

## **BANKWOOD LANE - DMBC Officer and EA responses to questions from Parish Council and Ward Members (Feb 2017)**

### **Lorry Park**

#### **History**

Various consents - Former Coal yard – Vehicle dismantlers – Extreme sports centre – Residential development 43 units – Extant residential permission expires 25<sup>th</sup> March 2017.

Summer 2015 - the site was cleared and allegations made that the site was being used for lorry parking. Officers confirmed via visits from September 2015.

15/00452/M – the main enforcement case was opened – discussions to require an application be submitted to regularise and control the use.

This was submitted (Ref: 16/02386/COUM) and is currently under consideration.

#### **Planning Issues**

Principle of development  
Noise from the site  
Dust/dirt on site and distributed onto the highway  
Unsafe access/egress  
Number of HGV movements

#### **Action taken to date:**

#### **DMBC**

Breach of Condition Notice served re: hours of operation on main Attero waste site.

Amended plans sought on current application re:

Form a management plan to control through planning permission  
Amendments to access points to provide safe ingress/egress  
Part-installation of boundary treatment to assist in preventing light/noise spill  
Potential for wheel washing facilities on site if necessary (TBC)  
Organised site layout  
Levelling of site  
Air quality assessment  
Dust/litter suppression  
Signage directing drivers to FARRRS via new link

#### **EA**

Not in EA's remit other than as a consultee on the planning application

## Attero

### History

Extant consent for waste transfer station (Ref: 97/69/3510) granted in 1998. Permission allowed on appeal (Ref: 00/69/3887/P/FULA) by the Planning Inspectorate to allow import of clinical waste.

### Planning issues

Increase in intensification/tonnage as a result of the Environment Agency permit allowance.

### Action taken to date:

#### DMBC

Pre-application advice in November 2015 on extending recycling operations, including the erection of two further buildings to allow recycling operations to take place internally and retrospective permission for a previously erected building.

Application 16/02386/COUM (HGV site) was submitted in September 2016 relating to the impact of the increase on tonnages.

Potential for new access/link road to the site ongoing.

Breach of Condition Notice served on out of hours operation.

#### EA

Issues raised about site – Litter, odour, waste quantity, train loading.

Site was audited last year and have been visited twice since. Main focus on at the moment is litter, train loading and drainage. Collapsed drain in car park area is potential source for foul odours. Litter is unacceptable.

## Morris Metals

### History

Part of the site for metal reclamation. Part of the site previously light industrial - a coal merchant – vehicle spares expanded to become the whole Morris site circa 2005.

## **Planning Issues**

Intensification of use  
Dust and litter emanating from the site  
Noise  
HGV movements to and from the site  
HGV parking  
Stockpiling

### **Action taken to date:**

#### **DMBC**

Application 16/01811/FUL submitted in July 2016 to change the use of a section of adjoining land and also increase the tonnage brought to the site.

Current amendments include:

Internalise part of the activity within a building  
New boundary fencing and netting  
Odour control technology  
HGV parking within the site  
Control over operating hours/tonnage  
Routing agreement (TBC)

Breach of condition notice served re: operating out of hours operation.

#### **EA**

Issues raised about site – debris, litter, odour, flies.  
Site was audited last year. Enforcement notice was issued and complied with, improvements have continued on site with decreased stock piles, improved operating practices and management system. Main focus at the moment is dust and continuing to improve management systems.

<b>Hansons</b>
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## **History**

### **Planning issues**

#### **Action taken to date:**

#### **DMBC**

Permission (Ref: 82/69/01425) granted in 1983 for the use of the site for a concrete mixing and batching plant.

Conditions to reduce dust, noise and to limit hours of operation to Mon – Sat (07.00 – 19.00) and not at all on Sundays in place.

Hansons have been approached to inform them of the issues re: HGV use and the need to be mindful of the community concerns wherever possible. No formal action can be taken to control the HGVs.

**EA**

Not in EA's remit

## **PROBLEMS FOR RESIDENTS:**

### **Number of lorries coming into the village**

#### **What has been done?**

Additional signing has been provided to encourage use of the new West End Lane route, and to deter the use of Bankwood Crescent.

