



North Yorkshire Council,
Planning - Development Management,
Belle Vue Square,
Broughton Road,
Skipton
BD23 1FJ

Our Ref:
31 May 2024
UNCLASSIFIED

To whom it may concern,

KEX GILL ROAD
SECTION 96A SUBMISSION FOR A NON-MATERIAL AMENDMENT TO PLANNING
PERMISSION

WSP UK are acting on behalf of North Yorkshire Council (hereinafter referred to as “the Applicant”) regarding the submission of a Non-Material Amendment (NMA) to an extant planning permission for the following development:

“Application for full planning permission for the construction of a 3.9 km long two-way, single lane (with overtaking lanes) carriageway realignment on the A59 between the west of North Moor Road and Blubberhouses. The realignment is located north of the existing A59 and incorporates modifications to the junctions at North Moor Road, Hall Lane and Church Hill.

The existing road from Bubberhouses to Botham’s Farm and Paradise will be downgraded, reduced in width and will function as a private access and public right of way for part of the length; the existing road from Paradise to where Footpath 15.14/4/1 (UUR U8057/9/30) joins the existing A59 will be removed and returned to moorland habitat as part of the Special Areas of Conservation and Special Protection Areas.

Associated works include the diversion of Hall Beck watercourse, landscaping, environmental mitigation, new culverts, 100m long retaining wall, SuDs drainage including two attenuation basins, replacement signage, construction of two underpasses, diversions to, and increase of 1,526m of Bridleways and Public Right of Ways.”

These above road improvements are authorised by the planning permission reference C6/19/05134/CMA, which was Granted with Conditions on 27th April 2021.

For the sake of completeness, subsequent applications to discharge conditions from the original application have been made, including:

- 2022/0004/A27, approved 10th November 2022, to discharge:
 - Conditions 23, 33 & 44;
- 2023/0007/A27, approved 21st December 2023, to discharge:
 - Conditions 15 & 16;
- 2023/0026/A27, approved 12th June 2023, to discharge:
 - Conditions 10, 14, 20, 24 & 25;
- 2023/0066/A27, approved 20th November 2023, to discharge:
 - Conditions 17, 21, 29, 39, 41 & 45;
- 2023/0071/A27, approved 21st December 2023, to discharge:
 - Condition 22; and
- 2022/0272/A27, approved 20th November 2023, to discharge:
 - Conditions 4, 6, 7, 8 & 12.

S96A SUBMISSION

The changes that are being requested have been necessitated by the advancing of construction works that have revealed the need for minor modifications in order to build the highway in a viable and sustainable manner, whilst continuing to ensure high quality landscaping to the standard North Yorkshire Council expect of the contractor and the area.

For example, the amended design saves over no. 10,000 11m long concrete piles covering a length of circa 1km of road. Changes in drainage design to use ‘filter’ type drains will benefit the local environment by enabling greater tree retention and/or lessening impacts on root zones, as well as reducing the impact on dry stone walls. Modifications proposed to the junction tie-ins and associated drainage will facilitate the retention of no. 2 trees, an alteration which has been developed as a result of previous discussions with consultees. Watercourse modifications seek to deliver a scheme that is more easily maintainable, with less risk of embankment slippage into the brook, whilst adhering to the sustainability concepts already agreed. In addition, orifice plates have been changed to hydrobrakes at the ponds to enable easier maintenance.

The mechanism for introducing non-material amendment to a planning permission is through the submission of an application under Section 96A (S96A) of the Town and Country Planning Act 1990. S96A states the following:

- 1) *“A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.*
- 2) *In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.”*

Legislation was introduced by the Government on 1st October 2009 which allows the planning authority to approve non-material amendments to approved developments. This confirms, inter alia, that new conditions can be imposed, and existing conditions removed or altered through a S96A application.

There is no statutory definition of ‘non-material’; it is dependent on the context of the overall scheme (i.e., what is non-material in one case may be material in another). In this instance, no element of the scheme is being drastically changed, and the effects of the changes are considered to be matters of detailed design, and relatively non-consequential within the context of the overall scheme. A Non-Material Amendment is therefore sought to change aspects of the approved development which have, at construction stage, transpired to be unviable.

