

STATEMENT OF COMMON GROUND

BETWEEN:

Eric Lidster (THE APPELLANT)

&

Barnsley Metropolitan Borough Council

PROPOSAL:

Installation of aggregate wash plant, erection of store, 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 for treatment and management of non-hazardous waste.

PROPERTY: West Green Recycling, West Green Way, Monk Bretton, Barnsley, S71 5SN

LOCAL AUTHORITY REF: 2023/0758

APPELLANT REF: 25.08.WG

DATE: July 2025

VERSION Draft 1

Signed:	Signed:
Name:	Name:
On behalf of: [NAME] COUNCIL	On behalf of: HERA Planning (ACTING ON BEHALF OF THE APPELLANT)
Date:	Date:

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1 INTRODUCTION

1.1.1 This Statement of Common Ground (the “SoCG”) has been agreed between Barnsley Metropolitan Borough Council (the “Local Authority”) and Eric Lidster (Eric Lidster (Sales) Ltd) (the “Appellant”) in respect of the appeal relating to land at West Green Way, Monk Bretton, Barnsley, S71 5SN (the “appeal site”).

1.1.2 The SoCG sets out factual matters that the Local Authority and the Appellant consider relevant to the appeal proposal. It also records those matters on which the Local Authority and the Appellant are in agreement and the matters in dispute that are agreed.

2 DESCRIPTION OF APPEAL SITE AND SURROUNDING AREA

The Appeal Site

2.1.1 The appeal site is located within the administrative boundary of Barnsley Metropolitan Borough Council, and is situated to the northeast of West Green Way (between its junction with Far Field Lane to the northwest and Pontefract Road to the southeast). The appeal site is served by dedicated access directly off West Green Way. *It contains an existing and longstanding waste recycling facility¹.*

2.1.2 The Appellant owns the appeal site as shown edged red on the Site Location Plan², and occupies and operates (in the name of the Appellant’s company E J Lidster (Sales) Ltd) the appeal site for the purposes of recycling waste (aggregates). The appeal site operates in association with and as part of a wider use on land owned by the Appellant including waste recycling, and storage (including scrap and other material unrelated to waste recycling), which together are shown as areas edged red and blue on the Site Location Plan. Taken together and from herein land contained within the red and the blue lines will be referred to together as the “wider site”.

¹ Local Authority’s report to Planning Regulatory Board, page 13

² Promap - Submitted with the Appeal

- 2.1.3 Occupied by E J Lidster (Sales) Ltd, the appeal site is in use, as a waste management facility, in the manner of treating and managing non-hazardous construction and demolition waste.
- 2.1.4 Land with the northwestern portion of the wider site contains spoil heaps, which are being processed; it includes an area given over to storage (container and other materials, part of which is used co-extensively with the waste recycling process to store materials retrieved during the recycling process, and which must be taken to landfill); and an area which has been recontoured, originally laid out as a motorcycle/quad bike track, but has been used in association with the waste management facility.
- 2.1.5 Land adjacent to the south and west of the appeal site (between the appeal site and West Green Way) is within the Local Authority's ownership, and is laid to grass with tree and shrub planting. This adjoining parcel, which is currently being grazed, terminates at West Green Way. Within the vicinity of the Wash Plant, which is the subject of this appeal and within the appeal site, there exists a concrete wall (the "structure"), which according to historic mapping data, has been in existence since before 1999.
- 2.1.6 In addition to the plant and machinery for which planning permission is being sought, the appeal site currently operates mobile plant and machinery including a hydraulic pecker, mobile crusher, mobile trommel screen.
- 2.1.7 Land immediately adjacent the west/southwest of the concrete wall and following the line of the structure contains an area of landscaping, to a depth of approximately 5-6m.
- 2.1.8 The wider site terminates at its northwestern extent at the boundary with the live rail line, which provides services between the urban areas of Barnsley and Wakefield.
- 2.1.9 To the northeast/southeast lies the disused railway, and a site of a Site of Special Scientific Interest ("SSSI") referred to as the Dearne Valley Wetlands SSSI. No Public Rights of Way ("PRoWs") run through the SSSI.
- 2.1.10 Cudworth Beck, a tributary of the River Dearne is located running along southeastern corner of the appeal site, situated at a level some 5m+ below the level of the appeal site.
- 1.1.1 The Appellant has held an environmental permit for the processing of waste at the wider site since 31 January 1994, under license no: 60546 with a throughput capacity of 75,000 tonnes per annum.

