


**A Response To AvVAIL /
Waystone Application To
Develop A Materials
Recovery Facility At
Hatfield Power Park,
Stainforth Near
Doncaster.**



**Residents Against Inappropriate
Developments (RAID)**



Sunday, July 4th 2010

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Introduction

1. This report is submitted to The Planning Inspectorate in response to applications by AvVAIL / Waystone to develop a waste recycling facility on part of the site known as Hatfield Power Park near Stainforth in the North of Doncaster.
2. The report is the result of research by a group of Doncaster residents, Residents Against Inappropriate Developments (RAID), who have conducted many public awareness meetings in neighbouring and surrounding villages to assess the public appetite for a development of this nature.
3. RAID was first formed by residents when they became aware of the application at a meeting arranged by Hatfield Town Council in early 2009. Poor levels of consultation with the public, have been systematic in bringing the RAID group together. Indeed the developer and DMBC have been lacking in this area. RAID will show at the final hearing evidence of miss information being presented by Waystone / AvVAIL as well as DMBC.
4. The initial application was rejected by DMBC because ***“The Planning Committee were not satisfied on the basis of the information provided that the proposed development, having regard to its siting, would safeguard the living conditions of neighbouring residents, in particular in respect of noise disturbance from activities both in and around the building”*** AvVAIL / Waystone appealed the decision.
5. RAID had been very involved with the application and presented challenging questions to the planning department on behalf of residents. RAID also spoke against the application at the planning committee meeting. As a result of their involvement, RAID were awarded Rule 6(6) status at the public inquiry and prepared a case accordingly.
6. RAID is very concerned that there has been no environmental impact assessment carried out on the specific facility applied for. This has been raised with DMBC.
7. These concerns are further enhanced when reference to the incinerator are made in both the 2009 and 2010 application.
8. AvVAIL / Waystone submitted an amended application, which suggests that all the public concerns have been met. RAID believes that the new application does nothing to alleviate the concerns of the general public and of concerned statutory consultees. The aim, therefore of this report is to identify inconsistencies within both applications and represent the RAID case that the appeal should be rejected.
9. This report is submitted in response to AvVAIL / Waystone Application number 09/01658/REMM and application number 10/01175/REMM. There have been 2000 petition signatures and over 500 letters of objection by the public. RAID have also applied to the Local Government Office stating our concerns and requesting that the recent planning approval be “called In”.

10. RAID intend to call experts in the field of acoustics and projected waste volumes.

Establishing Materiality

11. In this report it is imperative to establish the credibility of the RAID group by presenting only what constituted “material” considerations. This meant that many of the “hearts and minds” objections offered by the public that were not material have not been presented.
12. A “material consideration” is a factor which will be taken into account when reaching a decision on a planning application or appeal. Under Section 38 of the Planning and Compulsory Purchase Act 2004, decisions on planning applications ‘must be made in accordance with the [development] plan unless other material considerations indicate otherwise’. The courts ultimately decide what a material consideration is. However, case law gives local planning authorities a great deal of leeway to decide what considerations are relevant, and how much weight should be given to them, each time they make a decision on a planning application.
13. Any consideration which relates to the use or development of land is capable of being a material consideration, but other circumstances such as personal hardship and fears of affected residents can be considered in exceptional cases (the House of Lords in *Great Portland Estates v. Westminster City Council* [1985]). In practice, Government planning policy is often the most important material consideration other than the development plan. Government policy may also override the development plan if it has been both consulted on and published more recently.
14. Planning Policy Statements are the framework within which local authorities develop local development plans and make planning decisions. Doncaster’s Unitary Development Plan (UDP) is to be replaced with a new Local Development Framework (LDF). In determining this application, RAID consider that DMBC should have taken into consideration any locally adopted strategy, the existing UDP, the emerging LDF, the Regional Spatial Strategy, National Planning Guidelines and any existing or Emerging European Legislation.
15. PPS23 states that local planning authorities should also adopt a “Precautionary Principle” which should be invoked when:
 - there is good reason to believe that harmful effects may occur to human, animal or plant health, or to the environment; and
 - the level of scientific uncertainty about the consequences or likelihood of the risk is such that best available scientific advice cannot assess the risk with sufficient confidence to inform decision making.

16. RAID will highlight material considerations in the following areas:

- Traffic Issues
- Need & Regional Self Sufficiency
- Nuisance – in particular noise
- Perceived Fear

17. It will also be demonstrated that prematurity should be a material consideration in this particular case as this application is part of the wider regional waste policy. The granting of permission for this development would significantly limit the options of the Barnsley, Doncaster, Rotherham Joint Waste Plan, (BDR) and could see it fail. Granting of permission for this development could therefore be seen to potentially prejudice the outcome of the BDR process, allowing prematurity to be a material consideration as detailed in “The Planning System: General Guidelines”.

18. Rather than the weakening of the planning process, recent legislation has served to strengthen the public involvement in the creation of Local Development Plans and in planning decisions. RAID represent the local residents and the opinions of the wider Doncaster public in the objection to these proposals. The fact that RAID were given rule 6(6) equivalence status at the public inquiry should not be taken lightly. The new application by AvVAIL / Waystone has done little or nothing to remove the public concerns. The material considerations represented in this report are the distillation of significant public opinion and will provide a basis for the Planning Inspectorate to reject this and any subsequent appeal by AvVAIL / Waystone.

The Planning Process: General Principles -Extract Regarding Material Considerations

16. "In principle ... any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances" (*Stringer v MHLG 1971*). Material considerations must be genuine planning considerations, ie they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (*R v Westminster CC ex parte Monahan 1989*).

17. The Courts are the arbiters of what constitutes a material consideration. Over the years, the scope of what can be regarded as material has been clarified by judicial authority. All the fundamental factors involved in land-use planning are included, such as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure.

18. The Courts have also held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These statements cannot make irrelevant any matter which is a material consideration in a particular case. But, where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government's planning policy, they must give clear and convincing reasons (*E C Grandson and Co Ltd v SSE and Gillingham BC 1985*).

19. Emerging policies, in the form of draft Departmental Circulars and policy guidance, can be regarded as material considerations, depending on the context. Their very existence may indicate that a relevant policy is under review; and the circumstances which have led to that review may need to be taken into account.

20. In those cases where the development plan is not relevant, for example because there are no relevant policies, or policies in the DPD's pull in opposite directions so that there is no clear guide for a particular proposal, the planning application (or planning appeal) should be determined on its merits in light of all the material considerations.

Evidence & Supporting Material

21. Throughout this report, reference will be made to official publications and legal precedent.
22. The Doncaster Unitary Development Plan is currently being amended to form the Doncaster Local Development Framework. The reference to certain paragraphs of the UDP within this document remains valid due to the LDF not yet being adopted. Where references have been made to UDP policies, these policies are due to be carried over into the new LDF and are not scheduled to be removed although they may be amended in some way. It is therefore expected that existing policies will be referenced during the planning hearing and any subsequent public inquiry.

