

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE -

Application	2
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Application Number:	18/00702/TIP	Application Expiry Date:	12th July 2018
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Application Type:	Tipping/Waste Disposal
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Proposal Description:	Stockpiling of Sterefibre and the retention of an engineered fibre storage pad for a temporary period of 6 years (Retrospective).
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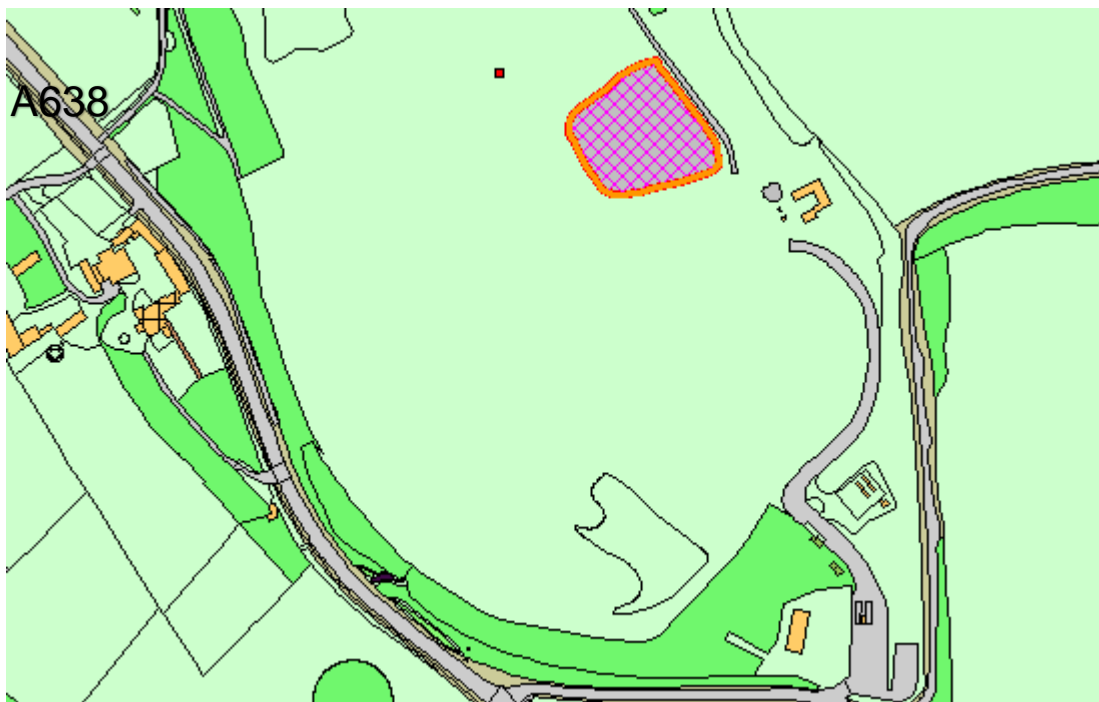
At:	Hazel Lane Quarry Wakefield Road Hampole Doncaster
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For:	Mr Ronnie Harrod
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Third Party Reps:	0	Parish:	Hampole And Skelbrooke Parish Meeting
		Ward:	Sprotbrough

Author of Report	Roy Sykes
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MAIN RECOMMENDATION:	GRANT (subject to conditions)
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1.0 Reason for Report

1.1 This application is being presented to the Planning Committee due to previous Planning Committee involvement in this matter and as a result of the ongoing enforcement action in relation to the unauthorised storage of Sterefibre (SF).

2.0 Proposal and Background

2.1 This current application seeks permission for the temporary stockpiling of SF and the retention of the engineered Fibre Storage Pad (FSP) for a period of 6 years at Hazel Lane Quarry, Hampole.

2.2 Permission is sought to temporarily regularise the ongoing breach of planning control, which will afford the landowner time to continue to fund the removal of a significant proportion of SF from its currently unauthorised position. Within the period applied for options for removal of the remaining amount of SF will continue to be explored.

2.3 Members will recall that earlier this year, the rescheduled Public Inquiry, due to be held in June 2018 pertaining to: the refusal of an application for the storage of SF; refusal of a condition discharge request to allow SF to be imported and used for restoration purposes; and refusal of a certificate of lawfulness application - was cancelled following withdrawal of the appeals.

2.4 In locational terms, Hazel Lane Quarry is situated to the north-west of Doncaster adjacent to the A638, which runs close to the western boundary of the quarry. The quarry extends over a large area and is actively being extended to the north (see Fig 1). The quarry is to be restored to predominantly agricultural use with elements of tree and hedgerow planting following infill with non-hazardous waste along the western side of the quarry.

2.5 The applicant currently operates Hazel Lane Quarry as an active limestone quarry and landfill site under planning permission reference 01/0817/P/MINA. Also located within the quarry in a block manufacturing works, inert recycling area and landfill gas utilisation engine.

2.6 The FSP is sited entirely within Hazel Lane Quarry and is located on the quarry floor in a relatively small area. The planning application boundary encompasses an area of 7,670m² and is located within the eastern part of quarry in the location of landfill cells 5 and 6 (see Fig 2). The FSP is a predominantly subsurface structure constructed from an engineered mineral liner with geo-membrane and protection layers (see Fig 3.). A sump is built into the north-east corner from which leachate is periodically pumped for removal off-site for treatment.

Amount of SF

2.7 The most recent survey, in preparation for the Public Inquiry, was carried out by the appellant's surveyor (Silkstone Environmental Ltd.) on 8th September 2017. Officers of the Council and their representatives (South Yorkshire Mining Advisory Service - SYMAS) were in attendance to validate the findings. The results showed there to be approximately 37,882m³ of SF - which equates to c. 30,306 tonnes of SF stockpiled on site (using the lowest average density for waste). SYMAS' calculations suggested there to be slightly more i.e. 33,000 tonnes.

