



Report to North Buckinghamshire Area Committee

Application Ref:	CM/0066/20
Description:	Planning Application made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility, Wing Road, Cublington, LU6 0LB.
Application Ref:	CM/0018/21
Description:	Installation of concrete walling, litter netting, fuel tanks and water tank.
Site Location:	Lockharts Farm Waste Recycling Facility Wing Road Cublington LU7 0LB
Applicant:	Bulk Transfer Ltd
Case Officer:	James Suter
Ward(s) affected:	Wing
Parish-Town Council:	Wing Parish Council
Summary recommendation (s):	CM/0066/20 It is recommended that the application CM/0066/20 is APPROVED subject to conditions to be finalised including those set out in Appendix E. CM/0018/21 It is recommended that the application CM/0018/21 is APPROVED subject to conditions to be finalised including those set out in Appendix E.

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This report deals with two associated applications which have been submitted by Bulk Waste Transfer Ltd.
- 1.2 Application CM/0066/20 seeks permission under S73 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility, Wing Road, Cublington, LU6 0LB.
- 1.3 Through discussions with the applicant/agent regarding the proposal it became apparent that to reduce noise impacts from the proposal, mitigating works would be required which would require a separate application for planning permission. Accordingly, a separate application was submitted under planning application reference CM/0018/21.
- 1.4 Application CM/0018/21 seeks planning permission for the erection of concrete walling which is identified by the applicant as necessary to reduce noise impacts from the proposals made under application CM/0066/20 amongst other things including litter fencing and the situation of fuel and water tanks.
- 1.5 Following further discussions pertaining to the existing boundary bunding to the north of the site which is in a state of disrepair, the applicant has submitted a scheme for the regrading and replanting of the bund under application CM/0066/20.
- 1.6 The primary matters for consideration under these applications are the impacts upon amenity, landscape and visual impacts, the provision of waste management capacity in line with the spatial strategy and the highways impacts.
- 1.7 Applications CM/0066/20 and CM/0018/21 have been called in to the North Buckinghamshire Area Planning Committee in agreement with the Chairman and Vice-Chairman due to the public interest and the potential impacts associated with the proposal.
- 1.8 It is recommended that the application CM/0066/20 is APPROVED subject to conditions to be finalised including those set out in Appendix E.
- 1.9 It is recommended that CM/0018/21 is APPROVED subject to conditions to be finalised including those set out in Appendix E.

2.0 Site Description

- 2.1 Lockharts Farm is located to the north of Wing Road approximately 1km north-east of Cublington and 3km west of Wing. The site is to the south of the main

runway at a former second world war airfield. The site takes access off a private access road which connects to the Wing Road.

- 2.2 The nearest residential buildings to the site are Cedar Farm (approximately 50m north of the site boundary) and South Tinkers Hole Farm and Cottage (approximately 175m east of the site boundary). It is understood that South Tinkers Hole Farm also farms pigs in agricultural buildings which are closer to the application site.
- 2.3 The site is adjacent to a vegetated boundary to the north of the site which contains several mature deciduous trees. The nearest public right of way is WIN/29/1 which is a public footpath that runs east to west approximately 20m north of the site through the wooded section.
- 2.4 The site covers an area of approximately 0.46 hectare for the main operational area but the red line for application CM/0066/20 includes the site haul road which takes the total area to approximately 0.74 hectare. Boundary treatments at the time of writing are a mixture of bunding, hedges and concrete blocks with the entrance secured by a double gate. On site there are 3 buildings including a barn, site office and mess facilities. The barn measures approximately 9.4m x 18.4m with a maximum height of 5.5m. The site office and mess facilities building are portable buildings approximately 2.4m in height.
- 2.5 The site is approximately 1.25km south from Warren Farm (SSSI) but is not within its impact zone. The site is indicated to be within a SSSI impact zone but the proposal does not fall into categories which are considered to have likely risks.
- 2.6 The site is not within any designation such as AONB or Green Belt.
- 2.7 The site is within the Cublington – Wing Plateau Landscape Character Area (LCA 4.13). The site is near the boundary of the Quainton-Wing Hills Area of Attractive Landscape (AAL) which lies approximately 200m to the south of the site itself. A section of the haul road for the site is within this area.
- 2.8 The nearest listed buildings are found within Cublington and include Neale's Farmhouse Grade II (approximately 700m south west of the site) and Old Manor Farmhouse Grade II (approximately 900m south west of the site).
- 2.9 The site is within a Nitrate Vulnerable Zone and Drinking Water Safeguard Zone (Surface Water) and is located within flood zone 1.