Other Planning Applications Related To The Site

23. In terms of planning history, outline planning permission was originally granted in July 2003 (Application Reference 02/1402/FULA) for the industrial development of the site adjacent to Hatfield Colliery. This permission comprised a master plan for the mixed industrial use of Hatfield Power Park. This permission required that reserved matters be submitted no later than 3 years from the date of the planning permission (i.e. 3 years from 18 July 2003). However, this permission was subsequently varied under Section 73 of the Town and Country Planning Act 1990 - which extended the period of time for submission of reserved matters to 18th July 2009. This permission was partially implemented with works being carried out on the redistribution of spoil from the operational tip to form the development platforms, the formation of the boundary screening mound and finally the construction of the new access roads.
24. A further outline permission (04/4512/P) exists for the industrial development of Hatfield Power Park, which was granted in January 2009. This included amendments to the previously granted outline permission (02/1402/P), together with the development of a new motorway link road and associated motorway service area from Hatfield Power Park to the M18. A legal agreement attached to this permission requires the construction of the link road prior to the occupation of any building on the Power Park site

25. An application for approval of reserved matters for the Materials Recycling Facility (MRF) was subsequently made pursuant to the 02/1402/FULA outline permission. Although officers recommended approval of the scheme, the proposal was refused by the Planning Committee in November 2009. This decision has been appealed hence the reason for this report.
26. It is the applicant's intention to submit another application in the future for a 'back end' thermal treatment to gain benefit from the proportion of residual waste. However, residents felt that the 'back end' element of the application should have formed part of the original application so that the "complete" process could have been assessed rather than the "modular" approach that has been adopted by the applicant.
27. One other permission of note (08/01033/CON) relates to the construction and operation of a 900MW Closed Cycle Gas Turbine (CCGT) and Coal Integrated Gasification Combined Cycle (IGCC) generating plant, which was granted deemed planning consent in 2009 under Section 36 of the Electricity Act (1989).
28. We strongly object to the fact that;
 1. That an incinerator (erf), for waste that cannot be recovered, is being proposed for the plant
 2. The Applicant did not include the "back end" incineration process in the original application
29. A scoping opinion has been sought see letter from freedom of information department dated 19th March 2010. Please see letter also from DMBC planning officer Roy Sykes to HB Architects dated 10th August 2009. This discreet process of scoping was underway, a pre planning application process when this could have been pieced together with the first application. This would have allowed the public to view the whole process as one. A petition with 500 signatures was presented to DMBC with objections that they could not consider the whole process in the first application.
30. In the second application 10/01175/REMM the applicant refers to the incinerator, the location of which restricts how far the plant can be moved away from households. This is why the plant can only be moved 10 metres at one corner and of course why the it does not safeguard the living conditions of neighbouring residents.
31. The issue of POP's was raised with DMBC and the Environmental Agency, both departments appear to leave this important subject to each other to cover, therefore the public are concerned that it will covered at all. The incinerator which is openly referred to in the new application 10/01175/REMM would be within 200 meters of homes, which would be contrary to the ODPM document "Planning for Waste Management Facilities" which states that facilities should be placed at least 250 metres away from sensitive receptors – in this case a school and several hundred residential homes.

- 32.** PPS 23 refers to perceived public fear and blight, “the objective fear of unacceptable risk to the health & safety of the public arising from the development”
www.nottingham.gov.uk/largestatic/erf/es114_pain_watson_proof_of_evidence.pdf Paragraph 369
- 33.** When considerations are given to construct a new waste disposal facility- the Stockholm Convention advises Parties to give priority consideration to; Alternatives such as activities to minimize the generation of municipal waste including resource, recovery, re-use, recycling, waste separation and promoting products that generate less waste.
Prevent the formation of chemicals listed in Annex C – see website [www.pops/int](http://www.pops.int)
- 34.** There are 9 new chemicals being placed on the POPs (persistent organic pollutants) list in August 2010.
- 35.** Alternatives to incineration are;
- Zero waste management strategies, which aim to eliminate the generation of wastethrough the application of a variety of measures, including legislative and economic instruments;
 - Waste minimization, source separation and recycling to reduce the waste volume requiring final disposal
 - Composting, which reduces waste volume by biological decomposition
 - Mechanical biological treatment, which reduces waste volume by mechanical and biological means and generates residues requiring further management
 - High temperature melting which uses thermal means to reduce waste volume and encapsulates residues requiring further management
 - Specially engineered landfill, which contains and isolates wastes (including effective capturing and burning of formed methane with energy recovery or at least flaring if the latter is not applicable)
- 36.** It is of great concern that incinerator bottom ash (IBA) is cheap to dispose of, it has a low landfill tax, when compared with general waste which has a high tax – currently £2.20 vs. £45 per tonne. What happens to IBA is a concern – it can contain substances such as lead and zinc, which should clearly not go to landfill. There have been recent cases of IBA being used in concrete and explosions have occurred

Description Of The Hatfield Power Park Site

- 37.** The site itself is located to the north of Hatfield and adjacent to the residential area of Stainforth with residential properties laying to the north and west. To the east of the site are existing colliery spoil tips associated with Hatfield Colliery, beyond which lies Junction 5 of the M18. Further to the south-east, beyond Hatfield Colliery and the railway line, lies an existing MRF site on Bootham Lane. In general, the surrounding area is a low lying, flat landscape, predominately used for housing, parkland, railways and roads.
- 38.** The existing site entrance is located to the South of the site off Waggon Way. This entrance was going to be the only access point for the 296 HGV delivery vehicles associated with application 09/01658/REMM whereas application 10/01175/REMM has a section 106 legal agreement attached to it that requires the construction of the link road prior to the operation of the MRF.

Material Consideration 1 – Traffic, Perceived Danger And Insecurity

39. Traffic, especially the HGV element of the generated traffic associated with the original application, was always a major point of contention. This point is proven by the applicant's concession to commit to the construction of the M18 Jn5 link road that now has to be built as a condition under the granting of the 2010 application. The applicant has been forced to enter into a legally binding section 106 agreement to gain planning permission.
40. It is obvious that DMBC are not comfortable with the access design as in correspondence between HB Architects, the applicants designer, and DMBC Planning Department dated 21st September 2009, it states, ***“turning to your concerns with regard to the access road layout, whilst we note your desire to move the access road to the south of the proposed development this would, in effect, prevent development on the further aspects of the industrial park”***. Preventing further development of the further aspects of the site is not a sound reason for accepting what is being proposed.
41. Because of this concession by DMBC the vehicular access is now within 80 meters of residential properties.
42. It should be noted that there is an existing legally binding Section 106 agreement in place between DMBC and Coalpower Ltd. This document dated 18th July 2003 includes restrictions on the number of HGV vehicles that are permitted to enter and exit the site with colliery related material on a daily basis. The vehicles would use the same exit / entrance as the ones entering the new MRF are expected to use.
43. The agreement states the applicant has to: ***“limit the flow of vehicles leaving the land to not more than 10 vehicles per hour with a daily total limit of 110 vehicles”*** By default this means that there could be 220 HGV movements, to leave the site a vehicle has first to enter it, in addition to the ones in the new application. This makes a daily total of potentially 406 HGVs using the same site entrance and access routes.
44. It is fair to say that at the present moment the colliery related traffic is much less than it's permitted level but the fact remains that the permission exists and should be taken into account during the consideration of this application.
45. The outline permission associated with this application and used as evidence by the applicant, shows a “spine” road through the centre of the development with feeder roads branching off to either side. The detailed application shows a “perimeter” road that means all traffic associated with the site will pass between the building and close to residential properties, within approximately 80meters.
46. The Trip Rate Information Computer System, TRICS, www.trics.org/bestpractice.htm is the system that challenges and validates assumptions about the transport impacts of new developments. In the TRICS Good Practice Guide 2010 it clearly states ***“TRICS is a very powerful and flexible system, and allows great variation in the calculation of both vehicular and multi-modal trip rates. It is possible, therefore, that two users of***

the system, applying different criteria and ranges to a task, may end up producing different results”.

