

<b>Application reference number</b>	2025/0908
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<b>Application Type</b>	Full planning permission.
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<b>Proposal Description:</b>	Re-engineering and Restoration of Yew Tree Quarry through the importation of non hazardous Excavated Soil Materials
<b>Location:</b>	Stairfoot Brickworks, Wombwell Lane, Stairfoot, Barnsley, S70 3NS

<b>Applicant</b>	Mr Simon Towers (Green Earth (Stairfoot)) Ltd.
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<b>Number of Third Party Reps</b>	Two	<b>Parish:</b>	n/a
		<b>Ward:</b>	Stairfoot

## SUMMARY

The proposal seeks full planning permission with a description of 're-engineering and restoration of Yew Tree Quarry through the importation of non-hazardous excavated soil materials'.

The site of the proposal is designated as Urban Fabric and as a site with planning permission for mineral extraction within the Local Plan (the allocation policy confirms that planning permission at Yew Tree Quarry had expired and restoration begun).

The submission remains ambiguous as to whether the proposal is further restoration of a previously restored mineral extraction site; or whether it is a proposal for the landfill of waste. It also lacks details of the source of the material to be used to fill the restored quarry, in circumstances where Council evidence indicates that there is not an excess of inert excavated soil materials available in the Borough or in South Yorkshire.

The report demonstrates that the lack of information submitted in support of the application results in a lack of certainty that the proposal would not cause an unacceptable level of harm to the highway network, users of the TPT and to trees on and off the site. Further lack of information relating to biodiversity means that the full impacts on biodiversity and the weight which can be given to the biodiversity benefits of the scheme cannot be determined. It is concluded that the proposal conflicts with the development plan as a whole and that the proposal is not considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024). The report demonstrates that the harm generated by the proposal is not outweighed by the benefits or other material planning considerations.

Recommendation: **REFUSE Planning Permission**

# Proposed restoration plan

Native species woodland

Neutral grassland

Native species scrub



Proposed native species hedgerow on north east and south west boundaries

Existing woodland retained (Existing TPO)

## Introduction

The application proposes the re-engineering and restoration of Yew Tree Quarry through the importation of non hazardous excavated soil materials. The application makes the case that this will deliver biodiversity benefits and public access and remove health and safety risk associated with the large water body in the quarry. A proposed restoration scheme includes neutral grassland, woodland and scrub planting.

The imported materials are referred to as non-degradable and excavated non-hazardous soils from development sites in the local area' and as including 'construction, demolition and excavation material' and 'building reject material' in the submission. The applicant's agent has clarified that references to the use of residual construction, demolition and excavation material is only intended to refer to the category of waste and that the proposed fill will include only soils excavated from development sites. The restoration is proposed to result in finished ground levels to a maximum of approximately 66 AOD with an indicative proposed restoration scheme comprising neutral grassland to the majority of the site with native species woodland planted along the route of the haul road, and native woodland and native scrub to the southeast adjacent to the TPO woodland.

The site of the proposal is designated as Urban Fabric and as a site with planning permission for mineral extraction within the Local Plan

The application has been amended to clarify that the applicant does not own the means of access and has served notice on the owners of the access and much of the access route (up until the point access crosses the Trans Pennine Trail (TPT)) which is a public bridleway and public right of way No. 324.

The application proposes the diversion of two public rights of way. The proposal also affects the TPT which the means of access crosses. The proposal includes a delivery management plan which seeks to address the means of managing the potential conflict between lorries arriving/leaving the site and users of the TPT with a scheme of gates to be controlled by a banksman.

The application form indicates that there would be four full time employees as a result of the proposal.

Hours of operation are proposed to be 07:00 to 17:00 Monday to Friday and 08:00 to 13:00 Saturday and not at all on Sunday or Bank Holidays. Deliveries to site would be restricted to Monday to Friday. The use on Saturdays would be limited to restoration and maintenance works within the site. It is indicated that these activities on a Saturday would be infrequent.

The application site is 5.05ha, comprising the 4.7ha former quarry and the means of access. The proposal would involve importing 400,000 m<sup>3</sup> of 'non-hazardous excavated material and soil' and average of 80 HGVs a day (160 movements) (and a maximum of 100 HGV deliveries a day, giving 200 movements a day) over a period of 111 weeks (i.e. 2 years and 7 weeks) to infill the existing quarry on a phased basis.

The proposal includes the construction of a new temporary site compound which would include a wheel wash, parking and welfare facilities and would be required to be given an impermeable surface.

The existing arrangements for controlling the level of water within the void include pumping. It is proposed that similar measures will be used to dewater the void prior to importation of material.

Proposed restoration is to neutral grassland in the majority of the site with native shrub and woodland planting to the southeast of the site adjacent to the TPO woodland and native woodland planting to northwest corner and haul road.

The application has been subject to a pre application enquiry and to an EIA scoping and screening enquiry. The former related to a larger area (including Northern Quarry not included in this proposal).

The application is subject to EIA because it is Schedule 2 development constituting 'installations for the disposal of waste' and is supported by an Environmental Statement.

The Environmental Statement is required to provide a description of the reasonable alternatives studied by the developer and an indication of the main reasons for selecting the chosen option. It sets out that the proposal has evolved since pre-application stage when the proposal related to both Yew Tree and North Quarries. Following discussions with the local community and on receipt of pre-application advice, the restoration of North Quarry was removed from the proposal. However, no other reasonable alternatives are considered in the Environmental Statement. This is in spite of pre-application advice which recommended that consideration be given to other less intrusive methods to meeting the objectives of making the site safe, improving biodiversity and controlling public access, including minimal intervention or low level restoration. In addition, Biodiversity advice on the planning application includes that consideration should be given to re-instating a pond on site given the likely use of the existing waterbody as a feeding habitat by grass snake and bats.

Some of the recently received amended ecology documents refer to an intention to re-instate a pond on the site but otherwise no details are provided, nor an amended plan showing the siting/size/depth of the pond.

## **Site Description**

The application site is given as 5.05 hectares. Yew Tree Quarry is one of a number of former clay pits which provided material for the manufacturing of bricks on land to the south of the application site. Yew Tree Quarry is a roughly triangular shape and is steeply sided and poorly vegetated on the lower slopes, though young trees and shrubs appear to be regenerating at the upper levels on top of bedrock where thin soils remain. It has a sloping floor dipping to the south-east with water in the lowest areas at the time of the application site visit. Insubstantial post and wire fencing was evident at the western end of the quarry.