3.0 Description of Proposed Development

- 3.1 To detail what is proposed under each application it is easier to approach them separately. Details of each of the applications individually is therefore provided below:

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- 3.2 This application is made under S73 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility, Wing Road, Cublington, LU6 0LB.
- 3.3 The variations to condition 1 seek to secure a revised site layout by replacing approved drawing ref: LFm/SP.500/2 with drawing ref: 283BTLC/5 dated 28th October 2021. The key changes to note include:
- General reorganisation of the site layout including the movement of site office/facilities and the replacement of skip storage areas with hardcore stockpiling areas.
 - Proposed regrading and planting of the perimeter bunding.
 - Introduction of processing area to the north east of the site.
- 3.4 Within the red line boundary for the site on the exterior of the concrete walling (proposed under application CM/0018/21) is an earth bund which runs along the north and north eastern boundaries. This bund was a feature of the site permitted in 2008 however has since fallen into a state of disrepair. Under application CM/0066/20 it is proposed to regrade and replant the bund.
- 3.5 The following equipment is proposed to be used at the site:
- Crusher (Sandvik QJ241)
 - Screener (Rubblemaster HS3500M)
 - Loading shovel (CAT 930K)
 - Excavator (Hitachi ZX210).
- 3.6 The proposed variations to condition 2 of planning permission 08/20007/AWD seek to allow for hours of operation to commence one hour earlier on weekdays. The original planning condition stated:

"No vehicle shall enter or leave the site and no operations authorised by this consent shall be carried out other than between the following hours:

8:00am to 5:00pm Mondays to Fridays

8:00am to 1:00pm Saturdays

No operations shall be carried out on Sundays or Public and Bank Holidays."

3.7 The applicant is seeking to vary this planning condition to state:

"No vehicle shall enter or leave the site and no operations authorised by this consent shall be carried out other than between the following hours:

7:00am to 5:00pm Mondays to Fridays

8:00am to 1:00pm Saturdays"

3.8 The proposed variations to condition 3 of planning permission 08/20007/AWD seek to increase the permitted daily HGV movements from 24 movements (12 in, 12 out) to 60 (30 in, 30 out).

3.9 The original planning condition stated:

"The number of lorry movements (vehicles over 3.5 tonnes unladen weight) in connection with the development hereby permitted shall not exceed 24 in any one working day (12 in and 12 out)."

3.10 The applicant is seeking to vary this planning condition to state:

"The number of lorry movements (vehicles over 3.5 tonnes unladen weight) in connection with the development hereby permitted shall not exceed 60 in any one working day (30 in and 30 out)."

3.11 The applicant is also seeking permission for the siting of a lighting tower. A specification has been provided.

3.12 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended). Although often referred to as an application to vary or remove a condition an application under this section of the Act actually has no effect on the original permission; it is not an amendment to the earlier permission. It is a separate freestanding permission that the applicant is entitled to implement or ignore. This application must therefore be capable of being implemented in its own right and therefore all appropriate conditions and obligations must be imposed.

3.13 The merits of the condition(s) must be assessed against an up to date development plan. Section 73 of the Town and Country Planning Act 1990 (as amended) states:

"Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

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- 3.14 This application seeks permission for the erection of concrete walling at heights of 3 and 6 metres. The 6-metre-high walling would be located to the north east of the site where a processing area is proposed under application CM/0066/20. The 3-metre-high walling would be erected along the rest of the northern boundary. The walling is stated to provide noise mitigation, help demarcate the limits of the site and prevent overspilling.
- 3.15 Litter fencing is proposed atop of sections of the 3-metre-high concrete walling and would rise to approximately 5 metres above ground level.
- 3.16 The application also seeks planning permission for a metal bunded fuel tank measuring approximately 9m in length, 3m in depth and 2.2m in height. Permission is also sought for the storage of AdBlue and other lubricants within smaller tanks situated atop of the main metal bunded fuel tank. These are proposed to be situated east of the existing site office and adjacent to the southern site boundary.
- 3.17 Finally, the application seeks permission for a water storage tank measuring approximately 2.7m in diameter and 2.6m in height.
- 3.18 The fuel tanks and water tank would usually be considered under The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 7). Whilst other mechanisms may be used to attain permission for the aforementioned development, they have been included as part of this application for planning permission.

4.0 Relevant Planning History

Reference	Development	Decision	Decision Date
07/200012/AWD	Change of use from agricultural yard to waste and recycling transfer station	PER	23 January 2008
AOC/07/200012/AWD	Consultation on submissions 6, 7 and 9. Change of use from agricultural yard to waste and recycling transfer station	AOCP	28 October 2008
08/20007/AWD	Waste and recycling transfer station and port-a-cabin office	PER	11 February 2009
CM/0018/21	Installation of concrete walling, litter netting, fuel tanks and water tank.	PCO	N/A
CM/0066/20	Planning Application made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility, Wing Road, Cublington, LU6 0LB.	PCO	N/A

- 4.1 The applications have been subject to Screening under the Town and Country Planning (Environmental Impact Assessment Regulations) 2017, and have been determined, by a Screening Opinion, not to require the submission of an Environmental Statement.