The Surrounding Area

- 2.1.11 There is nothing distinctive about the context immediate to the appeal site. It is embedded within a wider landscape that is, in terms of its origins, industrial in nature. Much of the landscape comprises reclaimed land.
- 2.1.12 Land west/south west of West Green Way, with which the appeal site has a visual connection is home to the Ardagh Glass Packaging plant (enclosed by West Green Way, Burton Road, Fish Dam Lane and Far Field Lane). This industrial complex (the “complex”) occupies a site measuring approximately 30ha in area and it has a strong visual presence in the landscape particularly in views at the junction (roundabout) of Far Field Lane with West Green Parkway some 500m northwest of the appeal site, and in views from far Field Lane. Within the areas of Fish Dam Lane (to the southwest), and Burton Road, this industrial operation sits directly adjacent housing.
- 2.1.13 The complex is made up of a series of buildings/structures comprising portal framed, metal clad ‘sheds’ laid out on large rectangular footprints, silos, external storage bays, other storage compounds, pipework, flues, water tanks, water treatment facilities; and parking, loading, and turning facilities.
- 2.1.14 The complex has a strong industrial aesthetic, there is little within it that might be described as being visually attractive. The layout is less planned and more a result of the natural evolution and growth of the operation over time, and as a result the complex is not legible. Landscaping to the perimeters is most effective on West Green Way. There is little permeability.
- 2.1.15 There is, in addition, a small industrial site located off Grace Street operating a reclamation and recovery business which appears to co-exist with an equestrian use, and which is in direct proximity to residential properties. The site contains an assortment of ‘sheds’ clad in corrugated metal sheeting which, in terms of their visual impact, are detracting features, albeit with their visual effect limited to the immediate context.
- 2.1.16 Situated approximately 1km northwest of the appeal site (as the crow flies) and within the same landscape character area there is situated another industrial development (Premier

Foods, Carlton Bakery) with access of Fish Dam Lane. This too has a strong visual presence and possesses a strong industrial aesthetic; and sits adjacent housing.

- 2.1.17 Located approximately 1km north of the appeal site (as the crow flies) there exists another industrial site, containing various operations including vehicle dismantling. Like the others, this industrial pocket has a strong industrial aesthetic and a strong visual presence in the landscape.
- 2.1.18 Bleach Croft Farm is located directly east of the appeal site. Operating as a pig farm until an arson attack in 2018, the farm occupies the site of Midland Bleach Works which itself was built in the mid 19th Century. The freestanding chimney associated with the former industrial use is still in situ. Regardless the structures that remain on site are in varying stages of dilapidation and collapse, and the visual effect of the group is as a detractor in the landscape.
- 2.1.19 The industrial context is acknowledged within Local Authority planning documents that are relevant to the appeal site, and which are designed to support and guide development within the wider area (Section 8 of the Hearing Statement refers).
- 2.1.20 Otherwise the wider area is given over to 'green space', which in the case of that located to the northwest is separated from the appeal site by the live rail line which runs along a raised and heavily vegetated embankment.

3 APPEAL PROPOSAL

- 3.1.1 The appeal proposal seeks permission to install additional infrastructure at the site in the form of an aggregate wash plant with filter presses (the "Wash Plant"), store, an enclosure for external pipework, a concrete slab and boundary treatment.
- 3.1.2 The Wash Plant made up of three component parts, namely the filter presses (x2), and two washing systems (Scrubtec, and Aggretec). The tallest component of the Wash Plant reaches a maximum height of 10.56m. Otherwise the components occupy various footprints:
- Filter press - 40m (l) x 5m (d) x 10.56 (h)

- Scrubtec - 25.51m (l) x circa 5m (d) x 9.15m (h)
- Aggretec – 46.21m (l) x 2.6m (d) x 7.65 (h).

3.1.3 The concrete slab, on which the Scrubtec and Aggretec components are seated occupies an area measuring approximately 217sqm in area

3.1.4 The filter presses are supported off 14 x square concrete pads each measuring 450mm x 450mm and clad in a system of powder coated aluminium cladding attached to a steel 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 drawings submitted with the planning application³. 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.

3.1.5 Beneath the raised platform level, the frame will remain 'open' due to the need to maintain access beneath the filter presses.

3.1.6 The alterations to the boundary treatment include, replacing historic perimeter concrete walls (circa 2m in height) with concrete walls set to a height of 2.4m along the southwest, southeast and eastern boundaries of the appeal site.

3.1.7 The store is single storey with a monopitch roof and occupies a footprint of 23.1sqm. The enclosure for the external pipework is single storey, occupying a footprint of 22.6sqm.

3.1.8 There is no material difference in the number of staff present on the site at any given time.

1.1.2 At present there are approximately 2 x two way HGV movements per hour generated in association with the use.

³ Drawing number: 002 Proposed Elevations refers

Amendments to the Appeal Proposal during the lifetime of the Application

- 3.1.9 The proposed site plan was amended, to take account of the need to introduce additional storage bays within the area of the appeal site, during the lifetime of the application⁴ and submitted to the Local Authority in November 2024.
- 3.1.10 In a subsequent email (dated 4 December 2024) addressed to the Appellant's agent, the case officer questioned the detail of the amendments stating that as they didn't have *details of the design of [the] aggregate storage bays*, they couldn't deal with the matter of the amendment on the basis of the site plan alone. On 13 January 2025, the Appellant's agent responded explaining that the amendments to the proposed site plan were necessary to address the requirements of the Environment Agency. The agent confirmed that the additional storage bays were of the same design and construction as elsewhere on the appeal site as identified on the previous iteration of the proposed site plan (reference: 010 Rev B August 2024). The agent qualified their response by stating: *if you need any further clarification on the changes please let me know.*
- 3.1.11 The Appellant can confirm, and the Local Authority agrees, that no further clarification on the matter was sought ahead of the decision to refuse planning permission and that reason for refusal 4 is resolved and no longer pursued by the Council.
- 3.1.12 Otherwise the appeal proposal was amended to take account of:
- The removal of a substation – granted consent in its own right under a separate application (reference: 2024/0329)
 - The inclusion of cladding to the Filter Press on the roof and sides; and
 - The introduction of additional concrete storage bays beneath the Filter Press