Re-Use of SF

2.8 Prior to the administration of Sterecycle, SF had been successfully deployed and used for a number of landfill and quarry sites for non-agricultural restoration schemes in the region

These included:

1. Cast Quarry (8,011 tonnes)
2. Barnsdale Bar Quarry (3,870 tonnes)
3. Barnstone Landfill (6,480 tonnes)
4. Beighton Landfill (15,930 tonnes)
5. Darrington Quarry (11, 970 tonnes)
6. Parkwood Landfill (1,340 tonnes)

2.9 An agreement with Tetron Welbeck LLP for the deployment of 16,000 tonnes of the SF to their site at the former Welbeck Colliery site, Meden Vale, Nottinghamshire (see Fig. 4) has been agreed and is currently being deployed with all relevant Environment Agency permits in place. The receiving site is operating in line with the site environmental permit.

2.10 The 16,000 tonnes would equate to around half of the SF stockpiled on site and is a significant proposal in complying with the terms of the extant enforcement notice. In planning terms, the removal to date has already begun to reduce the impact of the SF stockpile in terms of openness and visual impacts on land designated as Green Belt. This is discussed in more detail below.

2.11 Under the current deployment to the former Welbeck Colliery site, SF is being mixed with sand and sewage sludge to form a 'soil-substitute' for the non-agricultural reclamation of this former colliery site i.e. tree planting. A Permit has been issued by the Environment Agency for the use of SF at this receiving site and officers have visited the site to verify SF's use over the proposed area. A recent compliance visit by the Environment Agency to the former colliery site revealed that there were no issues with the SF. The deployment of SF to the former Welbeck Colliery in Nottinghamshire is proposed to be completed within a two year period with SF having commenced to be removed from site at the beginning of August 2018.

Method of Removal

2.12 The proposed method of removing SF from the stockpile at Hazel Lane Quarry involves the top c. 1m or so of the material being stripped and stockpiled once it has been confirmed that the SF is in an aerobic state for this depth to be removed. This is important because if the material is anaerobic it has the potential to cause odour. The SF is tested with an oxygen and temperature probe prior to any transfer operations. The material is bladed off using a tracked dozer to the edge of the storage pad. The SF is then placed by an excavator into a dumper truck to be moved from the stockpile. The recently exposed surface of the stockpile is then 'ripped' by a machine to allow air to permeate into the SF. The next time SF is to be deployed from site, the next c.1m is again checked for oxygen levels to ensure aerobic conditions and if satisfactory, is removed and relocated. This sequence continues. If the SF is found to be anaerobic (i.e. less than 1% oxygen present) then the movement of SF does not proceed until aerobic conditions exist.

2.13 Both officers of the LPA and the Environment Agency were in attendance on the first two dates of the removal i.e. Thursday 2nd August and Monday 6th August to see how this was occurring in practice and to assess the odour implications during export from the site. Following on from this, numerous other visits have also taken place on a periodic

basis and most latterly with a representative of the Hampole and Skelbrooke Parish Meeting on 2nd October 2018.

Future Potential for Re-use of SF at Hazel Lane Quarry

2.14 Use of SF as a soil-making material on the Hazel Lane Quarry site already has the approval of the Environment Agency for landfill cells 1, 2 and 4 under the terms of the site's Environmental Permit. However, the planning permission governing the operation and restoration of the site does not exist by virtue of condition 29 of permission 01/0817/P. The applicant estimates that around 4000 tonnes of SF could be used in the permitted areas and there is also likely to be additional opportunities for tree planting on the western side of the landfill as landfilling proceeds northward in Cells 5 and 6, such that another 1,250 tonnes could be used within the 6 year temporary period applied for.

2.15 Thus, during the 6 year period applied for, a total of 21,250 tonnes (16k off site, and potentially 5,250 tonnes on site) could be used. During this time it is also possible that further off-site deployments for the remaining SF will be possible.

2.16 The potential use of SF on site and revised restoration to include additional tree planting (as is the case at the Welbeck site) is to be assessed under the future Mineral Review (ROMP) submission, which will be exploring additional tree planting on the tip flanks. The additional biodiversity gain from additional tree planting will need to be carefully balanced against the potential environmental impacts such as on the agricultural quality of the site, where prior to quarrying approximately 40% of the land was deemed to be Best and Most Versatile soil (i.e. Grade 3a or above). These are important planning matters to be considered as part of the future Environmental Impact Assessment submission. However, this matter is not under direct consideration for the purposes of this application.

2.17 In summary, the planning application seeks permission to retain the purpose built storage pad and SF stockpile for a temporary period of 6 years to allow time for it to be removed from site. Use as a waste transfer station is not sought and no further SF will be brought on site (as was previously the case at the time of the previous appeal decision). This time-frame will also allow the Mineral Review process to be completed - which will assess in detail how the restoration of the site may be able to be altered to allow additional tree planting on the tip flank.

3.0 Relevant Planning History

01/0817/P - Extension of quarry, including extraction of limestone and clay, associated ancillary activities and reclamation of quarry by means of waste disposal (2nd amendment). Granted subject to legal (106) agreement 13.01.2004.

10/01971/TIP - Construction of fibre storage pad. Refused 18.07.2011.

11/00020/ENFNOT - Appeal against enforcement action for alleged unauthorised storage of bi product resulting from waste autoclave process under grounds a, e, f and g. Appeal dismissed - enforcement notice upheld - subject to corrections. July 2012.

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

16/01360/CPL - Certificate of proposed lawful development for use of Stere fibre as a soil conditioner. Refused 12.07.2016.

16/01771/TIP - Stockpiling of Sterefibre and the retention of an engineered fibre storage pad for a temporary period of 6 years (Retrospective). Declined to be determined.

