

# West Green Recycling

## Planning, Design and Access Statement

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**SUPPORTING STATEMENT IN RESPECT OF THE INSTALLATION OF AGGREGATE WASH PLANT, ERECTION OF STORE, ERECTION OF SUBSTATION, ERECTION OF ENCLOSURE FOR EXTERNAL PIPEWORK, LAYING OF CONCRETE SLAB, AND CONSTRUCTION OF BOUNDARY TREATMENT (RETROSPECTIVE); AND CLADDING TO EXTERIOR OF STRUCTURE FOR FILTER PRESSES.**

**WEST GREEN RECYCLING, WEST GREEN WAY, BARNSELY, S71 5SN**

Prepared on behalf of

Mr E. J. Lidster

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<b>Issue</b>	<b>Date</b>	<b>Author</b>	<b>Signed Off</b>
<b>DV</b>	<b>December 2023</b>	<b>CT</b>	
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## EXECUTIVE SUMMARY

### Introduction

This Planning, Design and Access Statement has been prepared by Crowley Associates on behalf of Mr E. J. Lidster (the “Applicant”) to accompany a retrospective application for full planning permission.

The application seeks permission for the:

*Installation of aggregate wash plant, erection of store, erection of substation, erection of enclosure for external pipework, laying of concrete slab, and construction of boundary treatment (retrospective); and cladding to exterior of structure for filter presses.*

An application for the above works has been invited by Barnsley Metropolitan Borough Council (the “Local Authority”), their officers having been alerted to the breach. The invitation to submit a retrospective application was issued on 30<sup>th</sup> March 2023, reference 2023/ENQ/00122. The Local Authority has determined that planning permission is required because the works do not benefit from the express consent granted under Class L of Part 7 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended).

The Planning Statement assesses the proposed development against the provisions of the Development Plan for Barnsley Metropolitan Borough Council and against all other relevant material considerations, including national planning policy (in the form of the National Planning Policy Framework (the “NPPF”)) before concluding that there the case is in favour of the grant of planning permission.

### Reading this Document

This Planning Statement is structured as follows:

- Section 1 provides an introduction to the application
- Section 2 provides context for the application describing the site, its relevant planning history, the Applicant’s company
- Section 3 describes the breach in planning control
- Section 4 describes the aggregate washing plant and its processes in detail
- Section 5 describes the proposed development
- Section 6 summarises the Flood Risk Assessment
- Section 7 provides an overview of the Development Plan and outlines the key policy considerations
- Section 8 assesses the proposed development’s general compliance with all previously identified Development Plan policies
- Section 9 analyses the proposed development against other material considerations
- Section 10 analyses the proposed development against the contents of the National Planning Policy Framework; and
- Section 11 sets out the conclusion.

## 1 INTRODUCTION

1.1.1 This statement has been prepared on behalf of Mr E. J. Lidster (the “Applicant”), and relates to land within their ownership, at West Green Recycling, West Green Way, Barnsley, S71 5SN (“the site”) (enclosed by the red line at Figure 1).

1.1.2 The Application is seeking part-retrospective planning permission for the:

*Installation of aggregate wash plant, erection of store, erection of substation, erection of enclosure for external pipework, laying of concrete slab, and construction of boundary treatment (retrospective); and cladding to exterior of structure for filter presses.*

1.1.3 This statement has been prepared solely for the use of the Applicant in support of the planning application and for no other purpose.

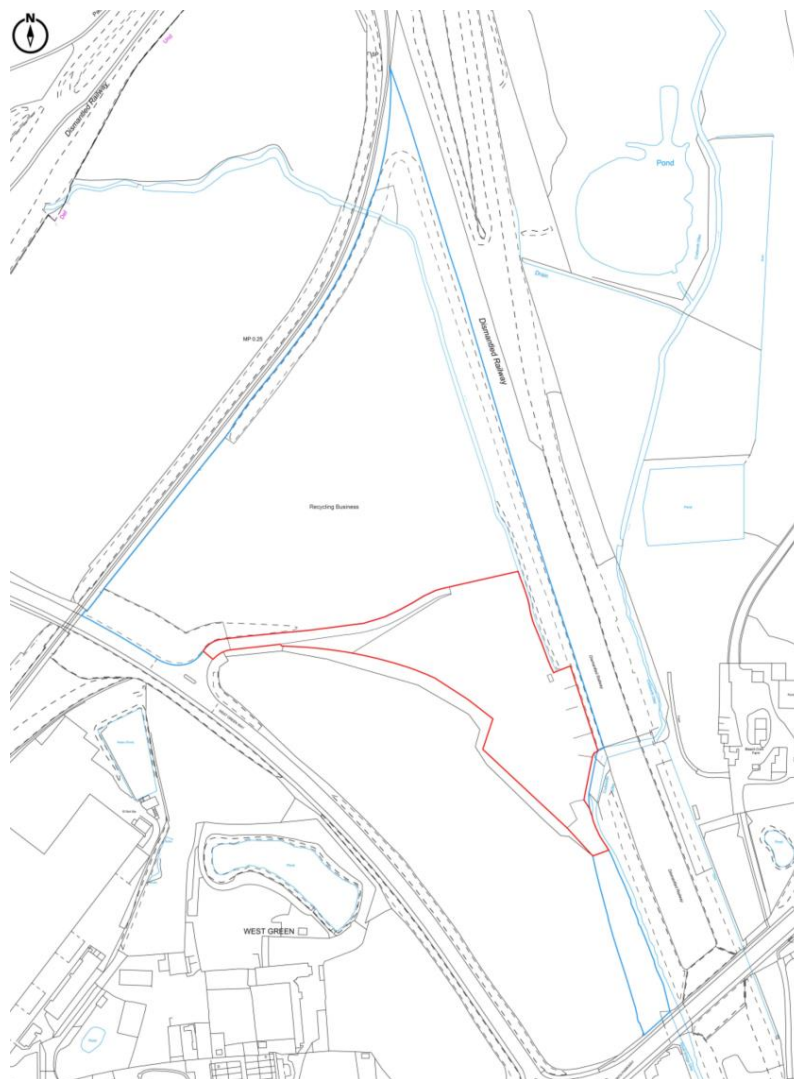


Figure 1. Location Plan © OS Base

1.1.4 The application is fully described within Forms 1APP and is presented in a drawing package prepared jointly by Crowley Associates, Matec Engineering, North Eastern Composites Ltd, Enduramaxx and SLA Design. For clarity, the drawing package comprises:

- Site Location Plan
- Existing Site Plan – Topographical Survey – May 2023
- 010 Proposed Site Plan
- 001 Proposed Plans (Plant)
- 002 Proposed Elevations (Plant)
- 003 Proposed Plan and Elevations (Store)
- 006 Proposed Elevations (Enclosure for External Pipework)
- 2965D - STANDARD NPG SPEC ENCLOSURE (Substation)
- 172260 - 30000L – Vertical Tank
- B02\_C210088\_00\_02\_4 – Washing System
- B02\_C210088\_00\_03\_4 – Concrete Platform
- B02\_C210088\_00\_04\_4 – FP – Plan View
- B02\_C210088\_00\_05\_4 – FP – Lateral View
- B02\_C210088\_00\_06\_4 – WT – Foundation Drawings
- B02\_C210088\_00\_07\_4 – Electric cables