47. Another statement in the TRICS Guide states *“Users are encouraged to include/exclude data in line with research commissioned by the TRICS Consortium”.*
48. It is therefore fair to say that the TRICS information presented in the outline permission can only be viewed as guidance and not therefore relied upon as definitive evidence. To state that the application will generate less traffic than the already granted outline permission relies upon the same criteria being applied to the TRICS process and indeed, as per the TRICS guidance, the same person doing the investigation, otherwise without doubt the results will be different. Outline permission was granted in 2003 and the detailed application submitted in 2009, some six years later, it is therefore highly likely that inconsistencies exist within this data.
49. The traffic flow figures presented in the original application indicated 296 heavy goods vehicles per day delivering waste to the site. In the absence of the link road all heavy traffic was left with no alternative but to use the local road network.
50. The applicant offered to enter into a routing agreement, in which two routes were suggested as being suitable for the vehicles in question. The routing agreement, which was intended to form the basis of a legal agreement, would have involved two traffic routes. The first route involved traffic from Barnby Dun into Stainforth, then along Church Road and turning left into East Lane and accessing the site via the old colliery access opposite Princes Avenue. The second route involved traffic turning from High Street A18 into Broadway, then along Broadway and then left onto Station Road. Traffic would then turn right into East Lane and then enter the site via the old colliery access at the end of Princes Avenue. All traffic would leave the site via Waggon Way and then by either of the selected routes.
51. After much research, RAID established that the route through Barnby Dun had been subject to a previous Planning Inspectors decision. Appeal ref **T/APPIF4410/A/99/1024257/P5** was lodged by Able UK in 2000 in relation to an application (**99/11103451PIFUL**) to move cars on HGV vehicles from Thorpe Marsh Power Station through Barnby Dun to gain access to the road network beyond.
52. In his report the Planning Inspector said *“The southern end of Top Road Barnby Dun narrows to less than 5.4m with a poor alignment, and it seems to me that two HGVs would be able to pass here only with the greatest difficulty, if at all”*
“Where vehicles do have difficulty in passing this is likely to give rise to delays to other traffic, and may also lead to vehicles mounting the footway with consequential danger to pedestrians”
This section of road forms part of the applicants route.

53. In his conclusion the Inspector stated ***“In the circumstances I have come to the conclusion on the first issue that traffic arising from the proposed development would be harmful to the safety and convenience of road users”***.
54. The application involved some 60 HGV movements over a thirteen hour period equating to 4.6 per hour. The DEW project with a 50/50 split in traffic over the two routes which form part of the legal agreement would generate potentially 18.5 HGV movements per hour, a 400% increase on what has already been deemed unacceptable by Her Majesties Inspectorate.
55. The discovery of the Planning Inspectors decision, in the opinion of RAID, left the applicant with only one acceptable route which involved traffic turning from High Street A18 into Broadway, then along Broadway and then left onto Station Road. Traffic would then turn right into East Lane and then enter the site via the old colliery access at the end of Princes Avenue. This is the route as described by the applicant.
56. There would therefore be one HGV, roughly every 90 seconds, passing along these roads. Broadway is one of the roads mentioned by the applicant along this route. Broadway has along its length, 12 bus stops and 10 speed humps where the road is reduced in width to deliberately reduce the speed of vehicular traffic. This would make it almost impossible for two of the delivery vehicles to pass through the width restriction simultaneously. There are also 2 junior schools and one children’s play area along the road.
57. At the Southern end of Broadway, traffic lights control access to Doncaster Road whilst at the Northern end there is a “T” junction where it joins Station Road. These two factors along with the width restrictions mean that, should the application gain approval, vehicular traffic will without doubt become congested at these points.
58. RAID, in their efforts to understand the legal implications and powers of a “routing agreement” asked for clarification from Mr Graham Hargreaves, DMBC Highways Development Control Group Leader.
59. The worth of the routing agreement was questioned when in his reply Mr Hargreaves states ***“the starting point to any routing agreement has to be that all vehicles and vehicle types can legitimately use public highway unless there are Traffic Regulations Orders in place that prevent highway to be used by certain vehicles”***. RAID’s interpretation of this is that it is not possible to ***“legally”*** prevent any vehicle accessing a site from any approach as long as there are no legal restrictions to do so.
60. At the 3rd November 2009 Planning Committee meeting, Mr Hargreaves stated that the routing agreement had been verified by a third party. RAID asked for clarification of this matter and after some difficulty obtaining the information it was noted that the independent verifier was Mr David Worthington from the DMBC Traffic Management Department, hardly independent.

61. This statement is endorsed by the Planning Inspector from the Able UK Appeal. The Inspector states that in relation to routing agreements ***“In my experience there are often practical difficulties in ensuring compliance with such obligations, and in the collection of evidence of breaches to support enforcement action. Therefore, the possibility of transporters using other routes that are agreed to be unsuitable cannot be excluded”***.
62. The applicant is the body that will police the routing agreement.
63. Heavy traffic on roads within residential areas has various impacts on residents and pedestrians. PPS10 Annex D, paragraph f states, traffic and access considerations will include the suitability of the road network and the extent to which access would require reliance on local roads. This application relies totally on local roads. A complex mix of factors affect the perceptions of residents and pedestrians. Such things as traffic volumes and highway geometry, the speed and arrival pattern of vehicles, the intimidation presented by large vehicles, especially HGV's, and the obstruction or distractions caused by parked cars and turning movements. The introduction of 296 HGVs only increases the anxiety of the young, the elderly and anyone with limited vision or physical mobility.
64. An increase in traffic has two further impacts on pedestrian movements. The first is the ability to move reasonably freely within and across the street itself and hence to utilize it as a “place”. The second concern involves that of “severance”. Severance is when a community is divided by a main road making it difficult for individuals to easily gain access to facilities which involve crossing the road. Measures that “force” individuals to divert to signalized crossing points may increase road safety but risk aggravating severance.
65. In the UDP Chapter 7.17 states: ***“It is important that existing developments are adequately served by the highway network without undue congestion and the costs imposed by such congestion. It is equally important that new development takes place in locations where access to the Highway Network can be readily gained to acceptable standards without serious adverse affects”***.
66. Point 7.64 of the UDP states: ***“Developments which could be expected to generate a significant number of commercial vehicle movements, should be located so as to have easy and direct access onto the strategic route network avoiding journeys through environmentally sensitive areas such as residential areas, so that traffic generated does not create an adverse impact on unsuitable roads”***.
67. Point 7.103 states: ***“Commercial vehicle operating centres are a particular source of nuisance in residential areas where amenity should be protected. Access to main roads is an important factor in their satisfactory location. The Local Authority has powers under the Planning and Transport Acts to control certain aspects of the operation of freight businesses, and will continue to use these powers. The Borough Council will continue to exercise its powers under these acts to ensure that HGV's do not park overnight or when not in use in residential areas”***. It is worthy of note that if a commercial vehicle operator

were to apply for an operating centre, operating 296 vehicles, and needed access to his centre through a residential area, it is highly likely that permission would not be granted. The fact that this application is for a MRF and not an operating centre should not alter the outcome of the decision.