5.0 Policy Considerations and Evaluation

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The development plan for this area comprises of:

- Buckinghamshire Minerals and Waste Local Plan 2016-2036 (BMWLP)
- Vale of Aylesbury Local Plan 2013-2033 (VALP)

5.3 Other documents that need to be considered in determining this development include:

- National Planning Policy Framework (NPPF)
- National Planning Policy for Waste (NPPW)

Planning Practice Guidance (PPG)

5.4 The following policies are considered to be relevant to this development:

Buckinghamshire Minerals and Waste Local Plan (2016-2036) (BMWLP)

- Policy 7: Provision of Secondary and Recycled Aggregates
- Policy 11: Waste Management Capacity Needs
- Policy 13: Spatial Strategy for Waste Management
- Policy 14: Development Principles for Waste Management Facilities
- Policy 16: Managing Impacts on Amenity and Natural Resources
- Policy 17: Sustainable Transport
- Policy 18: Natural Environment
- Policy 19: Historic Environment
- Policy 20: Landscape Character
- Policy 23: Design and Climate Change
- Policy 24: Environmental Enhancement
- Policy 26: Safeguarding of Minerals Development and Waste Management Infrastructure

Vale of Aylesbury Local Plan (2013-2033) (VALP)

- S1 Sustainable development for Aylesbury Vale
- S3 Settlement hierarchy and cohesive development
- NE1 Biodiversity and geodiversity

- NE4 Landscape character and locally important landscape
- NE5 Pollution, air quality and contaminated land
- NE8 Trees, hedgerows and woodlands
- BE1 Heritage asset
- BE2 Design of new development
- BE3 Protection of the amenity of residents
- T4 Capacity of the transport network to deliver development
- T5 Delivering transport in new development
- T6 Vehicle Parking

Introduction

- 5.5 As set out above, both applications are interlinked with various elements required by each proposal being delivered by the other. The key issues in determining these applications are their impacts upon visual and residential amenity, the minerals and waste spatial strategy and capacity and highway impacts.
- 5.6 To reiterate, for application CM/0066/20 to not cause unacceptable impacts relating to noise, the walling proposed under application CM/0018/21 would be required such to provide appropriate noise mitigation. The boundary bunding regrading and planting proposed under CM/0066/20 is considered necessary for both applications.

Principle of Development

Policy 7: Provision of Secondary and Recycled Aggregates

Policy 11: Waste Management Capacity Needs

Policy 13: Spatial Strategy for Waste Management

Policy 14: Development Principles for Waste Management Facilities

Policy 26: Safeguarding of Minerals Development and Waste Management Infrastructure

VALP Policy Policy S1: Sustainable Development for Aylesbury Vale

VALP Policy Policy S3: Settlement Hierarchy and Cohesive Development

- 5.7 In terms of the principle of the development the applications can again be taken separately.

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- 5.8 The site is an existing waste and recycling transfer station which in the past was operating receiving skips containing construction and demolition waste, municipal solid waste and agricultural waste. The waste would be sorted before being bulked up and distributed to specialised facilities to handle the waste. There is no extant condition restricting the types of waste that could be imported and sorted at the site. There is no conditioned limit on the waste throughput for the site however the vehicle movement limit establishes a certain level of restriction upon the maximum throughput for the site.
- 5.9 A condition (Condition 4 of planning permission 08/20007/AWD) prohibited any further plant and machinery being erected or operated on the site without prior approval of the council. The only plant and machinery permitted at this time is the use of an excavator, teleporter and a wood shredder.
- 5.10 The applicant is seeking permission for the re-organisation of the site and for the processing of construction demolition and excavation (CDE) waste recycling alongside increases in operating hours and vehicle movements.

Waste Management Capacity

- 5.11 Policy 11 of the BMWLP sets out the waste management capacity needs within the county for the plan period. The policy also states the capacity will be delivered via existing commitments, extensions to existing commitments and new facilities. As set out above the extant consent does not restrict waste types to be treated at the site but an intention is signalled by the applicant to primarily focus on the importation and treatment of CDE waste. There is an identified capacity gap for this waste stream. The estimated capacity gap for 2026 for the recycling of inert construction, demolition and excavation (CDE) waste and the recycling of municipal, commercial and industrial waste are 0.51Mtpa and 0.12Mtpa respectively.
- 5.12 The supporting information provided by the applicant suggests that with the proposed changes to conditions the site would have a maximum throughput of 65,000 tonnes per annum, rising from approximately 25,000 tpa (as set out in the application form for application 08/20007/AWD). It is understood that the site would primarily handle CDE waste with other waste streams being secondary. It is considered this proposal would help to address the waste management capacity gap at an existing site and therefore is supported by this policy.

- 5.13 Notably there is no existing agreement restricting the catchment for the site at present. However, the agent for the application states that during the period of summer 2020 to early 2021, 75% of all treated waste was to sites within 20 miles of the yard. With regards to waste sources, during this period only three sites were utilised and were within 20-36 miles of the site.