Access to the quarry would be from A633 Wombwell Lane – a classified road with a 40mph speed limit - via an existing access to the former brickworks site. From there the old haul routes would be followed west through the former brickworks site and then north crossing the Trans Pennine Trail (TPT). The haul road between Wombwell Lane and the TPT is largely following roughly surfaced ground but once it crosses the TPT it is on land that is largely grass, doesn't appear to have any hard surfacing at all and is significantly overgrown with overhanging trees. The applicant's agent has advised that hardcore will be used to surface internal haul roads.

The Geology, Hydrology and Ground Conditions report in the Environmental Statement indicates that the quarry was infilled with soils and similar non-degradable materials, the exact depth of restoration fill not having been established but it is estimated from aerial imagery that depths of material are in excess of 5 metres. The report considers that the sidewalls of the quarry are likely to comprise outcrops of interbedded shales, mudstones and sandstone, with the quarry base likely to have been extracted to the Marine Band (i.e. shale) and that it is the restoration fill that is likely to restrict infiltration and result in the extent of water standing in the quarry.

The nearest houses are to the north east of the application site on St Pauls Parade where the rear elevations of the houses are typically within 18-22 metres of the boundary of the application site. As extended, some of the houses are within 14 metres of the boundary.

Trees protected by Tree Preservation Order 7/1973 lie on the eastern boundary of the site. The site also lies within the Dearne Valley Green Heart Nature Improvement Area(NIA)

### Relevant Site History

Application Reference	Application description	Status
B/92/0160/BA	Registration of interim development order permission. Winning and Working of minerals	(historic application)
B/93/0247/BA	Determination of Conditions on an Interim Development Order Permission – Winning of Minerals	Approved 25th November 1993
2007/1069	Variation of condition 1 of planning consent B/03/0247bA to extend extraction and restoration period (Subsequently an illustrative restoration plan was submitted but there is no evidence that an application to discharge the restoration condition has been submitted).	Approved with conditions
2024/0373	Erection of building for glass recycling; storage bays; office building, canteen and mess, alterations to existing vehicular access and new gatehouse; creation of new pedestrian/cycle access; weighbridges and associated works including landscaping	Granted 27 Nov 2024. (relates only to the access and part of the access road to the quarry)

### Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making.

The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

### Local Plan

The site is identified as Urban Fabric and as a site with planning permission for mineral extraction within the Local Plan and as such the following policies are considered to be relevant to this application:

**MIN3 – Stairfoot Quarry, Hanson Brick, Stairfoot Quarry, Wombwell Lane, Stairfoot** (the policy confirms that planning permission at Yew Tree Quarry had expired and restoration begun).

**Policy SD1 Presumption in favour of Sustainable Development** – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

**Policy GD1 General Development** - sets a range of criteria to be applied to all proposals for development including the requirement that there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents; that the development is compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land; that the development will not adversely affect the potential development of a wider area of land which could otherwise be available for development; and that they include landscaping to provide a high quality setting for buildings and appropriately reflect, protect and improve the character of the local landscape.

**Policy T3 New development and Sustainable Travel** – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking, provision of transport statements and of travel plans.

**Policy T4 New development and Transport Safety** – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

**Policy T5 Reducing the Impact of Road Travel** – we will reduce the impact of road travel by developing and implementing air quality action plans; working to improve the efficiency of vehicles and goods delivery and implementing measures to ensure the current road system is used efficiently.

**Policy D1 High Quality Design and Place Making** – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

**Policy GS2 Green Ways and Public Rights of Way** – We will protect Green Ways and Public Rights of Way from development that may affect their character or function.

**Policy BIO1 Biodiversity and Geodiversity** - Indicates that development will be expected to conserve and enhance the biodiversity and geodiversity features of the borough and that harmful development will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

**MIN1 Minerals** – Proposals for the recovery of material from mineral waste tips and land reclamation schemes (which may include the recycling, blending, processing and substitute and secondary materials), will generally be supported in appropriate locations as part of mineral extraction/reclamation schemes; and all mineral proposals should result in a net increase in biodiversity and/or geodiversity interests.

**Policy CL1 Contaminated and Unstable Land** – requires the submission of a report where future users or occupiers of development would be affected by contamination or stability issues, to establish the extent of the issues and set out measures to remove, treat or protect from contamination; or address land stability issues.

**Policy Poll1 Pollution Control and Protection** – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

**Policy AQ1 – Development in Air Quality Management Areas** – sets criteria for development which is sensitive to or could cause air pollution in areas sensitive to air pollution.

#### Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted 2012)

Sets out the overall approach to managing waste across the three Council areas and reflects the waste hierarchy which prioritises waste prevention, and then re-use and recycling before energy recovery and disposal.

**Policy WCS1: Barnsley’s Overall Strategy for Achieving Sustainable Waste Management** – provision will be made to maintain, improve and expand the network of waste management facilities through Barnsley to achieve sustainable waste management across all waste streams. No capacity gaps are identified for construction, demolition and excavation waste and therefore specific sites are not allocated. Proposals for additional landfill capacity must demonstrate why it is required.

**Policy WCS4 Waste Management Proposals on Non Allocated sites** – establishes criteria to be considered when determining such applications – including that development does not significantly adversely affect the character or amenity of the surrounding area; will contribute towards the aims of sustainable waste management in line with the waste hierarchy; and prioritises the reuse of vacant or underused brownfield land.

**Policy WCS6 General Considerations for all Waste Management Proposals** – sets out the tests against which any proposal for waste management will be assessed including in relation to supporting the vision, aims and overall strategy of the Joint Waste Plan; access; design; amenity; ecology and pollution.

#### Adopted Supplementary Planning Documents relevant to this application:

Trees and hedgerows  
Biodiversity and Geodiversity  
Parking

#### NPPF

The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. NPPF policy of relevance to this application includes:

Paragraph 85 - 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.

Para 105 – planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Paragraph 116 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

Para 124 – planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Para 135 – planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history including the surrounding built environment and landscape setting.

Para 136 - planning decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.

**National Planning Policy for Waste** sets out the government's ambition to work towards a more sustainable and efficient approach to resource use and management.

- Seeks to drive waste management up the waste hierarchy (where disposal is at the bottom of the hierarchy); and requires local planning authorities to identify waste sources requiring different types of management and of more than local significance; and consider the extent to which existing facilities satisfy any identified need.
- Waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. Waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.
- Applications should be considered against a range of environmental and amenity criteria.
- Land raising or landfill sites should be restored to beneficial after uses and to high environmental standards.

### **Relevant Consultations:**

**Biodiversity-** Initial comments recommend defer for further information

- In response to reconsultation on the submission of revised ecology documents, recommended defer for further information. It does not appear that the BNG assessment and metric have been revised, updated surveys are still required and there are inconsistencies between the different ecology documents.