The changes that are sought under this S96A application have arisen as a result of the progression of detailed design work, as such there is no need for a new EIA (as by definition the changes are non-material) and there is no need for additional publicity. Further guidance is provided within the National Planning Policy Guidance (NPPG) which deals with ‘*Flexible Options for Planning Permissions*’.

Importantly, if North Yorkshire Council is minded to approve this application under S96A, the decision only relates to the non-material amendments sought and the notice of the decision should describe these. Furthermore, there is no prescribed form for the approval of non-material amendments, and it is not a reissue of the original planning permission. Both the original planning permission and non-material amendment decision should be read together.

NON-MATERIAL AMENDMENTS

The proposed NMA seeks to amend the following eight elements of the detailed design stage of the scheme:

1. Watercourse Realignment

As a result of further design work, the need to ensure stable slopes and embankments for both the highway and watercourse - coupled with the need to ensure works remain within

the scheme boundary - the diversion has been realigned to provide better scheme buildability and maintenance access.

The watercourse itself would remain approximately the same overall length, with the same flow characteristics and of the same sinuosity, providing a comparable solution in terms of Biodiversity Net Gain, and habitat creation. The watercourse would continue to comply with the condition 32.

For ease of reference, and for information only, an overlay of the changed areas of watercourse is shown in drawing General Arrangement Plan - Sheet 5 of 6 - Condition 17 (NYKGDD-WSP-HGN-SG-DR-CH-01005-C01) and extends over a length of around 500m, from chainage 5670 to 6200.

2. Culvert Changes

Further to the proposed design changes to culvert 10 and culvert 12, it is considered that the change in fluvial flood risk due to the changes in culvert lengths will be negligible. This is based on a qualitative review of the proposed changes, based on the overall reduction in culvert length and no other changes in the designs of these culverts. In addition, the culverts discharge into fundamentally unchanged channels from previously submitted.

- Culvert 8 has been moved 13m south and 25m east to accommodate the proposed changes to the watercourse alignment (as shown in document references: NYKGDD-WSP-SMN-ST008-DR-CB-0001-C01 and NYKGDD-WSP-SMN-ST008-DR-CB-0002-C01);
- Culvert 10 has been moved 4m north and has reduced in length by 6m (as shown in document references: NYKGDD-WSP-SMN-ST010-DR-CB-0001-C01) ; and
- Culvert 12 has been extended by 1m (from 49m to 50m).

Design modifications agreed within the Agreements In Principles - submitted under Condition 29 - have been incorporated into these drawings where applicable.

3. Interceptor Drains

Approximately one third of drains have been changed to use 'filter' type drains. These are of benefit in reducing the impacts on trees (enabling greater tree retention and/or lessening impacts on root zones), dry stone walls, and creating increased space to maintain the drains away from the scheme boundary.

While redesigning key areas, a full review of the highway drainage design was undertaken, identifying further minor opportunities for improvement:

- Baffle/dissipation blocks have been included in all headwalls in order to reduce the velocities entering channels/watercourses;
- Pollution control devices have been moved in order to provide easier access for construction and maintenance; and
- All pipe crossings of the carriageway have been set to a maximum diameter of 375mm in accordance with North Yorkshire Council guidance.

These changes have been included in the information previously submitted as part of Condition 29, and can be seen below in the drawing register.

4. Bridleway Adjustments

The bridleway earthworks close to culvert 5 and culvert 7 are being amended to ensure that the level of the bridleway is consistent with the new culvert levels, illustrated in Point 2 above. There are no proposed changes to the length, width, function or design of the bridleway itself, just the earthwork levels.

5. Ponds 1 & 2

As a result of further surveys - including detailed information of ground water levels - the size and shape of the ponds has been slightly modified to provide adequate capacity whilst avoiding potential problems from ground water pressure. These are:

- The overall footprint of Pond 1 has increased in length by just 4m, from 47m to 51m, parallel to the bridleway (shown in drawing ref: NYKGDD-WSP-HDG-SG-DR-CD-0500_014 & 025-C01); and
- Pond 2, as a result of being shallower has decreased in length by 4m, from 92m to 88m (shown in drawings ref: NYKGDD-WSP-HDG-SG-DR-CD-0500_015-C01 and NYKGDD-WSP-HDG-SG-DR-CD-0500_016-C01)

Collectively, these are considered no-material changes to the overall scheme, which noted that the SuDs drainage would include two attenuation basins – or ponds.