Spatial Strategy

- 5.14 Policy 13 of the BMWLP sets out the spatial strategy for waste management within Buckinghamshire. The policy states that the growth of Buckinghamshire's sustainable waste management network will be delivered by primarily focusing development of facilities for the preparation of wastes for reuse and recycling and other recovery on the main urban areas and growth locations of High Wycombe, Aylesbury and Buckingham within existing general industrial and employment areas along with urban extensions. As a secondary focus, facilities for the preparation of wastes for re-use and recycling in key settlements outside of the primary areas of focus (i.e. High Wycombe, Aylesbury and Buckingham), will be supported where located within existing general industrial and employment areas, particularly where involving the re-use of previously developed land and/or the co-location of waste management facilities. New standalone waste management facilities should be directed towards the primary and secondary areas of focus. Other sites that are not within the primary and secondary areas of focus may come forward over the plan period and should demonstrate why the proposed location is acceptable with regard to the spatial strategy for waste management and other relevant MWLP policies. The proposal site is not within a primary area of focus for waste management as identified by policy 13 of the BMWLP.
- 5.15 Policy 13 goes on to state that opportunities to co-locate waste management facilities together and with complementary activities will be supported where compliant with relevant MWLP policies. This includes co-location together with existing waste management facilities that would contribute towards integrated waste management solutions as well as co-location with complementary activities at industrial estates, waste management sites, and mineral extraction and processing sites (for proposals for aggregate and/or inert recycling facilities). The proposal is for an expansion of an existing waste management facility.
- 5.16 Policy 7 of the BMWLP states that favourable consideration will be given to proposals for facilities for secondary and recycled aggregates and permission granted where it can be demonstrated that potential adverse impacts can be minimised to acceptable levels and that the proposal is in accordance with the BMWLP. Further to this permission will be granted where it can be demonstrated that adverse impacts can be avoided or minimised to acceptable

levels. Preference is to be given to sites at a number of locations, including committed waste management facilities where the proposed use accords with the type of waste use either existing at that location, or is complementary to the current economic role, status and uses of the employment area (where applicable). Assessment of the adverse impacts of the proposal will be considered in following sections.

- 5.17 In consideration of policy 7, there is no restriction on the waste streams to be imported to the site. However, the only plant and machinery permitted at this time is the use of an excavator, teleporter and a wood shredder. It is considered that the proposed use of the site, which is ostensibly for a waste transfer / recycling station for CDE waste is not necessarily homogeneous with the existing type of waste use. It presents a more disruptive use of the land in comparison to when the site was used primarily for bulking and transfer of waste.
- 5.18 As to whether the proposed use is complementary to the economic role, status and uses of the employment area, the site is not within an identified employment area but is rather a novel waste management site situated in a context of primarily agricultural or residential uses. In any instance it is not considered that the proposal is particularly complementary to the nearby uses.
- 5.19 Policy 14 of the BMWLP establishes the development principles for waste management facilities. The policy states that proposals for waste management facilities must demonstrate that the development: is in general compliance with the spatial strategy, facilitates delivery of the waste management capacity requirements, identifies waste streams to be treated, catchment area for the waste to be received on-site and end fate of any outputs, and enables communities and businesses to take more responsibility for their own waste and supports management of waste in line with the proximity principle and the waste hierarchy.
- 5.20 The accompanying information suggests the primary purpose of the development will be to receive and treat CDE waste with any re-usable materials in incoming loads being separated and sent for recycling and/or reuse. The recycled CDE waste would largely be used as a substitute for primary materials at construction sites. It is stated by the agent that in summer 2020 to early 2021, when the site was operating, 75% of the recycled products were delivered to construction projects within 20 miles of the yard. It was estimated 33% of deliveries were within 4-10 miles, 42% within 11-20 miles, 21% were within 21-30 miles and one site was 32 miles away accounting for 4%. Further, in the same period the waste sources were within 20-36 miles of the site. The catchment is therefore relatively local but some cross boundary movements would be expected.

- 5.21 In view of the above it may be argued that the development would allow communities and businesses to take more responsibility for their own waste and supports management of waste in line with the proximity principle. It is recognised that the fallback use of the site is one where the catchment is not restricted albeit the nature of the development would be of a lesser scale.
- 5.22 Policy 14 of the BMWLP further states that for proposals for the development of waste management facilities not located within areas of focus, preference will be for proposals which integrate and co-locate waste management facilities together and with complementary activities or maximise the use of previously developed land or redundant buildings.
- 5.23 As set out in paragraphs 5.16 and 5.17 it is not considered that the proposal would integrate with complementary activities but it is at an existing waste management site. It may be argued that the proposal maximises the use of previously developed land at an existing permanently consented waste management site but this should be caveated by the fact the proposal needs to meet the other requirements of the BMWLP.
- 5.24 Policy 26 of the BMWLP seeks to safeguard existing waste management sites with extant planning permission and associated infrastructure from other forms of development. As this proposal seeks to vary conditions for an existing waste management use it is considered to be in accordance with this policy.
- 5.25 Policies S1 and S3 of the VALP outline that all development must comply with the principles of sustainable development set out in the NPPF and to limit new development within the countryside to the allocations within the VALP and to specific policies which support thriving rural communities. The aims of these policies reflect guidance within the NPPF.