A Mineral Review (ROMP) for the quarry/landfill planning permission (01/0817/P), as required under the provisions of the Environment Act (1995), is due for submission early next year. The purpose of a ROMP is to review the extant permission with the intention of updating the scheme of working, conditions and restoration. Under consideration by the LPA is an Environmental Impact Assessment (EIA) scoping request (18/01843/SCOP) which aims to determine the scope of the Environmental Statement to be submitted with the application. This will be subject to full consultation with the community.

Submission (Ref: 18/00709/COND) seeks to comply with condition 29 of planning permission 01/0817/P/MINA and requests the Council's written approval for the import (retrospective) and use of SF for restoration purposes over a relatively small part of the site to utilise c. 5,250 tonnes on the sloping flanks of the tip, which will then be used as a growing medium for additional tree planting. However, this is not under direct consideration as part of this application and will need to await the outcome of the Mineral Review process.

4.0 Representations

4.1 The application has been advertised in accordance with the requirements of the Development Management Procedure Order 2015. Site notices have been erected at: 1. Hampole village (next to the bus stop); 2. Skelbrooke (outside the church) and 3. At the site entrance. An advert has also been placed in the Doncaster Star (dated 26th April 2018).

4.2 No individual representations have been received.

5.0 Parish Meeting

5.1 The Hampole and Skelbrooke Parish meeting have objected on the following grounds:

1. No progress has been made to remove the SF stockpile.
2. Do not want the site or any part of it to be restored with SF.
3. The current contours of the site are far removed from those approved and conditioned in the original planning application - producing a landscape which is incongruous and out of keeping with the surrounding landscape.
4. The waste contaminants would ensure that any restoration would be unsuitable to use for future recreational purposes.
5. Residents welcome the plan to finally remove a significant proportion of the SF from the site, but note that no planning permission is required to do this.
6. Residents are sceptical as to whether this will happen - it is dependent on a supply contract with the receiving site which must also have an Environment Agency licence. There may also be local issues due to the close proximity of residential housing to the Welbeck colliery area.
7. SF will not all be used up within the 6 year timeframe. Surely applying for a 6 year temporary period for storage of SF is misleading - in reality it is likely to be much longer and this should be corrected.

6.0 Relevant Consultations

Environment Agency - Have advised that the operator will be required to follow the procedures for leak detection and remediation outlined in the Hydrogeological Risk Assessment (HRA) included in the Construction Quality Assurance (CQA) document, and as agreed with the Environment Agency. Only a limited HRA was undertaken prior to the construction of the FSP. The HRA was included as part of the CQA Method Statement. This was deemed satisfactory, and as such the document effectively became attached to the Environmental Permit and could accordingly be regulated against. Once the pad was completed, a Validation Report was submitted to the Environment Agency which confirmed that the FSP had been constructed to the agreed specification.

Natural England - No objection, standing advice given.

Tree Officer - No objection. The retrospective application for storage/stockpiling area of Sterefibre appears to have no impact on the existing trees on the site and the Suitability for Use Report details that the results of the analyses indicate there are no significant potentially harmful substances or characteristics of the soil conditioner that would cause significant pollution to the environment at the application rates proposed. As a result there doesn't appear to be a risk of harm to the trees and hedgerows surrounding the site near the pile.

Ecologist - No objections.

Environmental Health - No objection - this site is managed by the Environment Agency via the Environmental Permitting regime.

Pollution Control - No objections - as above (permitting).

Highways (DC) - Following clarification of HGV movements - no objections raised.

Highways (Transportation) - as above - no objections.

7.0 Relevant Policy and Strategic Context

Doncaster Core Strategy:

- Policy CS1 - Quality of Life
- Policy CS3 - Countryside
- Policy CS14 - Design and Sustainable Construction

Barnsley, Doncaster & Rotherham Joint Waste Plan:

- WCS4 - Waste Management Proposals
- WCS6 - General Considerations

Saved policies of the Unitary Development Plan:

- Saved Policy ENV3 - Green Belt

National Planning Policy Framework (July 2018):

- Principle 13 - Protecting Green Belt Land

National Planning Policy for Waste (Oct 2014):

- Appendix A - The Waste Hierarchy

Waste Management Plan for England (Dec 2013)

8.0 Planning Issues and Discussion

8.1 The main issues to consider in the consideration of this application are:

- Principle of the development;
- Green Belt;
- Amenity - odour;
- Traffic - HGV movements;
- The planning balance

Principle of Development

8.2 The proposal relates to two retrospective aspects. Firstly the retention of a Fibre Storage Pad (FSP), which is an engineering operation that has created a barrier upon which the Sterefibre (SF) is stored. The purpose of the FSP is to store the SF in an environmentally sensitive manner as required by the Environment Agency permit. Secondly, is the actual storage of SF itself, which comprises a material change of use of land.

8.3 The proposal is located within an active quarry and landfill site on land designated as Green Belt. The proposal is not ancillary to the main use of the site as a quarry, which is a view that has been upheld by the Planning Inspector in the previous appeal. As such, Green Belt policy considerations need to be assessed (below). In terms of general principles however, the FSP and SF are already located where they are as a result of previous unauthorised importation. There are, however, important differences that exist today compared to when the previous appeal was considered.

8.4 These include:

- The SF is no longer being delivered to the site no longer and thus is not acting as a waste transfer station;
- The resultant industrial activities, including HGV movements, are significantly less;
- The SF pile has significantly reduced in size;
- The odour concerns at the time when the site was operating as a waste transfer station are significantly less;
- The SF is now being actively removed from site to a receiving site that has the required environmental permit in place to receive the SF for restoration purposes.

8.5 More detail on these are given below.

Green Belt Policy

8.6 The Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence and the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.7 Part c) is directly relevant to the consideration of this planning application in that the SF stockpile involves encroachment into the countryside (albeit an active quarry/landfill site) which is not ancillary to the main use of the site as a quarry.

