

**To the Chair and Members of the  
PLANNING COMMITTEE**

**Sterefibre (SF), Hazel Lane Quarry, Hampole, Doncaster – Forthcoming Appeals**

**EXECUTIVE SUMMARY**

- 1.1 On the 17<sup>th</sup> November 2015 planning application 15/00728/TIP - *The stockpiling of 'Sterefibre' and the retention of an engineered fibre storage pad for a temporary period of 6 years (Retrospective)* – was refused by the Planning Committee. The reason for refusal was:

*The application is contrary to the NPPF and saved policy ENV3 of the Doncaster Unitary Development Plan. The development is inappropriate in the Green Belt and there are no very special circumstances to override the general presumption against inappropriate development in the Green Belt. The Sterefibre stockpile has a visual impact, albeit limited, and it also encroaches into the Green Belt. The use of the site for the storage of Sterefibre has an impact on the openness of the Green Belt.*

- 1.2 The applicant has appealed the decision to the Planning Inspectorate – Appeal Reference: APP/F4410/W/16/3150426.
- 1.3 In addition to this, the applicant has also submitted:
- a) A Certificate of Lawfulness application (Ref: 16/01360/CPL) to allow SF to be spread on the land; and
  - b) A Condition discharge request (Condition 29 of Planning Permission 01/0817/P) to allow SF to be imported and used for restoration purposes.
- 1.4 Both the Certificate and the condition discharge request have been refused by the Local Planning Authority under delegated powers on 12<sup>th</sup> July 2016 and 24<sup>th</sup> August 2016 respectively. These decisions have also been appealed under Appeal References APP/F4410/X/16/3154943 and APP/F4410/X/16/3154943 respectively.
- 1.5 The Planning Inspectorate have linked all three appeals together for the forthcoming Public Inquiry, which is to be held at the Civic Office on the 28<sup>th</sup> March 2017. The Inquiry is scheduled to last 5 days.
- 1.6 It is Catplant's intention to firstly utilise SF over six of the twelve landfill cells, which have the benefit of an Environmental Permit. This is anticipated to take place over the next 6 years. The six landfill cells in question would utilise approximately 14,300 tonnes of SF, although this is considered

optimistic and likely to be anywhere in the region of 7627 – 14,300 tonnes (depending on where SF is taken from in the existing pile and subject to further tests). Out of the estimated 36,700 tonnes present on site, this would still leave anywhere in the range of 22,400 – 29,073 tonnes of SF remaining on the pad.

- 1.7 Should SF be spread to agricultural land (and the restoration of Hazel Lane Quarry is an agricultural led scheme), as part of the Environment Agency's permitting Improvement Condition, it can never again be used for the growing of food or fodder or for the grazing of livestock. The concern is that the properties of the SF may be taken up into the food chain. Such a proposal will therefore severely limit the full agricultural benefit of the restored land due to the degrading of the soil quality, which was land in full agricultural (arable) use prior to mineral extraction/landfilling taking place.
- 1.8 In preparation for the forthcoming Inquiry, officers are requesting the Planning Committee's approval to have full consideration to the wider implications of Catplant's proposal to utilise SF over the Hazel Lane Quarry site and in so doing detailing the adverse implications that this will have on the site's agricultural/soil resource.

## **EXEMPT REPORT**

2. N/A

## **RECOMMENDATIONS**

3. Planning Committee endorse officers in the forthcoming appeals to have full consideration to the concerns over the downgrading of the agricultural land should SF be used as part of the restoration soil making materials.

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

4. Planning Committee endorsing officers to consider the wider implications of using SF on the restored site will ensure that the Planning Inspector at the forthcoming appeal is fully aware of the wider environmental concerns surrounding this case, which is a concern that has been raised previously by the Hampole and Skelbrooke Parish Meeting.

## **BACKGROUND**

- 5.1 Members may recall that on the 17<sup>th</sup> November 2015 planning application 15/00728/TIP - *The stockpiling of 'Stereofibre' and the retention of an engineered fibre storage pad for a temporary period of 6 years (Retrospective)* – was refused by the Planning Committee on the following basis:

*The application is contrary to the NPPF and saved policy ENV3 of the Doncaster Unitary Development Plan. The development is inappropriate in the Green Belt and there are no very special circumstances to override the general presumption against inappropriate development in the Green Belt. The Stereofibre stockpile has a visual impact, albeit limited, and it also encroaches into the Green Belt. The use of the site for the storage of Stereofibre has an impact on the openness of the Green Belt.*