**Highways DC** – Initial recommend defer for further information.

- In response to reconsultation on the submission of revised documents, objected and recommended defer for further information.

**Drainage** – no objection subject to conditions.

**Yorkshire Water** – no objections but note the sewer which crosses the site.

**Pollution control** – no objection subject to conditions

**Contaminated Land Officer** – no objection

**Air Quality Officer** – no objections subject to condition to require the development to be implemented in accordance with the recommendation in the submitted Air Quality Assessment.

**Forestry Officer** – recommends defer for further information

- In response to reconsultation on the submission of revised documents, recommended defer for further information as the previous request for information has not been responded to. Information was requested to deal with the impacts on retained trees and detailed survey works to allow the retention and removals along the access route to be properly quantified. The lack of detail means we do not know how many trees it is proposed to remove nor if any trees or particular merit or value are to be felled. Nor do we know how those trees both on and off the site on the edge of any proposed works which are shown to be retained would be impacted by the proposal, including trees protected by TPO 7/1973.

**Environment Agency** – no objections subject to condition and informative

**Natural England** – offer enhancement advice for the restoration plan design.

**Public Rights of Way** – objects, recommends defer for further information and recommends conditions and informative.

- In response to consultation on the submission of revised documents, continues to express concerns:
  - o The application advises of control but not ownership of the route of the proposed diversion.
  - o There is a lot being left to (an as yet) unconfirmed contractor running the project.
  - o No reference to clearing mud off the TPT crossing.
  - o Gate design needs to be safe for horses.
  - o No references to signage and space for TPT users to wait up to 5 minutes with horses that might be disturbed by lorry noise.
  - o The extent of the closure
  - o Hedge management

**Trans Pennine Trail and the Walk Wheel Cycle Trust** – objects

- In response to reconsultation on the submission of revised documents, confirm no objections to the development itself but:
  - o advises areas where further information/assurance is required,
  - o express concern that peak periods of TPT use will not be avoided,
  - o request further surveys of TPT usage
  - o seek assurance that the TPT won't be closed for more than 3 x 5 minute waits in any one hour
  - o seek amendments to the gate opening sequence in the interests of TPT user safety.

**Mining Remediation Authority (formerly The Coal Authority)** – no objection subject to standard informative.

**South Yorkshire Mining Advisory Service** – No objection subject to MRA standing advice.

**Ward Councillors** – no comments received.

### **Representations**

Neighbour notification letters were sent to 39 surrounding properties, a site notice was placed nearby and a press notice placed in a local newspaper.

Two representations were received from local residents raising the following material planning issues:

- Request for assurances that environmental controls and vibration monitoring throughout any restoration works will be carried out on a daily basis.
- The lack of security on the site currently raises questions of how considerate the current land owners will be when work commences.
- On site tree canopies are overgrown onto neighbours' property and there is no maintenance of the site currently carried out.
- Object unless a fence is placed to protect neighbours from unwanted intrusion.
- Object subject to a guarantee that no homes or businesses will be built behind neighbouring houses.

In addition, an objection was received from the British Horse Society raising the following material planning issues:

- The proposal will affect the amenity and safety of users of the Public Bridleway Barnsley 426 which joins Wombwell Lane at the West of this site.
- Seek clarification as to how the safety of horse riders has been considered and that HGV drivers are made aware of the horse riders accessing the TPT and trained in how to pass horses safely.
- Any gates used must comply to British Standard 5709:2018
- Request a consultation on any surface material to be used, noting that Tarmac is not one a BHS recommended surface.

### **Assessment**

The main issues for consideration are as follows:

- The acceptability of the proposed development
- The impact on the highway network and highways standards
- The impact of the development on public rights of way
- The impact on the ecology of the site
- The impact on the existing trees
- The impact on neighbouring residential properties and nearby recreation receptors
- The impact on the visual amenity of the area
- The impact on air quality
- The impact on heritage
- The impact of contamination
- Flooding and Drainage issues
- Other

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

### Principle of development

In general terms, a quarry needs restoration primarily to mitigate the severe environmental, safety and visual damage caused by the extraction of raw materials. Planning history shows that the quarry was restored, with an informal restoration scheme plan submitted following the 2007 permission, but without a formal discharge of the restoration condition having been submitted for approval. The informal restoration scheme shows the area of Yew Tree Quarry left with steep excavated slopes and base to be left to naturally regenerate and the area of land between the quarry and the houses on St Paul's Parade showing as existing woodland to be retained.

It is accepted that a previously restored quarry can be restored again, to update the site for new uses, improve biodiversity or fix failed, older reclamation efforts. The proposal does reflect the failure of the current and previous landowners to manage water levels on the site which, together with the failure to secure and maintain boundary treatment, means that the site is accessible and there is some risk of anti-social behaviour including littering and of harm to the public by access to the water although no recent evidence has been provided. The responsibility for the safety of disused quarries lies with the owner under the Quarries Regulations 1999, rather than under planning legislation.

The applicant has been invited at pre-application enquiry to submit evidence that alternatives to landfill have been explored and why minimal intervention/low level restoration is not proposed; and to identify what other alternatives to restoring the quarry have been investigated (such as securing the boundaries and managing water levels) and justify why these have been disregarded for this intrusive proposal which will have significant impacts. The applicant was also requested to demonstrate why the fill material can't be used other than for landfill and to what degree the proposal accords with the waste hierarchy.

Under the Environmental Impact Assessment Regulations 1997, an Environmental Statement(EA) is required to provide a description of the reasonable alternatives studied by the developer, and an indication of the main reasons for selecting the chosen option as suggested above. The EA sets out that the proposal has evolved since pre-application stage when the proposal related to both Yew Tree and North Quarries. Following discussions with the local community and on receipt of pre-application advice, the restoration of North Quarry was omitted from the proposal. However, no other reasonable alternatives are considered within the Environmental Statement. This is in spite of pre-application advice which recommended that consideration be given to other less intrusive methods to meeting the objectives of making the site safe, improving biodiversity and controlling public access, including minimal intervention or low level restoration.

The use of inert waste and its diversion from landfill is consistent with the waste hierarchy and national policy. However, as the pre-application enquiry response noted, the Joint Waste Plan records no need for additional landfill capacity – which suggests that the material would not be local and conflicts with modern waste policy and the proximity principle; and advises that the application should be clear on the source of the material to be used.