⁴ Drawing number: 010 Rev D dated October 2024, and submitted with the appeal, refers

4 LANDSCAPING AND S106

- 1.1.3 At the application stage in an attempt, understandably, to satisfy the Local Authority and avoid a planning dispute between the parties and the need for a planning appeal, the Appellant proposed to the Local Authority the idea of a S106 obligation for additional landscaping on the 5-6m bund land adjoining the Appeal Site to the south west. Given the Council's reasons for refusal and its view expressed in the Committee Report to its Planning Regulatory Board that *landscaping outside the site would sterilize additional land within the MU3 allocation, contrary to Local Plan policy which seeks to secure housing development on the land on and adjacent to the application site*⁵, the Appellant has not entered further discussions with the Local Authority regarding additional landscaping on this land adjoining to the west.
- 1.1.4 The Appellant confirms in this statement that this is because it is considered there is no realistic prospect that the Local Authority would agree and in the Appellant's view its evidence demonstrates that additional landscaping on that land is unnecessary for the appeal proposal to be acceptable.

5 ENGAGEMENT POST VALIDATION OF THE PLANNING APPLICATION

- 5.1.1 Following the submission of the application, the Appellant continued to engage with the Local Authority, this included a meeting and communication with the case officer. This engagement led to consultees and the Local Authority not raising any objections in relation to the following technical matters:
- **Flood Risk** – the Environment Agency raises no objection to the appeal proposal
 - **Drainage** – the Lead Local Flood Authority raises no objection to the appeal proposal
 - **Highway** - the Highways Authority raises no objection to the appeal proposal
 - **Dust and Emissions** – the Local Authority's Pollution Control Team raises no objection to the appeal proposal

⁵ As per the case officer's report to the Planning Regulatory Board, page 15

- **Ecology/Biodiversity** – neither the Local Authority’s Forestry Officer nor Ecologist object to the appeal proposal

5.1.2 No statutory consultees or internal Council consultees objected to the planning application.

5.1.3 Further to the above, there are no Reasons for Refusal based on:

- Flood Risk
- Drainage
- Highway Safety
- Dust and Emission impacts
- Ecology/Biodiversity impacts

6 PLANNING APPLICATION

6.1.1 The detail of the planning submission is set out in Tables 1 - 4 beneath.

Table 1 - List of Documents and Drawings Submitted with the Application

Item	Report Title	Date
1	Forms 1APP	December 2023
2	Covering Letter	September 2023
3	Planning, Design and Access Statement	December 2023
4	Preliminary Ecological Appraisal	March 2024
5	Flood Risk Assessment	November 2022

Item	Report Title	Date
6	Site Drainage Strategy (addendum by Sealquest Ltd)	November 2024
7	Landscape and Visual Impact Assessment	September 2024
8	Dust and Emissions Management Plan	July 2023
9	Transport Statement	November 2023
10	Tree Survey with Impact Assessment	October 2023
11	Noise Impact Assessment	October 2023

Table 2 List of Drawings submitted with Planning Application

Drawing Title	Drawing Reference	Date
Site Location Plan	Promap	N/A
Topographical Survey	S10557	May 2023
Amended Proposed Site Plan	010 Rev D	October 2024
Filter Press (With Cladding) Amended Proposed Plans	001 REV A	May 2024
Filter Press (With Cladding) Amended Proposed Elevations	002 REV A	May 2023
Washing System	B02_C210088_00_01	July 2022
Concrete Platform (for Washing System)	B02_C210088_00_03	July 2022
Filter Press (Without Cladding) Proposed Plans	B02_C210088_00_04	July 2022
Filter Press (Without Cladding) Proposed Elevations	B02_C210088_00_05	July 2022

Drawing Title	Drawing Reference	Date
Filter Press Foundations	B02_C210088_00_06	July 2022
Electrical Cables for Wash Plant	B02_C210088_00_07	July 2022
Proposed Plans and Elevations (Store)	N/A	May 2023
Vertical Tank	172260-30000	July 2021
Proposed Elevations (Enclosure for External Pipework)	N/A	May 2023

Table 3 List of Drawings superseded during the lifetime of the planning application

Superseded Drawings	Drawing	Date
Proposed Site Plan	010 Rev B	August 2024
Proposed Site Plan	010 Rev A	July 2024
Proposed Site Plan	010	August 2023
Standard NPG SPEC ENCLOSURE (Sub Station)	2965 Rev D	April 2023
Proposed Floor Plans and Elevations	003	N/A
Proposed Plans and Elevations (Pumphouse)	004	May 2023
Filter Press (With Cladding) Proposed Plans	001	May 2023
Filter Press (With Cladding) Proposed Elevations	002	May 2023