1.1.5 The Application is also accompanied by a:

- Flood Risk Assessment prepared by Roy Lobley Consulting
- Drainage Plan prepared by WPS Compliance Consulting
- Noise Impact Assessment prepared by Spire Environmental
- Arboricultural Report and Impact Assessment prepared by AWA Tree Consultants
- Preliminary Ecological Appraisal prepared by Estrada Ecology
- Dust and Emissions Management Plan prepared by WPS Compliance Consulting
- Transport Statement prepared by Sanderson Associates

## 2 CONTEXT FOR THE DEVELOPMENT

### 2.1 Site Description

- 2.1.1 The site, measuring approximately 1.51 hectares in area, is located on the north-eastern side of West Green Way between the settlements of Cudworth, Lundwood and Carlton, within the administrative boundary of Barnsley Metropolitan Borough Council (the “Local Planning Authority”).
- 2.1.2 The site (contained within the red line at Figure 1 above ), which is in industrial use (for the purposes of treating and managing non-hazardous construction and demolition waste (the “waste”)) is occupied by the Applicant’s company (West Green Recycling Limited). The site has been in the Applicant’s ownership since around 1991 and in industrial use (for the same purpose as above) since the mid 2000’s. West Green Recycling Limited was incorporated in 2014. Additional land within the Applicant’s ownership is contained within the blue line at Figure 1.
- 2.1.3 Although the majority of the site is laid to concrete, its northwestern extent and the access track (leading from West Green Way) is unmade but comprises compacted ground, sitting atop a hardcore base. Within this area, waste material is stored in spoils before being treated.
- 2.1.4 At the time of writing this Statement, the site is home to a site office and reception (in the form of two containers stacked on top of one another), six metal shipping containers (three in the centre of the site and three towards the eastern boundary, used by Matec Engineering for the installation of the aggregate washing plant), a weighbridge, and a store. Various associated vehicles are located around the site.
- 2.1.5 The installation of an aggregate washing plant (the “plant”) began in January 2023. The plant comprises filter presses (and their supporting structure), a washing system and tanks/silos.



*Figure 2. Photograph of the site's yard area (looking north) from the filter press element of the aggregate washing plant*



*Figure 3. Photograph of the site's yard area (looking east) from the filter press element of the aggregate washing plant*



*Figure 4. Photographs of the filter presses' supporting structure (left hand side) and washing system (right hand side)*



*Figure 5. Photograph of the site office*



*Figure 6. Photograph of Store*

2.1.6 The site is accessed via a single lane track (approximately 180m in length), which runs eastwards from West Green Way. Double leaf palisade gates are located at the start of the access track (just off the public highway – by approximately 35m) and at the end of the access track to secure the site. The site’s boundaries are marked by a mixture of palisade fencing and pre-cast concrete block walling.



*Figure 7. View of the site's gated entrance (at the end of the access track)*



*Figure 8. View of the site's eastern boundary*

2.1.7 The topography of the site itself and immediate surrounding area is relatively flat, however the spoils of non-hazardous waste on the site and land to the northwest have altered the topography significantly.

## **2.2 Relevant Planning History**

- 2.2.1 From a review of the Local Authority's publicly accessible database, there are a number of planning applications associated with parts of the site, however, none are considered relevant to the current use of the site and the matter in hand.
- 2.2.2 Most recently, an active application on the site which sought permission for the erection of a substation was withdrawn (application reference: 2023 0859).

## **2.3 West Green Recycling**

- 2.3.1 West Green Recycling Limited was incorporated in March 2014, its operation is limited to the treatment and management of non-hazardous construction and demolition waste.
- 2.3.2 The Applicant currently holds an Environment Agency "standard rules permit" for the processing of 75,000 tonnes of non-hazardous construction and demolition waste. The company currently employs approximately 45 members of staff (Full Time Equivalent), 8 of which are based permanently at the site, with the remaining members of staff being drivers, service mechanics and administration staff who are based elsewhere.
- 2.3.3 Current operating hours are 07:00 - 18:00 on Mondays to Fridays, and 07:00 - 15:00 on Saturdays.
- 2.3.4 Machinery that has operated from the site under the Applicant's current permit include a hydraulic pecker, mobile crusher mobile trammel screen, and mobile plant.
- 2.3.5 In order to greatly enhance the company's performance, the Applicant has purchased and begun installing a new, state of the art, aggregate wash plant which separates inert waste into its original component parts which include aggregate, chippings, sand, and silt/clay.
- 2.3.6 More details on the plant and its processes are provided within Section 4 of this Statement.

### 3 BREACH OF PLANNING CONTROL – AGGREGATE WASHING PLANT

- 3.1.1 The Local Planning Authority considers the aggregate washing plant installed on the site requires planning permission and has invited the submission of a retrospective planning application.
- 3.1.2 In short, the Local Planning Authority does not consider that the plant and machinery benefits from the express consent granted by Class L (development at waste management facilities) of Part 7 to Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (the “Order”).
- 3.1.3 To clarify, Class L of Part 7 to Schedule 2 of the Order grants express consent for development in the form of *the extension or alteration of a building; and the installation of replacement plant or machinery to be carried out on land used for the purposes of a waste management facility.*
- 3.1.4 In this instance the Local Planning Authority considers the development undertaken/in the process of being undertaken at the site, does not comply with Class L of the Order, specifically with regard to sub-paragraph (d) which states that development is not permitted if:
- the height of any replacement plant or machinery would exceed—*
- (i) if within 10 metres of a boundary of the curtilage of the site, 5 metres; or*
  - (ii) in all other cases, 15 metres;*
- 3.1.5 The filter presses’ supporting structure has a height to ridge of 10.56m. The washing system is made up of two connected machines which at their highest are 9.15m and 7.65m.
- 3.1.6 As shown on the Existing Site Plan – Topographical Survey – May 2023, which accompanies this application, various elements of the plant are located within 5m of the south-western boundary of the site.
- 3.1.7 Further to the above, and as per sub-paragraph (e) of Class L, development is not permitted if:

*any part of the development would be within 5 metres of any boundary of the curtilage of the site.*

3.1.8 As such, the Applicant agrees with the Local Planning Authority that the installation of the plant requires retrospective planning permission.

### **3.2 Additional Development Requiring Retrospective Consent**

3.2.1 Following a visit to the site, and discussions with the Applicant, it became apparent that additional development has taken place on the site which also requires retrospective planning permission.

3.2.2 The additional development includes the scheme of hard landscaping comprising the laying of a concrete pad and the concrete block walling located along the site's boundaries, and the erection of a store, enclosure for external pipework and substation.