8.8 The NPPF directs that when considering any planning application, LPA's should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8.9 At paragraph 146 of the NPPF (July 2018), certain forms of development are listed as not being inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

8.10 Relevant amongst these are:

- a) Mineral extraction;
- b) Engineering operations; and
- e) Material changes in the use of land

8.11 This is reinforced at the local level through saved UDP Policy ENV3 whose explanatory text at para. 5.26 states 'there is... a general presumption against inappropriate development and such development will not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.' The explanatory text goes on to state 'Engineering and other operations and the making of any material change in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. Proposals for development which would not prejudice the purposes of including land in the Green Belt will nevertheless be refused if they would injure amenity of the Green Belt by reason of their siting, materials or design.'

8.12 More up to date local policy in the form of the Council's adopted Core Strategy - specifically Part A) of Policy CS3 relates to Green Belt and states that the general extent of the Green Belt will be retained, echoing both the NPPF and saved UDP Policy ENV3, by stating that national policy will be applied, including a presumption against inappropriate development other than in very special circumstances.

8.13 Part C) of Policy CS3 states that proposals which are outside development allocations will only be supported where they would:

- a) Protect and enhance the countryside;
- b) Not be visually detrimental by reason of siting, materials or design;
- c) Not create or aggravate highway or amenity problems;
- d) Preserve the openness of the Green Belt and Countryside Protection Policy Area and not conflict with the purposes of including land within them.

8.14 Policy CS3 at paragraph 3.35 accords with the NPPF in that there is a general presumption against inappropriate development within the Green Belt and that such proposals should not be approved except in very special circumstances.

8.15 The starting point for consideration is therefore whether the SF pad (an engineering operation) and stockpile of SF (a material change of use) are deemed to be inappropriate development in the Green Belt. Engineering proposals can be deemed not to be inappropriate development in the Green Belt, as too can changes of use. However, the key test relates to whether proposals preserve the openness of the Green Belt.

8.16 As an engineering operation, the Fibre Storage Pad (FSP) is not considered to be inappropriate development. The FSP is predominantly a sub-surface structure that has been built into the quarry floor to allow for the main use which is the storage of the SF stockpile. It is located within an active quarry/landfill site and set well below both the operational works (i.e. quarrying and landfilling) in an area required to be restored through landfilling to a much higher level than the pad (and stockpile) itself. The pad is also only temporary in nature (both through design and the permission applied for) and both the pad and stockpile will ultimately need to be removed to allow for the site restoration. Accordingly, the FSP is deemed to have little, if any impact on openness and is thus deemed not to be inappropriate.

8.17 With regard to the SF stockpile, there is an impact on openness by its very presence but it is important to note that the surrounding context is one of a heavily industrialised quarry and landfill operation. Importantly, the situation today is very different compared to when the original application for SF retention was refused by the Planning Committee and the appeal subsequently dismissed by the Planning Inspector. Previously, the site was operating as an active waste transfer station and there were significant impacts on the openness of the Green Belt (i.e. a much increased height of stockpile and intensive comings and goings of HGVs to both deposit and work the SF). With no further SF being imported, together with natural degradation and now active removal of the SF to the former Welbeck colliery deployment site (see below) the impact on the openness of the Green Belt is significantly lessened.

8.18 In volumetric terms, the scale of the stockpile is small when compared to its surrounding context (see Fig. 5). The stockpile is approximately 4m in height above the quarry floor. The quarry faces are c. 11m high and the landfill cells higher still. From the position where the SF stockpile can be seen, which is only within the confines of the working quarry itself, it is viewed either against the backdrop of much higher features of the quarry faces and the landfill itself. It is also surrounded by stockpiles of other materials intended for use in engineering the landfill cells, which are significantly higher and larger in extent (albeit these are ancillary to the main use of the quarry i.e. clay stockpiles for formation of the landfill cells etc.). Moreover, the location of the stockpile is such that it is located within the eastern portions of landfill cells 5 & 6 which will, when filled, rise much higher than when compared to the reduced SF stockpile. This context is important in assessing the harm of the proposal in Green Belt terms.

8.19 In the Court of Appeal judgement - *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 - paragraph 14 notes that 'The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach.... The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent amongst these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors

relevant to the visual impact on the aspects of openness which the Green Belt presents.' In short, *Turner* makes it clear that the visual impact of a development is an important part of the concept of openness, which needs to be assessed.

8.20 Over the period of time that SF has been stored here, the stockpile has visibly reduced to a height that is now significantly less than that when the Planning Committee originally refused planning permission (i.e. Ref: 10/01971/TIP) and also latterly refused permission for a subsequent application (15/00728/TIP). With Sterecycle no longer producing and importing SF to site, the situation is only ever going to get better in terms of visual impact with no more SF able to be added to it.

8.21 The current removal of the SF has seen a significant reduction in the height and volume of the SF stockpile. At the time of the original appeal, as a result of the height of the stockpile when the SF stockpile was actively receiving waste and as a result of the height, views could be seen of the SF both at long and short range viewpoints. However, with the cessation of importation of SF, along with the decrease in the height of the stockpile (through natural degradation and now removal), in tandem with landfilling works to the south of the site - both long and short range public views of the SF are no longer possible.

8.22 In practice, the FSP and SF stockpile are not visible beyond the immediate quarry/landfill boundary. Soil screen mounds are also present along the eastern site boundary, which prevent views of the stockpile from the public right of way on the boundary. It is therefore only possible to see the stockpile either from within the quarry/landfill boundary or by standing on the top of the perimeter soil mounds having crossed the perimeter fence. This has to be given weight in the planning balance as there is no public dis-benefit in terms of the visual impacts of the proposal. The stockpile of SF is now no longer publicly viewable from outside of the Hazel Lane Quarry site which is a relevant consideration in balancing the harm to the Green Belt.

8.23 The Council's previous argument that the absence of visual impact does not equate to a nil impact on openness still has merit - because if the proposition was to be accepted that 'hiding' inappropriate development meant that the impact on openness is negated - it would pave the way for potentially numerous other inappropriate developments in the Green Belt that could then be hidden from view. Should this be replicated across the country, it would inevitably lead to the wide-spread degradation of the Green Belt - contrary to Government policy which affords substantial protection. However, in this specific case the visual impact of the proposal against its backdrop and containment within the quarry workings means the visual impact is lessened.

