycles.
- Many surrounding villages complain that heavy truck movements have increased
  - As many of the trucks are not in Ian Mosey livery, villagers do not realise these trucks are travelling to and from Blackdale Mill.
- Six axled articulated grain bulkers are amongst the heaviest trucks allowed on British roads. They have a gross vehicle weight of 44 tonnes
  - any heavier and they are classed as Exceptional or Abnormal Loads and must adhere to abnormal load regulations
  - Increasing damage to roads and services

# Why has it gone wrong?

- The mill has grown from producing feed for Ian Mosey's own pigs to producing feed for his own and other producers' pigs as well as feed for cattle, sheep and poultry including pheasants.
- The output from the mill has grown from under 2,500 tonnes per month to in excess of 20,800 tonnes per month (source: Ian Mosey website states that the mill produces in excess of 250,000 tonnes per annum)
- Ian Mosey Ltd has systematically used retrospective planning permission obviating full and proper impact analysis, constraints and mitigation.
- Planning Application 11/00498/73A August 2011 is key:
  - Like many Ian Mosey applications, approval is sought retrospectively (Section 73A of the Town and Country Planning Act 1990 refers to retrospective planning applications) and
  - Planning committee approved constraints have been subsequently modified and reduced
- The two CLEUDs by their very nature ie breaking planning conditions for 10 years are retrospective
- **Retrospective approval is NOT good planning.**



# Planning Application 11/00498/73A in more detail

- It was retrospective – Ian Mosey had already exceeded the 2,500 tonnes pcm limit when application number 03/00350/73 was approved in 2006.
- It went to Full Committee on Thursday 31 August 2011. The Committee met at 6.00pm that evening and this application was submitted with two conditions.

## Condition 1

“ **The site** shall be used for the approved use between 7.30am and 7.00pm on weekdays, 7.30am and 1.00pm on Saturdays and not at all on Sundays or Public Holidays. REASON: To ensure that the amenities of nearby residents are not unreasonably affected.”

## Condition 2

“No machinery or other equipment shall be introduced or installed which would have **the effect of increasing the current operating capacity of the mill** without the prior written approval of the Local Planning Authority. REASON: to ensure that the amenities of nearby residents are not unreasonably affected and in order to comply with Policy ENV1 of the Ryedale Local Plan.”

- The Notice of Approval issued Tuesday 6 September 2011 (note there was a weekend in between) differed from the application submitted

## Condition 1

“**Vehicular movements** associated with the feed mill and associated feed bins shall only occur between the hours of 0630-1800 Monday to Friday, and 0630-1300 on Saturdays. REASON: To ensure that the existing amenities of residential occupiers in the locality are not adversely affected by the development hereby approved, and to satisfy the requirements of PPS4 – Planning for Sustainable Economic Growth.

## Condition 2

As stated on the Planning Application.



# Raising serious questions:

1. Were Councillors led to believe that Condition 2 was limiting output of the mill to 10,000 tonnes per month?
  - Subsequently the Planning Authority has confirmed that they do not know what the operating capacity of the mill was in 2011 making condition 2 unenforceable. There have been subsequent approvals for three grain silos and an ingredient tank
2. Why change condition 1 from limiting the operation of the mill to limiting vehicular movements and removing “Public Holidays” from the Condition as per subsequent hand written note of the amendment?
3. Why is a major business in an AONB permitted to continually gain retrospective planning
4. Will continued expansion avoid planning control?
  - The mill is now producing in excess of 20,800 tonnes per month (this will increase unless checked)
  - CLEUDs 1 and 2 will further extend the hours of vehicular movements with more and more 44 tonne trucks travelling through minor village roads with no barrier to further CLEUDs.
  - The Planning Authority has stated "it is neither expedient nor cost effective to effectively monitor vehicle movements in this manner" and "we are unable to proactively monitor vehicular movements from sites". Why then, make it Condition 1 of the approval?
5. Erection of a lean to to house ingredient tanks 19/01171/FUL. Councillor Thackray requested that this application go before Planning Committee, his request was denied. Why?
6. A new cooler was installed in or around November 2019. Becky Milne, Director of Ian Mosey (Feed) Ltd “help to make our Mill more productive.” Where is the Planning Application for this expenditure?
7. **The Local Planning Authority has been unwilling or unable to plan, monitor or put checks and balances on the expansion of the mill and resultant increases in vehicular movements at any time of the day. This situation will only get worse if it is not managed. How can we change this?**

# A successful business has been allowed to expand outgrowing the limitations of its location

- The Howardian Hills an Area of Outstanding Natural Beauty.
- The vast majority of Hovingham including Park Street falls within the AONB
- Park Street is called Park Street because it leads to and through ancient park land.
- Its road number is C89 and its Road Type is Class C or Unclassified i.e. not even a B road.
- Road number C89 is not a Primary Route Network.
- Ian Mosey Ltd governance has avoided consulting and considering its wider community's interests
- More appropriate expansion alternatives and incentives to enable the business to grow have not been explored