Conclusion

- 5.26 The delivery of additional waste management capacity at an existing site is supported in principle by policy 11 of the BMWLP. However, the proposal site is not within an area of focus for waste management as identified by policy 13 of the BMWLP and whilst policy 7 in principle supports proposals for the recycling of aggregates the site is not a preferred location for this use.
- 5.27 Policy 14 establishes that the preference outside areas of focus is to maximise the use of previously developed land or to co-locate waste management facilities together or with complementary activities. As set out above, it is not considered that the use is complementary with the neighbouring uses and whilst arguments can be made about maximising the use of the land, this must be caveated with the requirement that the proposal has no other unacceptable impacts.

- 5.28 Taking policies 7, 13, 14, and 26 together, it is considered that within a hierarchy of preferred sites for serving the growth of the sustainable waste management network for the county this site sits further towards the bottom as despite it being an existing site benefitting from permanent planning permission for waste management it is not within an area of focus.
- 5.29 Evaluation of the impacts of the proposal will be set out in this report. In principle, the provision of further waste management capacity at this site is nonetheless considered to be in line with the provisions made in the BMWLP. Subject to the proposal being in accordance with other BMWLP policies the proposal is considered to be in accordance with the above policies.
- 5.30 With regards to the strategic VALP policies, in this instance, the proposals relate to an existing established waste and recycling transfer station and as such are considered to accord with the aims of these policies.

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- 5.31 It is considered policy 13 primarily concerns development which would result in an increase in waste managed at a site. The development proposed under CM/0018/21 would not directly result in any growth in waste management capacity but the walling as aforementioned is proposed to mitigate impacts from application CM/0066/20 which seeks to regularise the use of processing equipment and increase permitted HGV movements amongst other things. With regards to policy 14, this proposal seeks largely functional built development to support the use of the site as a waste transfer station and as such is considered to be in accordance with this policy. Further to this, the proposed development is ancillary to a waste use and therefore is in accordance with policy 26. The proposals are not considered to conflict with the strategic VALP policies.
- 5.32 It is considered that the principle of this application would be acceptable subject to the assessment of the following planning considerations.

Transport Matters

Policy 17: Sustainable Transport

VALP Policy T4 Capacity of the transport network to deliver development

VALP Policy T5 Delivering transport in new development

VALP Policy T6 Vehicle Parking

- 5.33 Application CM/0066/20 is the only application for which transport policy is deemed relevant. Consideration of policy is set out below.

- 5.34 Policy 17 of the BMWLP requires minerals and waste development to include a Transport Assessment / Statement as appropriate. The application was supported by a transport statement which evaluated highways safety and capacity impacts from the proposed increase in permitted HGV movements meeting the requirements of this policy.
- 5.35 Policy T4 of the VALP states that new development will be permitted where there is evidence to demonstrate that there is sufficient capacity in the highway network to accommodate the increases in demand as a result of the development.
- 5.36 Policy T5 of the VALP states transport and new development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development.
- 5.37 The Highways Authority was consulted upon this application and hold no objection to the proposal subject to conditions securing the maximum amount of HGV movements and a scheme of manoeuvring as proposed. It is further stated that the proposed increase in HGV movements, while not insignificant, would not adversely impact on the operation and safety of the highway and not result in severe cumulative impacts.
- 5.38 Policy T7 concerns vehicle parking and provides guidance on what levels of parking should be provided at specific types of development. No specific guidance is provided for uses such as the one proposed. At present, the approved site plan includes provision of 4 car parking spaces, the proposed site plan retains a total of 4 car parking spaces and is considered to be acceptable.
- 5.39 In view of the above, it is considered the application is in accordance with National and Local transport policies and guidance.

Raising the quality of place making and design

Policy 23: Design and Climate Change

VALP Policy BE2 Design of new development

- 5.40 Policy 23 of the BMWLP seeks to secure high quality design which minimises adverse effects on and from climate change. The policy requires proposed development: incorporates design elements that are visually attractive and add to the overall quality of the area, reflects local character, incorporates safety and security measures, complies with principles of sustainable design and construction, applies SUDs where possible, minimises greenhouse emissions and 'climate proofs' development and utilises native species in planting schemes. Great weight is to be given to outstanding and innovative design.

- 5.41 Policy BE2 makes similar provision stating development shall respect and complement the characteristics of the site and its surroundings, the local distinctiveness, the natural features of the area and important views and skylines.

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- 5.42 Under this application a new site layout is proposed and a revised bund arrangement. The layout includes reference to the proposed concrete walling sought under application CM/0018/21. Consideration of the design merits of the walling proposed under application CM/0018/21 are set out in the following section but in essence it is considered that the impacts from the proposal would not be unacceptable subject to the mitigation offered by the proposed planting and remaking of the bund.
- 5.43 With regards to this application, the proposed reshaping and planting of the bund is in principle supported and would provide substantive benefit over the at present situation. The regularisation of the reworked layout for the smaller site buildings is considered to be acceptable.
- 5.44 It is therefore considered that the application is in accordance with policy BE2 of the VALP and Policy 23 of the BMWLP.