## **4 THE AGGREGATE WASHING PLANT**

4.1.1 The plant is intended to enhance the site's current operation (specifically its treatment and management of non-hazardous construction and demolition waste). Until recently the inert waste being processed at the facility was considered incapable of being recycled.

4.1.2 The plant (which adopts new technology and is set to play an important role in ensuring the future of sustainable construction methods) will enable the Applicant to treat and wash construction and demolition waste, extracting sand and gravel fractions. Simply put, the plant deconstructs an inert waste into its original component parts.

4.1.3 The outputs from the plant are:

- 1) 20/40mm aggregate;
- 2) 10mm Chippings;
- 3) 6mm Chippings;
- 4) Coarse Sand (2mm to 4mm);
- 5) Fine Sand less than 2mm; and
- 6) Silt / Clay.

- 4.1.4 The plant is manufactured by Matec Engineering and is made up of a number of components including a washing system, filter presses and tanks/silos. The client also requires a structure to house pipework serving the filter presses – to prevent freezing during winter months, and a substation to help power the plant.
- 4.1.5 The washing system is made up of two connected machines (Aggretec 150 and Scrubtec LW-095-700) and conveyor belts which protrude from both. The system pre-washes the waste to remove sludge that remains attached to its surface and then splits the waste, using vibrating screens, into different sized aggregates and chippings. The slurry produced from the washing of the waste is then treated in the system so that dirty water is separated from it, and then further screening occurs outputting coarse sand.
- 4.1.6 The sludge removed from the waste in the washing system is then treated within the filter presses (which comprises two MATEC 1200 x 1200 120 plate filter presses housed within a supporting steel frame structure), which essentially separates the silts from the sludge. It is then thickened and solidified utilising a plate press which produces a dry cake at the end of the process. The units dewater the silt to a dry solids content in excess of 90%.
- 4.1.7 The tanks include a dirty water tank, clean water tank, slurry homogenizer tank and thickener silo decanter. A further tank is also required, along with a pumphouse, in order to extract ground water and store it for its reuse. Two separate substations are also required to ensure the plant is powered correctly.
- 4.1.8 The plant carries out all ‘cleaning and separation’ processes in a closed system, which means all of the water used is recycled. Generally, only 5% of water is ‘lost’ in the products, and even this can be recycled if site drainage is optimised.
- 4.1.9 The outputs of the plant are capable of being re-used and put back to the construction market and so will provide a valuable local source of recycled sand, gravel, and aggregates. Subject to the quality of the cake this can be recycled back to agriculture with even a possibility of mixing with compost to provide a topsoil.
- 4.1.10 Once the plant is operational it is anticipated that the site will be able to successfully recycle up to 150,000 tonnes of waste per annum, whilst the Applicant does not think this potential will ever be fully realised, they have sought to vary their permit to increase the maximum throughput of the site to 150,000 tonnes per annum.

- 4.1.11 The company intends to use its existing material stock once its operation's efficiency is enhanced. There will be no material difference in the number of staff present on the site at any given time.

## **5 PROPOSED DEVELOPMENT**

### **5.1 Use and Amount**

- 5.1.1 As mentioned above, this application seeks retrospective planning permission for the installation of aggregate wash plant; erection of store, erection of enclosure for external pipework and erection of substation; laying of concrete slab; and construction of boundary treatment.
- 5.1.2 The plant is made up of a number of components including washing system, filter presses and tanks/silos.
- 5.1.3 The Applicant is also proposing to clad the exterior of the structure housing the filter presses.

## 5.2 Scale and Massing

### ***Aggregate Washing Plant***

5.2.1 Full dimensional information for the plant is included in the following drawings:

- B02\_C210088\_00\_01 Washing System
- B02\_C210088\_00\_05 Lateral View – Depuration System/Filtration
- B02\_C210088\_00\_04 Plant View – Depuration System/Filtration.

5.2.2 In summary, the filter presses' supporting structure has a height to ridge of 10.56m, a length of 40m, and a width of 5.12m. The Scrubtec element of the washing system at its highest reaches 9.15m and has a length of 25.51m, whilst the Aggretec element of the washing system at its highest reaches 7.65m and has a length of 46.21m.

### ***Store***

5.2.3 The store is a single storey structure occupying an approximate footprint of 23.1m<sup>2</sup> with a height of 3.2m to ridge.

### ***Enclosure for External Pipework***

5.2.4 The enclosure for the external pipework associated with the filter presses is a single storey structure occupying an approximate footprint of 22.6m<sup>2</sup> with a height of 2.7m to ridge.

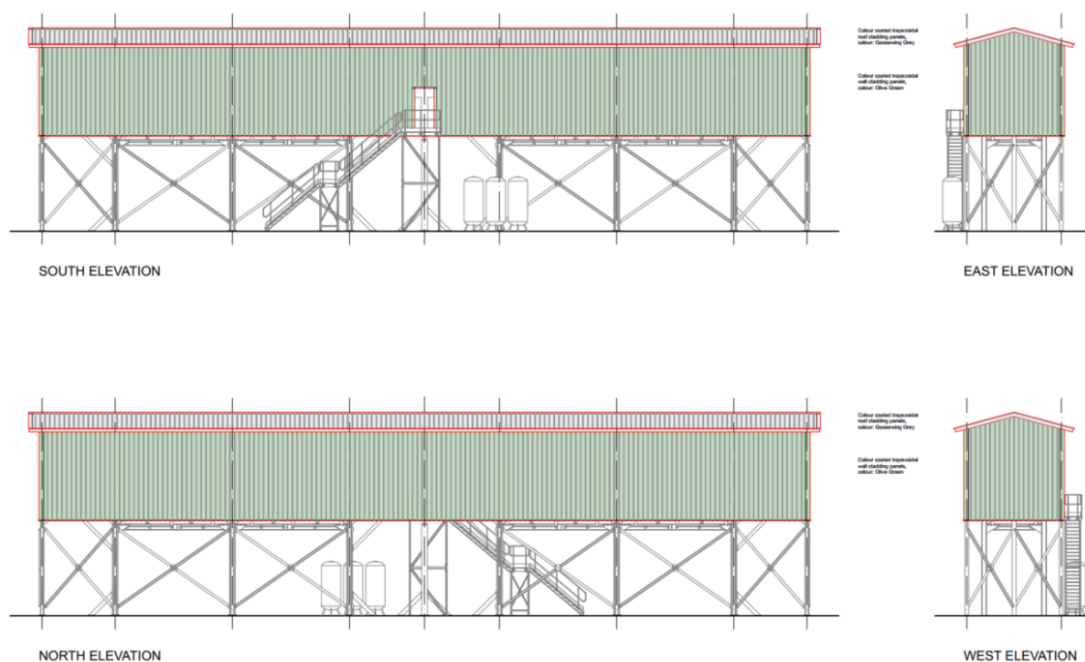
### ***Substation***

5.2.5 The substation is a single storey structure occupying an approximate footprint of 14.4m<sup>2</sup> with a height of 2.7m to ridge.