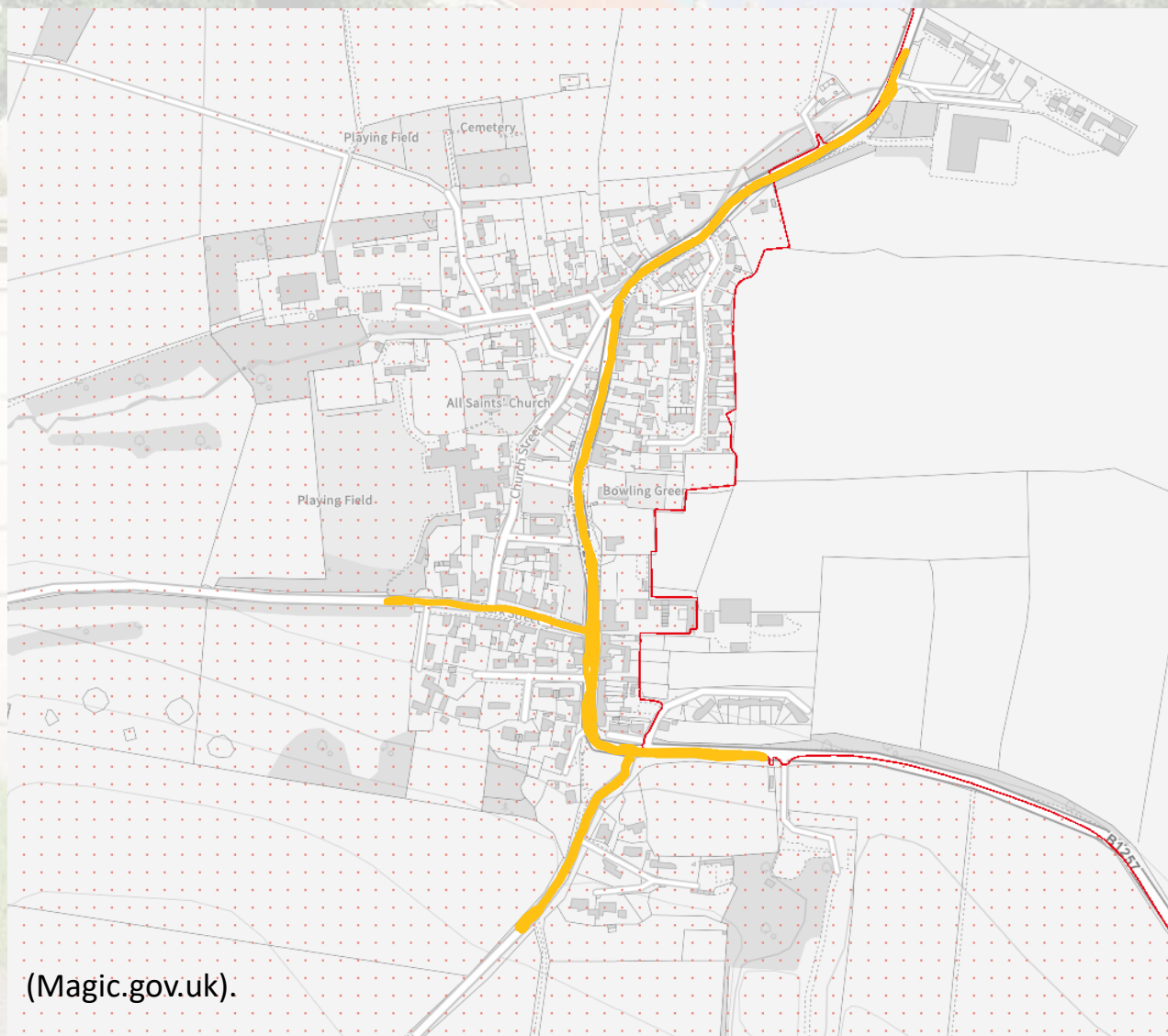


# A Traffic Regulation Order appears the only solution to constrain operating hours

- Planning is unable or unwilling to control unchecked mill expansion and its resultant increase in vehicular movements at any time during the day or night.
- Solution - Permanent Traffic Regulation Order (Parts I, II and IV of the Road Traffic Regulation Act 1984 ("RTRA 1984)).
- Restrict Heavy Commercial Vehicles (greater than 7.5 tonnes) movements to the hours of 7.00 am to 6.00 pm Mondays to Fridays, 7.00 am to 13.00 pm Saturdays and no movements Sundays and Public Holidays except for loading and unloading (usual exemptions would apply eg Emergency Service vehicles, buses, Agricultural motor vehicles ( as defined in The Road Vehicles (Construction and Use) Regulations 1986) except those by construction and manufacture capable of speeds in excess of 40 kmph. **Care re definition of Agricultural Motor Vehicle.**
- Relevant part of the legislation Section 1(1) of the RTRA 1984 – to preserve or improve the amenities of the area through which the road runs.
- More importantly, this decision is that of the competence of the Local Highway Authority as opposed to the Local Planning Authority.
- Breaches are a criminal offence.
- The efforts of Local Highways Authority could be assisted by Natural England – Section 22 of RTRA 1984 is most helpful when a road or roads pass through an AONB
- *"Natural England may make submissions to the Secretary of State as to the desirability of a Traffic Regulation Order being made in relation to a road to which this section applies, whether or not it is a road for which he is the Traffic Authority."*
- *"The purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area."*



# Where would the TRO apply?



— Proposed TRO

□ AONB

(Magic.gov.uk).

# We need two things

1. A Traffic Regulation Order to enforce operating hours
2. Enforcement of existing capacity constraints and ending of retrospective planning permissions at this site by NYC.

Can we count on your support?