68. There are other issues around the HGV movements associated with this application such as odors and noise. These are dealt with under Material Consideration 5 – Nuisance later in this report.
69. **RAID considers that the Borough Council would, having taken account of ALL the evidence, been justified in rejecting the application due to the development proposal not being considered acceptable under PPS10 Annex E, paragraph f, “Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads”**

UDP Policies Supporting Material Consideration 1

Policy ST2:

THE BOROUGH COUNCIL WILL TAKE INTO ACCOUNT THE SAFETY AND NEEDS OF ALL HIGHWAY USERS, INCLUDING CYCLISTS AND PEDESTRIANS, IN ITS MANAGEMENT OF THE HIGHWAY NETWORK. WHERE APPROPRIATE IT WILL INTRODUCE TRAFFIC MANAGEMENT AND TRAFFIC CALMING MEASURES FOR ENVIRONMENTAL PROTECTION AND ENHANCEMENT.

Policy T1:

THE BOROUGH COUNCIL WILL SEEK THROUGH INVESTMENT IN THE HIGHWAY NETWORK TO:

- a. PROMOTE EFFICIENT USE OF THE EXISTING HIGHWAY NETWORK, THROUGH APPROPRIATE MANAGEMENT AND MAINTENANCE MEASURES.**
- b. CARRY OUT COST EFFECTIVE IMPROVEMENTS TO THE HIGHWAY NETWORK WHERE NECESSARY TO MEET CHANGING TRANSPORTATION REQUIREMENTS AND REDUCE UNNECESSARY DELAYS AND CONGESTION PARTICULARLY ON MAIN ROUTES.**
- c. PROVIDE OR IMPROVE HIGHWAYS WHICH FACILITATE EMPLOYMENT OPPORTUNITIES AND THE ECONOMIC REGENERATION OF THE BOROUGH.**
- d. REDUCE THE LEVEL AND SEVERITY OF ROAD ACCIDENTS.**
- e. REDUCE THE ENVIRONMENTAL IMPACT OF TRAFFIC PARTICULARLY WHERE MOST INTRUSIVE.**
- f. FACILITATE THE PROVISION OF PUBLIC TRANSPORT.**
- g. BALANCE THE NEEDS OF LOCAL RESIDENTS, INDUSTRY, PUBLIC TRANSPORT AND PRIVATE CARS THROUGHOUT THE BOROUGH.**

Material Consideration 2 – Need & Regional Self Sufficiency

70. Applicants do not normally have to prove the need for their proposed developments, or discuss the merits of alternative sites. However in this case we believe that DMBC should have rejected the application on the grounds of lack of local need.
71. Lack of need has implications for the satisfactory restoration of any site, and therefore the ability of the developers to comply with restoration conditions set out in any planning permission that may be granted.
72. If a MRF is to be an intrinsically harmful activity (due to nuisance, pollution threat etc), need should be demonstrated in order to overcome that intrinsic harm.
73. Lack of proven need may be harmful in itself because excess supply of waste recycling capacity in one area would result in wastes being attracted from elsewhere – i.e. from outside the region. Therefore the need should be demonstrated in order to overcome that harm.
74. The UDP policies SWD4 and WD3 deal with the subject of need. In calculating whether there is a local or regional need, many factors as indicated in the following list are brought into context:
- The amount of available MRF capacity within the Region.
 - The amount of available MRF capacity in regions with whom South Yorkshire has an arrangement (Regional Self Sufficiency).
 - The amount of waste produced within the region.
 - The annual increase in the waste produced within the region.
 - The Government targets on the reduction of landfill waste.
 - The amount of void-space created by mineral extraction.
 - The absorption of waste volumes at unlicensed landfill sites.
 - Increase in the amount of re-cycling capability within the region.
 - The interest and support for a “zero waste” programme within the Borough.
75. In considering the subject of need, the figures represented in official reports are often contradictory and it is often difficult to make an assessment as to the accuracy of any results obtained. In any assessment of regional need many factors need to be taken into consideration.
76. In the Governments strategy for sustainable waste management, Making Waste Work (DOE/WO, 1995), the waste hierarchy has 4 levels:
- Reduction
 - Re-use
 - Recovery (recycling, composting, energy recovery)
 - Disposal

77. The strategy states “Waste disposal comes at the bottom of the waste hierarchy, as the least attractive waste management option.”
78. It is possible that the opening of a new 400,000 tonne MRF site will jeopardise the reclamation and restoration of sites currently operating within the Borough and the ability to restore mineral workings to a sustainable after-use. Indeed, many landfills in the local area are closed but have not yet reached their target capacities.
79. Where there is doubt over what would constitute a National or Regional issue there must be a public inquiry. The Secretary of State could “call-in” an application where planning issues of more than local importance is involved. These include, for example, cases that could have wide effects beyond the immediate locality; give rise to substantial regional or local controversy or conflict with national policy on important matters. It is for this reason that RAID have taken the necessary steps to ask the Secretary of State to “call-in” the 2010 application.
80. We support the principles of PPS10, a strategy of sustainable waste management where the principles outline that the continuing use of landfill is not sustainable. There will be limits set for landfill in future and local authorities will be fined when limits are exceeded. Much of the UK waste regulations that are being implemented have originated from European Union (EU) Policy. They are founded on driving waste up the hierarchy, looking at disposal as the last option. Communities should take more responsibility for their own waste and a timely provision of facilities to meet the needs is called for.
81. The Barnsley Doncaster Rotherham (BDR) Waste Core Strategy:
A Local Planning Authority’s Waste Core Strategy is one of several Development Plan Documents (DPDs) that forms the Local Development Framework (LDF). Like all DPDs, a Council’s Waste Core Strategy must be assessed by a Planning Inspector who will determine whether or not it has been prepared in accordance with legislative requirements. The Planning Inspector, through what is known as an “examination in public” will establish whether the Waste Core Strategy is “sound”.
82. The community is pleased to note that the BDR strategy incorporates an important waste vision that includes DEFRA Waste Strategy 2007, which incorporates the One Planet Living goal. As it stands now if everyone in the world lived like a European we would need 3 planets to live on and 5 planets if we lived like a US citizen. More of this later we cover the 10 guiding principles for 1 planet living.
83. The BDR Joint Strategic Plan Document was drawn up in October 2008 and was the relevant document in November 2009 when the application was being determined. In that document the Hatfield Power Park site did not score very highly when compared with other sites. Some of the reasons being, the “close proximity to sensitive properties and directly adjacent to a small number”, those being several hundred people living in Beech Crescent, Bootham Crescent,

Chestnut Avenue, Coronation Avenue. There are more constraints than merits in the DPD Site Assessment Report link:

http://www.doncaster.gov.uk/Images/Site%20Assessment%20Main%20Report%20-%20Main%20document_tcm2-59864.pdf

84. Key factors according to PPS10 with regard to siting are; Traffic and access - considerations will include the suitability of the road network and the extent to which access would require reliance on local roads. Please refer to our report with regard to the traffics issues.
85. Air emissions - considerations will be given to sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well maintained and managed equipment. The proposed and not yet filed (scoping completed) application for the incinerator is less that 200 metres from housing.
86. Odours -considerations will be given to the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of well maintained and managed equipment. The access road is 80 metres from housing therefore the odour from waste, loaded on the HGV's will be prevalent.
87. Noise & vibration – considerations will include the proximity of sensitive receptors. The operation of large waste facilities can produce noise both inside and outside buildings. Intermittent and sustained noise may be a problem if not kept to acceptable levels, particularly if night working is involved. The plant will run 24 hours per day and is only 115 metres from houses and will be heard by the residents, the access road is only 80 metres from houses, householders will hear the traffic and plant at an unacceptable level, contrary to PPG24. We have noise reports to prove this, please see our section with regard to proximity to residential homes.
88. The BDR incorporates the waste hierarchy
Reduction -the most effective environmental solution is to reduce the generation of waste
Re-use – products and materials can sometimes be used again for the same or a different purpose
Recycling and composting- resources can often be recovered from waste
Disposal – the very last resort.
89. With regard to energy recovery – we would argue that this does not solve anything. There is no evidence to support the theory that incinerators reduce the volume of original waste. Incinerators generate volumes of fly ash and bottom ash these are difficult to dispose of.
90. Planning Policy Statement 12 (PPS12) – Creating strong safe and prosperous communities through Local Spatial Planning provides that in determining soundness, the Inspector will consider whether the DPD is justified, whether it is effective and whether it is consistent with national policy. “Soundness” is explained in PPS12 in paragraphs 4.36 – 4.47, 4.51 and 5.52.