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- 5.45 Given the functional nature of the development proposed it is considered that there is limited scope to address climate change through this application.
- 5.46 To consider the design of the proposal it is helpful to separate the concrete walling and litter fencing from the fuel and water tanks.
- 5.47 Considering the proposed fuel and water tanks, these features are small in scale in comparison to the waste transfer station as a whole with the heights being comparable to the existing office buildings on site. As aforementioned, these features likely would have benefitted from permitted development rights without the conditions limiting them. It is considered these features preserve the existing aesthetic of the locality and due to their situation and purpose within an existing waste transfer station are broadly considered to be acceptable in line with policy.
- 5.48 With regards to the proposed concrete walling and litter fencing these features are again functional in nature. The concrete walling has been designed so to provide acoustic attenuation to allow for a processing area proposed under planning application CM/0066/20. Also, the use of concrete walling to demarcate the extent of the working area would be preferable to the current situation where the earth bund is in a state of disrepair and has in past been overtipped.

- 5.49 The purpose of the litter fencing is to protect the surrounding environment against windblown litter arising from deposited waste materials.
- 5.50 The site is a permitted waste transfer station with planning permission granted for such a use for in excess of a decade. The surrounding area is characterised by isolated residential properties, some agricultural uses and further afield some commercial businesses.
- 5.51 The proposed concrete walling at a height of 3m would largely be screened by the proposed planting and regrading of the bund proposed under planning application CM/0066/20. As set out above, in the north-eastern corner of the site 6m high concrete walling is proposed and along the northern boundary some litter fencing is proposed atop of sections of 3m high concrete walling. Whilst these features would be taller than the bunding present at the site, there is a substantial amount of planting screening views from the neighbouring uses, including from Cedar Farm, South Tinkers Hole Farm and the right of way. This vegetation in combination with the bunding is considered to considerably mitigate the impacts of the proposal reducing the extent to which the walling is obtrusive in its environment.
- 5.52 Further, the site would be viewed in the existing context which includes the site's existing buildings with the main barn being approximately 5.5m in height.
- 5.53 In consideration of policy 23 of the BMWLP and BE2 of the VALP, the proposal is considered to be acceptable.

Amenity of existing and future residents

Policy 16: Managing Impacts on Amenity and Natural Resources

VALP Policy NE5 Pollution, air quality and contaminated land

VALP Policy BE3 Protection of the amenity of residents

- 5.54 Policy 16 of the BMWLP seeks to manage impact upon amenity and natural resources. The policy requires minerals and waste development to demonstrate the development is environmentally feasible, secures a good standard of amenity and would not give rise to unacceptable adverse impacts. Policy BE3 of the VALP makes similar provision.
- 5.55 Policy NE5 of the VALP states that noise generating development will be required to minimise the impact of noise on the surrounding environment. Development which is likely to generate more significant levels of noise will only be permitted where appropriate noise attenuation measures are incorporated reducing impacts to acceptable levels. The policy adds that

development which may have an adverse impact on air quality must prove that they would not materially affect the surrounding area.

Introduction:

- 5.56 Application CM/0066/20 has attracted a number of objections citing a number of impacts including noise, dust and air quality, health impacts and impacts from HGVs. Consideration of the impacts of this proposal upon amenity is set out below. Amenity impacts relating to application CM/0018/21 are considered to principally relate to visual impact / intrusion. Visual impacts from application CM/0066/20 and CM/0018/21 are set out in the Landscape and Visual Impact section of this report. The below paragraphs consider the amenity impacts of application CM/0066/20.
- 5.57 The nearest residential buildings to the site are Cedar Farm (approximately 50m north of the site boundary) and South Tinkers Hole Farm and Cottage (approximately 175m east of the site boundary).

CM/0066/20

Noise

- 5.58 With regards to noise, a noise report has been submitted in support of the application. Some key points made are:
- Background Noise Levels circa 40dB_{LA90(15mins)} (no activity at site) at Cedar Farm Garden
 - Estimated 42dB_{LA90(15mins)} during operational hours (for the site as currently consented) at Cedar Farm Garden
 - Without any mitigation it is considered that the noise level associated with the crusher/screener would be 61dB_{LA90(15mins)} without mitigation
 - Modelling with the proposed walling (under CM/0018/21) suggests a noise level of 46 dB_{LAeq, T} at the nearest receptor (4dB above background noise level)
 - With the provision of the walling (proposed under CM/0018/21) the noise with the use of machinery is argued to not noticeably be different to the approved use as a waste transfer station
- 5.59 The council's EHO was consulted on this application and held no objection, subject to the proposed mitigation in the form of walling being installed.
- 5.60 The proposed increase in operational hours and provision of a processing area taken together would only be acceptable with regards to noise impacts subject to the provision of the acoustic walling put forward under application CM/0018/21.