### 5.3 Appearance

#### ***Filter Press - Supporting Structure***

- 5.3.1 The filter presses (x2) are mounted on a raised platform, which is supported by a long, rectangular, steel frame (the “frame”). The raised platform is accessed via external stairs.
- 5.3.2 The filter presses are to be housed in a system of metal coated trapezoidal panelling attached to the frame (fixed to the frame at and above the level of the platform on which the filter presses are to be sited). The cladding is specified within drawing no. 002 Proposed Elevations. In terms of the colour treatment to the panels, roof panels are to be finished in a Goosewing Grey, with side panels being finished in an Olive Green.
- 5.3.3 Beneath the raised platform level, the frame will remain ‘open’ due to the need to maintain access beneath the filter presses.



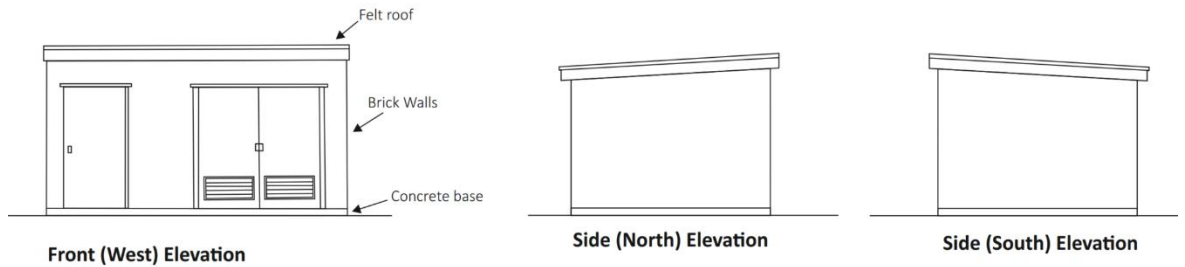
**Figure 9.** Proposed Elevations of Filter Press Structure © SLA Design



**Figure 10.** Proposed Colour Specification for Filter Press Supporting Structure © SLA Design

**Store**

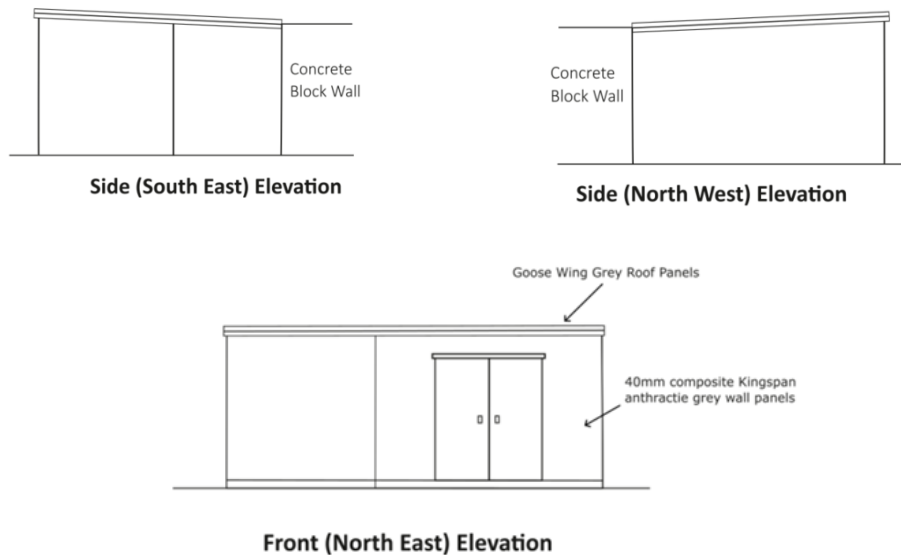
5.3.4 The store is faced in brick and sits beneath a felt mono-pitched roof. On the front (west facing) elevation is a double door with vents and a standard door.



*Figure 11. Elevations of Store*

**Enclosure for External Pipework**

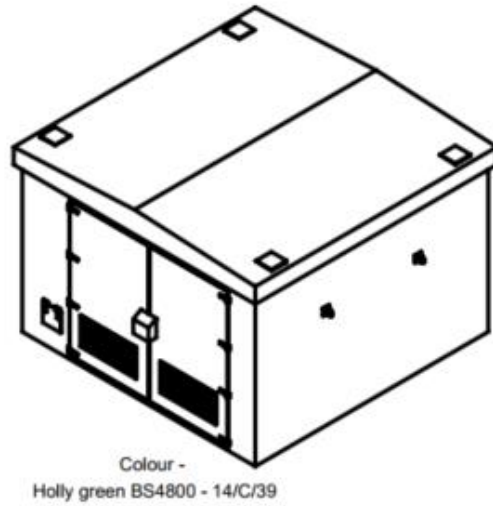
5.3.5 The enclosure for external pipework is faced in 40mm composite Kingspan anthracite grey wall panels beneath a mono-pitched roof with goose wing grey roof panels. A double door is located on the front (west facing) elevation.



*Figure 12. Elevations of Enclosure for External Pipework*

**Substation**

- 5.3.6 The substation is faced in a Holly Green (BS4800 – 14/C/39) and will sit beneath a shallow pitched roof. On the front elevation, a double door with vents gives access into the substation.



*Figure 13. Plans for Substation © North Eastern Composites Ltd*



## 5.5 Landscaping

- 5.5.1 The Applicant has undertaken a scheme of hard landscaping to improve the site's function and to make it suitable for the installation of the plant. A concrete slab now covers the majority of the site - laid at level between 42.0 – 42.5m AOD.
- 5.5.2 In addition to the concrete pads, the Applicant has constructed walling along the majority of the site's boundaries using pre-cast concrete blockwork. The blocks are designed to slot together and are stacked four high (to reach a height of approximately 2.4m).
- 5.5.3 Please refer to the Proposed Site Plan for full details of the proposed extent of the concrete slab, and concrete block walling.
- 5.5.4 The application is accompanied by a drainage plan, which is summarised within Section 6.2 of this statement.

## 6 SPECIALIST ASSESSMENTS AND REPORTS

### 6.1 FLOOD RISK ASSESSMENT

- 6.1.1 The majority of the site (including the area on which the plant is sited) is located within Flood Risk Zone 1 ("FRZ 1"), and in terms of its area overall, the site does not exceed 0.5ha. However, a small portion, including land on which the Store is sited is located within Flood Risk Zone 3 ("FRZ 3").
- 6.1.2 As such a Flood Risk Assessment ("FRA") was commissioned and completed in November 2022. The FRA assesses the impacts of the development and explores whether any mitigation would be required in association with the installation of a substation in this proposed location. Whilst initially erected with the intention of being a substation, it is now intended to be used as a store to secure equipment and machinery on the site outside of operating hours.

#### ***Sequential Test and Exception Test***

- 6.1.3 As a piece of infrastructure, the store, classed along with the plant and all other infrastructure set out within this application, are an extension to the existing operation, integral to the safe running/operation of the plant within the site. It simply cannot be sited remotely, in short, the development cannot be disaggregated and so the sequential test, were it to be undertaken, would need to explore the potential for suitable, alternative,

available sites for the entire operation within a defined catchment. Noting that it is only a single store that is to be located within FRZ3, taking into consideration its limited dimensions; and the fact that it is designed to support the function of the plant only (storage of machinery and equipment), the Applicant considers it would be unreasonable to expect the Applicant to undertake a sequential test in this instance.