- PPS12 (para 4.20) also explains how the production of core strategies should follow the Government's principles for community engagement in planning. Involvement should be appropriate to the level of planning;
- from the outset – leading to a sense of ownership of local policy decisions;
 - continuous – part of ongoing programme, not a one-off event, with clearly articulated opportunities for continuing involvement;
 - transparent and accessible – using methods appropriate to the communities concerned; and
 - planned – as an integral part of the process for making plans.
- 91.** There was only one public meeting - 4th September 2009 by DMBC to consult with the local area with regard to the BDR process. The public were concerned that it was held away from the site location, early on a Friday, during a bank holiday week. The turnout was low, due to this. In the meeting DMBC outlined, that they were consulting on the BDR process and with regard to the application, in fact Mr Mark Thomson, Waste & Environment – said the plant was innovative, a world leader and would put Doncaster on the map- link to minutes of the meeting-
http://www.doncaster.gov.uk/Images/Joint%20Strategic%20Waste%20DPD%20-%20Hatfield%20Power%20Park%20Minutes%20of%20September%202009%20Meeting_tcm2-65401.pdf
- 92.** In the main 2008 document for the BDR (link below) it states a figure of 611.000 tonnes capacity for new plants would be needed by 2020 this included municipal, industrial and commercial waste, link
[http://www.doncaster.gov.uk/Images/Main%20Consultation%20Document%20\(October%202008\)_tcm2-59859.pdf](http://www.doncaster.gov.uk/Images/Main%20Consultation%20Document%20(October%202008)_tcm2-59859.pdf)
- 93.** It was noted that 500,000 municipal and 1,200,000 C&I, were brought up by Mr Butler in the 4th Sept meeting, in discussions about BDR volumes. The question of how volumes have been calculated were never been answered, as figures the figures are mis-leading.
- 94.** Figures taken from waste data flow DEFRA website show the national trends -
- There was an increase in the national household recycling rate, from 34.5% in 2007/8 to 37.6% in 2008/9.
 - Less municipal waste was sent to landfill, decreasing from 15.5 in 2007/8 to 13.8 million tonnes, or 50.3% of total municipal waste, in 2008/9.
 - Total municipal waste decreased by 1.2 million tonnes, or 4.1%, from 28.5 million tonnes in 2007/8 to 27.3 million tonnes in 2008/09. A decrease in total household waste was also observed, from 25.3 to 24.3 million tonnes.
 - The average residual household waste per head decreased from 324kg per head in 2007/8 to 295 kg per head in 2008/9.
- www.defra.gov.uk/evidence/statistics/eviroment/wastats/bulletin09.htm
- 95.** There would appear to be flaws in the assumptions of waste growth, which could be based on historic data, trends have changed and the trends indicate an ongoing fall in waste arising. The plan could be based on questionable assumptions and is likely to be unsound, as the evidence appears to be unsound. BDR have used a consultancy company to produce figures that are not broken

down or segmented sufficiently to understand or deal with them. Indeed the recycling rate of the BDR is quite good currently. Have BDR considered an independent source such ADAS which have worked with other regions to assist in building sound waste policies. www.emra.gov.uk/files/19.pdf There appears to be no evidence to show that the BDR are summarizing the waste volumes by sector and material type. The BDR forecasts that municipal waste will grow from 460,000 tonnes to 540,000 to 2026, when national trends indicate it will most probably fall to a figure closer to 400,000 tonnes and most probably less than that. Even accounting for a housing growth, the number of homes does not equate to a similar rise in waste as families where parents are separated, would not generate more waste. Whilst the region may be designated as a growth area, this cannot be substantiated as there have been heavy cutbacks in housing in the last 2 years. The construction industry is predicting a very slow growth and current thinking is that 2011 may see some improvement but the industry expects a long slow recovery – why should Doncaster conflict with national trends. We have noted that Doncaster expects to construct a new town/village in the next 10 years, this is by no means certain, and therefore cannot be part of any waste growth assumptions.

96. The BDR is predicting that we need to have approx 1.7million tones of capacity in terms of plants running in the future- if the plants identified are in fact are constructed - link
http://www.doncaster.gov.uk/Images/Site%20Assessment%20Report%20Final%20Shortlisting%20of%20Sites%20from%20Reduced%20List_tcm2-71657.pdf
97. The site assessment report is misleading in the section of Evidence of Need (page 5) the report states that C&I waste in 2026 will be 985,000 tonnes. In the next sentence it states that some 660,000 tonnes of recycling, recovery or treatment capacity for commercial & industrial will be required. The remainder will be sent to landfill. Should we assume from this that we send over 300,000 tonnes to landfill, this is more than is currently sent to landfill.
98. If we add our reasoned argument figure of 400,000 tonnes of municipal waste to the 660,000 tonnes of C&I waste a conservative of 1,100,000 emerges.
99. Therefore we would call into question the need for so many large plants. The BDR has already identified the site at Manvers in Rotherham (230,000 tonnes capacity) as the main site for municipal waste. One of 2 bidders will be chosen by the end of 2010, for the PFI funding. There are plans to include Corus in Rotherham as a 400,000 tonne facility, so why would the BDR look to the Stainforth site as another 400,000 tonne facility would be clearly too much, when all the sites are added into the equation. The Stainforth site does not meet the criteria of being beyond 250 metres of residents, it is in within 200 metres of a school and 115 metres of households
100. If the site assessment report is followed there is already a 125,000 tonne capacity plant in process for Kirk Sandal and permission given for Sterecycle in Rotherham to be upgraded to 240,000 tonnes. This does not include all the other sites in the plan

101. Whilst it is always difficult to compile completely accurate figures, especially as we are projecting 10 to 15 years into the future, we would question the accuracy of some of the volumes quoted. The volumes quoted (92) do not equate with anything stated in the June 2010 documents. The dropping national levels in (94) do not easily fit with those in paragraph (95) for Doncaster. Paragraph (96) quotes a figure which is the total of all the plants that the BDR regards as suitable for the BDR which totals 1.7m tonnes capacity, if we equate this to (97) and (98) there appears to be surplus of circa 600,000 tonnes if all plants are given to go ahead, when projected to 2026. Therefore not only is the Stainforth site unsuitable due to the reasons stated, it probably will not be required and could bring in waste from outside the region, which would be contrary to the proximity principle. We would question also that the application is premature as the BDR scheme requirements are still being considered, with statistics that appear to conflict. In terms of PPS 1 this is so substantial and the cumulative effect so significant, that it will place current and proposed developments under threat, yet the proposal has not yet been subject to an Environmental Impact Assessment. A dangerous precedent would be set, with profound implications both across the Dearne Valley and at national level. If permission were given the proposal would place the BDR joint strategic waste plan in jeopardy and would be therefore premature.