8.24 For the above reasons, the development does not preserve the openness of the Green Belt, and hence the proposal would amount to inappropriate development. Therefore, the proposal does not accord with the Green Belt aims of Policy CS3 of the Core Strategy, Policies ENV1 and ENV3 of the UDP and the NPPF.

Amenity Impacts - Odour

8.25 Since the cessation of SF importation, odour complaints from the community have reduced. In the last two months the applicant has been removing SF from the stockpile and no odour complaints have been raised or logged with either the LPA or Environment Agency.

8.26 The removal of SF is being done in accordance with the Odour Management Plan (OMP) that forms part of the permit, by use of best available techniques available, and

there is no reason to suggest that amenity impacts will arise so long as the OMP is adhered to.

8.27 In the event odour complaints are raised and substantiated, the operation is subject to an Environmental Permit, which can be enforced by the Environment Agency. In a recent site meeting with the operator, LPA, Environment Agency and Parish Meeting representative, the EA confirmed that there were no current odour concern with the stockpiling and removal of SF and that should there be any at a future date, the EA have the powers under the permit to enforce.

8.28 As set out in the National Planning Policy for Waste, local planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. It is also relevant to note at this point that in the Planning Inspector's appeal decision for this site, he noted that 'the continuation of fibre storage would not cause material harm to the living conditions of nearby residents, particularly given the controls that are available under the extant Environmental Permit for the site.'

8.29 In considering the merits of the current application neither the Environment Agency, Environmental Health or Pollution Control teams raise any objections to the proposal. Accordingly, the harm in relation to amenity impacts from the continued storage is considered to be minimal. The development therefore complies with policies CS1 of the Core Strategy and WCS6 of the Joint Waste Plan.

Other Harm - HGV Movements

8.30 The number of HGV movements to achieve the deployment of SF from the stockpile are modest in nature compared to the traffic generated by the current quarry and landfill operation.

8.31 Three other factors are also relevant to the limitation of HGV movements:

- the requirements of the OMP requiring the SF pile to be tested for oxygen content, stripped, stored, removed and then left before re-stripping etc. in a controlled manner;
- the requirements of the receiving site requiring deliveries at certain times to allow time for SF to be mixed with other materials to form a soil substitute for restoration purposes;
- the cost implications for the applicant to transport and deliver SF into the receiving site.

8.32 The HGV logs that have been submitted to date show the level of HGV movements involved i.e.

6.8.18 - 4 x HGVs - 90 tonnes of SF
7.8.18 - 2 x HGVs - 43 tonnes of SF
9.8.18 - 1 x HGV - 28 tonnes of SF
10.8.18 - 1 x HGV - 28 tonnes of SF
14.8.18 - 1 x HGV - 28 tonnes of SF
15.8.18 - 1 x HGV - 28.5 tonnes of SF
16.8.18 - 5 x HGVs - 143.5 tonnes of SF
31.8.18 - 12 x HGVs - 330 tonnes of SF
7.9.18 - 9 x HGVs - 231 tonnes of SF
18.9.18 - 11 x HGVs - 304 tonnes of SF

25.9.18 - 16 x HGVs - 458 tonnes of SF

TOTAL - 1,712 tonnes of SF removed

8.33 The impact on the local highway network set against the backdrop of existing traffic associated with the landfill/quarry operations is negligible and is not considered to result in any significant harm to the local community. Both Highways DC and Highways Transportation raise no objections to the proposal. Taking all these matters into account, the proposal complies with Policies WCS4 and WCS6 of the Joint Waste Plan and Policies CS1 and CS14 of the Core Strategy.

The Planning Balance

8.34 The planning balance must be carried out in accordance with s.38(6) Planning and Compulsory Purchase Act 2004, which provides that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. In terms of the specific areas where harm and conflict with the development plan and national policy has been identified, and on the benefits of the scheme, apportionment of weight is as detailed below:

8.35 The development in terms of the storage of SF is inappropriate and thus harmful by definition. The FSP exists by virtue of the storage operation. The NPPF is clear that **substantial weight** should be afforded to the protection of the Green Belt from harmful development. An important consideration in terms of assessing Green Belt harm is the impact of the proposal upon the characteristics of the Green Belt and an assessment of the impact upon openness of which visual impact forms an important consideration.

8.36 Through the passage of time, the SF stockpile has and will continue to reduce through natural degradation and active removal thus continuing to reduce the impact of the development upon the openness of the Green Belt. The proposal also needs to be considered in its context of a very busy, operational quarry and landfill site.

8.37 In terms of impact upon openness, the proposal occupies an area of the quarry floor that would otherwise be open. The application is, however, only seeking permission for a temporary use, which in terms of preserving the openness of the Green Belt will ultimately need to be restored to allow it to fulfil its fundamental aim of keeping land permanently open. This weighs in favour of the development and is attributed **moderate weight**.

8.38 In considering the visual context of the SF stockpile, the site is already subject to the temporary (albeit over a significant amount of time) heavy encroachment from quarrying and landfilling operations. The stockpile is contained visually within the confines of the active quarry with no public views available and ultimately the area of the stockpile is already consented to be landfilled to a much higher level as part of the site's restoration. This again weighs in favour of the development and is attributed **moderate weight**.

8.39 In the run up to the Public Inquiry, no sites had been sourced by the applicant to seek removal of SF from site. With no real prospect of SF being able to be removed and for the appellant's proposal to be based on all of the SF to be used for the restoration of Hazel Lane Quarry - the LPA raised serious concerns. Following withdrawal of the appeals, a major regeneration site has now been sourced by the applicant and SF has now started to be exported. This site proposes to take 16,000 tonnes of SF over the next two years (as detailed in the planning statement) and although this would be a benefit of the development in that the volume of the SF pile is now starting to visibly reduce, **no weight**

can be afforded in support of the proposal as it is a requirement of the extant enforcement notice to remove all SF within a prescribed timescale.