***Findings of the FRA***

6.1.4 The FRA has found that within the limited area of the site designated as FRZ3, there is:

- A high risk of flooding from fluvial sources;
- A low risk of flooding from Pluvial Groundwater Sewers; and
- No risk from Tidal Reservoir Canals or artificial water bodies.

6.1.5 Noting the high risk of flooding from fluvial sources, the FRA recommends that the floor level of the building be raised by a minimum of 600mm above the existing ground level, such that it sits at a minimum level of 41.6m AOD. As detailed on the accompanying topographical survey, the base of the store installed is 42.259m AOD.

6.1.6 As such the FRA demonstrates that *the proposed development is not at significant flood risk, and will not increase flood risk to others, subject to the recommended flood mitigation strategies being implemented<sup>1</sup>*

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<sup>1</sup> Flood Risk Assessment, Roy Lobley Consulting, Page 9, Paragraph 6.3

## 6.2 Drainage Plan

- 6.2.1 A Drainage Plan has been prepared by WPS Compliance Consulting and sets out how surface water will be managed on the site, and states the following:

### **Wash Plant Water Catch Tank**

*A subterranean tank with external dimensions 2.4m deep, 2.4m wide and 6 metres long is installed providing an internal volume capacity of 32m<sup>3</sup> of water. This tank is located adjacent to the wash plant and sand stockpiles (where the majority of the water is recovered).*

*The concreted area where the wash plant is situated is laid at a level between 42-42.5 metres AOD as shown in the existing site plan. This is engineered to allow any surface runoff, such as rainfall, to be directed towards the wash plants ground storage tank. Concrete blockwork has been constructed along the site's boundary where the wash plant is located, designed to slot together with a height of 2.4 metres to create a sealed drainage system with an impermeable surface. The wash plant is designed to retain 100% of the water used in processing and as such there would be no increase in surface runoff water.*

*Any surface runoff will flow into the wash plant water catch tank via a silt trap, which will then overflow into a clarified water tank for a pump return to the wash plant. The silt trap and tank will be periodically cleaned of any silts which will be recirculated and re-processed through the wash plant.*

*In the event of storm conditions and localised flooding, this tank can overflow into the site drainage tank at the periphery of the concrete slab, south of the wash plant, before the water flows via the interceptor.*

*Flood overflow will enter Cudworth Dike during storm conditions only, when the wash plant water catch tank and the clarified water tank are at capacity. The water treatment facility built into the wash plant has a silt trap and an interceptor so therefore the likelihood of suspended solids entering Cudworth Dike is low.*

*Only non-hazardous inert waste is accepted on site. If required, background samples can be taken and analysed pre-flood conditions to establish a baseline, although during flood conditions the flood overflow will be diluted once entering Cudworth Dike. A flood risk assessment identified the risk of flooding from pluvial and groundwater flooding as low.*

### **Site Drainage Tank**

*In the event of a storm or localised flooding, the surface water will flow to the interceptor tank located to the south of the wash plant where any rainwater will be stored, and flows attenuated via an interceptor, entering Cudworth Dike which is described as above.*

*To supplement the wash plant water catch tank, there is also a further 62m<sup>3</sup> of attenuation tank capacity for storing water, located to the south of the wash plant. This is a 30m<sup>3</sup> storage tank and a 32m<sup>3</sup> tank with interceptor which are also monitored, periodically inspected with any silts removed and recycled back through the wash plant. The wash plant removes silts from the secondary aggregates to produce a cleaner product. Any silts are recirculated back through the wash plant.*

### **Site Sewage connection**

*Due to the lack of suitable mains drainage within the vicinity of the site, proprietary welfare units with built in sewage storage are to be installed and will be emptied via a third-party contract on a predetermined schedule. No sewage is released from the site.*

## **6.3 Noise Impact Assessment**

- 6.3.1 A Noise Impact Assessment (“NIA”) has been prepared by Spire Environmental. The NIA assessed proposed aggregate wash plant separately and combined with the current and existing operation of the hydraulic pecker, mobile crusher mobile trammel screen, and mobile plant which currently operate from the site.
- 6.3.2 Background sound level surveys were undertaken at residential properties closest to the site, including 19 Grace Street, 546 Burton Road and Bleach Croft Farm.
- 6.3.3 The noise levels of the proposed aggregate washing plant and existing hydraulic pecker, mobile crusher, mobile trommel screen and associated mobile plant were predicted and assessed against the LA90 + 10 dB and maximum 55 dB(A) criteria in government guidance for mineral operations.
- 6.3.4 The NIA finds that the predicted noise levels *do not exceed the LA90 + 10 dB and maximum 55 dB(A) criteria of at the closest residential properties to the site.*
- 6.3.5 The NIA concludes that:

*In accordance with the Noise Policy Statement for England (NPSE), site operations are predicted to be at the No Observed Effect Level (NOEL).*

## **6.4 Arboricultural Report and Impact Assessment**

6.4.1 A tree survey with arboricultural impact assessment (“AIA”) was undertaken in October 2023 by AWA Tree Consultants. The tree survey undertaken extended beyond the extent of the site, to capture trees within the belt of woodland to the east.

6.4.2 The tree survey revealed 18 items of woody vegetation, comprised of 9 individual trees and 9 tree groups or hedges, all of which were categorised as retention category ‘C’.

6.4.3 With regard to direct impacts on trees, the AIA found that no trees require removal or pruning to facilitate the development. *As such, the development will have no direct arboricultural impact.*

6.4.4 With regard to indirect impacts, the AIA finds that:

- *Potentially damaging activities are proposed in the vicinity of retained hedge group G16. The new concrete block wall encroaches close to and into the edge of the RPA of the hedge. Construction within the RPA can have negative impacts on tree roots. However, the encroachment is very minor. As such, it is unlikely that significant roots will be within these areas and the retained tree should remain largely unaffected by the works*
- *Elsewhere on the site, due to the presence of existing roads, structures, and topography the RPAs of the surveyed trees will not be impacted*
- *The design of the new development has considered the trees crown position in relation to the development. The proposals avoid excessive shading and give adequate provision for future tree growth.*
- *The buildability of the proposed development has been assessed in terms of access, adequate working space and provision for the storage of materials, including topsoil, in relation to the trees.*

## 6.5 Preliminary Ecological Appraisal

6.5.1 A Preliminary Ecological Appraisal (“PEA”) has been prepared by Estrada Ecology. The PEA assessed both the site, as well as the Dearne Valley Wetlands SSSI to the east.