- 5.2 Prior to this, Members may also recall that a similar application had been previously refused planning permission (Ref: 10/01971/TIP) by the Council and an Enforcement Notice was subsequently served requiring the importation of SF to cease and the pad to be dismantled.
- 5.3 Both the planning decision and the enforcement notice were appealed and the Planning Inspectorate went on to ultimately dismiss both appeals.
- 5.4 Following the expiry of the Enforcement Notice timescales for compliance, the Planning Committee were asked to consider a number of options available to them to seek compliance. The decision taken by the Planning Committee was to extend the timescale for compliance to allow Catplant additional time to seek the deployment of SF from the site onto suitable non-agricultural restoration schemes. As part of the Planning Committee's decision to extend the timescale for compliance, it was requested that quarterly reports be brought to the Planning Committee to update them on progress. In short, following the production of the quarterly reports – no SF was removed from the site.
- 5.5 On 20<sup>th</sup> June 2014, Catplant submitted a planning application (Ref: 14/01110/WCCC) that sought to amend the quarry restoration (in part) from an agricultural to a non-agricultural restoration – thereby removing the fundamental concern of using SF on agricultural land. Following confirmation from the LPA that the growing of bio-crops was an agricultural end use the application was withdrawn by Catplant on 16<sup>th</sup> March 2015.
- 5.6 The application referred to in 5.1 above was accepted and validated by the LPA on 8<sup>th</sup> April 2015 given the situational change with the proposal. In summary, Sterecycle were no longer operational and as such no further SF was being produced for stockpiling at Hazel Lane Quarry as an active waste transfer site. Following consideration of the merits of the application and having regard to the Planning Inspector's report and decision, a recommendation was made to refuse permission as a result of the ongoing harm to the openness of the Green Belt with no very special circumstances having been demonstrated to outweigh this. This is the subject of the forthcoming planning appeal.
- 5.7 On 17<sup>th</sup> May 2016 Catplant submitted a Certificate of Lawfulness application to seek approval for the use of SF as a 'soil conditioner' over the entire Hazel Lane Quarry site. The LPA refused the Certificate submission on 12<sup>th</sup> July 2016, on the basis that the use of SF as a soil conditioner over the Hazel Lane Quarry site requires written approval from the Local Planning Authority under the conditions imposed on planning permission 01/0817/P and no such written approval had been given.
- 5.8 On the 17<sup>th</sup> May 2016 Catplant also submitted a request to discharge Condition 29 of Planning Permission. Condition 29 reads:

*'All topsoil and subsoil shall be permanently retained on the site for subsequent use in restoration. **No soils or soil making materials for use in restoration shall be brought onto site unless otherwise approved in writing by the Mineral Planning Authority.***

REASON

### *To protect the soil resource*

- 5.9 The submission sought approval for the use of SF to aid the restoration of the site under Condition 29. The application was made without prejudice to the associated application for a Certificate of Lawfulness for the use of SF as a soil conditioner. The basis for the Certificate application is that the SF is not a soil or soil making material and therefore its use did not require the approval of the Mineral Planning Authority under Condition 29.
- 5.10 The applicant's contention was that once re-spread on the landfill surface, the soils can be used for the purposes of agriculture and the production of agricultural crops (biomass) will be enhanced by the use of soil conditioners which add fertiliser and organic material to provide additional nutrients and improve moisture retention.
- 5.11 On the 11<sup>th</sup> July 2016 Catplant submitted a 'repeat application' following refusal of 15/00728/TIP to seek to retain the SF pad and stockpile for 6 years. The LPA determined to not validate the application having regard to the provisions of Section 70C of the Town and Country Planning Act 1990 (as amended). In summary, the situation was no different to the refused application 2015 application.
- 5.12 The Council's refusal of the planning application (Ref: 15/00728/TIP), the certificate of lawfulness (Ref: 16/01360/CPL) and the condition 29 discharge request are all linked and have implications in terms of the intention to utilise SF on this site for restoration purposes and the resultant impacts that this will have on the agricultural quality of the restored Hazel Lane Quarry site, which goes beyond the planning reason for refusal in terms of inappropriate development in the Green Belt, the continuing harm caused to the openness of the Green Belt and no very special circumstances having been demonstrated.
- 5.13 The appellant's intention to use SF on this site flows throughout these three planning processes. The planning application sought to retain SF on site for at least a further six years whilst the material was either deployed from site (which moving forwards is considered very unlikely) or used on-site for restoration purposes; the certificate application sought permission to use SF as a soil conditioner for the restoration of the site; the condition discharge sought permission to import SF for restoration purposes.
- 5.14 The Planning Committee is therefore requested to endorse Officers at the forthcoming planning appeal to have consideration to the use of SF on the Hazel Lane Quarry site for restoration purposes in terms of the wider adverse impacts on the agricultural/soil resource.

### **OPTIONS CONSIDERED**

6. N/A

### **REASONS FOR RECOMMENDED OPTION**

7. The recommended option will ensure that the LPA at the forthcoming Inquiry (specifically in relation to the planning appeal) is able to fully raise with the Planning Inspector the wider planning concerns with the appellant's

intention to utilise SF as part of the restoration of the Hazel Lane Quarry site.

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

8.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Be a strong voice for our veterans</i></li> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	N/A
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	Planning Committee endorsing Officers to defend the planning appeal re: concerns over the degradation of the agricultural quality of the restored site will ensure that the implications of using SF on this site are fully considered.
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	Planning Committee endorsing Officers to defend the planning appeal re: concerns over the degradation of the agricultural quality of the restored site will ensure that the implications of using SF on this site are fully considered.
	<p>All families thrive.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	N/A
	<p>Council services are modern and value for money.</p>	N/A
	<p>Working with our partners we will provide strong leadership and governance.</p>	N/A

## RISKS AND ASSUMPTIONS

9. None

## **LEGAL IMPLICATIONS**

10. The endorsement by the Planning Committee of the approach outlined above within the forthcoming appeal will assist in enabling the Local Planning Authority to fully raise with the Planning Inspector the wider planning concerns of the use of Sterefibre as part of the restoration of the Hazel Lane Quarry site.

## **FINANCIAL IMPLICATIONS**

11. None

## **HUMAN RESOURCES IMPLICATIONS**

12. None

## **TECHNOLOGY IMPLICATIONS**

13. None

## **EQUALITY IMPLICATIONS**

14. None

## **CONSULTATION**

15. Legal Services & Counsel

## **BACKGROUND PAPERS**

16. 15/00728/TIP - *The stockpiling of 'Sterefibre' and the retention of an engineered fibre storage pad for a temporary period of 6 years (Retrospective)*. Refused 20.11.2015.

## **REPORT AUTHOR & CONTRIBUTORS**

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