8.40 The applicant argues that the retention of the SF pad and stockpile for a temporary period will allow the SF to be utilised for appropriate restoration material, on the current and potentially other available regeneration sites, ensuring that the sustainability aims of government waste policy via the National Planning Policy for Waste (Oct 2014) are realised. The use of SF as a restoration material move it higher up the waste hierarchy away from disposal (landfilling). Landfilling of SF would be contrary to government waste policy by introducing biodegradable waste into landfill and thus contrary to the UK's landfill diversion/recycling targets. Accordingly, the reuse of SF in line with both national and local policy for beneficial purposes is afforded **significant weight** in favour of the proposal.

8.41 The potential for limited onsite use of SF is to be considered as part of the future Mineral Review (ROMP) process but there is no real certainty at this stage on the acceptability of this. Two years will see half of the SF stockpile removed with the additional 4 years needed to explore the use of an additional 5,250 tonnes on site. The environmental sustainability and impact argument propagated by the applicant that off-site deployment of a significant amount of SF will allow consideration for a reduced amount of SF used on-site (thus reducing the need for HGV trips to export all the SF) is to be considered as part of the Mineral Review process and as detailed above can be afforded **no weight** in this application consideration.

8.42 Concern remains over the 6 year timescale applied for and thus it is recommended that a condition be attached to time limit the current proposal to 3 years, which will allow adequate time in which to assess the applicant's progress with removing SF and also allow the ROMP process to be completed. At the end of 3 years, if more time is needed and can be robustly justified, a Section 73 application could be submitted to vary the time limiting condition to allow further time to complete the removal of SF. Any future application would be an application judged on its own merits at that time. A condition is also recommended, in line with the applicant's planning submission (paras. 1.7 and 3.16.4 of the Planning Statement), to ensure that at least 16,000 tonnes are removed within 2 years - which would be an enforceable condition that meets the necessary tests and which again aims to address the importance attached to Green Belt and the need to protect it from inappropriate development.

8.43 **No weight** can be afforded to the historic contractual role of BDR as the waste collection authority in this matter, which is not a land-use concern under consideration in the determination of this planning application.

8.44 Finally, at the end of September, with just over 1,700 tonnes of SF having been removed in accordance with the EA's approved Odour Management Plan, no odour complaints have been received by the EA or the LPA. The number of HGVs involved also means there is no adverse impact on the local highway network. Accordingly, there is not considered to be any environmental, amenity or traffic harm as a result of the proposal.

9.0 Summary and Conclusion

9.1 Overall, there are material considerations that warrant a decision other than in accordance with the development plan. Whilst the previous Inspector's decision in this case is a material consideration, the situation is clearly different to the time when the planning and enforcement appeals were determined.

9.2 The development in terms of the storage of SF is inappropriate development but there has been assessed to be limited harm to the Green Belt, which includes impacts upon the character and appearance of the area. The proposal does not give rise to any site specific issues such as amenity (odour) impacts or HGV/traffic impacts. Should odour be an issue, despite adherence to the Odour Management Plan, the EA have powers to investigate and enforce under the remit of the site permit. National planning guidance requires LPA's to proceed on the basis that powers are not replicated and on the basis that such regulatory powers will be enforced accordingly.

9.3 Whilst it is recognised that the application is finely balanced, significant weight for the reuse of SF for restoration purposes in line with national and local waste policy (i.e. the waste hierarchy) is afforded. This, in conjunction with the weight afforded to the temporary nature of the proposal and the limited visual impact of the proposal tips the balance in favour of the application.

9.4 Officers remain concerned with the six year temporary period applied. Two years are needed to remove half of the SF stockpile - leaving four years to remove the remaining amount. The potential use of a limited amount of SF on site is to be explored in the upcoming Mineral Review next year (but would only utilise a small amount if deemed to be acceptable). Accordingly, conditions are recommended to ensure that the proposal has a reduced time limit of three years and another condition to ensure that at least 16,000 tonnes of SF are removed within two years. These conditions are considered to be reasonable, necessary, enforceable and relevant both to the site and in planning terms - and will ensure that the proposal does not persist for any longer than is required in the interest of protecting the Green Belt.

9.5 No harm has been identified through the technical consultee responses (including the Environment Agency) and no objections have been raised to the proposal. On balance, the application is therefore recommended for approval subject to conditions.

10.0 RECOMMENDATION

Planning Permission be GRANTED subject to the following conditions.

01. U0063965 The development hereby permitted shall have a duration of 3 years from the date of the decision notice. At the end of this period the Fibre Storage Pad and Sterefibre shall have been removed and the site fully restored in accordance with a scheme (including timescales) to be submitted to the LPA for approval in writing. Following approval, the scheme shall be implemented in full.
REASON
To ensure that the development is carried out in an appropriate timescale in the interest of preserving the openness of the Green Belt in line with Policy CS3 of the Core Strategy, saved Unitary Development Plan Policy ENV3 and the NPPF.
02. U0064897 In accordance with the submitted details, within two years of the date of this permission, no less than 16,000 tonnes of Sterefibre shall have been removed from site.
REASON
To ensure that the development is carried out in accordance with the application and within an appropriate timescale in the interest of preserving the openness of the Green Belt in line with Policy CS3 of

the Core Strategy, saved Unitary Development Plan Policy ENV3 and the NPPF.

03. U0063966 The operator shall maintain records of all HGVs and collection vehicles exporting Sterefibre from the site (including tonnages exported) and these records shall be made available to the Local Planning Authority on a monthly basis.
REASON
To assist in the monitoring of the removal of Sterefibre from site (as required by conditions 1 and 2 above).