6. Localised Changes to Earthworks Profile

As a result of the above changes, there have been a number of localised changes to the size and profile of the earthworks associated with supporting these structures.

The most significant of these changes is the road embankment, which has been locally steepened. This mainline north embankment has been steepened from 1 in 3 to 1 in 2.5 between chainages 5940 and 6230 (either side of Hall Lane), and between chainages 5310 to 5550.

7. Modification of the Tie-In with Hall Lane and Church Hill

The width of the roads has been reduced slightly to 5.5m, to comply with Rural Design Guides. The drainage of Church Hill has been amended to include over edge filter drains, to reduce the impact in this location. The tie-in (where the proposed road joins the existing road horizontally and vertically) with Church Lane has been moved approximately 30m to the east, and localised modifications made to the drainage design in this location (submitted separately under Condition 29), to facilitate the retention of no. 3 trees following discussions with consultees. This revised arrangement for Hall Lane was included in the plans submitted to discharge Condition 29 and is already agreed with consultees.

This is shown in drawings ref: NYKGDD-WSP-HDG-SG-DR-CD-0500_012-C01, NYKGDD-WSP-HDG-SG-DR-CD-0500_013-C01, and NYKGDD-WSP-HDG-SG-DR-CD-0500_013-C02.

8. Soft Landscaping

As a consequence of the above changes, alterations to soft landscape arrangement are required. These are shown in Landscape Ecology Mitigation Monitoring and Management Plans (Sheets 1 to 10 (inclusive) (NYKGDD-WSP-ELS-SG-DR-LE-00027 to 00036 (inclusive)-C03) and Soft Landscape: Planting Plans (Sheets 1 to 16 (inclusive) (NYKGDD-WSP-ELS-SG-DR-LE-00011 to 00025 (inclusive)-C03). The following changes are proposed:

- Amendments to the design at Church Hill (minor amendments to the boundary treatments to allow for the road reconfiguration, and gates altered at church car park);
- Amendments to the design at Hall Lane (minor amendments to the boundary treatments to allow for the road reconfiguration);
- Diversion of Hall Beck (alteration to watercourse alignment and design);
- Soft landscaping around drainage areas including Attenuation Ponds (refer to Point 6);
- Siting of interceptor channels and filter drains (soft landscaping around changes in Point 3);
- Variation in slope angle on certain sections (change in type of planting in certain areas due to underlying geotechnical feature placement associated with soil stability);



- Inclusion of reinstatement works for areas used as temporary construction compounds;
- Areas of woodland and scrub planting are to be reconfigured, following recent tree clearances; and
- No. 8 additional tree guards will be provided within livestock fields near Blubberhouses Hall to protect growing trees.

DRAWING REGISTER

We list below the revised plans that are affected by this change, including the superseded plan references:

Plan Name	Existing Drawing Number	Revised Drawing Number
A59 Kex Gill Diversion STR001 Culvert AIP_P03	NYKGDD-WSP-SMN-STR001-RE-CB-0001-P02	NYKGDD-WSP-SMN-STR001-RE-CB-0001-P03
A59 Kex Gill Culvert (STR005) – Approval in Principle	NYKGDD-WSP-SMN-STR005-RE-CB-0001-P02	NYKGDD-WSP-SMN-STR005-RE-CB-0001-P03
A59 Kex Gill Culvert (STR011) – Approval in Principle	NYKGDD-WSP-SMN-STR011-RE-CB-0001-P02	NYKGDD-WSP-SMN-STR011-RE-CB-0001-P03
A59 Kex Gill Culvert (STR012) – Approval in Principle	NYKGDD-WSP-SMN-STR012-RE-CB-0001-P02	NYKGDD-WSP-SMN-STR012-RE-CB-0001-P03
A59 KEX GILL CULVERT (ST011) General Arrangement Sheet 1 OF 2	NYKGDD-WSP-SMN-ST001-DR-CB-0001-P02	NYKGDD-WSP-SMN-ST001-DR-CB-0001-C01
A59 KEX GILL CULVERT (ST011) General Arrangement Sheet 2 of 2	NYKGDD-WSP-SMN-ST001-DR-CB-0002-P02	NYKGDD-WSP-SMN-ST001-DR-CB-0002-C01
A59 KEX GILL CULVERT (ST005) General Arrangement Sheet 1 of 2	NYKGDD-WSP-SMN-ST005-DR-CB-0001-P02	NYKGDD-WSP-SMN-ST005-DR-CB-0001-C01
A59 KEX GILL CULVERT (ST005) General Arrangement Sheet 2 of 2	NYKGDD-WSP-SMN-ST005-DR-CB-0002-P02	N/YKGDD-WSP-SMN-ST005-DR-CB-0002-C01
A59 KEX GILL CULVERT (ST011) General Arrangement Sheet 1 of 2	NYKGDD-WSP-SMN-ST011-DR-CB-0001-P02	NYKGDD-WSP-SMN-ST011-DR-CB-0001-C01



A59 KEX GILL CULVERT (ST011) General Arrangement Sheet 2 of 2	NYKGDD-WSP-SMN-ST011-DR-CB-0002-P02	NYKGDD-WSP-SMN-ST011-DR-CB-0002-C01
A59 KEX GILL CULVERT (ST012) General Arrangement Sheet 1 of 2	NYKGDD-WSP-SMN-ST012-DR-CB-0001-P02	NYKGDD-WSP-SMN-ST012-DR-CB-0001-C01
A59 KEX GILL CULVERT (ST012) General Arrangement Sheet 2 of 2	NYKGDD-WSP-SMN-ST012-DR-CB-0002-P02	NYKGDD-WSP-SMN-ST012-DR-CB-0002-C01
A59 Kex Gill Eastern Underpass ST006 General Arrangement Sheet 1 of 2	NYKGDD-WSP-SBR-ST006-DR-CB-0003-P02	NYKGDD-WSP-SBR-ST006-DR-CB-0003-C01
A59 Kex Gill Eastern Underpass ST006 General Arrangement Sheet 2 of 2	NYKGDD-WSP-SBR-ST006-DR-CB-0004-P02	NYKGDD-WSP-SBR-ST006-DR-CB-0004-C01
A59 Kex Gill (ST002) Contiguous Bored Piled Retaining Wall General Arrangement Sheet 1 of 2	NYKGDD-WSP-SRW-ST002-DR-CB-0001-P02	NYKGDD-WSP-SRW-ST002-DR-CB-0003-C01
A59 Kex Gill (ST002) Contiguous Bored Piled Retaining Wall General Arrangement Sheet 2 of 2	NYKGDD-WSP-SRW-ST002-DR-CB-0002-P03	NYKGDD-WSP-SRW-ST002-DR-CB-0004-C01
Structures Location Plan (Sheet 1 of 3)	NYKGDD-WSP-SGN-0000-DR-CB-0001-P05	NYKGDD-WSP-SGN-0000-DR-CB-0001-C01
Structures Location Plan (Sheet 2 of 3)	NYKGDD-WSP-SGN-0000-DR-CB-0002-P05	NYKGDD-WSP-SGN-0000-DR-CB-0002-C01
Structures Location Plan (Sheet 3 of 3)	NYKGDD-WSP-SGN-0000-DR-CB-0003-P05	NYKGDD-WSP-SGN-0000-DR-CB-0003-C01
Typical Culvert Details (Sheet 1 of 2)	NYKGDD-WSP-SMN-ALL-DR-CB-0001-P02	NYKGDD-WSP-SMN-ALL-DR-CB-0001-C01
Typical Culvert Details (Sheet 2 of 2)	NYKGDD-WSP-SMN-ALL-DR-CB-0002-P02	NYKGDD-WSP-SMN-ALL-DR-CB-0002-C01
A59 Kex Gill Western Underpass (ST004) General Arrangement Sheet 1 of 2	NKYGDD-WSP-SBR-ST004-DR-CB-0003-P02	NKYGDD-WSP-SBR-ST004-DR-CB-0003-C01
A59 Kex Gill Western Underpass (ST004) General Arrangement Sheet 2 of 2	NKYGDD-WSP-SBR-ST004-DR-CB-0004-P01	NKYGDD-WSP-SBR-ST004-DR-CB-0004-C01
Soft Landscape: Planting Plans (Sheets 1 to 15 (inclusive))	NYKGDD-WSP-ELS-SG-DR-LE-00011 to 00026 (inclusive)-P02	NYKGDD-WSP-ELS-SG-DR-LE-00011 to 00025 (inclusive)-C03
Landscape Ecology Mitigation Monitoring and Management Plans (Sheets 1 to 10 (inclusive))	NYKGDD-WSP-ELS-SG-DR-LE-00027 to 00036 (inclusive)-P02	NYKGDD-WSP-ELS-SG-DR-LE-00027 to 00036 (inclusive)-C03