The submission indicates in the Delivery Management Plan that imported material would be sourced on a 'campaign basis' and would therefore be variable and determined by the market and the availability of material. 'Campaign basis' is clarified in the submitted Planning Statement as meaning 'sites from where material would be sourced across the entirety of the operation will not be placed under contract ahead of commencement of work, rather major projects will come forward across the 111-week construction period within close enough proximity to the site for which contracts will be sought on a case-by-case basis. Whilst one or two construction sites are active, all materials to the application site will be received from that site'. This explanation lacks clarity on the source of materials. The planning statement further refers to the use of excavated materials being sourced 'typically within 30 miles of the site' and that 'It is unlikely to be economically viable to import material to the site from beyond this distance due to the cost of haulage' and that 'the proposal will divert material that would otherwise be sent to landfill'.

As already remediated, it is not considered that the quarry needs further restoration to mitigate any severe environmental or visual damage as the site does not present either of these issues to any significant extent. There is clearly outstanding safety damage caused by the failure of the current and previous owners to manage water levels of the site and to secure and maintain boundary treatment resulting in the risk of harm to the public by access to the water. However, the submission fails to consider the reasonable alternative of securing effective management of water levels and effective boundary treatment which would satisfy the Quarries Regulations. The following assessment demonstrates that the extent to which biodiversity will be improved is uncertain because of the lack of, and inconsistent, information provided across several reports. Further, there are concerns that the proposals to source material on a 'campaign basis' does not give any assurance that material will be sourced within the proposed 111-week construction period from within a reasonably local area.

The Joint Waste Plan (2012) sets out the approach to managing waste across Barnsley Doncaster and Rotherham until 2027. Together with Sheffield, a South Yorkshire Waste Needs Assessment (2021-2041) has been published and contains information to be considered alongside the Joint Waste Plan when considering a waste planning application. Jointly, the Waste Planning Authorities of South Yorkshire produce 1.319 Mt of construction, demolition and excavation waste per annum. Forecasts indicate that total waste arisings could increase from just under 3 million tonnes per annum to just over 3.5 million tonnes per annum by 2041. Non-hazardous waste produced in South Yorkshire is currently managed via a range of management methods, achieving a total recovery rate of around 93%. Inert landfill was less than 1%. While around a third of total waste arisings were exported to other Waste Planning Authorities, the South Yorkshire waste management authorities receive a significant amount of waste imported from other Waste Planning Authorities; around three times that exported, meaning that South Yorkshire Waste Planning Authorities are a net importer of waste. Predicted inert recovery waste management capacity needs for 2026 are given as 512,000 tonnes for the South Yorkshire Area but there is no capacity gap for non-hazardous waste disposal to landfill predicted before 2036. This is because available data indicates that within South Yorkshire, inert waste is recovered for deposit to land for beneficial purposes such as restoration of mineral extraction sites with extant planning permission; and will be required for engineering and restoration of non-hazardous landfill sites, further reducing inert recovery capacity gaps.

Accordingly, whether or not the proposal constitutes further restoration for environmental improvement, or a landfill operation, it is concluded that the principle of development is not acceptable, conflicts with policies WCS1, WCS4 and WCS6 of the Joint Waste Plan. In addition, the failure of the submitted Environmental Statement to consider reasonable

alternatives set out in pre-application advice is considered to be a fundamental failing of the submission. Significant weight against the proposal attaches to this material consideration.

### Highway Safety

The application proposes to use an existing access to the former Stairfoot Brickworks site. A recent application for a glass recycling building for Potters-Ballotini Ltd at the Brickworks proposed alterations to the existing vehicular access and was granted November 2024 but has not been implemented. The permission was subject to conditions to secure upgrade/widening to better facilitate HGV access and provide a pedestrian refuge island and appropriate visibility splays. The submitted scheme treats these improvements to the access as a 'baseline'.

The applicant's agent has advised that the glass recycling building applicants are working through the conditions at present though no evidence has been provided to support this statement, and no applications to discharge any conditions have yet been received.

Planning practice guidance advises that a Grampian condition can require works on land not controlled by the applicant by prohibiting development until a specified action has been taken; and that such conditions should not be used where there are no prospects at all of the action being performed within the time-limit imposed by the permission. If the scheme were otherwise acceptable, a Grampian condition could be imposed to prevent any development in connection with this application until the access improvements approved under 2024/0373 have been implemented.

The traffic and transportation chapter of the submitted Environmental Statement concludes that the impact of trips generated during the restoration of Stairfoot Quarry (assessed against anticipated future road conditions) would not result in residual effects that are considered to be significant. This reflects NPPF policy at paragraph 116 which indicates that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. A Delivery Management Plan is recommended as mitigation to safely manage the interaction between the site access and the PROW network. In addition, an amended plan has been submitted indicating the provision of parking for contractors, a container for welfare purposes, a bunded diesel storage tank and a wheel wash.

Initial comments from Highways DC noted that the proposal would add significant daily traffic to an already busy arterial route. Surveys from 2023 indicate average two-way flows exceeding 1,400 vehicles per hour during the AM peak. The submitted Transport Assessment estimates two HGV movements every 7-8 minutes during peak hours, resulting in over 100 two-way trips per day. Appendix E of the Transport Assessment (TA) shows movements for committed developments, but does not present a scenario combining base flows, committed developments and development traffic. It was recommended that this scenario be included for completeness, but the TA has not been updated. In addition, it was recommended that a Delivery Management Plan (DMP) and Construction Management Plan (CMP) were fundamental to determination of the application and should be submitted (rather than required by condition). The applicant has submitted a DMP and some of the information that would have been included in the CMP is included in an amended site access arrangements plan and other documentation. However, the recommendation that the delivery hours which should avoid peak hours has not been submitted.

The consultation response from Highways DC on the revised information objects and recommends that the application is deferred for further information, reflecting concerns that relate predominantly to the scale and management of arrivals and departures associated

with the restoration works. The submitted delivery management plan indicates that platoons of 5 or 6 HGVs could arrive at the site at the same time, with the potential for up to 11 vehicles to arrive at the same time. It is also queried whether sufficient consideration has been given to the combined vehicle movements arising from both the permitted glass recycling development (which allowed 146 trips to/from the site spread throughout the day) and the which would be generated by this application proposal. A cumulative impact analysis has not been forthcoming.