6.5.2 The PEA states that the site:

*provides hostile conditions for bats, badgers, aquatic mammals, reptiles, and amphibians, due to the dominance of hardstanding and hostile activities within the site. No evidence of use of the site by western European hedgehog (Erinaceus europaeus) was apparent.*

6.5.3 In terms of vegetation, this was sparse within the site and restricted to the very edge of the northeastern boundary. The PEA states that:

*the site is not deemed capable of supporting important assemblages of invertebrates based on the domination of hardstanding and hostile environments created by the nature of site use.*

6.5.4 In terms of habitat suitability, the PEA continues:

*No buildings or habitats with suitable features in relation to roosting bats were recorded within the site, being defined as negligible. The site itself recorded limited suitability for use by bats for commuting / foraging, due to the absence of suitable habitats.*

*Suitable habitat was present adjacent to the eastern site boundary, where a Site of Special Scientific Interest (SSSI: Dearne Valley Wetlands) is located, providing potential to support foraging grounds or commuting lines for bats.*

6.5.5 The PEA has, therefore, recommended that:

*a suitable lighting scheme will be required to limit splay from artificial lighting towards the eastern site boundary.*

6.5.6 The PEA did identify the presence of a Schedule 9 species, in the form of Japanese Knotweed (*Fallopia japonica*), in a patch northeast of the site.

## 6.6 Dust and Emissions Management Plan

6.6.1 A Dust and Emissions Management Plan (“DEMP”) has been prepared by WPS Compliance Consulting Ltd.

6.6.2 The DEMP states that the site operations, may, at times, produce dust but this will be *limited by the nature of the operations and the mitigating measures.*

6.6.3 The DEMP states that the *main cause of dust generation will come from vehicle movements on and off site and the tipping and spreading of subsoil and topsoil.*

6.6.4 The DEMP states that *dust will be controlled to confine and prevent its escape to minimise airborne dispersal, and that effective site management, to ensure the control of airborne dust, will include:*

- *No acceptance of highly dusty loads to the site*
- *Incoming open top containers of waste is appropriately covered or sheeted while in transit*
- *Internal roadways are damped down using a water bowser during adverse weather conditions to prevent dust arising from vehicle movements on site*
- *Site has a weekly visit with a road sweeper and can be on standby when required*
- *All surfaces within the site and storage areas are kept as tidy as possible to prevent accumulations of dust*
- *Dampening down of waste streams such as rubble and soils will take place prior to deposit to reduce dust generation.*
- *Dust suppression sprays are present on machinery when this is required whilst processing materials.*
- *Monitoring of any adverse weather conditions such as high winds. Operations are adjusted if required.*

6.6.5 The DEMP concludes:

*Ongoing monitoring of dust generation and with the appropriate updating of the DEMP, will ensure continuing effective dust management at West Green Recycling Yard without any adverse dust impacts off site.*

## 6.7 Transport Statement

6.7.1 A Transport Statement has been prepared by Sanderson Associates. The Transport Statement evaluates the transport impacts of the proposals and contains :

- *A Review of national and local planning policies;*
- *Information regarding the existing site and an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area;*
- *Information regarding the proposed development, site layout, means of access across all modes of transport and parking requirements for the site;*
- *Calculation of the number of trips which would be expected to be generated by the proposed site, details of the vehicle profile envisaged and comment on the potential transport impacts.*
- *Swept path analysis of the likely vehicles that will be entering the site and their required movements.*

6.7.2 In terms of the existing site and analysis into injury accident records on the public highway, the Transport Statement states:

*Only two incidents have occurred on West Green Way with one being in close proximity to the site access. From a further review of this incident it would appear that the incident involved a driver waiting to turn right into the site access from West Green Way contrary to the Traffic Regulation Order (TRO) in place. Compliance with the TRO would have prevented this incident. In summary it is not considered that there are any trends in the type of accidents which have occurred in the study area and that accident rates are not likely to be adversely affected by the proposals.*

6.7.3 Whilst the Applicant is seeking to increase its 'authorised' throughput to 150,000 tonnes per annum, they do not envisage this throughput to ever be realised. However, the Transport Statement has demonstrated, that *even if the maximum throughput were to be realised this would only equate to approximately 6 two-way HGB movements per hours on average.*

6.7.4 The Transport Statements considers this to be a modest level of vehicular activity that *could be accommodated on the adjacent highway network.*

6.7.5 The Transport Statement continues, by stating that *access to and from the site will continue to be by way of the existing left-in/left-out junction arrangement at the western side of the site from West Green Way. West Green Way was designed and constructed to an 'industrial' standard with a carriageway width capable of supporting frequent two-way HGV traffic.*

6.7.6 The Transport Statement concludes that:

*Having regard to the volume and nature of vehicles already trafficking West Green Way and the adjacent highway network, it is concluded that this level of activity would not create or add to problems of safety or efficiency of the adjacent highway network and would not, therefore, conflict with Policy T4 of the Barnsley Local Plan.*

*Neither would this level of vehicular activity conflict with Paragraph 111 of the NPPF in that it would not represent an unacceptable impact on highway safety and neither would the residual cumulative impacts on the road network be severe. There are, therefore, no highway related reasons why this development should not be granted planning permission.*

## 7 DEVELOPMENT PLAN

### 7.1 Overview

7.1.1 The adopted Development Plan for the Local Authority comprises the Barnsley Local Plan (adopted January 2019) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted March 2012) (the “Development Plan”).

7.1.2 For the purposes of the Development Plan, (as per the Local Plan map) the site is located within Urban Barnsley and belongs to a mixed-use allocation referred to as site reference: MU3, site name: Land between Shaw Lane & West Green Link Road. The southernmost extent of the site is also located within the Dearne Valley Green Heart Nature Improvement Area.

7.1.3 From the Applicant’s assessment of the contents of the adopted Development Plan, the policies within the Barnsley Local Plan relevant to the site and the development include:

- Policy GD1: General Development
- Policy LG2: The Location of Growth
- Site MU3: Land off Shaw Lane Carlton
- Policy T2: Safeguarding of Former Railway Lines
- Policy T3: New Development and Sustainable Travel
- Policy T4: New development and Transport Safety
- Policy D1: High Quality Design and Place Making
- Policy LC1: Landscape Character
- Policy BIO1: Biodiversity and Geodiversity
- Policy CC1: Climate Change
- Policy CC2: Sustainable Design and Construction
- Policy CC3: Flood Risk
- Policy CC5: Water Resource Management

7.1.4 The policies within the Barnsley, Doncaster and Rotherham Joint Waste Plan relevant to the site and the development include:

- Policy WCS4: Waste management proposals on non-allocated sites
- Policy WCS6: General considerations for all waste management proposals
- Policy WCS7: Managing waste in all developments

7.1.5 The proposal is assessed against all relevant development plan policies in the following section (Section 8) of the Statement. Other material considerations are weighed in the balance within Section 9.

## 8 DEVELOPMENT PLAN POLICY – ANALYSIS

### 8.1 Spatial Policy Analysis and the Principle of Development

8.1.1 **Policy GD1** of the Development Plan sets out what is expected of development in general terms. In so far as Policy GD1 is relevant to the matter in hand, it states that development proposals will be approved if:

- *There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;*
- *They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;*
- *They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;*
- *They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;*
- *Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated.*

8.1.2 **Policy LG2** addresses the matter of the settlement hierarchy and directs growth to Urban Barnsley, which is expected to accommodate *significantly more growth than any individual Principal Town*. In turn the Principal Towns are *expected to accommodate significantly more growth than the villages*.

