

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

**Attero HGV Park Planning Application – Position Statement**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision</b>
Cllr Bill Modue and Cllr Chris McGuinness	Rossington	No

**EXECUTIVE SUMMARY**

1. The purpose of this report is to update Members of the Planning Committee on the consideration of the temporary Attero HGV Park under Planning Reference 16/02386/COUM. Members will recall that the application was deferred for a site visit at the 30<sup>th</sup> May 2017 Planning Committee meeting. The site visit was subsequently carried out by the Planning Committee on 22<sup>nd</sup> June 2017.
2. Officers have since conducted a separate visit on 30<sup>th</sup> June 2017 and identified a potential breach of planning control with the Attero operations having expanded outside of its permitted area.
3. Officers have taken on board comments raised at the previous Committee and sought further legal advice concerning the current actions of Attero and the potential implications for the proposal for an temporary Attero HGV Park. This includes consideration of any intensification in the current use of the site.
4. On 7<sup>th</sup> August 2017, two Planning Contravention Notices (PCNs) were served on Attero. PCNs allow the Council to formally request and receive information within a specified timescale about any use or operations being carried out on land, and can be used to invite a constructive response about how any suspected breach of planning control may be able to be satisfactorily remedied.
5. The PCN notices seek information relating to the activities taking place on the main Attero site and the surrounding land, together with any association with the temporary Attero HGV Park. A period of monitoring of the site by the Council's Environmental Health and Planning Sections will support this investigation.
6. Officers recognise that a decision on the proposal for a temporary Attero HGV Park must be made as soon as possible. However, it is the opinion of

Officers and concurrent with legal advice that the application cannot be determined without consideration as to whether the current activities taking place at the site is having an impact on the lawful use at the site, particularly in terms of HGV movements. It is imperative therefore that Officers consider the information received as a result of the PCNs as this may affect the overall planning balance when considering the temporary Attero HGV Park application.

## **EXEMPT REPORT**

7. Not exempt.

## **RECOMMENDATIONS**

8. The Planning Committee note the content of the report.

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

9. The HGV lorry park application seeks to provide a temporary solution for the off-site parking of HGVs whilst a more appropriate longer term solution is found. Throughout the processing of the application, officers have sought to engage with the local community to fully understand the issues and concerns and have attended a 'drop in day' consultation event, walking tours of the Bankwood Estate and Parish Council meetings. A number of other separate meetings have also taken place with Ward Members, the Parish Council and the Environment Agency (who regulate the main site via the Environmental Permitting regime). Officers are therefore fully aware of the resident's concerns and continue to work with the applicant to address these.
10. In planning terms, the NPPF requires local planning authorities to look for solutions rather than problems, and officers need to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
11. Whilst the use of the Lorry Park has a wider public benefit by affording an off-road parking solution for HGVs that are visiting the Attero site, it is acknowledged that this means that there is a perceptible change in the character of the immediate area for a number of residents in close proximity.
12. The HGV lorry park remains in operation without the benefit of planning permission or planning control. However, Attero continue to work with the Council's Environmental Health and Planning departments to ensure that any adverse impacts being experienced by residents are reduced until such time as a planning decision is taken.
13. For the Local Planning Authority to make an informed recommendation on the planning application for the HGV lorry park, it is first of all necessary to fully understand the planning status of the main operational site, the immediate surrounding area, and its links with the HGV lorry park. This information will be provided via the PCN's that have been served in conjunction with the Council's own ongoing investigations.