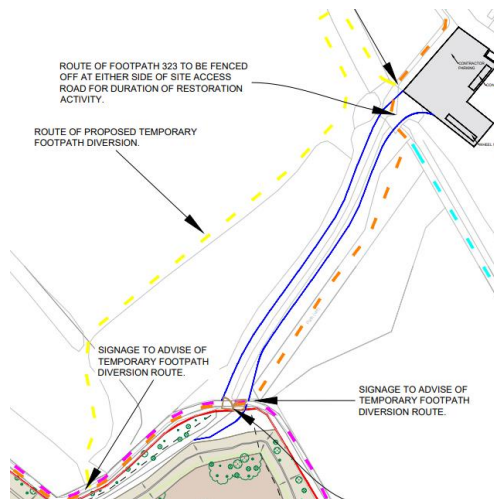
The glass recycling development granted by 2024/0373 includes a gated access with the gates set back to accommodate a single waiting HGV only so any additional vehicles arriving at the same time would be required to wait on the public highway which would be likely to result in disruption to the free flow of traffic on what is a sensitive and heavily trafficked section of the local road network.

Accordingly, it is concluded that the submitted information fails to demonstrate that proposed delivery and access arrangements can be managed without giving rise to potential highway safety or operational issues. The proposal conflicts with national policy at paragraph 116 of the NPPF and Local Plan policy T4 relating to highway safety and significant weight against the proposal is given to this material consideration.

### Public Rights of Way

The application includes the route of the proposed temporary diversion of the existing public right of way footpath 323 onto land which is in the applicant's ownership; and of footpath 324 onto the Trans Pennine Trail (TPT) which is also a bridleway.

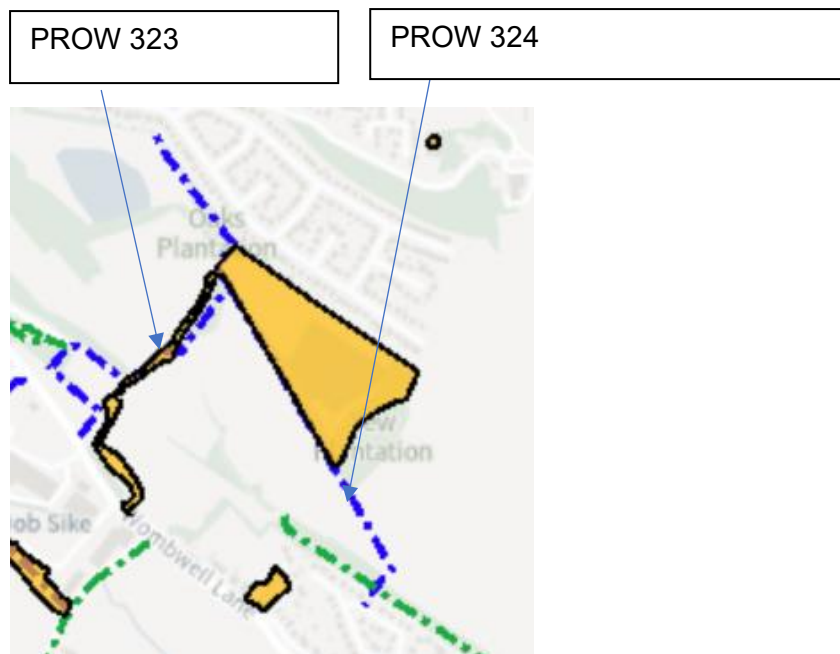
Proposed PROW 323 diversion plan



Amended ownership plan



Plan showing application site (yellow) and PROW (blue)



Plan showing the TPT (yellow) and the application site (red)



While the principle of the temporary closure/diversion of public rights of way for the duration of the planning permission (111 weeks) may be acceptable, the diversion of the TPT is not acceptable because of the range of users and the lack of a suitable alternative route. As an alternative to diversion of the TPT, it is proposed that two sets of double gates are to be sited such that they can either close the TPT or close the site access. A Delivery Management Plan proposes that a banksman will control the gates such that they will alternately close the route to/from the quarry and the route of the TPT. The banksman will be deployed at the crossing at all times during operational hours and will prioritise TPT users in order to reduce the amount of time that TPT users will be held behind closed gates. Bearing in mind users have been recorded at levels of up to 60 per hour in the summer, but outside of school holiday periods when usage may be higher, this amounts to near continuous use during the busiest periods. Since lorry movements are expected to amount to, on average, 80 a day with a maximum of 100 a day (and 11 deliveries an hour, or on average 22 two-way vehicle movements during busiest periods of restoration activity), it is expected that there will be occasions when vehicles have to be held back for some time. It is estimated that 11

vehicles can be held back in either direction, but that they would then require 5-6 minutes to cross the TPT.

The Delivery Management Plan also indicates that deliveries would be managed such that typically, around 5-6 vehicles would be kept waiting in either direction, while TPT users are prioritised. This number of vehicles would require the managed crossing to be closed to TPT users up to 3 times per hour for up to 5 minutes at a time, or up to 15 minutes in every hour.

Concerns have been expressed in the Trans Pennine Trail and Walk Wheel Cycle Trust joint response that the proposal does not explicitly limit the number of HGV movements or the extent of the disruption to users; does not avoid TPT peak times and lacks sufficient evidence to of the extent of users at busier times of the year (particularly the summer months). Further advice is given on the need for information/warning signs for TPT users and on the design of the proposed gates and the need for amendments to the proposed gate opening sequence which currently shows the HGV gate being opened before the TPT gate is closed, leading the risk of collision. Some of these concerns are echoed in the PROW comments on the revised documents.

A number of the issues raised can be dealt with by conditions - to require an amended Delivery Management Plan; to require details of the location and content of signage; and to require details of the proposed gates. However, several of the issues need to be addressed fully before the application can be properly considered. In particular, the lack of a comprehensive survey of TPT usage during the busier times of the year, to inform consideration of whether HGVs should avoid TPT peak times, cannot be deferred to a condition.

Accordingly, it is concluded that the proposal has failed to provide sufficient information to demonstrate that it will not cause undue inconvenience and safety risks to users of the TPT arising from the extent of closures, particularly at peak periods of TPT. As such, the proposal is contrary to Local Plan Policy GS2 and NPPF paragraph 105 and significant weight against the proposal is given to this material consideration.

#### Impact on Geodiversity and Biodiversity

The application is supported by a number of ecology surveys and including the ecology chapter of the submitted Environmental Statement. The proposal acknowledges that the proposal will result in significant impacts including

- Direct felling of broadleaved woodland
- Direct loss of a priority pond
- Potential destruction of active birds' nests through scheduled vegetation clearance
- Potential for direct killing/injuring grass snake through vehicle movements and fragmentation of suitable habitat.

The proposal goes on to state that the applicant has committed to mitigation and enhancement measures to reduce identified impacts including:

- Production of an Environmental Management Plan specifically relating to ecological features to safeguard habitats and species during works
- Creation of new habitats to support reptiles and other fauna
- Enhancement of an off-site priority pond to compensate for the loss of pond habitat on site
- Inclusion of educational signage specifically providing details on ponds and reptiles.