Soft Landscape Planting Plan 1 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00011-C02	NYKGDD-WSP-ELS-SG-DR-LE-00011-C03
Soft Landscape Planting Plan - Overview Sheet - 2 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00012-C02	NYKGDD-WSP-ELS-SG-DR-LE-00012-C03
Soft Landscape Planting Plan 3 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00013-C02	NYKGDD-WSP-ELS-SG-DR-LE-00013-C03
Soft Landscape Planting Plan 4 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00014-C02	NYKGDD-WSP-ELS-SG-DR-LE-00014-C03
Soft Landscape Planting Plan 5 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00015-C02	NYKGDD-WSP-ELS-SG-DR-LE-00015-C03
Soft Landscape Planting Plan 6 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00016-C02	NYKGDD-WSP-ELS-SG-DR-LE-00016-C03
Soft Landscape Planting Plan 7 of 15 – Condition 17 V2	NYKGDD-WSP-ELS-SG-DR-LE-00017-C02	NYKGDD-WSP-ELS-SG-DR-LE-00017-C03
-C03Soft Landscape Planting Plan 8 of 15 - Condition 17 V2	NYKGDD-WSP-ELS-SG-DR-LE-00018-C02	NYKGDD-WSP-ELS-SG-DR-LE-00018-C03
Soft Landscape Planting Plan 9 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00019-C02	NYKGDD-WSP-ELS-SG-DR-LE-00019-C03
Soft Landscape Planting Plan 10 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00020-C02	NYKGDD-WSP-ELS-SG-DR-LE-00020-C03
Soft Landscape Planting Plan 11 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00021-C02	NYKGDD-WSP-ELS-SG-DR-LE-00021-C03
Soft Landscape Planting Plan 12 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00022-C02	NYKGDD-WSP-ELS-SG-DR-LE-00022-C03
Soft Landscape Planting Plan 13 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00023-C02	NYKGDD-WSP-ELS-SG-DR-LE-00023-C03
Soft Landscape Planting Plan 14 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00024-C02	NYKGDD-WSP-ELS-SG-DR-LE-00024-C03
Soft Landscape Planting Plan 15 of 15 - Condition 17	NYKGDD-WSP-ELS-SG-DR-LE-00025-C02	NYKGDD-WSP-ELS-SG-DR-LE-00025-C03
Standard Detail - Gullies - Condition 17	NYKGDD-WSP-HDG-SG-DR-CD-0500_036-P05	NYKGDD-WSP-HDG-SG-DR-CD-0500_026-C01
General Arrangement Plan - Sheet 1 of 6 - Condition 17	NYKGDD-WSP-HGN-SG-DR-CH-01001-P02	NYKGDD-WSP-HGN-SG-DR-CH-01001-C01
General Arrangement Plan - Sheet 2 of 6 - Condition 17	NYKGDD-WSP-HGN-SG-DR-CH-01002-P02	NYKGDD-WSP-HGN-SG-DR-CH-01002-C01
General Arrangement Plan - Sheet 3 of 6 - Condition 17	NYKGDD-WSP-HGN-SG-DR-CH-01003-P02	NYKGDD-WSP-HGN-SG-DR-CH-01003-C01
General Arrangement Plan - Sheet 4 of 6 - Condition 17	NYKGDD-WSP-HGN-SG-DR-CH-01004-P02	NYKGDD-WSP-HGN-SG-DR-CH-01004-C01
General Arrangement Plan - Sheet 5 of 6 - Condition 17	NYKGDD-WSP-HGN-SG-DR-CH-01005-P02	NYKGDD-WSP-HGN-SG-DR-CH-01005-C01
General Arrangement Plan - Sheet 6 of 6 - Condition 17	NYKGDD-WSP-HGN-SG-DR-CH-01006-P02	NYKGDD-WSP-HGN-SG-DR-CH-01006-C01