- 8.1.3 The site is located within Urban Barnsley, and the proposals are seeking to enhance the site's existing facilities and operations in connection with the treatment and management of non-hazardous construction and demolition waste. No change of use is proposed. As such, the Applicant considers the principle of the development to be acceptable and **in accordance with Policies GD1 and LG2.**
- 8.1.4 As stated, the site is located within a wider mixed use designation area referred to as Land between Shaw Lane & West Green Link Road in relation to which there is a site-specific policy (**Policy MU3**). Policy MU3 allocates the area to which it applies *for mixed use for housing and green space*. Policy MU3 ignores the presence of the site.
- 8.1.5 Policy MU3 sets out the Local Authority's long-term aspirations for the wider area, in the vicinity of the site, and is reliant upon the production of a phased Masterplan Framework covering the entire allocation (the "Framework"). The Framework was produced in 2021 by ARUP and the site covers areas L01, L07 and L08. Aspirations for the site are for residential, mid – high density and to potentially reinstate the dismantled railway and construct a new train station. This is Phase 5 (the final phase) of the Framework's aspirations.
- 8.1.6 Policy MU3 is entirely silent on the matter of development of the type proposed; and the objectives of the Framework as they relate to the development at hand are entirely immaterial. It is irrelevant whether there is, over the lifetime of the Plan, some intention on the part of the Local Authority to bring forward development, including development within the site, in accordance with the Framework. The facts on their face are that:
- The Framework does not include development for which planning permission has been granted;
  - The site is not being offered up to the Framework and so is not available;
  - There is no approved CPO procedure in place such that the site may be required;
  - There is no funding in place to deliver the Masterplan; and
  - There is no time frame in place to deliver the Masterplan.
- 8.1.7 The Framework simply cannot prevent the Applicant from continuing to invest in the operation of their lawful business on land within their ownership, particularly where such

investment will help bring the operation up to the best technical standards; and lead to increased efficiency; and is set to reduce environmental impact.

8.1.8 Furthermore, the proposals will not prevent the Framework from being delivered in accordance with Policy MU3.

8.1.9 As it stands, MU3 cannot bite more generally and even if it were, there can be no conflict with its objectives.

## 8.2 Transport Policy Analysis

8.2.1 **Policy T2** sets out the Local Authority's intention to safeguard land within and adjacent to existing and historical rail alignments to accommodate the potential reinstatement of former strategic railway lines. As stated previously, the site is adjacent to the disassembled former Cudworth railway line, however, due to the nature of the development and the existing use established on the site, the Applicant is content that the proposals are **not in conflict with Policy T2**.

8.2.2 **Policy T3**, turns itself to the matter of new development and sustainable travel, and in so far as it is relevant, states that new development will be expected to *Provide a transport statement or assessment in line with guidance set out in the National Planning policy Framework and guidance including where appropriate regard for cross boundary local authority impacts*. The submission of a Transport Statement demonstrates **compliance with Policy T3**.

8.2.3 **Policy T4** states that *new development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement*. The policy goes on to say that *"If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition*.

8.2.4 The submitted Transport Statement demonstrates that the proposed development is suitably served by the existing highway network and that, even if operational at full potential capacity, it will not create or add to problems of safety or efficiency of the

adjacent highway network. The proposals are, therefore, considered to be **Policy T4 compliant**.

### 8.3 Design and Landscape Policy Analysis

8.3.1 **Policy D1** expects development *to be of high-quality design and will be expected to respect, take advantage of, and reinforce the distinctive, local character and features of Barnsley*. In so far as Policy D1 is relevant to the matter in hand, the policy also expects development to *make the best use of high-quality materials*.

8.3.2 **Policy LC1** expects development to *retain and enhance the character and distinctiveness of the individual Landscape Character area in which it is located*. As per the Landscape Character Assessment for Barnsley Borough 2002, the site is located within the North East Barnsley Settled Arable Slopes Landscape Character Area.

8.3.3 The structure housing the filter presses is set to be clad in muted colours in order to reduce its visual prominence in the landscape. Regardless, the plant and associated infrastructure (including the substations) is entirely appropriate when read in the context of a site with an existing industrial operation.

8.3.4 In light of the above, the Applicant considers the proposals to be **Policy D1 and LC1 compliant**.

### 8.4 Environmental Policy Analysis

8.4.1 **Policy BIO1** turns itself to the matter of biodiversity and geodiversity and expects development to *conserve and enhance the biodiversity and geological features of the borough*. The southernmost portion of the site is located within the Dearne Valley Green Heart Nature Improvement Area. The site is despoiled; the proposal will not result in the loss of biodiversity.

8.4.2 Regarding enhancement, the site is currently in industrial use; given the nature of that use and taking into consideration the nature of the operational development for which permission is being sought, there is no opportunity, in this instance, for enhancement.

8.4.3 Notwithstanding, the submitted PEA did consider there to be suitable habitat present adjacent to the eastern site boundary, where a Site of Special Scientific Interest (SSSI: Dearne Valley Wetlands) is located, providing potential to support foraging grounds or

commuting lines for bats. The PEA, therefore, recommended that a suitable lighting scheme will be required to limit splay from artificial lighting towards the eastern site boundary. The Applicant considers that a suitable lighting scheme can be secured by condition.

8.4.4 **Policy CC1** relates to climate change and sets out how the Local Authority intends to *reduce the causes of and adapt to the future impacts of climate change*. One of the ways this is expected to be achieved is by *locating and designing development to reduce the risk of flooding*.

8.4.5 **Policy CC2** turns itself to the matter of sustainable design and construction and expects development to *minimise resource and energy consumption*.

8.4.6 **Policy CC3** addresses flood risk and in so far as it is relevant to the matter in hand, states that the *extent and impact of flooding will be reduced by:*

- *Not permitting new development where it would be at an unacceptable risk of flooding from any sources of flooding, or would give rise to flooding elsewhere;*
- *Requiring developers with proposals in Flood Zones 2 and 3 to provide evidence of the sequential test and exception test where appropriate; and*
- *Using flood resilient design in areas of high flood risk.*

8.4.7 The proposals will greatly increase the site's efficiency in treating and managing non-hazardous waste by deploying state-of-the-art plant which will enable much of the material delivered to be recycled thus providing an alternative, local source of sand, gravel, and aggregates. Plants such as this are the future of construction and demolition waste recycling and will contribute greatly to the borough and nation's intention of incorporating more sustainable building materials and practices into the construction and development sectors.

8.4.8 Although the plant will require additional power to be operational, it is, in terms of water resources, a closed system with all water being recyclable, the only potential 'loss' of water is within the products (generally at around 5%, which can still be recycled if the plant is suitably optimized).