Table 4 List of Documents superseded during the lifetime of the planning application

Superseded Documents	Date
Preliminary Ecological Appraisal	October 2023
Site Drainage Strategy	No date

Table 4 List of Photographs contained within the Planning Application Database

Photographs	Date
Photo 1 Wall on Eastern Side of Site	N/A
Photo 2 Wall on Eastern Side of Site	N/A
Photo of Watercourse	N/A

7 REASONS FOR REFUSAL

7.1.1 The planning application was validated on 21 December 2023, it was determined by the Local Authority's Planning Regulatory Board on 21 January 2025; the decision notice (dated 22 January 2025) contains four reasons for refusal ("RfRs") as follows:

- 1. The proposed development introduces significant new development that appears to be required to facilitate the intensification of the existing use on the site. This is contrary to the mixed-use allocation policy MU3, General Development Policy GD1 and the adopted Carlton Masterplan Framework in that the proposal is not for residential development, is not ancillary to the housing elements and would not provide a service or other facility for local residents and would frustrate the Council's strategic objectives for the application site and the wider allocation. It is also contrary to the NPPF policy which required the strategic policies of Local Plans to identify land to provide a minimum of five years' worth of housing against their housing requirement or local housing need and has the potential to undermine the delivery of the Local Plan*
- 2. The development is at odds with the Local Plan (2019), the Joint Waste Plan (2012), the Carlton Masterplan Framework and the NPPF (2024) which seek to ensure that developments function well, add to the overall quality of the area, are visually attractive, sympathetic to local character, establish a strong sense of place, and create safe, inclusive and accessible places that promote health and well-being. The development has resulted in incongruous features that have an unacceptable visual impact in the landscape because of their height, scale, design and prominence and lack of existing or proposed landscaping to relieve their impact and is considered to be contrary to Local Plan policies GD1 and D1, Joint Waste Plan policies WCS4 and WCS6 and NPPF policy at para 135.*

3. *The development conflicts with Local Plan policies GD1 (General Development) and Poll1 (Pollution Control and Protection) which seek to ensure that development is compatible with neighbouring land and will not significantly prejudice the future use of neighbouring land or adversely affect the potential development of a wider area of land; and will not cause unacceptable levels of noise, dust or other pollution to local residents. The visual impact on surrounding land and the likelihood of noise and dust unacceptably affecting the living conditions and residential amenity of future residents results in conflict with these Local Plan policies.*

4. *The applicant has failed to respond to the request to submit further information relating to the aggregate storage bays and a quarantined/rejected load bay shown on the amended proposed site plan. In the absence of this information, it is not possible to conclude that these elements would be of satisfactory appearance and use and the proposal is therefore considered to be in conflict with Local Plan policies GD1 and D1, Joint Waste Plan policies WCS4 and WCS6 and NPPF policy at para 135.*

5. PLANNING HISTORY

Table 5 – Planning History

Application Number	Description	Date Decided	Decision
B/92/1021/BA	Use of land for plant/vehicle storage and waste transfer station	28/01/1993	Granted

Application Number	Description	Date Decided	Decision
B/93/0210/BA	Erection of storage shed for timber pallets	13/05/93	Granted
B/93/1144/BA	Use of land for temporary siting of soil screener and materials selection	13/01/1994	Granted
B/95/1181/BA	Erection of industrial unit	03/02/1997	Granted
B/98/1134/BA	Use of haulage depot for distribution of coal, sand, gravel and topsoil and storage of skips in conjunction with haulage business	09/02/1999	Granted
B/01/0635/BA	Use of land for siting of mobile soil screener & crusher/ancillary processing of imported inert waste & storage of recycled products	23/10/2001	Granted

Application Number	Description	Date Decided	Decision
B/03/0349/BA	To contour land to form motor-quad and motorcycle track for leisure purpose	21/10/2003 (yet the application is recorded as having been received on 31/08/2004)	Refused
B/05/1234/HR	Construction of a new highway, road and rail bridges, pedestrian, equestrian underpasses, drainage, landscape and associated works Only part of the Appellant's wider site for the new access to and within the land was included in the application (so far as the Appellant's land was concerned)	December 2005	Granted
2024/0329	Erection of substation for purposes ancillary to the waste recycling facility (retrospective)	June 2024	Granted

7.1.2 The land defined by the planning permission granted under application reference: B/01/0635 is described within the Local Authority's Planning Application Database as a former Ash Tip.