04. U0063967 The developer shall utilise the following mitigation methods to ensure no material is deposited onto the public highway:

All vehicles leaving the site are to pass through a wheel and under body washer.

All loaded vehicles leaving the site shall be securely sheeted.

REASON

To ensure that material is not deposited on the public highway.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

FIGURES

Fig. 1 – Hazel Lane Quarry (Site Location)

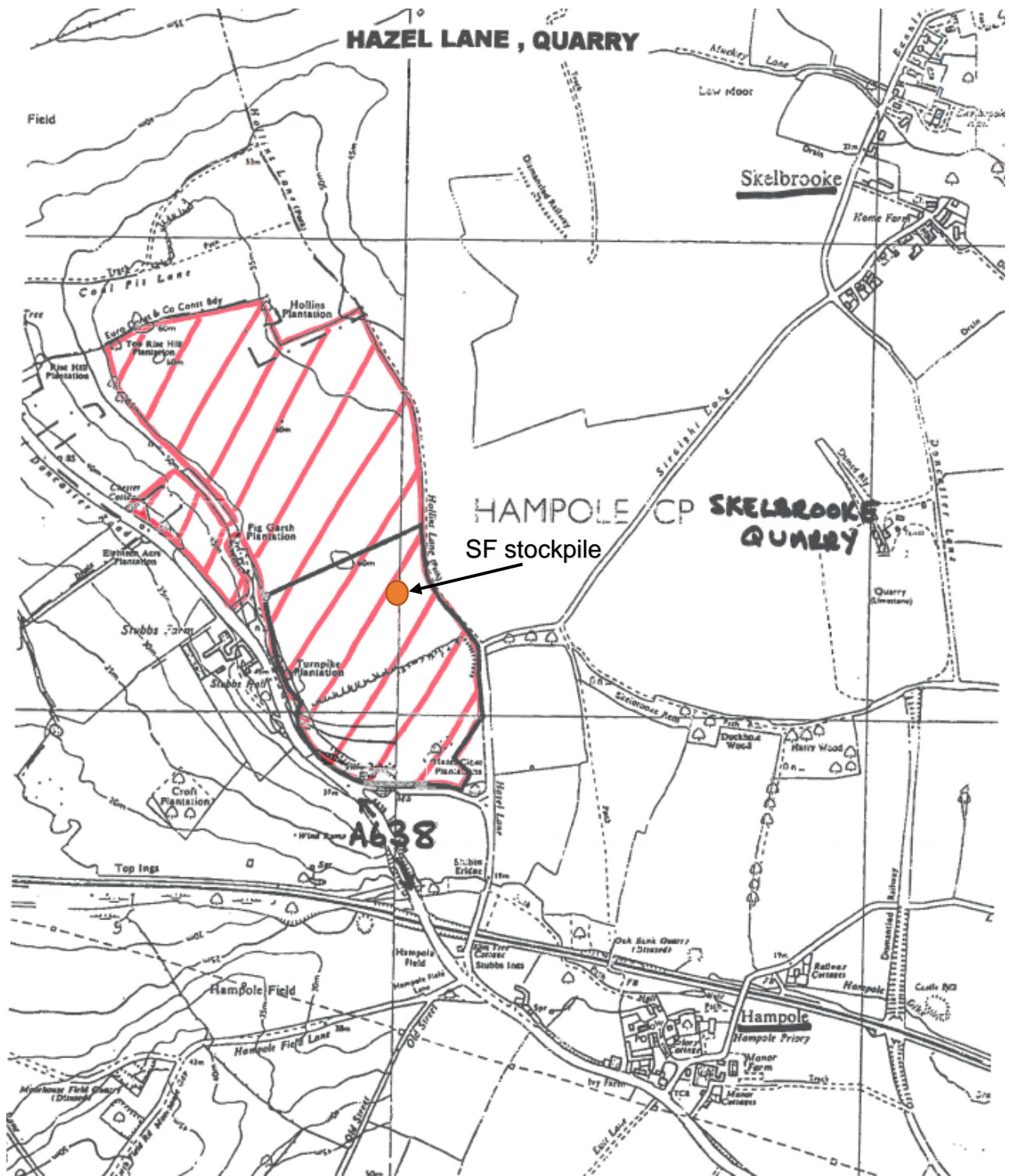


Fig. 2 – The Fibre Storage Pad (location)