Long Sections - Side Roads - Sheet 1 of 1 - Condition 17	NYKGDD-WSP-HGN-ZZ-DR-CH-00001-Rev P01	NYKGDD-WSP-HGN-ZZ-DR-CH-00001-C01
Long Sections - Main Line - Sheet 1 of 6 - Condition 17	NYKGDD-WSP-HML-S1-DR-CH-00001-P01	NYKGDD-WSP-HML-S1-DR-CH-00001-C01
Long Sections - Main Line - Sheet 2 of 6 - Condition 17	NYKGDD-WSP-HML-S1-DR-CH-00002-P01	NYKGDD-WSP-HML-S1-DR-CH-00002-C01
Long Sections - Main Line - Sheet 3 of 6 - Condition 17	NYKGDD-WSP-HML-S1-DR-CH-00003-P01	NYKGDD-WSP-HML-S1-DR-CH-00003-C01
Long Sections - Main Line - Sheet 4 of 6 - Condition 17	NYKGDD-WSP-HML-S1-DR-CH-00004-P01	NYKGDD-WSP-HML-S1-DR-CH-00004-C01
Long Sections - Main Line - Sheet 5 of 6 - Condition 17	NYKGDD-WSP-HML-S1-DR-CH-00005-P01	NYKGDD-WSP-HML-S1-DR-CH-00005-C01
Long Sections - Main Line - Sheet 6 of 6 - Condition 17	NYKGDD-WSP-HML-S1-DR-CH-00006-P01	NYKGDD-WSP-HML-S1-DR-CH-00006-C01
General Arrangement Sheet 1 of 6 - Condition 25	NYKGDD-WSP-HGN-SG-DR-CH-01001-P02	NYKGDD-WSP-HGN-SG-DR-CH-01001-C01
General Arrangement Sheet 2 of 6 - Condition 25	NYKGDD-WSP-HGN-SG-DR-CH-01002-P02	NYKGDD-WSP-HGN-SG-DR-CH-01002-C01
North Moor Road Highway Drainage General Arrangement - Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_025-P05	NYKGDD-WSP-HDG-SG-DR-CD-0500_001-C01
Hall Lane Junction General Arrangement - Condition 29 v2	NYKGDD-WSP-HDG-SG-DR-CD-0500_026-P06A	NYKGDD-WSP-HDG-SG-DR-CD-0500_012-C01
Church Hill Junction General Arrangement Sheet 1 of 2 - Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_027-Rev P06	NYKGDD-WSP-HDG-SG-DR-CD-0500_013-C01
Church Hill General Arrangement Sheet 2 of 2 - Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_028-Rev P06	NYKGDD-WSP-HDG-SG-DR-CD-0500_013-C02
Basin 1 – Details – Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_029-P05	NYKGDD-WSP-HDG-SG-DR-CD-0500_014 & 025-C01
General Arrangement Basin 2 – Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_030-P05	NYKGDD-WSP-HDG-SG-DR-CD-0500_015-C01
Basin 2 Sections – Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_031-P05	NYKGDD-WSP-HDG-SG-DR-CD-0500_016-C01
Typical Highway Drainage Outfall Headwall Details and Schedule – Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_032-Rev P03	NYKGDD-WSP-HDG-SG-DR-CD-0500_024 & 023-C01
Standard Details - Overland Flow Channel Types - Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_033-Rev P03	NYKGDD-WSP-HDG-SG-DR-CD-0500_019 & 21-C01