- 7.1.3 In 2007 (3 August 2007) the Local Authority, in a letter to the Appellant⁶, acknowledged that materials were being stored on site not in accordance with the provisions of Condition 2 of application reference: B/01/0635; the letter acknowledged the deposit of additional waste materials on land outside of the application site; and it acknowledged the fact that the land in the northwestern portion of the wider site had been recontoured to form a motorcycle track.
- 7.1.4 According to the Local Authority's Planning Application Database mapping data, application reference: B/05/1234/HR granted consent for works to create an access to the appeal site directly off West Green Way, and included the laying out of the existing access within the appeal site.
- 7.1.5 In line with the contents of correspondence with the Appellant, reference: 2023/ENQ/00122, the Local Authority invited a planning application for the appeal proposal.
- 7.1.6 Application reference: 2024/0329 granted planning permission for the erection of a substation at the appeal site; the substation is required to power the operation of the washing plant. The substation has been completed and is in operation.
- 7.1.7 In granting permission for the substation⁷, the Local Authority stated that the proposal would not frustrate the objectives of the DP, specifically Policies D1, GD1, MU3 and Poll1 on the grounds that its purpose was to support the operation of the existing use; and that it would have a *neutral effect on the appearance of the wider area, the development of the residential phase [led by MU3] and the living conditions of future residents.*

8 PLANNING POLICY

- 8.1.1 The following sections identify planning policy and guidance relevant to the appeal.

⁶ Attached at Appendix 5 of the hearing statement

⁷ Attached at Appendix 2 of the hearing statement

9 NATIONAL PLANNING POLICY FRAMEWORK

9.1.1 The planning application was determined against the 2024 version of the National Planning Policy Framework (the “NPPF”). The NPPF is a material consideration in the determination of the appeal.

9.1.2 The provisions of Paragraphs 7, 8, 85, 87, 124,125, 127, 222, and 223 NPPF are material in the consideration of the appeal proposal.

10 NATIONAL PLANNING PRACTICE GUIDANCE

10.1.1 The Planning Practice Guidance (PPG) is material in the consideration of the appeal proposal.

11 DEVELOPMENT PLAN

11.1.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

11.1.2 The Development Plan in respect of this appeal consists of the Barnsley Local Plan (the “BLP”) and the Joint Waste Plan (taken together referred to as the “DP”). None of the Borough’s Neighbourhood Development Plans apply to the appeal site.

11.1.3 The BLP is made to address the period from 2014 to 2033. It has been reviewed by the Local Authority, which decided (on 24 November 2022) that no update to it was required.

11.1.4 The Appellant and the Local Authority will refer to the provisions of the Development Plan in their evidence.

11.1.5 The DP policies set out in the Reasons for Refusal are confined to:

- Policy D1
- Policy GD1
- Policy MU3
- Policy Poll1

- Policy WCS4; and
- Policy WCS6

11.1.6 The following DP policies were considered in the determination of the planning application:

- Policy SD1
- Policy H3
- Policy T3
- Policy T4
- Policy T5
- Policy HE1
- Policy BIO1
- Policy CC3
- Policy CC4

11.1.7 In addition to the above, the following policies DP policies are material to the main issues at appeal:

- Policy E3
- Policy E4
- Policy WCS1

Policy MU3

11.1.8 Policy MU3 - Land off Shaw Lane Carlton allocates land for housing and green space. The allocation, extending to approximately 117.2ha in area includes the appeal site. The housing delivery figure promoted within MU3 (1,683 dwellings) is included within the cumulative housing delivery targets for Urban Barnsley.

11.1.9 According to Policy MU3:

The development will be subject to the production of a phased Masterplan Framework covering the entire site to ensure that development is brought forward in a comprehensive manner.

- 11.1.10 The Masterplan Framework was published in November 2021, together with a Delivery Strategy appended.
- 11.1.11 The objectives of MU3 are amplified within the document entitled the Carlton Masterplan Framework adopted November 2021 (the “CMF”), which in turn is reliant upon the Delivery Strategy (Appendix 2 of the CMF). In addition to the MU3 allocation the CMF addresses itself to the matter of MU2 (another mixed use allocation located to the west and northwest of MU3). The CMF downgrades the housing figures promoted within MU3, suggesting that only 1500 dwellings are capable of being delivered across MU2 and MU3 together. This revision to the numbers was not adopted as part of the review of the DP.
- 11.1.12 Neither the CMF nor the Delivery Strategy are Supplementary Planning Documents; and the Delivery Strategy has not been subject to public consultation.
- 11.1.13 Within the extent of the MU3 allocation, the presence of the wider site as an operational employment site is not acknowledged, except by mistaken reference to it as a landfill.
- 11.1.14 With the exception of an existing housing development (including 3 pairs of semi-detached properties located with access off Shaw Lane (the presence of which is acknowledged within the CMF)), the remainder of the allocation is free of operational development⁸. The allocation comprises, in large part, reclaimed land.
- 11.1.15 In so far as it describes the area of the allocation within which the appeal site is located, the CMF refers to it as *contaminated/unsettled land* [which] *will require remediation to enable residential development to take place*⁹ and considers this a constraint to development.
- 11.1.16 As to the delivery of the CMF, the vision is to be enabled through a process of:
- Innovative engagement and partnership methods with community and other key stakeholders [which] will be used to develop innovative exemplary ways of funding, implementing and managing the development and its associated services maximising social enterprise opportunities.*

⁸ Carlton Masterplan Framework (2021), Page 4, Figure 1, refers

⁹ Carlton Masterplan Framework (2021), Page 12, Section 3., Paragraph 3.5 refers

11.1.17 According to the Delivery Strategy, the masterplan will be developer led. The broader infrastructure will be funded via s106 contributions.