#### **What can be done?**

The Council has no traffic or highway powers to be able to restrict the volume or type of vehicles using the public highway to access established premises. Weight limits for example would apply to all vehicles (local deliveries, shops etc.) and not just specific companies, so exemptions to permit access would be required.

Planning conditions cannot be retrospectively set to limit activity or stipulate routing, but the potential transport impacts of any new or modified development would be assessed as part of the planning application process. Routing agreement conditions have the potential to be attached and if evidence of breaches occur, breach of condition notices can be used.

Discussions are on-going regarding a potential new link road from Bankwood Industrial Estate to Great Yorkshire Way, which would help reduce HGV traffic through the village (see separate question).

### **Number of lorries using the lorry park**

#### **What has been done?**

Ongoing monitoring of the situation.

#### **What can be done?**

Control number of lorries through organised site layout, management plan and planning condition.

## **The route the lorries take to get the industrial estate**

### **What has been done?**

Bankwood Industrial Estate can now be accessed from either direction on West End Lane, which means that no individual route is expected to take all HGV traffic. The original West End Lane approach is also naturally metered by the level crossing, has previously been reduced in width with areas of sheltered parking, and a new timed 20mph limit provided by Pheasant Bank School.

### **What can be done?**

The Council has no traffic or highway powers available to impose traffic management or routing plans for individual businesses. Such issues can be considered as part of the planning process for any new or modified applications.

## **Noise from lorries/from industrial estate**

### **What has been done?**

Issue with Hargreaves has been resolved. Land owners terminated the lease and resolved this noise issue.

Noise complaints regarding reversing alarms from plant at Morris & Attero have been dealt with by the installation of white noise broadband reversing alarms.

Previously addressed out of hours working with Morris Metals & Attero by serving breach of conditions notices. Ongoing monitoring regarding this situation when complaints arise.

Noise monitoring with regards the lorry park has been undertaken. This will form the basis of the recommendations sent to planning in relation to the application.

### **What can be done?**

Noise from the lorry park would be dealt with by suitable conditions if permission was granted.

If planning permission isn't granted then we would work with the Areas team to look at other controls to deal with lorries causing nuisance in the village.

Continue to investigate any complaints that we receive, although enforcement action may be taken by the EA if it is something that relates to a site with a permitted process.

As this is an industrial estate, there will inevitably be noise from certain sites and also noise from HGV's entering and leaving these premises.

### **Times lorries are coming into the village**

#### **What has been done?**

Traffic surveys have been undertaken at various locations in Rossington. They have been useful to indicate for example differences by time of day or over the weekend, to assist in identifying any significant level of activity beyond the planning restrictions imposed on some of the businesses.

#### **What can be done?**

The Council has no traffic or highway powers to be able to restrict the type of vehicles accessing individual businesses by time of day. Such issues can be considered as part of the planning process for any new or modified applications, or where existing planning conditions are in place.

### **Times businesses are operating**

#### **What has been done?**

Morris - Planning conditions already imposed on current permission. BCN served and monitored.

Attero – Existing operating hours continue to be enforced. BCN served.

Hanson - Existing operating hours to be enforced if evidence of breach.

#### **What can be done?**

Lorry Park - Planning conditions/management plan to be imposed on current application should permission be granted.

If BCN breached – prosecution is a potential course of action.

## Flies

### What has been done?

Samples analysed. Identified flies associated with waste sites. This is mainly a question for the EA.

Morris & Attero have been the main focus. Management systems have been revised after last Summer. The EA has addressed (via the permit) the issue and measures have been put in place.

### What can be done?

This needs to be monitored in the warmer months. Issues need to be reported to the EA as the enforcing authority. However, DMBC Enforcement Team will also monitor this issue to assist the EA if complaints are received.

## Smell

### What has been done?

Similar to flies. We did monitoring and identified the source of the odour in 2016. The EA have addressed this issue with both sites and measures have been put in place as part of their management plans.

### What can be done?

Need to address any complaints to the EA in the future to determine whether the management plans are effective. Further monitoring will take place.

Odour from passing vehicles is transient in nature and whilst the vehicle is on the highway there is little control that can be placed on them using the Environmental Protection Act.