## BACKGROUND

14. The applicant, Attero Recycling Ltd (Attero), operates a waste processing facility at the northern end of the Bankwood Lane industrial estate. Materials are imported generally by articulated lorries (HGV) and undergo a range of processes including sorting, separation, screening, bailing, shredding, crushing, blending and compaction prior to being exported from the site.
15. The waste processing facility has historically been granted planning permission and operates under an Environmental Permit license issued by the Environment Agency (EA). In 2015, the EA granted a permit to increase the permitted throughput of waste at the site from 75,000 to 200,000 tonnes per year.
16. In 2015, there were an increasing number of complaints to the Council by local residents over a perceived increase in the number of HGV movements travelling to the Bankwood Lane Estate, together with instances of on-street parking in surrounding streets whilst waiting to gain access to the Attero processing site.
17. In autumn 2015, Attero began operating a lorry park on the application site, at the southern end of Bankwood Lane, stating that a holding area was required in order to prevent HGVs from waiting in the surrounding streets prior to gaining entry to the site. The use is unauthorised and is currently not subject to any planning control.
18. The Council has sought a planning application to regularise the current use for a temporary period and to impose planning controls. During the course of the application, amendments have been made to the application to allow the acceptable access and egress of HGVs from the site and the provision of a management plan which sets out a broad range of environmental controls and restrictions over the use of the site.
19. The application was presented to Planning Committee on 30th May 2017 where it was deferred for a site visit to assess the impacts of the proposed development upon the character of the surrounding area and to neighbouring properties. The site visit was subsequently carried out by the Planning Committee on 22nd June 2017.
20. Officers revisited the site on 30th June 2017 and identified a potential breach of planning control with the Attero operations having expanded outside of its permitted area. Officers observed that excavations were taking place to the existing ground, involving the screening of soil to remove historic waste material that is then able to be sorted into stockpiles for recycling. In addition, separate piles of material were situated on land outside of the permitted area for the Attero site.
21. It is unclear to Officers at this stage whether the use of the lorry park is linked to the activities observed outside of its permitted area or whether it supports the lawful existing use at the Attero Site (i.e. whether the additional processing on the extended site is creating additional HGV movements over and above the historic levels of trip generation associated with the permitted waste transfer station).

22. A further consideration is the extent to which the activities observed may fundamentally change the character of the existing use as a waste transfer station and whether this results in a change of use potentially requiring planning permission.

23. Officers feel that it would be premature to support the necessity for a temporary HGV lorry park until the facts of what is occurring at the site have been fully established. Officers feel issuing PCN's is a proportional approach to establish what breach of planning control may have occurred before deciding what action to take. Legal advice received supports this action.

24. Officers have issued PCN's to Attero on 7<sup>th</sup> August 2017. A formal response from Attero should be received by no later than the 29<sup>th</sup> August 2017 and following consideration of this information it would be appropriate to determine the best course of action in relation to these activities and to make a recommendation on the lorry park application (16/02386/COUM).

### OPTIONS CONSIDERED

25. None

### REASONS FOR RECOMMENDED OPTION

26. None

### IMPACT ON THE COUNCIL'S KEY OUTCOMES

27.

	<b>Outcomes</b>	<b>Implications</b>
	<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>	None
	<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>	<p>The HGV Park remains unauthorised without planning control. However, the Council's Environmental Health and Planning departments continues to work with Attero to ensure that any amenity impacts experienced are mitigated (in terms of HGV movements, hours of operation etc.).</p>

		Environmental Health and Planning Officers continue to monitor the situation.
	<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>	Officers will continue to seek a development proposal which protect local amenity and would enable higher standards of environmental protection.
	<p>All families thrive.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	None.
	Council services are modern and value for money.	None.
	Working with our partners we will provide strong leadership and governance.	None.

## RISKS AND ASSUMPTIONS

28. The purpose of the PCN's is to allow the local planning authority to acquire factual information about the current use of land, which will then need to be considered in detail before potential actions, risks and assumptions can be presented.

## LEGAL IMPLICATIONS

29. As noted within the report, an assessment needs to take place as to whether the current activities taking place at the site are having an impact on the lawful use at the site, particularly in terms of HGV movements before the application for the HGV lorry park can be considered.

A failure to complete or return a PSN within 21 days is an offence, as is providing false or misleading information on the notice.

## FINANCIAL IMPLICATIONS

30. None

## HUMAN RESOURCES IMPLICATIONS

31. None

## **TECHNOLOGY IMPLICATIONS**

32. None

## **EQUALITY IMPLICATIONS**

33. None

## **CONSULTATION**

34. None

## **BACKGROUND PAPERS**

35. Previous committee report presented to Planning Committee dated 30<sup>th</sup> May 2017.

## **REPORT AUTHOR & CONTRIBUTORS**

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