12 MATTERS NOT IN DISPUTE

12.1.1 Tables 6 and 7 set out the matters, which are not considered to be in dispute between the Appellant, and the Local Authority.

Table 6 – Matters Not in Dispute

Matters not in dispute	Comments
<p>Format of planning application and supporting material</p>	<p>It is agreed that the format of the application forms, plans and supporting documents fulfilled the requirements of the various regulations and checklists, applicable for the purposes of validation</p>
<p>Applicant Details</p>	<p>It is agreed that the relevant applicant in the case of the appeal is E J Lidster as stated in section 1 of this statement.</p>
<p>Description of Proposal</p>	<p>It is agreed that the description of the appeal proposal as it appears on the Local Authority's Planning Application Database is as follows:</p> <p><i>Installation of aggregate wash plant , erection of store, 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 for treatment and management of non-hazardous waste.</i></p> <p>It is agreed that the appeal proposal constitutes operational development only.</p>

Matters not in dispute	Comments
Use of the Appeal Site	It is agreed that the appeal site contains a long established waste recycling facility. It is agreed that the existing use of the appeal site is a material consideration.
Lawful use	It is agreed that the use of the appeal site shortly prior to installation of the appeal plant and machinery was a lawful planning use.
Fallback position	<p>It is agreed that the Appellant has a valid fallback position under planning against which the appeal proposal can be compared and the grant of planning permission is justified if there is neither a significant difference in adverse impacts between the two in relation to the existing environment and residents and future residents, nor a significance between the two in the extent to which they prejudice the future MU3 development.</p> <p>The Appellant considers that the grant of planning permission is justified on other grounds as well.</p>
Description of Site and Surroundings	It is agreed that the appeal site and the surrounding area is as described within Section 2 of this Statement.
Planning History	It is agreed that the appeal site's planning history as referenced in Section 5 of this Statement is material to the determination of this appeal.
Investment in the appeal site	It is agreed, as per the judgement arrived at on planning application reference: 2024/0329 (section 5 of this Statement refers), that there is no objection to the principle of the Appellant investing in their operation at the appeal site.
Relevant Policies as Material Considerations	It is agreed that the local and national policies outlined in Section 8 of this Statement are material to the determination of this appeal.

Matters not in dispute	Comments
Housing Delivery	<p>It is agreed that the Local Authority has persistently underperformed against its housing delivery targets over the lifetime of the DP to date and does not as at the date of this Statement have a 5 year housing land supply.</p>
Policy MU3 and its Application to the Appeal Proposal	<p>The parties agree that policy criteria in policy in MU3 do not in themselves apply to the appeal proposal, but that policy GD1 is applicable for assessing the appeal proposal, having regard to the allocated development in policy in MU3.</p> <p>Whilst the Appellant is not proposing 'housing', neither are they proposing development or redevelopment of a nature that provides an opportunity to deliver part of the MU3 development, which might conflict with the objectives of MU3; they are simply undertaking operational development as asset management works to the existing lawful waste recycling facility.</p>
MU3 Delivery Timeframe	<p>It is agreed that the objectives of MU3 are amplified within the Carlton Masterplan Framework; and that the Carlton Masterplan Framework is reliant on the Delivery Strategy appended to it.</p> <p>It is agreed that there is no established timeframe for delivering development in accordance with MU3 (other than for Phase 3 which is located at the opposite end of the MU3 allocation) and that other than the outline planning permission granted under appeal reference: APP/R4408/W/24/3341097, there are no extant planning permissions or planning applications lodged or under preparation for development in accordance with the objectives of MU3.</p> <p>It is agreed that the appeal site is located on land belonging to Phase 5 (the West Green Quarter), and that Phase 5 is <i>likely to come forward last</i> as stated in the Masterplan Framework.</p>

Matters not in dispute	Comments
	It is agreed that within the Carlton Masterplan Framework, the appeal site is described as <i>contaminated/unsettled land</i> [which] <i>will require remediation to enable residential development to take place</i> and that this fact is a constraint to development.
The Appeal Proposal and Policy Poll1	The parties agree that the appeal proposal is not contrary to Poll1 in so far as it relates to the matter of dust and emissions generated by the appeal proposal. The Local Authority's Pollution Control Team raises no objection to the appeal proposal subject to a condition requiring the dust and emissions management plan to be implemented and maintained and the Appellant has no objection to planning permission being granted subject to a suitably worded condition on the matter.
Reasons for refusal 1 and 3	It is agreed that these two reasons for refusal are similar and amount to the same reason as to whether the appeal development complies with policy GD1, having regard to the proposed development allocated in policy MU3.
MU3 development of relevance	In terms of the parts of the MU3 development of relevance for the purposes of considering whether the appeal proposals will have any significant adverse effect on the living conditions and residential amenity of future residents or significantly prejudice the future use of the neighbouring land, the only future development of significant relevance is the Local Authority owned land in part of MU3 Phase 5 to the south west of the appeal site (located between the appeal and West Green Way).
Reason for refusal 4 - Additional documentation requested	Given the explanation given in Section 3 of this Statement on the subject, Reason for Refusal 4 is no longer pursued by the Local Authority and is no longer considered a reason for refusing planning permission.