Advice from the Council's Ecologist is that there are a number of deficiencies in the submission:

- a preliminary ecological appraisal and great crested newt report referred to in the ecology chapter of the EIA have not been submitted.
- the species surveys submitted with the application were carried out in 2023 and are out of date (CIEEM advises that once such survey data is over 18 months old, an ecologist will need to visit the site and update desk study information; and once it is over three years old it is invalid)
- The Bat report is not clear about whether buildings and trees with bat potential are within the proposed development site or within the blue line boundary
- The Breeding Bird Survey Report is not clear about whether records of skylark were within the proposed development site or within the blue line boundary
- The Reptile Survey Report notes that grass snake were recorded in close proximity to the proposals site, and it is assumed that the species utilises the site and the existing pond. The restoration does not recreate a pond, but this should be considered as the pond is likely to offer key feeding habitat for grass snake and bat
- The Biodiversity Net Gain Assessment does not properly record the habitats on the site, and this should be corrected.
- Other issues can be covered by conditions including a Construction Environmental Management Plan

A partial response has been received from the applicant with the submission of a Preliminary Ecological Appraisal (PEA) and updated reports relating to bats, breeding birds and reptiles. However, there are a number of concerns with the PEA; and comments relating to the Biodiversity Net Gain assessment and biodiversity metric have not been addressed. In particular, it does not appear that an updated data request has been carried out with the local record centre. An updated eDNA survey should be carried out as the pond will be lost and the submitted survey which was undertaken in 2023 will not be valid after May 2026 (and indeed updated surveys will be required for any survey that is more than 3 years old). The PEA variously describes the proposed access track as other neutral grassland (ONG) and (the lower distinctiveness habitat) modified grassland, the biodiversity metric hasn't been updated to include ONG within the baseline tab. Open Mosaic Habitat (OMH) is known to occur to the south of the site where the access is proposed, section 4 of the PEA notes this but it is not mapped in the baseline habitat map or input into the baseline habitat tab of the metric. The PEA acknowledges that the pond is likely to represent a priority habitat, but the metric has not been updated to include this within the baseline tab.

Previously expressed concerns in relation to the bat report have been addressed. While it would have been helpful to have confirmation that lighting will be removed after re-engineering works are completed, issues related to precautionary working methods, lighting and bat box installation can be addressed by way of conditions.

The Biodiversity Net Gain (BNG) assessment is not consistent with the submitted PEA meaning that the overall net change indicated is not accurate and underplays the baseline value of the habitats. Furthermore, the post-development map does not record the likely disturbance and loss of the habitats along the access route. The assessment fails to note that the site is located within the Dearne Valley Green Heart Nature Improvement Area where habitats within the baseline and post-development tab can be recorded as high. The BNG calculation indicates that there is a loss of an area of standing water on the site and no proposal for ponds on the site (meaning that the habitat trading rules have not been met) but the amended EIA sets out that a pond will be created on site. However, there are no plans of the proposed pond. The delay in creation/enhancement of habitats due to the approximate two year re-engineering period should be reflected in the metric where necessary. Justification of the claim that habitats to be created will achieve conditions of good is required

In the absence of a full response from the applicant, it is concluded that the lack of information does not allow a proper consideration of the biodiversity impacts on the site, nor does it demonstrate how it accords with the biodiversity hierarchy. The proposal therefore fails to comply with national and local biodiversity. While the proposal claims to meet and exceed the minimum statutory requirement of 10% net gain in biodiversity units, for which weight should be given in favour of the proposal, the inconsistent submission and lack of information reduces the weight that may be given to this environmental gain.

Accordingly, it is concluded that the proposal conflicts with NPPF para 193 or comply with the biodiversity hierarchy and conflicts with Local Plan Policy BIO1. Moderate weight against the proposal is given to this material consideration.

### Impact on Trees

The application is supported by an amended Arboricultural Impact Assessment (AIA) submitted in response to a request for additional information. However, the Forestry Officer has expressed concerns that the information requested has not been included in the amended AIA. It still does not deal with impacts on retained trees, neither has more detailed survey work been undertaken to allow the retention and removals along the access road to be properly quantified. The lack of detail means we do not know how many trees it is proposed to remove, nor if any trees of particular value or merit are to be felled to facilitate development. Likewise, we do not know how those trees both on and off site on the edge of the proposed works (including the access, the restoration site itself and the site/parking/cabin areas) which are proposed to be retained would be impacted by the proposals, including the trees protected by TPO 7/1973.

The level of information is inadequate in terms of the level of detail provided. The broad brush removals in the AIA are not fully quantified nor are the impacts on those trees which it is proposed to retain assessed in any meaningful and useful way including any proposed level changes. It is not possible to conclude how the works will impact on the trees or to what extent.

In the absence of a full response from the applicant, it is concluded that the lack of information does not allow a proper consideration of the impact of the development on the trees on and off the site including trees protected by a tree preservation order. The proposal therefore fails to comply with NPPF para 193 and conflicts with Local Plan Policy BIO1. Accordingly, moderate weight against the proposal is given to this material consideration.

### Residential and Recreational Amenity

The nearest residential properties are to the north east of the application site on St Pauls Parade where the rear elevations of the houses are typically within 18-22 metres of the boundary of the application site. As extended, some of the houses are within 14 metres of the boundary.

The application is supported by a site levels drawing which indicates the nearby residential dwellings are sited at 64 AOD. The restoration is proposed to have a maximum ground levels of 66.1 AOD. The proposal also includes a boundary fence proposed at between 2.1 and 2.4m height, in the interests of noise attenuation during the construction period. It is concluded that the physical relationship between the completed development and the nearby residential dwellings would be acceptable.

The submitted Traffic and Transportation chapter of the Environmental Statement confirms that restoration work would take place on site for 5.5 days a week, Monday to Saturday, but

that importation of restoration material would only occur on weekdays. In addition, while the restoration working hours would be 07:00 to 17:00 during weekdays, the movement of vehicles importing restoration materials will only occur between 07:30 and 16:30. There would be no activity on Sundays and Bank Holidays. The assumptions lead to the forecast of 80 HGV deliveries per weekday (160 two-way movements) which equates to 9 deliveries per hour or approximately 18 two-way HGV movements per hour. However, the ES also states that the restoration activity would have a maximum operation capacity of 100 HGV deliveries per day (equating to 200 two-way movements per day and 11 HGV deliveries per hour and 22 two-way movements.) In addition, it is expected there would be 5 staff based at the site to oversee restoration operations, which would equate to a maximum of a further 10 two way light vehicle trips per day. The ES anticipates that restoration material would largely be sourced from local construction and excavation projects and as such the distribution of development traffic is divided between north bound and south bound on Wombwell Lane, with a maximum flow change (over and above a baseline that takes into account committed developments nearby) of 1.3% in the AM peak period on the south bound Wombwell Lane. In absolute terms this is established as 2 HGV movements every 7-8 minutes on average to the north of the site and 2 HGV movements every 10 minutes to the south of the site. It is therefore submitted that the magnitude of impact on receptors would be negligible to low.