102. One Planet Living - www.oneplanetliving.org

One planet living is based on the 10 principles of sustainability by BioRegional and WWF.

1. Our climate is changing because of human-induced build up of CO₂ in the atmosphere

2. Waste from discarded products and packaging creates disposal problems and squanders valuable resources

3. Travel by car and airplane is contributing to climate change, air and noise pollution, and congestion

4. Destructive resources exploitation (eg in construction and manufacturing) increases environmental damage and reduces benefits to local community

5. Industrial agriculture produces food of uncertain quality, harms local ecosystems, and may have high transport impacts

6. Local supplies of freshwater are often insufficient to meet human needs, due to pollution, disruption of hydrological cycles, and depletion

7. Loss of biodiversity due to development in natural areas and over-exploitation of natural resources

8. Local cultural heritage is being lost throughout the world due to globalisation, resulting in loss of local identity and knowledge

9. Some in the industrialised world live in relative poverty, while many in the developing world cannot meet their basic needs from what they produce or sell

10. Rising wealth and greater health and happiness increasingly diverge, raising questions about the true basis of well-being and contentment
103. The second item on the list is supported by DEFRA Waste Strategy 2007
One good example of waste reduction is the substantial reduction in supermarket carrier bags, reduced by almost 50% from 1 billion in recent years- link <http://thegreenvillage.co.uk/news/48-reduction-in-carrier-bag-usage-2-short-of-target-797/>
104. This is one important area that proves waste is being reduced and will continue to be reduced

RAID Believe that the Borough Council would have been justified in the rejection of the application on the grounds that the building of a MRF of such a capacity, without clear definition of need would be against the principles of “communities taking more responsibility for their own waste” as outlined in PPS10.

Material Consideration 3 - Nuisance

105. The local authority is under an obligation under section 79 of the EPA 90 to ensure that a statutory nuisance does not occur within areas under their control. Where a nuisance exists or is likely to exist, they must serve an abatement notice on the operator.
106. The levels of what would constitute a *statutory* nuisance and what the public deems to be a nuisance are unclear. Enforcement of any legal action following the issuing of any abatement notice would therefore, be difficult and the timescales involved in collecting evidence for prosecution would mean that the nuisance continued unabated for a considerable period of time.
107. RAID believe that a statutory nuisance could be considered in the following terms: smoke; fumes; dust; steam; odour; effluents; flies; rodents; birds; noise and litter as noted in PPS10.
108. There can be considerable noise generated by vehicles at and delivering to, a MRF site, as well as the machinery operated. PPS10, Annex E, paragraph h deals with odours and states ***“Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment”***. The 296 waste related HGV vehicles moving along Broadway intermittently becoming stationary due to bus stops, speed humps, traffic lights, and congestion etc, will mean that it is highly likely if not inevitable that there will be occasions on which numerous waste related HGVs will travel in close proximity. It is therefore highly likely that there will be given off strong waste related odours from these vehicles and bearing in mind the close proximity to footpaths, bus stops, schools and shops the approval of the application would go against the above mentioned Planning Policy Statement.

Again the Planning Inspector in the Able UK appeal states that “**Maximum noise levels for a transporter braking have been measured at 92.4dB L_{Arnax} compared with an ambient noise level of 65-68dB L_{Aeq}- an increase of some 25dB or more than 4 times as loud. Internal noise levels in houses could reach 65dB L_{Amax} which, it is generally accepted, can have an effect on sleep. Transporters would not be travelling at night, but some people may be sleeping during the day**”.

109. The noise generated down Broadway by the waste related vehicles would probably be greater due to the many “obstacles” previously mentioned along the route, especially the speed humps that exist. It is worthy of note that any other, non waste related HGVs using the route, would also be effected by the congestion and therefore generate more noise than they presently do.

110. Residents have paid for two noise reports, the first by Blue Tree Acoustics, the second by 24Acoustics. Both of these reports review the noise assessment commissioned by the applicant and carried out by Hepworths. This assessment was carried out for the 2010 application but was done to address one of the reasons for refusal of the first application in 2009 and is therefore relevant.

111. The Hepworth report attempted to address the important and central point that noise would not be an issue as stated in the reason for refusal: “**The Planning Committee were not satisfied on the basis of the information provided that the proposed development, having regard to its siting, would safeguard the living conditions of neighbouring residents, in particular in respect of noise disturbance from activities both in and around the building**”.

112. RAID would like to draw the Inspectors attention to the following points within the reports:

Blue Tree Acoustics:

4.5 In Section 3.20, the report states that “The sum of noise breakout from the building and noise from all external plant should meet the ‘marginal significance’ level given in BS4142. This means that the ‘Rating level’ should be no higher than 5dB above the ‘Background Noise Level’. This standard has been agreed by Scott Forbes of Doncaster Environmental Health Department.”

4.6 This agreement is inappropriate for two reasons. Firstly, the criterion does not consider all relevant noise sources and ignores the noise contribution from operations such as HGV movements and shutter door movements taking place within the industrial premises. Excluding these noise sources from the criterion is not in accordance with BS4142 and therefore the ‘marginal significance’ criterion will not necessarily be met for noise emission from the site as a whole. Secondly, the assessment method does not state that this criterion should be achieved at all times at all noise sensitive locations in the vicinity.

4.7 Indeed the Hepworth report deals with the various groups of noise source separately and propose their own standard which ignores BS4142 and seeks to

compare the likely new noise levels to the existing ambient noise levels. It appears that so long as the new level is less than the existing level, then the impact is declared to be minimal, even though, as discussed later, the correctly assessed BS4142 impact is large.

4.8 In order to undertake a BS4142 assessment, the representative background noise level must be identified for each noise sensitive location. The Hepworth report does this in Table 1 of the report shown in the extract below. The values selected appear to be correct assuming the noise surveys were undertaken correctly. There is no reason to assume that the noise data collected is not valid and therefore the following values would appear to be correct. The statement in paragraph 2.8 of the report is however, not correct. The levels displayed in the table allow a correct BS4142 assessment to be undertaken as the background noise levels quoted are typical for the location and time. It is not a worst case scenario, it is a typical scenario based on sample measurements of the prevailing noise climate. It is perfectly possible for noise levels to be measured as being lower on another occasion. Indeed, some of the figures given are rounded up. Should noise be a fraction of a decibel lower another day, the figure would be rounded down. In short, the figures are typical and not worst case.

4.9 BS4142 requires a typical noise background noise level to be selected and therefore the values are acceptable.

In pages 16,17, and 19 there are various technical tables and charts to refer to.

4.16 As can be seen in Table 1, the true noise impact of this proposal is +10dB in BS4142 terms at night and +8dB in BS4142 terms during the day. As detailed in Section 3 of this report BS4142 requires that noise from industrial premises is assessed in this manner. It is not correct to only assess some of the noise sources, and to suggest that the vehicle movements and manoeuvres should not be assessed in this way. These noise sources are being generated on industrial premises and BS4142 should be applied correctly. As stated in Section 6.5.1 of BS8233, industrial noise may originate from specific processes and related transport operations, it is therefore correct to apply BS4142 to vehicular movements on industrial premises. Furthermore, PPG24 states that the likelihood of complaints can be assessed using the guidance in BS4142 and BS8233 states that where industrial noise affects residential areas, then the BS4142 method should be applied.