Table 7 – Technical Matters Not in Dispute

Matters not in dispute in relation to technical matters	Comments
<p>Noise</p>	<ul style="list-style-type: none"> ▪ The following is agreed with regarding assessing any impact and its significance on future residents: ▪ The only relevant future residents for assessment purposes are those on the Local Authority land to the south west of the appeal site forming part of the MU3 Phase 5 allocation if residential development is constructed (between the appeal site and West Green Way). ▪ The dominant noise source in this location is the road traffic noise on the A628 and West Green Way trunk roads. ▪ The Local Authority MU3 land in Phase 5 (between the appeal site and West Green Way) is closer to the dominant noise source of road traffic noise on the A628 and West Green Way trunk roads than the existing most representative receptor on Grace Street in the Noise Impact Assessment dated 23/10/23. ▪ As the impact on future residents necessarily involves the estimation of impact, the Noise Impact Assessment dated 23/10/23, with revisions in 2024, provides a reasonable data base to understand the noise environment in the locality of the appeal development for the purposes of forming a professional judgement on the

Matters not in dispute in relation to technical matters	Comments
	<p>noise impacts associated to the appeal proposal.</p> <ul style="list-style-type: none"> ▪ The recycling facility can be operated not to exceed the likely background sound level (with the implementation of noise control measures which might include noise insulation inside the enclosures of some plant/machinery, using a buffer zone and an area of the existing landscaping along the western/southwestern boundary) without causing any significant adverse effect on residents (if constructed in the future) on the neighbouring Council land to the south west of the appeal site. ▪ Even if the current plant, machinery and operations at the West Green Recycling facility were materially audible above the likely background noise level at this location, there is unlikely to be any significant adverse effect on residential development (if constructed in the future) on the neighbouring Council land to the south west of the appeal site over and above the impact of the fallback position without the appeal plant and machinery in place, having regard to the fact that the pre-existing noise sources included mobile crusher, mobile trommel screen, hydraulic pecker, excavator and HGV movements. ▪ The Local Authority's Pollution Control Team were consulted during the lifetime of

Matters not in dispute in relation to technical matters	Comments
	the planning application and raised no objection to the appeal proposal on grounds of harm to amenity by way of noise disturbance.
Flood Risk	It is agreed that there are no Reasons for Refusal based on matters of flood risk and the Environment Agency raises no objection to the appeal proposal.
Drainage	It is agreed that there are no Reasons for Refusal based on matters of drainage and that the Lead Local Flood Authority raises no objection to the appeal proposal.
Tree Survey with Impact Assessment	It is agreed that there are no Reasons for Refusal based on the effect of the appeal proposal on trees or other landscaping features and the Local Authority's tree officer raises no objection to the appeal proposal.
Biodiversity	It is agreed that there are no Reasons for Refusal based on the effect of the appeal proposal on levels of biodiversity within or adjacent to the appeal site and the Local Authority's Ecology Team has raised no objections to the appeal proposal.
Highways	It is agreed that there are no Reasons for Refusal based on the effect of the appeal proposal on highway safety, and the Highway Authority has raised not objections to the appeal proposal.

13 MATTERS IN DISPUTE

13.1.1 Table 8 sets out the matters on which the parties are in dispute.

Table 8 – Matters in Dispute

Matters in dispute	Comments
<p>Nature and extent of the existing lawful use as a fallback position</p>	<p>In its assessment of the appeal proposal the Local Authority refers to planning permission reference: B/01/0635 to assess the appeal proposals against what it refers to as the authorised use. The parties do not agree that the lawful use of the appeal site is defined by permission reference: B/01/0635, and the parties do not agree that the existing lawful use is confined to the area of the appeal site.</p> <p>The Appellant considers that the lawful use is as a waste recycling and storage use extending to the Appellant’s wider site, and the Appellant considers that it is the case that irrespective of whether planning permission for the appeal proposal is granted, the Appellant is entitled to continue operating their lawful waste recycling and storage use from the wider site.</p>
<p>The appeal site’s contribution towards sustainable development and the objectives of the Development Plan including as they relate to waste recycling and treatment facilities in compliance with WCS1, WCS4 and WCS6</p>	<p>The parties do not agree on the weight to be given to the appeal proposal and the contribution it makes towards the sustainable development objectives of the Development Plan.</p> <p><u>The Appellant considers the respective weights and contributions towards sustainable development are as follows:</u></p> <ul style="list-style-type: none"> ▪ The provision of and investment in waste recycling and treatment facilities within the South Yorkshire Region so as to reach the target of ensuring that over 90% of waste is diverted away from landfill – a matter which carries substantial weight