The ES therefore concludes that the proposal would not result in a significant impact on environmental conditions over the local transport network and this conclusion is accepted.

The submitted Noise chapter of the Environmental Statement confirms that during the infill and restoration period of the development there would be mobile noise sources in use and noise levels would vary. The highest noise levels are likely to occur during phases 4 and 5 when mobile plant is located at a higher land height datum and closest to the northern boundary of the site.

The ES proposes that best practical means would be employed to control noise generation, including by restricting HGV delivery hours to 07:30 to 16:30 Mon to Fri with no HGV movements on Saturday and site operations limited to 08:00-1300 on Saturdays. In addition, a close-boarded screen fence is proposed on the northern boundary with properties off St Pauls Parade, varying between 2.1m and 2.4m with a minimum mass and all gaps sealed below and between panels or panels and posts to minimise noise break-out. Measures including regular maintenance of plant, site management, traffic calming measures to maintain HGV speed restrictions, the use of broadband type noise reversing alarms and maintenance of access/on-site roads would also be used to control noise generation.

The ES concludes that the operational noise, with the implementation of mitigation measures and best practical means is likely to result in an impact magnitude classification of negligible at the nearest sensitive receptors and a neutral level of effect. The impact at the nearest ecological receptors is shown to be negligible impact and not significant level of effect. The impact at the nearest recreational receptors is shown to be slight to moderate impact and minor to moderate effect during weekday operations (and less on Saturdays) along the PROW in proximity to the site boundary.

Advice from the Council's Pollution Control officer is that during the construction phase, this development has a potential to have an adverse impact on health and the quality of life of those living and/or working in the locality. Conditions are recommended to limit the hours of activity on the development site; to restrict HGV movements on Saturdays; to require the close boarded fence on the boundary with properties off St Pauls Parade to be erected before any construction works starts on site; and to require the mitigation measures in the ES Noise chapter to be implemented.

It is therefore concluded that subject to appropriate conditions, the development will not adversely affect residential amenity but will have a moderate impact and moderate effect on users of the nearby public rights of way on weekdays. Overall, the proposal is in compliance with Local Plan policies GD1 and Poll1. Limited weight in favour of the application is given to this material consideration.

### Visual amenity

The application site is visible from nearby public rights of way and from the dwellings to the north of the application site. The proposal will be likely to result in harm to the visual amenity of the area during construction by reason of the significant number of vehicles accessing the site and the deposit of subsoils and construction materials on the site and the proposed temporary site compound. However, this impact will only be temporary as the proposal indicates that the operation will last for 111 weeks.

The application indicates restoration material would be tipped directly into the void and stockpiling of materials would not typically be expected to occur. Since stockpiling of material could result in an unacceptable appearance when viewed from nearby vantage points, a condition is recommended to restrict outside storage and stockpiling.

The temporary harm to the visual amenity of the area is in conflict with development plan design policies and this is given limited weight against the proposal.

### Air Quality

The application is supported by an air quality assessment which concludes that through the incorporation of standard dust mitigation measures during construction works no unacceptable impacts on amenity have been identified. Fine particulates (PM10 and 2.5) make up part of fugitive and wind-blown dust and can give rise to human health impacts. The measures that would be set out within the CEMP will similarly serve to minimise these emissions and no unacceptable impacts on human health have been identified. HGV and LDV movements near relevant receptors are below screening thresholds and no potential significant adverse impacts at receptors due to vehicle emissions have been identified. Overall, no potentially significant impacts and resulting effects that would preclude the granting of planning permission on air quality grounds have been identified. Advice from the Council's Air Quality Monitoring Officer advises no objection subject to a condition that the recommendations in the air quality assessment are implemented.

Subject to the imposition of the recommended condition, it is considered that the proposal is in compliance with Local Plan Policy AQ1 Air Quality Development in Air Quality Management Areas, and limited weight in support of the proposal is given to this material consideration.

### Heritage

The application is supported by a Heritage Impact Assessment (HIA) which notes that there are no designated heritage assets within the site and that there are nine designated heritage assets, 26 non-designated heritage assets and four previous archaeological events within 1km of the application site. It further indicates that a review of historic mapping has identified two non-designated heritage assets within the site boundary – railway tracks and stairfoot brickworks and associated infrastructure (both in the area of the proposed access). The assessment concludes that there is a high potential for modern remains to existing along the proposed access route to the site, but they are likely to be of negligible importance. The impact on the majority of the designated assets is concluded to be none, although temporary

negligible impacts during construction phase of the proposed development are identified for two listed buildings at Swaithe. However, the HIA further notes that the long-term impacts of the proposed development have been assessed to be beneficial and consequently no harm to these assets is predicted.

Since the only impacts of any significance identified relates to the non-designed assets on site, the Heritage Impact Assessment recommends a watching brief be maintained in areas subject to ground disturbance outside the footprint of quarry activity which occurred within the Site. Subject to the imposition of this condition it is concluded that the proposal is in compliance with national and local heritage policy. Neutral weight attaches to this material consideration.

### Contamination

The geology, hydrology and ground conditions chapter of the ES concludes by noting that the restoration of Yew Tree Quarry would be carried out using uncontaminated soils carefully selected and imported from low-risk development sites on a campaign basis. The materials are also referred to in this chapter as 'non-degradable' and 'excavated non-hazardous soils from development sites in the local area'. The Environmental Permit (a separate regulatory regime administered by the Environment Agency) would regulate the importation and deposit of soils to ensure that underlying groundwater and surrounding surface water resources are protected. Monitoring associated with the Environmental Permit is likely to include surface water quality, groundwater quality and hazardous gases. However, the ES is clear that the nature of the restoration materials would not require any active in-waste management controls to be implemented e.g. leachate of landfill gas extraction. It goes on to conclude that the proposal is unlikely to result in any residual significant effects in relation to geology, hydrology and ground conditions and therefore no significant environmental effects.