8.4.9 With regard to flood risk, as set out within Section 6 of this Statement, an FRA has been commissioned to assess the flood risk impacts of Substation 1 which is within Flood Zone 3. The matter of the sequential test (which has been set aside) and exception test (which is met) have also been suitably explored by the Applicant. With the flood mitigation strategies recommended by the FRA being implemented (floor levels), then it is the case that the element of the proposals needing to be assessed by an FRA are *not at significant flood risk, and will not increase flood risk to others*. The proposal is also accompanied by a detailed drainage plan.

8.4.10 For the reasons set out above, the Applicant considers the proposals to be **compliant with Policies CC1, CC2 and CC3**.

## 8.5 Joint Waste Plan Policy Analysis

8.5.1 The Local Planning Authority's Development Plan contains a Joint Waste Plan. This component comprises *the detailed planning strategy for providing waste management facilities across Barnsley, Doncaster and Rotherham over the period to 2026*<sup>2</sup>.

8.5.2 On that basis, the provisions of the Joint Waste Plan are not applicable to the application in question, noting that the intention is to improve the operation of an existing, lawful 'waste management facility'.

## 9 OTHER MATERIAL CONSIDERATIONS

9.1.1 The predominant land uses immediately surrounding the site comprise agricultural, industrial, and commercial uses. In terms of closest settlements, Lundwood is approximately 280 metres to the south-west and Cudworth is approximately 360 metres to the east. In terms of impacts of the proposal (by way of noise) on residential amenity, this has been assessed within the submitted NIA. The NIA finds that the predicted noise levels do not exceed the LA90 + 10 dB and maximum 55 dB(A) criteria of at the closest residential properties to the site, and predicted the site operations to be at the No Observed Effect Level (NOEL). As such the proposals are not considered to have any detrimental impact on neighbouring amenity.

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<sup>2</sup> Barnsley, Doncaster and Rotherham Joint Waste Plan, Paragraph 1.8, Page 9

9.1.2 As set out within the submitted DEMP, ongoing monitoring of dust generation and with the appropriate updating of the DEMP, will ensure continuing effective dust management at the site without any adverse dust impacts off site.

9.1.3 The contents of the NIA and DEMP will ensure that conditions within the site and environmental impacts (noise and dust) to the surrounding area will be improved as a result of the proposals. This a matter which weighs heavily in favour of the grant of planning permission.

## 9.2 The National Planning Policy Framework

9.2.1 As established in the High Court case of *Renew Land Developments Ltd v Cheshire East Borough Council and the Secretary of State for CLG* [2016] EWHC571 (Admin) the matter of how the decision-making process should be undertaken in the context of Paragraph 11 of the NPPF on the understanding that:

*The concept of sustainable development is the bedrock of the NPPF ... [and it] must be obvious from a cursory examination of the concept that it is seeking to secure the attainment of a proper balance between different factors pulling in different directions.... Thus, or so the framers of the NPPF have conceptualised the matter, development which balances these factors in the right way is sustainable development.*

Mr Justice Jay, Paragraph 10 of the Judgement

9.2.2 The court case also established the position that the decision-taking process is a balancing exercise noting that, in most situations, *there will be somewhat of a trade-off between competing desiderate.* (Paragraph 19 of the Judgement)

9.2.3 **Paragraph 8** of the NPPF, defines sustainability as having three limbs - social, economic, and environmental. Those limbs are mutually dependent such that a decision taker should not focus on one of the requirements of sustainable development at the expense of another. The question is, when considering whether the development is sustainable, it can be so described, taking all three limbs into consideration.

9.2.4 At the heart of the NPPF, there is a presumption in favour of sustainable development (**Paragraph 10**).

9.2.5 Paragraph 11 for decision-taking this means....?

9.2.6 As per **Paragraph 38**, decision taking should be approached in a positive way, and local authorities should apply the presumption in favour of development when assessing and determining development proposals, approving *applications for sustainable development*. The NPPF reinforces (at **Paragraph 47**) the fact that, in law, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained in the NPPF are material considerations.

9.2.7 As per **Paragraph 81**:

*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*

9.2.8 According to the provisions of **Paragraph 111**:

*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

9.2.9 According to **Paragraph 124**, planning decisions should *support development that makes efficient use of land*.

9.2.10 The Applicant consider the proposals will:

- Not have a detrimental impact on the existing access and highway safety;
- Not have a detrimental impact on surrounding land uses;
- Not be at risk of flooding, or increase the risk of flooding elsewhere;
- The installation of an innovative plant will greatly improve the operations of an existing waste recycling site;
- Provide a local source of sand, gravel and aggregates; and
- Run the plant on electricity rather than diesel, and so reduce noise and emissions from the site.

9.2.11 All of these matters weigh in favour of the grant of planning permission.

### 9.3 Economic Dimension

9.3.1 In pursuing the economic dimension of sustainable development, the NPPF expects the planning system to:

*Help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth and innovation; and improved productivity; by identifying and coordinating the provision of infrastructure. (NPPF, Paragraph 8 (a)).*

9.3.2 The proposed development will enhance the facilities of the existing company, innovating its processes. This will ensure the long-term retention of its existing employees, and as such there will be direct and indirect economic benefits from the company and its employees (including through taxation) within the local economy long term. These are matters that weigh heavily in favour of the grant of planning permission.

### 9.4 Social Dimension

9.4.1 According to the NPPF, the social role of the planning system is to:

*Support strong, vibrant and healthy communities ... by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. (NPPF, Paragraph 8 (b)).*

9.4.2 The improved hard landscaping scheme and proposed cladding for the Plant, will, in the view of the Applicant, improve the appearance of the site. It is also considered that the proposals will provide long-term assurance of the employment of local persons. These are matters which weighs in favour of the grant of planning permission.

### 9.5 Environmental Dimension

9.5.1 The NPPF defines the environmental role of the planning system as:

*Protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste*

*and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. (NPPF, Paragraph 8(c)).*

9.5.2 Having been explored with the help of appropriate experts, it is concluded that with the implementation of appropriate mitigation measures the store can be installed without being at risk of flooding and without increasing the risk of flooding elsewhere. The Applicant also considers that the drainage plan will ensure that surface water run-off can be suitably managed.

9.5.3 As for the environmental benefits of the proposed development, as detailed throughout this Statement, the plant will provide an alternative, local source of sand, gravel, and aggregates. Plants such as this are the future of construction and demolition waste recycling and will contribute greatly to the borough and nation's intention of incorporating more sustainable building materials and practices into the construction and development sectors. Furthermore, the contents of the NIA and DEMP demonstrate that there will be significant reductions in noise and that dust emissions from the site will be suitably controlled.

9.5.4 In every respect, the Applicant considers the development to be in the nature of sustainable development for the purposes of the NPPF and for the purposes of the adopted Development Plan.

## **10 CONCLUSION**

10.1.1 For the reasons outlined in the preceding sections, it is the Applicant's position is that the proposal accords with the provisions of the adopted Development Plan and the NPPF and that planning permission should be granted without delay.