	<ul style="list-style-type: none"> ▪ Making the best use of brownfield land to optimise its use – which carries substantial weight ▪ The use of innovative, modern waste recycling technology allowing for more efficient, and more productive waste recycling, ensuring that the materials being recycled are restored to their maximum value ahead of being re-used – which carries substantial weight ▪ Providing an alternative supply of sand, gravel and aggregates to the local construction industry, including, as the delivery of MU3 gets underway, to development taking place within MU3 – which carries moderate weight (specifically because the delivery timeframe for MU3 is uncertain at present). <p><u>The Council considers the respective weights and contributions towards sustainable development are as follows:</u></p> <ul style="list-style-type: none"> ▪ <i>[Council to insert]</i>
<p>Delivery of MU3 on land within the Appellant’s ownership</p>	<p>The parties do not agree that, as stated by the Local Authority, the Appellant <i>has no intention of relocating his existing business to allow the site to be redeveloped for housing.</i></p> <p>The Appellant’s view is that it supports, in principle, the objectives of MU3; and that they are content to discuss the relocation of their business with a relevant developer to transfer ownership of the appeal site to a developer and relocate the existing operation at the appropriate time as part of the delivery of the MU3 development on its land subject to agreeing a reasonable timeline and recompense</p>

	aligned with a realistic programme for the delivery of the masterplan under MU3.
<p>The Appeal Proposal, Policy D1 and Paragraph 125 of the NPPF</p>	<p>The parties do not agree that the appeal proposal is development of a nature to which the provisions of Policy D1 and Paragraph 135 of the NPPF apply.</p> <p>The Wash Plant is a kit of parts, universal in its design, industrial in appearance. It is a type of equipment used in the process of aggregate waste recycling. It cannot be described as ‘architecture’, nor is it a ‘building’.</p>
<p>The Appeal Proposal and Policy GD1</p>	<p>The parties do not agree that the appeal proposal is contrary to the provisions of Policy GD1 (see Table 9)</p>
<p>Landscape and Visual Impact Assessment (LVIA)</p>	<p>The parties disagree on the matter of the findings of the LVIA.</p> <p>In its assessment of it the Local Authority concludes that the LVIA confirms the visual impacts of the appeal proposal within 300m of the appeal site are <i>significant</i>.</p> <p>The Appellant’s view is that the Local Authority’s conclusion is inaccurate, since the term ‘significant’ is not a term defined for use within the LVIA and that the effect of the Local Authority’s misunderstanding is to have misrepresented the findings of the LVIA.</p> <p>Pointing to the LVIA, the Appellant’s view is that the term ordinarily used when assessing visual effects is ‘notable’.</p> <p>As evidenced within the LVIA, none of the visual effects of the appeal proposal in representative views are any greater</p>

	<p>than Slight -Moderate adverse and are below the threshold of being notable or 'significant'.</p>
<p>Benefits</p>	<p>The parties do not agree on the benefits and weights to be given to the appeal proposal.</p> <p><u>The Appellant considers the benefits and associated weights to be given are as follows:</u></p> <ul style="list-style-type: none"> ▪ Investment in and making best use of an existing waste recycling facility, in a sustainable location, which is of substantial weight ▪ Sustainable recycling of construction waste for re-use that would otherwise be sent to landfill, which is of substantial weight ▪ Investment in and making best use of brownfield land to optimise its use, increasing the efficiency of its waste recycling function, bringing operations up to the best technical standards, which is of substantial weight ▪ Investment in innovative waste recycling technology <ul style="list-style-type: none"> - The aggregate washing plant uses the latest technology to ensure the production of high-quality sands and aggregates (incorporating a purification and filtration system) while limiting water consumption. The technology enables the Appellant to produce high quality, commercially attractive products, often from previously rejected or underused resources (e.g. overburden and demolition waste), which is of considerable weight ▪ Providing an alternative local source of sand, gravel and aggregates for the construction industry local to the appeal site, including the better product produced from the waste recycling facility with the appeal plant and machinery in place, which is of considerable weight

	<ul style="list-style-type: none"> ▪ Contributing to the borough’s intention of incorporating more sustainable building materials and practices within its construction and development sectors, which is of moderate weight ▪ The appeal plant and equipment enables the Appellant to assist various authorities in the region who are committed to the zero waste to landfill philosophy, which is of moderate weight ▪ Investment in an existing employment use, of moderate weight ▪ Direct and indirect economic benefits from the company and its employees, (including through taxation) within the local economy, which carries limited weight <p><u>The Council considers the benefits and associated weights to be given are as follows:</u></p> <ul style="list-style-type: none"> ▪ <i>[Council to insert]</i>
<p>Compliance with development plan</p>	<p>The parties disagree whether the appeal is in accordance with the development plan: S38(6).</p> <p>The Appellant considers the appeal proposal to accord with the development plan as a whole: S38(6).</p> <p>The Local Authority considers it is not.</p>
<p>Other material considerations</p>	<p>Even if the Inspector concludes the appeal proposal is not in accordance with the development plan the parties disagree whether other material considerations justify the grant of planning permission.</p> <p>The Appellant considers the benefits and other material considerations justify the grant of planning permission in such circumstances.</p> <p>The Local Authority considers they do not.</p>

14 PLANNING CONDITIONS

- 14.1.1 It is expected that an agreed set of conditions will be provided to the Inspector prior to the commencement of the Hearing.

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