Standard Details - Manhole Backdrop - Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_034-Rev P03	NYKGDD-WSP-HDG-SG-DR-CD-0500_034-C01
Standard Detail - Gullies - Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_036-Rev P04	NYKGDD-WSP-HDG-SG-DR-CD-0500_036-C01
Standard Details - Penstock Chamber - Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_037-Rev P03	NYKGDD-WSP-HDG-SG-DR-CD-0500_037-C01
Standard Details - Embankment Reinstatement & Channel Bed Protection - Condition 29 Interceptor Channel Rock Armour Detail	NYKGDD-WSP-HDG-SG-DR-CD-0500_038-Rev. P03	NYKGDD-WSP-HDG-SG-DR-CD-0500_022-C01
Standard Details - Overland Flow Interceptor Channel Lining Detail - Condition 29 Interceptor Channel Canvas Ditch Lining Details	NYKGDD-WSP-HDG-SG-DR-CD-0500_039-REV. P03	NYKGDD-WSP-HDG-SG-DR-CD-0500_0020-C01
Standard Details - Typical Catchpit - Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_040-Rev. P03	NYKGDD-WSP-HDG-SG-DR-CD-0500_040-C01
Standard Details - Flow Control & Orifice Plate - Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_041-Rev. P04	NYKGDD-WSP-HDG-SG-DR-CD-0500_041-C01
Hall Lane Existing Drainage Improvement Design - Condition 29 Highway Drainage General Arrangements Sheet 13 of 13	NYKGDD-WSP-HDG-SG-DR-CD-0500_051-Rev. P03	NYKGDD-WSP-HDG-SG-DR-CD-0500_013-C01
Road Pavements General Arrangement - sheet 1 of 6 - Condition 41	NYKGDD-WSP-HPV-SG-DR-CH-00001-P03	NYKGDD-WSP-HPV-SG-DR-CH-00001-C01
Road Pavements General Arrangement - sheet 2 of 6 - Condition 41	NYKGDD-WSP-HPV-SG-DR-CH-00002-P03	NYKGDD-WSP-HPV-SG-DR-CH-00002-C01
Road Pavements General Arrangement - sheet 3 of 6 - Condition 41	NYKGDD-WSP-HPV-SG-DR-CH-00003-P03	NYKGDD-WSP-HPV-SG-DR-CH-00003-C01
Road Pavements General Arrangement - sheet 4 of 6 - Condition 41	NYKGDD-WSP-HPV-SG-DR-CH-00004-P03	NYKGDD-WSP-HPV-SG-DR-CH-00004-C01
Road Pavements General Arrangement - sheet 5 of 6 - Condition 41	NYKGDD-WSP-HPV-SG-DR-CH-00005-P03	NYKGDD-WSP-HPV-SG-DR-CH-00005-C01
Road Pavements General Arrangement - sheet 6 of 6 - Condition 41	NYKGDD-WSP-HPV-SG-DR-CH-00006-P03	NYKGDD-WSP-HPV-SG-DR-CH-00006-C01

The following plans have been included in this application for the purpose of illustrating the changes, having not been submitted in any previous application prior:

Plans Submitted for Illustrative Purposes

Plan Name	Plan Number
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Culvert 8 GA (Sheet 1 of 2)	NYKGDD-WSP-SMN-ST008-DR-CB-0001-C01
Culvert 10 GA (Sheet 1 of 2)	NYKGDD-WSP-SMN-ST010-DR-CB-0001-C01

For avoidance of doubt, the following plans remain unchanged by this S96A application:

Unchanged Plans

Plan Name	Plan Number
Location Plan	NYKGDD-WSP-HGN-SG-DR-CH-00001-P03
Site Plan GA (Sheet 1 of 6)	NYKGDD-WSP-HGN-SG-DR-CH-00002-P01
Site Plan GA (Sheet 2 of 6)	NYKGDD-WSP-HGN-SG-DR-CH-00003-P01
Site Plan GA (Sheet 3 of 6)	NYKGDD-WSP-HGN-SG-DR-CH-00004-P01
Site Plan GA (Sheet 4 of 6)	NYKGDD-WSP-HGN-SG-DR-CH-00005-P01
Site Plan GA (Sheet 5 of 6)	NYKGDD-WSP-HGN-SG-DR-CH-00006-P01
Site Plan GA (Sheet 6 of 6)	NYKGDD-WSP-HGN-SG-DR-CH-00007-P01
Section (Sheet 1 of 4)	NYKGDD-WSP-GEN-SG-SK-CH-00005-0
Section (Sheet 2 of 4)	NYKGDD-WSP-GEN-SG-SK-CH-00006-0
Section (Sheet 3 of 4)	NYKGDD-WSP-GEN-SG-SK-CH-00007-0
Section (Sheet 4 of 4)	NYKGDD-WSP-GEN-SG-SK-CH-00008-0
Proposed PROW strategy	NYKGDD-WSP-GEN-SG-SK-CH-00001-P03
AIP STR0002	NYKGDD-WSP-SMN-STR002-RE-CB-0001-P03
AIP STR0004	NYKGDD-WSP-SMN-STR004-RE-CB-0001-P03
AIP STR0006	NYKGDD-WSP-SMN-STR006-RE-CB-0001-P02
Existing Utilities Apparatus - Sheet 1 of 6 - Condition 17	NYKGDD-WSP-GEN-SG-SK-CH-00019-P01
Existing Utilities Apparatus - Sheet 2 of 6 - Condition 17	NYKGDD-WSP-GEN-SG-SK-CH-00020-P01
Existing Utilities Apparatus - Sheet 3 of 6 - Condition 17	NYKGDD-WSP-GEN-SG-SK-CH-00021-P01
Existing Utilities Apparatus - Sheet 4 of 6 - Condition 17 v2	NYKGDD-WSP-GEN-SG-SK-CH-00022-Rev. P02
Existing Utilities Apparatus - Sheet 5 of 6 - Condition 17	NYKGDD-WSP-GEN-SG-SK-CH-00023-P01
Existing Utilities Apparatus - Sheet 6 of 6 - Condition 17 v2	NYKGDD-WSP-GEN-SG-SK-CH-00024-Rev. P02
DLEMMMP: Volume 2: Offsite Measures - Condition 22 V4	DLEMMMP report Volume 1 Onsite Measures-Rev5

DLEMMMP: Volume 2: Offsite Measures - Condition 22 V4	DLEMMMP report Volume 2 Offsite Measures-Rev4
Combined Highway Drainage General Arrangements 1-16	NYKGDD-WSP-HDG-SG-DR-CD-0500_001-013-C01
Combined Highway Drainage General Arrangements 19-24	NYKGDD-WSP-HDG-SG-DR-CD-0500_001-013-C01
Combined Highway Drainage General Arrangements 17-18	NYKGDD-WSP-HDG-SG-DR-CD-0500_001-024-Rev. P05
Standard Detail - High Capacity Gully - Condition 29	NYKGDD-WSP-HDG-SG-DR-CD-0500_035-REV P03
Drainage Schedule V2	NYKGDD-WSP-HDG-SG-SH-CD-00001
Concrete Carriageway Chambers (Reinforced) - G.A. - Condition 29 (CIVIL/DOC/11-1
Concrete Carriageway Chambers (Reinforcement Details) Types CC1 & CC2 - Condition 29	CIVIL/DOC/12-1

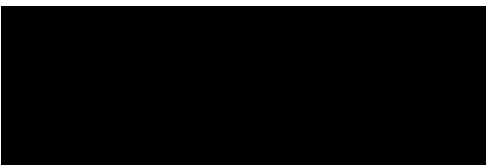
SUMMARY

We trust the above settles the matter that the changes essential to ensure the construction of the Kex Gill road improvements scheme are non-material, and therefore qualify as a Section 96A amendment application in accordance with the Town & Country Planning Act 1990, in addition to that which is provided with the National Planning Policy Guidance.

As such, North Yorkshire Council must have regard to the effect of the changed on the planning permission as originally granted, and as no significant changes are proposed it is considered to be an acceptable restructuring of the existing consent and therefore to be non-material amendment, comprising acceptable changes.

We understand that the application fee of £363 will be paid via an internal transfer within North Yorkshire Council, reference PP-13032074. I trust everything is in order and that the application can be progressed without delay.

Yours sincerely,



Ellie Lomas
Associate Planner