Morris – Odour technology to be installed as part of current application. Building to part enclose operation. Conditions re-imposed on inert materials only being processed

Lorry Park – Air Quality Assessment to be submitted. Management plan to cover securing loads, idling, moving within the site

Attero – EA?. Future applications encouraging buildings to internalise operation. Odour technology

### **Litter on roads and in paths**

#### **What has been done?**

Morris & Attero have road sweepers that are utilised to sweep Bankwood Lane

The EA have conditions on the permits that require control of litter from the site but litter on the highway is difficult to attribute to a particular business.

#### **What can be done?**

Difficult to prove where this waste has come from and which vehicles have dropped the waste. This could be addressed by Street Scene and an assessment being made on the frequency of road sweeping, etc.

This could be monitored by Area team officers and reporting this through to Street Scene if it is an ongoing issue.

The EA have commented at a recent meeting that they would be speaking to Attero to clean up the litter that has blown into trees and hedges adjacent to the site

### **View for residents overlooking the lorry park**

#### **What has been done?**

#### **What can be done?**

HGV Park - Solid boundary treatment to be installed to western elevation screening headlights etc from windows. To be secured through condition should permission be granted.

### **Safety of lorries entering and exiting the lorry park**

#### **What has been done?**

Amendments to application to widen access points in consultation with highways have been requested to minimise using both sides of the road to turn.

#### **What can be done?**

Issues remain when vehicles are parked in the vicinity of the site. Any efforts to alleviate blocking of the highway to allow free flowing traffic to be explored.

## **Dirt and debris on the road**

### **What has been done?**

In addition to routine street cleansing Morris & Attero have road sweepers that are utilised to sweep Bankwood Lane

### **What can be done?**

Highways enforcement can be undertaken if the problems can reasonably be put down to a specific individual operator, but this can sometimes be difficult to evidence.

The requirement for wheel washing facilities/road sweeping etc. can be considered as part of the planning process for any new or modified applications.

Morris – Wheel washing equipment to be installed as part of planning application

Lorry Park - Wheel washing equipment potential. Management plan to cover cleaning of the site

Attero waste site – The above should be considered with any future application.

## **New road**

### **What has been done?**

The council have brokered several meetings with the main businesses causing issues with vehicle movements to the industrial estate and landowners (namely Attero, Morris Metals Hansons Harworth Estates Tony Morris)

All have been committed to work together to find and contribute ( land access and or financial ) towards a solution

### **What can be done?**

Currently individual meetings are taking place to understand the financial value of any contributions and understand if there is a funding gap and if so the value of it.

## **FREQUENTLY ASKED QUESTIONS FROM RESIDENTS:**

**Q. The lorry park doesn't have planning permission, why hasn't it been closed down?**

National Planning Policy Guidance (NPPG) – An application should be encouraged to address planning issues and is seen as a reasonable response.

**Q. What is happening with the land – the for sale sign went back up recently why?**

Planning Permission 11/01655/EXTM Erection of 43 dwellings on approx.0.52 ha of land (being extension of time to application granted under ref:08/00841/FULM on 13.06.2008) – Is extant and expires 25.03.2017. The land owner has marketed the land.

**Q. The lorries come into the lorry park every morning at 645am – can they do this?**

At the moment, there are no planning controls over the site. However, planning reference 16/02386/COUM can be determined and control the operating hours for the lorry park. The surrounding area has unrestricted on-street parking available.

**Q. The lorries are a danger when they swing into and come out of the lorry park – why has this been allowed to happen?**

At the moment, there are no controls over the site. However, planning reference 16/02386/COUM will ensure that the access and egress points are altered to minimise the requirement for lorries to take up both sides of the road when turning. Highways will comment on the appropriateness of these movements.

The planning history of the site is that HGV's could have previously accessed the same access arrangement in the past.

**Q. We can't sit in our gardens because of the noise and smell – why should we live like this as the houses were here before the industrial estate?**

Nobody should suffer unreasonable levels of noise and/or odour and we would always look to take action if this is the case. However, any action has to be taken in the context of this being an active industrial estate. This will give rise to some noise and/or odour but we have to make an assessment as to whether this is unreasonable.