4.17 It should be noted that the BS4142 result of +10dB corresponds to the following BS4142 wording "A difference of around +10 dB or more indicates that complaints are likely".

4.18 Notwithstanding the above, there are additional elements of the Hepworth Report which require further investigation.

4.19 Section 3.15 of the Hepworth Report states that all loading/unloading activities will take place internally and that vehicles will enter and exit the building via roller shutters. The HGVs will reverse into and drive out of the building.

4.20 Given that there are 57 HGV movements per hour in the day and 6 HGV movements per 5 minutes between 0600-0700 hours, a shutter door will be opened every minute. An 'time open' estimate has not been presented. Section 1.5 states that

doors will be closed before tipping. Tipping time estimates have not been given. It is assumed that the shutter door would be opened for at least 30 seconds for each event and that each tipping event will take much more than 30 seconds. It would therefore appear that for most of the day and night from 0600-0700 hours, tipping will be taking place while a shutter door is open. The noise break-out section, Section 3.21, makes no comment relating to shutter doors being opened or tipping noise specifically. It would appear that the 25dB LAeq and 24dB LAeq presented in Section 3.23 and Table 6 of the Hepworth Acoustics report are the result of a calculation made assuming the building envelope sound attenuation figures presented in Table 5 apply at all times and does not allow for door openings.

4.21 No calculations are presented and therefore the accuracy of the calculations cannot be assessed, however, it appears that the shutters being open, and noise break-out via the shutters has not been allowed for. In addition, the noise generated by the actual opening and closing events has not been assessed.

4.22 Apparently a planning permission was refused previously because:
“The Local Planning Authority is not satisfied on the basis of the information provided that the proposed development, having regard to its siting, would safeguard the living conditions of neighbouring residents, bearing in mind their concerns, in particular, in respect of noise disturbance, from activities in and around the building. Approval of the reserved matters in these circumstances would conflict with the objectives of Policies EMP17 and ENV52 of the adopted Doncaster Unitary Development Plan”.

4.23 The Hepworth Report states in Section 3.36 that: “This report provides the necessary information to demonstrate that potential noise impact from the development can be adequately controlled. Implementing the noise mitigation measures detailed in Section 4 below will ensure that the development meets national guidelines and noise from the development will not conflict with the objectives of EMP17 and ENV52 of the Doncaster Unitary Development Plan.”

4.24 In fact, the site will impact on local residents and the correct use of the relevant national standards indicate that complaints are likely.

5.0 SUMMARY AND CONCLUSIONS

5.1 I have considered the information provided in the Hepworth Acoustics report associated with the Materials Recycling Facility at Hatfield.

5.2 I have undertaken BS4142 assessments based on the information provided in the Hepworth Acoustics report.

5.3 The BS4142 assessments indicate that the level of noise impact is such that it is likely that residents will hear the noise, and will complain about the noise as the difference between the BS4142 Rating Level and the Background Noise Level is +10dB at night and +8dB in the day.

5.4 BS4142 states that “A difference of around +10 dB or more indicates that complaints are likely”.

In the 24Acoustics:

5.0 Conclusions

5.1 It is concluded that the approach and methodology used in the Hepworth Acoustics report is unlikely to give an accurate assessment of the noise impact at the nearest residential properties.

5.2 It is 24 Acoustics’ opinion that the noise report should be updated with a series of comprehensive noise surveys and an assessment of the impact using BS 4142 for the reasons given above.

5.3 Proposed Condition 3 is predicated on a reliable background noise level. It is recommended that this proposed condition be reviewed in the light of the new noise background noise levels once received.

5.4 It is relevant to note that the Condition 3 refers to noise attributable to the operation of the site, which would include transportation movements of waste. Compliance with the condition would be in doubt as the predicted noise level arising from HGV movements of 39 dB LAeq 5 min between 06:00 to 07:00 would exceed the stated background noise level of 35 dB LA90 5min.

113. The two reports are regarded as important material evidence that the assumptions from the Hepworth report cannot be relied upon.

114. One of the common reasons for concern around the two reports is that BS4142 should have been applied.

115. Another concern under “nuisance” is that of vehicle emissions. Doncaster and the surrounding area are well below the National average for air quality and residents suffer a higher average number of chest / breathing related illness because of this. A dramatic increase in HGV traffic, giving off odours, in a concentrated area can only exasperate this problem. DMBC’s own web site states *”Traffic Sources are the major reason for episodes of raised pollution levels”* and *“poorly maintained diesel engines produce many times more pollution than those that are well maintained”*. RAID are of the opinion that 296 HGV vehicles per day, many of them using one route, can only have a negative effect on the health of residents, particularly those who already suffer from chest / breathing related problems.

RAID believe that the Borough Council would have been justified in rejecting the application on the grounds that it would be likely to cause a statutory nuisance in contravention of ENV65.

Material Consideration 4 – Perceived Fear

- 116.** PPS 23 refers to perceived public fear and blight, “the objective fear of unacceptable risk to the health & safety of the public arising from the development”
- 117.** The presence of combustible waste is a fire risk, these combustibles can ignite through self heating or a reaction with other materials present in the waste. Large amounts of waste will be stored at the site to cover weekends and holiday periods when deliveries to the site will not be allowed.
- 118.** According to the Health & Safety Executive – In the document – Designing and operating material recycling facilities (MRF’s) safely – www.hse.gov.uk/pubns/waste13.pdf it states that there is a fire risk in MRF’s, this increases depending upon the materials and processes. Many materials are flammable, plastic and rubber give off toxic smoke. Some materials become explosive, if in a fine condition –e.g. certain dusts
Sources of ignition can include;
- Electrical equipment can spark/ overheat
 - Bearings overheating
 - Batteries and accumulators
 - Tramp metal in machinery
- Some materials can ignite spontaneously, some can self heat, when are stocks are large and heat cannot radiate safely it is particularly dangerous
- 119.** Residents have over a period of time been aware of how “waste” associated fires have happened on a regular basis with one being fought by South Yorkshire Fire & Rescue, with the assistance of Merseyside colleagues, at Mexborough in South Yorkshire whilst the June 2010 Planning Meeting was taking place. This was followed by another waste recycling plant being involved in a fire at Garforth near Leeds within two days of the MRF being granted planning permission. Both of these plants involved local residents being evacuated from their homes, some for three nights. At Garforth, a hotel belonging to a national chain had to be evacuated and guests accommodated in various local hotels.
- 120.** Both of these fires happened at plants that operate on a much smaller scale to the proposed one at Hatfield Power Park and are sited within a similar distance from residential properties if not further.
- 121.** The attached list of waste related fires is further proof that the fears of residents is a very real one and not “scare mongering” as some people may suggest.