- 5.61 With regards to noise impacts arising from the proposal, subject to a condition prohibiting the use of the processing equipment until the aforementioned walling has been installed and a condition restricting the noise at the nearest receptor, it is considered the noise impacts of application CM/0066/20 would not have an unacceptable impact upon residential amenity.

Dust and Air Quality

- 5.62 With regards to dust, it is considered that subject to a dust management scheme being secured, impacts from this could be reduced to acceptable levels.
- 5.63 With regards to air quality, whilst an increase in HGV movements would logically increase the amount of pollutants emitted, guidance produced by the Institute of Air Quality Management (IAQM) suggests that as the proposal would not result in an increase of more than 100 Annual Average Daily Traffic Movements in an area outside an Air Quality Management Area, no Air Quality Assessment is required. As such, it is not considered the proposal would have unacceptable impacts upon air quality.

HGV Disturbance

- 5.64 The proposed increase in HGV movements permitted would result in a proportional increase in impacts associated with it. The impacts have been deemed acceptable from a highways safety and capacity perspective. However, increases in HGV movements result in disturbance in the areas in which they are generated. It is noted that the proposed increase from a total of 24 movements (12 in, 12 out) to 60 (30 in, 30 out) appears to be significant however, when averaged out over the proposed operational hours, this represents an increase of approximately 3 movements per hour above that already permitted. Acknowledging this, it is not considered that the noise impacts resulting from HGV movements would be unacceptable to the amenities of nearby occupiers, subject to a condition securing maintenance of the haul road.

Lighting

- 5.65 With regards to lighting it is requested that approval is given for the erection of a lighting tower. It is considered subject to a condition securing details pursuant to the location of the lighting, usage hours and direction, the impacts would be acceptable.

Conclusion

- 5.66 The proposal would likely result in a change in the character of the use of the site. However, it is considered that subject to the above identified mitigation and other conditions as set out in Appendix E, that application CM/0066/20

would not have unacceptable impacts upon residential amenity and is in accordance with local and national policy and guidance. Mindful of this, were application CM/0018/21 to be refused, the impacts from application CM/0066/20 would be unacceptable.

Landscape and Visual Impact

Policy 16: Managing Impacts on Amenity and Natural Resources

Policy 20: Landscape Character

VALP Policy NE4 Landscape character and locally important landscape

- 5.67 Policy 20 of the BMWLP seeks to ensure minerals and waste development protects and enhances valued landscape in a manner commensurate with their status. The policy also states that minerals and waste development will require a Landscape Impact Assessment. Given the scale and nature of this proposal a Landscape Impact Assessment was not required in this case.
- 5.68 Policy NE4 of the VALP makes similar provision and states development should meet the following criteria: minimise impacts upon visual amenity, be located to avoid loss of important on-site and off-site views towards important landscape features, respect local character and distinctiveness, consider the design of the development carefully, minimise impacts from lighting, ensure the development is not visually prominent and will not generate unacceptable noise impacts.
- 5.69 Policy 16 seeks to ensure waste development does not give rise to unacceptable impacts including visual impacts and intrusion.
- 5.70 The site is located within the Cublington – Wing Plateau Landscape Character Area. The area is characterised by large arable fields with degraded or well-trimmed hedgerows. The site lies south east of a former WWII airfield which is now used for farming and a number of other uses including residential and commercial.
- 5.71 Buckinghamshire Council's Landscape Team was consulted on both applications and no objection was raised to the proposals.

CM/0066/20

- 5.72 This application would secure the rearrangement of the site and it is also proposed under this application to regrade and replant the perimeter bund. It is considered that the proposed regrading and planting of the bund provides landscape benefits to the locality improving the aesthetic of an existing feature.

CM/0018/21

- 5.73 This application seeks permission for the erection of concrete walling at heights of 3 and 6 metres and litter fencing atop sections of the 3m high walling to the north of the site.
- 5.74 It is considered that subject to the securing of the regrading and replanting works to the boundary bund that views from the Cedar Farm Residence and the footpath to the north of the site would not be significantly impacted by the proposed 6m tall walling nor the proposed litter netting. Any impacts from the proposal upon users of the footpath would also be transitory in their nature.
- 5.75 The landscape impacts of the proposed concrete walling and litter fencing is considered to be significantly reduced by the existing vegetation in combination with the bunding and proposed reshaping / landscaping works proposed under application CM/0066/20. It is further recognised that the site is an existing waste transfer station with planning permission and some screening is offered by existing trees, hedgerows and other vegetation.
- 5.76 It is considered subject to the above stipulations that both applications would be acceptable with regards to local policy and national guidance.