The industrial estate has been a source of complaints for 20+ years and when we have obtained evidence of a problem, action has been taken either informally by working with the businesses or by taking enforcement action.

Planning reference 16/02386/COUM (Attero HGV Park) can seek to control noise and smell issues where possible through a management plan for the site.

Planning reference 16/01811/FUL (Morris) will install odour control, new boundary treatments and a building to assist in reducing noise/smell.

**Q. When the lorries go past, everything in the house rattles, including the windows – what can be done about this?**

Specific locations can be investigated for any significant highway defects that may add to such problems. HGV routing can be considered as part of the planning process for any new or modified applications. Discussions are on-going regarding a potential new link road from Bankwood Industrial Estate to Great Yorkshire Way (see separate question).

**Q. The roads are filthy, litter comes off the lorries and dust is everywhere because of the lorries – why hasn't this been stopped?**

The first part will be covered in the question about dirt and debris on the road but we're not really sure about stopping litter coming from vehicles, is this police (dangerous load), can the Council enforce under littering legislation, or did the Environment Agency mention last week that they would deal with this kind of issue?

Planning reference 16/02386/COUM can seek to control dirt and debris being deposited on to the highway as well as litter control for the site.

Planning reference 16/01811/FUL will install wheel washing facilities and dust suppression.

**Q Lorries coming into the lorry park, cause a traffic jam – why isn't this stopped?**

The Council does not have the powers to deal with obstruction of the highway, but the police have powers in situations of danger and immediacy of obstruction.

Planning reference 16/02386/COUM can seek to control the movement of HGV's through a management plan

**Q.The lorries come right through the village – why don't you stop this?**

Bankwood Industrial Estate can now be accessed from either direction on West End Lane, which means that no individual route is expected to take all HGV traffic. The original West End Lane approach is also naturally metered by the level crossing, has previously been reduced in width with areas of sheltered parking, and a new timed 20mph limit provided by Pheasant Bank School.

Additional signing has been provided to encourage use of the new West End Lane route.

Routing agreements may be possible on applications at the operational sites.

**Q. On what grounds can we object to the lorry park application and Morris Metals?**

Material planning reasons include:

Noise/dust/odour  
Highway safety  
Visual impact  
Intensification of development

All of the above would need description evidence to underpin the point being made and how it is causing a problem

**Q. What happens once you have read all our objections?**

The case officer will write a report summarising consultation responses (including objections) and make a recommendation to planning committee taking these into consideration and relevant planning policy.

**Q. If you decide to let the lorry park have planning permission, cant you put conditions on it to stop them making our lives a misery?**

Reasonable and enforceable planning conditions can be imposed on any permission

The LPA can grant temporary permission to assess the impact of a proposal, or where material considerations indicate that permission may be beneficial in the short term.

**Q. What will happen if planning permission for the lorry park is refused?**

The applicant has a right to appeal to the Planning Inspectorate within 6 months from the date of decision.

The applicant has a right to appeal against any enforcement action being taken.

It should be noted that there is a risk that if permission was refused and any potential subsequent appeal dismissed this could lead to vehicles that would have previously used the site parking on the roads which would not be able to be controlled

**Q. I live at the end of West End Lane and we were a dead end- now we have all this traffic – when we lived near a new by pass we got something called part 1 compensation – are we not entitled to this now?**

In our opinion this would not meet the criteria for a part one compensation claim

#### **Additional issues from PC**

- **Speeding traffic on West End Lane and Heathersfield Crescent – off Great Yorkshire Way into Rossington**

Safety Cameras are now deployed over an extended length of West End Lane. The new road is designed to help manage speeds (islands, bend, width), but further physical traffic calming measures would likely compound concerns about noise and vibration. The police retain the powers of speed enforcement.

- **The rail link used by the Recycling Company**

This would have to be confirmed via discussion with Attero

- **Dirt on Heathersfield Crescent – I have had 2 complaints about residents skidding on the road due to the dirt and grit**

Meetings have taken place with the housing developer and Harworth estates to add appropriate washing facilities on site to resolve the problem. This is being implemented

- **The new rail link to Finningley Airport**

Discussions have been taking place with Network Rail and Peel around the potential options of delivering this. This is at an early stage