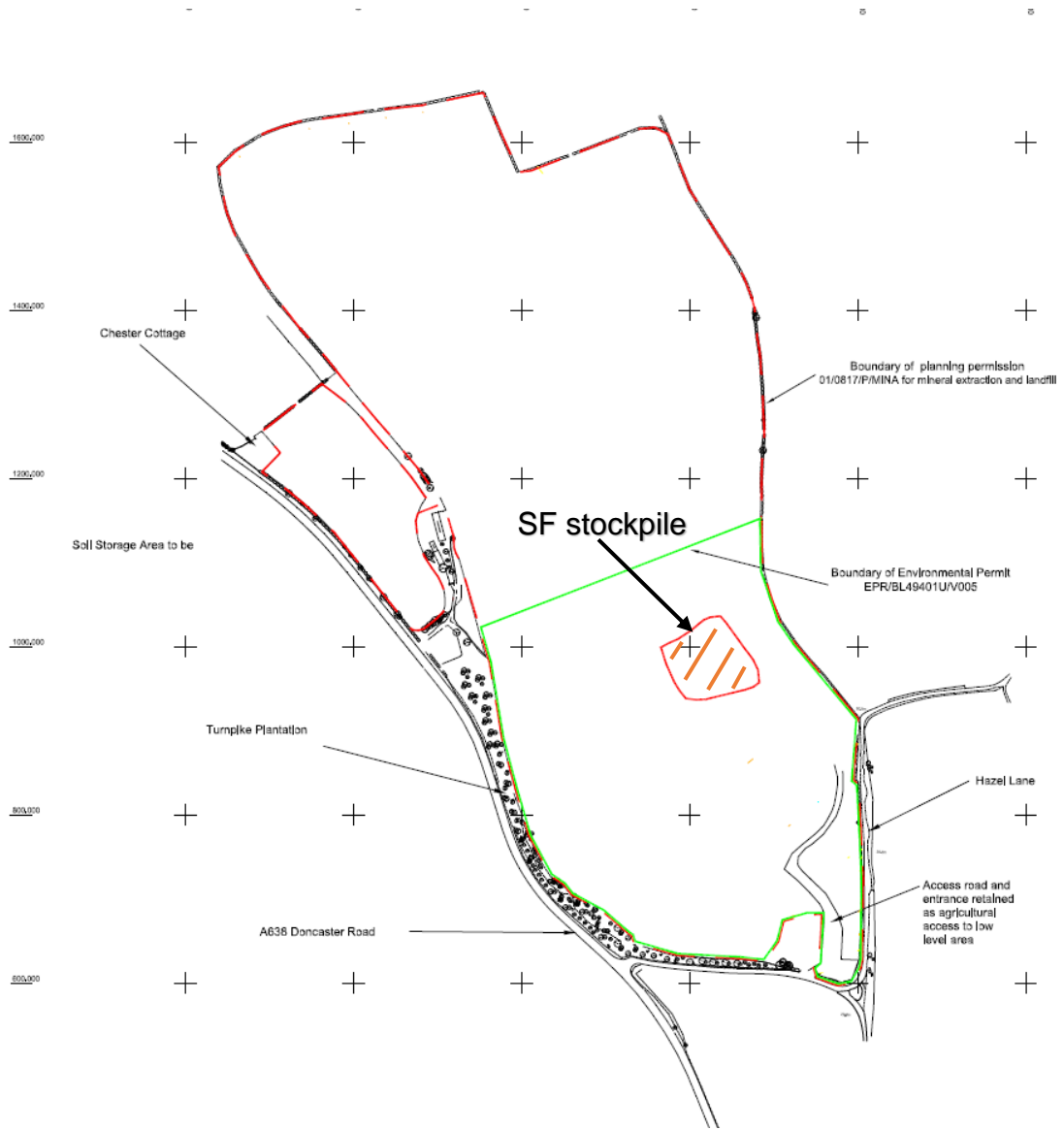
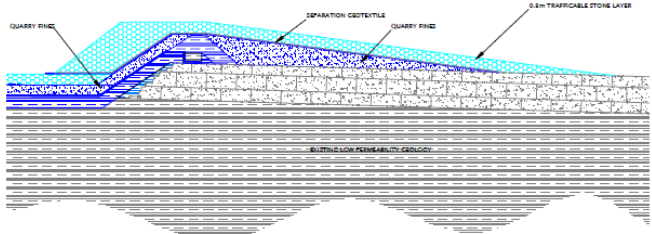
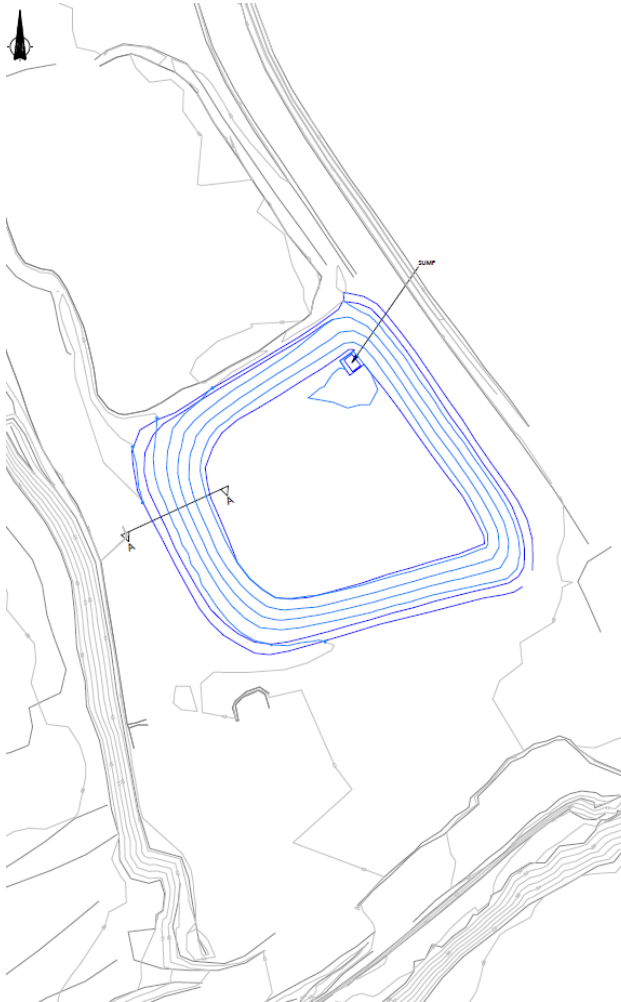
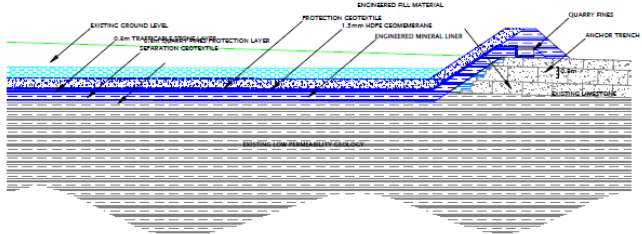


Fig. 3 – The Fibre Storage Pad (construction – as built)



ACCESS RAMP DETAILS
SCALE 1:50



SECTION A-A: EDGE DETAIL
SCALE 1:50

Fig. 4 – Former Wellbeck Colliery Site (aerial photo – c. 30 miles to the south of Hazel Lane Quarry)



Fig. 5 – The Sterefibre stockpile and surrounding context (top photo = long distance; bottom photo = close up)