The contaminated land officer has reviewed the application and advises that there is no objection as the proposed development has low risks regarding contaminated land. The Environment Agency have advised that there is no objection and have recommended a condition in the event that contamination not previously identified is found to be present on the site; and an informative relating to contamination. Subject to the imposition of this condition and informative, the proposal is considered to be in compliance with Local Plan Policy CL1, and neutral weight is given to this material consideration.

### Drainage

The application is supported by a flood risk and drainage assessment which indicates that the site is in flood zone 1 and the existing void is assessed to be at risk of flooding from surface water and groundwater. The restoration of Yew Tree Quarry will include dewatering of the existing void. Existing arrangements for controlling the level of water within the void include pumping, with water allowed to flow overland to an existing waterbody to the south, which is understood to have a 150mm outlet pipe. It is proposed to dewater the void in a similar manner prior to restoration, with a discharge rate restricted to ensure that the risk of flooding beyond the land ownership boundary is not increased. The discharge rate should be restricted to ensure the risk of flooding beyond the land ownership boundary is not increased and should be agreed as part of the Construction Environmental Management Plan. The restored site will comprise permeable surfaces and consequently any rain falling onto the site would runoff at greenfield rates and as such the proposals would not be expected to impact flood risk elsewhere.

Since the application proposes development of an existing area at risk of flooding from surface water and groundwater, it should be subject to a sequential test. However, the submission makes the case that the proposals are for restoration of a quarry, it would be

impractical to locate this elsewhere and the proposals therefore satisfy the requirements of the flood risk Sequential Test. This conclusion is accepted.

The Council's Drainage Engineer advises that there are no objections subject to conditions relating to surface water and land drainage details. Yorkshire Water comments relate only to a public surface water sewer which crosses the site and the need to ensure that ground levels are not raised or lowered over or within 3 metres of the sewer. Subject to the recommended conditions it is concluded that the drainage provisions are acceptable. Neutral weight attaches to this material consideration.

#### Any Other Material Planning Considerations

The proposal indicates that it would involve the employment of staff on site (4 – for duration of importation only) plus the employment of hauliers, an economic benefit for which moderate weight is given in favour of the proposal

#### Summary of Economic Impacts

The beneficial economic impacts of the proposal are limited to job creation both on site through direct employment of four people during the importation phase, and off site, through the employment of hauliers and are considered to have moderate weight in favour of the application. Since the application has not demonstrated that there is a need for additional landfill within South Yorkshire it is concluded that only limited weight can be given to the economic benefits of the proposal.

#### Summary of Social Impacts

The social benefits of the proposal are limited to the impact on residential amenity which overall are considered to be acceptable. The Pollution Control Officer is satisfied that any impacts on local residents could be suitably addressed by the imposition of conditions. The application has the potential to improve public access but this is not clearly identified in the proposal. Overall, moderate weight is given to the social impacts in favour of the proposal.

#### Summary of Environmental Impacts

The environmental impacts of the proposal are on balance concluded not to be in favour of the proposal because of the lack of information required to reach reliable conclusions. As set out above, the impacts on highway safety, the public rights of way, biodiversity and trees are all considered to conflict with national and local policy and weigh against the proposal. Although it has been concluded that the air quality impacts will have a limited favourable impact and the heritage, contaminated land and drainage impacts will be neutral, these positive or neutral impacts do not outweigh the harm overall caused by the environmental impacts of the proposal. It is therefore concluded that the environmental impact of the proposal is not considered to be acceptable and significant weight is attached to this against the development.

#### **PLANNING BALANCE & CONCLUSION**

A summary of the weights which have been afforded to each material planning consideration as summarised in the table below:

Issue	Weight against	Weight for
The Principle of Development	Significant	
Highways Considerations	Significant	

Public Rights of Way	Significant	
Biodiversity	Moderate	
Trees	Moderate	
Residential and Recreational Amenity		Limited
Visual Amenity	Limited	
Air Quality		Limited
Heritage	Neutral	
Contamination	Neutral	
Drainage	Neutral	
Economy		Moderate

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be contrary to the development plan as a whole. The application suitably addresses issues of residential and recreational amenity and air quality and provides moderate economic benefits. However, there are significant issues which weigh against the proposal. The application lacks information to demonstrate that the proposal would be in accordance with the development plan as a whole or that it would be acceptable in principle. In addition, significant deficiencies in the information submitted means that it has not been possible to accept that that application is acceptable in relation to several environmental considerations. These are set out above in relation to the lack of adequate information to address highway safety, public rights of way, biodiversity and trees issues.

Having balanced all material planning considerations, it is concluded that the positive aspects of the proposal outlined above are outweighed by the harm and lack of information as set out.

The proposal is therefore, on balance, recommended for refusal.

## **RECOMMENDATION**

### **REFUSE**

#### **REASONS**

##### **1.**

The proposal conflicts with Policies WCS1, WCS4 and WCS6 of the Joint Waste Plan and National Waste Policy which require that proposals for additional landfill capacity must demonstrate why they are required, that proposals for waste management do not adversely affect the character of amenity of the surrounding area, will contribute towards the aims of sustainable waste management in line with the waste hierarchy, and not cause harm to access or ecology considerations. In addition, the application and it's supporting Environmental Statement fail to consider all reasonable alternatives, including those recommended in pre application advice and this failing undermines the robustness of the submitted Environmental Statement.

##### **2.**

The proposal conflicts with Local Plan policy T4 and NPPF policy at paragraph 116 which expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency and that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. The proposal fails to demonstrate that the proposed delivery and

access arrangements can be managed without giving rise to potential highway safety or operational issues.

**3.**

Insufficient information has been provided to demonstrate that the proposal will not cause undue inconvenience and safety risks to users of the Trans Pennine Trail Public by the closures required for the number of vehicles proposed to deliver to the application site, particularly at peak periods of TPT use. As such, the proposal is contrary to Local Plan policy GS2 which indicates we will protect Green Ways and Public Rights of Way from development that may affect their character or function; and to NPPF paragraph 105 which advises that planning decisions should protect and enhance public rights of way.

**4.**

Insufficient information has been provided to enable assessment of the biodiversity conditions on the site and to judge if the site can be developed appropriately, or that it accords with the Biodiversity hierarchy, contrary to NPPF Para 193 and Local Plan Policy BIO1 Biodiversity and Geodiversity and the SPD Biodiversity and Geodiversity.

**5.**

Insufficient information has been submitted to demonstrate how many trees it is proposed to remove, or if any trees of particular value or merit are to be felled, or if any trees on and off site (including trees protected by a TPO) which are proposed to be retained would be impacted by the proposals. As such the proposal is contrary to Local Plan Policy BIO1 Biodiversity and Geodiversity and the SPD Trees and Hedgerows.

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned above.

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