122. List Of Recent Fires from August 2009 To Date:

August 2009 Hemswell – burned for 6 days 17 appliances – residents told to keep windows shut
Sept 2009 – Hull Riverside recycling 65 firefighters present – premises evacuated.
Sept 2009 – Daventry – Wincanton recycling 60 firefighters caused by exploding truck tyre
Oct 2009 – Hull Clough Rd – burned for 5 days residents evacuated and adjacent businesses closed for two weeks
Nov 2009 – Northfleet kent large WRC fire with 6 tenders
Dec 2009 – Fleetwood – exclusion zone set up while fire rages.
Dec 2009 – Preston, 70 fire fighters and waste company is fined £150k by Health & safety Executive for fire that spread across 2 motorways.
Jan 2010 – Parnham Suffolk – 8 tenders all day
Feb 2010 – Dewsbury Waste Fire – may burn for weeks – firefighters spend second week tackling blaze.
Feb 2010 - Crymlyn Burrows waste treatment plant near Swansea.
Feb 2010 – Brandon Suffolk – 50 firefighters tackle blaze
Mar 2010 – Campsie N.I. – 500 tonnes waste burn for 5 days 70 fire fighters
April 2010 – Brighton
May 2010 – Thetford 10 fire appliances in attendance.
May 2010 – West Sussex Waste recycling Centre – 60 fire appliances in attendance
June 2010 – Wakefield road waste recycling – smoke seen for 20 miles.
June 2010 – Tockwith Nth Yorkshire – 30 firefighters.
Just two weeks ago, the local parish council voted unanimously to object to an application by BCB to build a £23m waste incinerator capable of processing up to 60,000 tonnes of waste each year.
A Tockwith Parish Council statement said: "Councillors and local residents expressed concern about the health risks of burning thousands of tonnes of waste, some of it hazardous, less than 500 metres from nearby housing and less than 1,000 metres from the local primary school."
June 2010 – Harworth near Doncaster fire at chemical firm, part of their business is to recycle waste chemicals.
June 2010 – Mexborough near Doncaster – Recycling facility caught fire, residents evacuated and Merseyside officers called to assist.
July 2010 – Garforth near Leeds – Waste Centre fire, hotel and homes evacuated with support required from other areas.

Other Non Material Considerations

123. RAID would question the quoted figure of 170 new jobs should this proposal be granted permission. By the very fact that this plant will take municipal waste and the way that waste is sorted within the process, it will therefore threaten the existing jobs within the curbside collection schemes locally.
124. RAID would question where the applicant has built other MRFs of any capacity in the UK or overseas and their expertise within this field.
125. The community have reservations about all the factors influencing the building of the proposed M18 Junction 5 Link Road. We refer to the letter to DMBC from HB Architects which includes a summary of the factors that influence the building of the road. The members of the community are aware, as stated in the application, that the applicant does not have all the relevant ownerships and permissions that are required to deliver the facility and indeed funding from Government bodies is not secured. Residents fear that the applicant will at a later stage for various reasons renege on their commitment to deliver.
126. The community, as already stated, have major concerns around the consultation process that both the applicant and DMBC carried out. With regard to the applicant there is much misleading information about meeting dates and having contacted local businesses. An example of this is the poster presented as evidence. The letter from Hatfield Town Council to Frenchpr, the applicants publicity office, clearly demonstrates where local residents have concerns. Within the letter residents complain that they attended publicity events with very little information available and others who received no information at all although it was supposed to be delivered to all households.
127. The letter from HB Architects dated 22nd April 2010, clearly shows how DMBC allow, indeed positively encourage, the applicant to submit an amended application to a very contentious case, free of charge, without requesting that the applicant consult the residents on the amendments. In the letter it states "***The public have been fully appraised of the Applicants' proposals as a result of the previous application and its determination in all material respects***". RAID would respectfully ask how the public can be fully appraised when they have not been consulted?
128. The date set by DMBC officers for representations has also been misleading. The original letter to RAID on the 2010 application gave one date, whilst a DMBC notice on a lamp post gave another.
129. RAID have previously entered a formal complaint to DMBC with regard to the consultation process in this case. A meeting with the Mayor was arranged in March 2010 to discuss the residents' concerns with regard to consultation. At the start of this meeting we were advised that the applicant had appealed which changed the course of the meeting and the issue of consultation was not addressed. During this meeting, Mr Gutherson, Assistant Director of Planning was present, and he clearly stated that there would be another application

submitted that would address the issues for refusal in the first application. He also stated that DMBC would find it difficult to defend the appeal for the first application as they (DMBC) had recommended it to be approved. There were three well respected local residents at this meeting. Mr Gutherson stated that with the amendments, the second application would be passed and the resident's campaign was futile and we should "give up". This statement was supported by the elected Mayor, Mr Peter Davies.

- 130.** Planning Policy Statement 10: Planning for Sustainable Waste Management point 37 states ***"Delay can arise through poorly conceived, designed and executed proposals. Planning applications for waste management facilities that cut across up-to-date development plans prepared in consultation with local communities give rise to justifiable frustration. The Government therefore encourages industry to continue to work alongside local communities, in support of planning and pollution control authorities, and in ways consistent with sustainable development"***.

Consultation is mentioned as a major concern in the recent Audit Commission Report.

www.doncaster.gov.uk/about/chamber/.%5CReports%5C05%20External%20Audit%20Progress%20report.pdf

- 131.** The Barnsley Doncaster Rotherham (BDR) Waste Core Strategy:
A Local Planning Authority's Waste Core Strategy is one of several Development Plan Documents (DPDs) that forms the Local Development Framework (LDF). Like all DPDs, a Council's Waste Core Strategy must be assessed by a Planning Inspector who will determine whether or not it has been prepared in accordance with legislative requirements. The Planning Inspector, through what is known as an "examination in public" will establish whether the Waste Core Strategy is "sound". One of the most important issues with regard to soundness being consultation.
- 132.** There was only one public meeting - 4th September 2009 by DMBC to consult with the local area with regard to the BDR process. The public were concerned that it was held away from the site location, early on a Friday, during a bank holiday week. The turnout was low, due to this. In the meeting DMBC outlined, that they were consulting on the BDR process and with regard to the application, in fact Doncaster is not in sync with the other two Boroughs with regard to consultation meetings.

Conclusion

- 133.** RAID have provided many material considerations backed by numerous contradictions to the UDP and numerous precedents to assist DMBC in rejecting the application. A campaign gathering public support has been conducted over many months resulting in over fifteen public meetings attended by in excess of 1500 local people, two reports, three petitions of over 2000 names and over five hundred letters of objection.
- 134.** In all RAID discussions at open public meetings, three people have supported the scheme put forward by AvVAIL / Waystone for the site.
- 135.** Mitigation strategies are only needed where a risk is introduced. The application by AvVAIL / Waystone Ltd is abundant in mitigation strategies, indicating that AvVAIL / Waystone recognise that there is significant risk associated with this project. RAID suggest that the risks brought about by this development outweigh any benefit that could be gained by the people within the region.
- 136.** When all the material and non-material concerns are considered, there are more reasons not to have a MRF site at Hatfield Power Park, than there are positive motivators. The Doncaster UDP contains many reasons to reject the application, both at the planning meeting and at a subsequent public inquiry.
- 137.** As it can be seen, public opinion and support for the rejection of this application is as strong as ever. Local communities are as opposed to this development as they ever were.
- 138.** By production of this report and the raising of public support from a wider audience than the immediate vicinity of the proposed MRF facility, RAID have attempted to prove that the implications of setting a precedent by allowing this development to commence will not just contravene local planning guidelines but also will possibly undermine National and International Laws and principles.
- 139.** This report is submitted after significant consultation with the public and other bodies and should be considered in the context of:
- a petition of 2000 signatures from Doncaster residents who object to the proposal.
 - the 500+ letters of complaint received from members of the public.
 - the letters of objection from statutory consultees.
- 140.** RAID suggest that by way of this report there is sufficient reason for DMBC and any subsequent public inquiry to reject the AvVAIL / Waystone application on the grounds that it is not in the general public interest, specifically for those in close proximity to the development.

Report Signoff

Signed on behalf of RAID

Chris Skelton

Martin Wraith

Signed on behalf of the local residents