Ecology

Policy 18: Natural Environment

Policy 24: Environmental Enhancement

VALP Policy NE1 Biodiversity and geodiversity

VALP Policy NE8 Trees, hedgerows and woodlands

- 5.77 Policy 18 of the BMWLP seeks to protect and enhance natural assets and resources and states developments should provide net gains in biodiversity. Policy NE1 of the VALP makes similar provision.
- 5.78 Policy 24 of the BMWLP states proposals for new or extensions to existing waste development must incorporate measures on-site and/or off-site to enhance Buckinghamshire's environmental assets and green infrastructure networks. This includes opportunities to deliver net gains for biodiversity and the positive integration of the site within the wider landscape.
- 5.79 Policy NE8 of the VALP seeks to ensure development enhances the plan areas' tree resource with development resulting in the loss of trees being resisted.

CM/0066/20

- 5.80 Under this application it is proposed to remake the bund and to implement a landscaping scheme which would secure planting on the bund.

5.81 The council's Ecologist was consulted on the proposal and held no objection to the proposal subject to the proposed biodiversity enhancement measures / planting being secured by condition.

5.82 It is considered the proposal would provide acceptable levels of environmental mitigation and is in accordance with the above policies.

CM/0018/21

5.83 No planting or loss of trees is proposed under this application. Application CM/0066/20 includes the provision of a landscaping scheme which would look to plant up a reshaped boundary bund.

5.84 It is considered that subject to the planting / landscaping scheme proposed under application CM/0066/20 being secured, the proposal satisfactorily meets the requirements of the above policies and national guidance.

Historic Environment

Policy 19: Historic Environment

VALP Policy BE1 Heritage asset

5.85 Policy 19 of the BMWLP and policy BE1 of the VALP both seek to ensure the preservation of the historic environment and where possible enhance it.

5.86 Paragraph 195 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.87 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The same paragraph states that this great weight should be applied irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.88 It is not considered that either application would have tangible harm upon heritage assets and as such it is considered the proposal preserves the historic environment to an acceptable level in line with policy and national guidance.

Sustainable Development

Policy S1 Sustainable development for Aylesbury Vale

- 5.89 Policy S1 of the VALP states all development must comply with the principle of sustainable development set out in the NPPF i.e. that achieving sustainable development has three overarching objectives, economic, social and environmental. It also states that when assessing proposals consideration should be given to minimising impacts on local communities, minimising impacts on heritage assets, sensitive landscapes and biodiversity.
- 5.90 As set out above, it is considered both applications would not cause any unacceptable impacts and is in accordance with the development plan if both are approved subject to conditions set out in the Appendices to this report. As such, the proposals are considered to constitute sustainable development.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.2 As set out above it is considered that on balance and in view of all material considerations that applications CM/0066/20 and CM/0018/21 are in accordance with the development plan and no material considerations dictate that a decision should be taken other than in accordance with the development plan. This is caveated by the fact that these applications are materially related to each other. To reiterate, the proposed changes under application CM/0066/20 are considered to likely be unacceptable without the provision of the walling to provide noise mitigation as proposed under application CM/0018/21.
- 6.3 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not

considered that this proposal would disadvantage any sector of society to a harmful extent.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance:
- the applicant/agent was updated of any issues after the initial site visit,
 - The applicant was provided the opportunity to submit amendments to the scheme/address issues.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

8.0 Recommendation

CM/0066/20

8.1 It is recommended that the application CM/0066/20 is APPROVED subject to conditions to be finalised including those set out in Appendix E.

CM/0018/21

8.2 It is recommended that the application CM/0018/21 is APPROVED subject to conditions to be finalised including those set out in Appendix E.

APPENDIX A: CM/0066/20 Consultation Responses and Representations

Councillor Comments

Cllr Diana Blamires – I am calling in both these applications - applications CM/0018/21 and CM/0066/20. There have been a lot of interactions with residents and councillors. There is also concern that the proposed number of lorry movements breaches conditions. I don't have a pecuniary or any other interest.

Cllr Peter Cooper –

15th April 2021

The existing development is far from the original approval and I believe this is the reason the operator has so much difficulty complying with the current operating conditions.

The current uses and those proposed therefore constitute a CHANGE OF USE and should be the subject of a new application.

11th March 2021

The current and proposed activities on this site are substantially different to the extant approval. Furthermore traffic generation likely in the future will cause a new level of impact on Cublington, Wing and Aston Abbotts villages and the local highway network. The approach roads are little more than lanes and HGV impact will be detrimental.

I am therefore of the opinion that the proposal should not be decided by variation of conditions, but that a new application is required to be heard at committee so that the impact of a new larger scale facility can be assessed properly.

I am aware that Cllr Glover has lodged a call-in, and I would like to add my support to that proposal.

Cllr Ashley Bond - As local member I would like to call this in for local interest and amenity.

Cllr Anders Christensen - No comment received

Cllr Tuffail Hussain - No comment received

Cllr Graham Moore - No comment received

Cllr Netta Glover –

The 32 tonne articulated lorries used to deliver material to the site are too large for Wing Road. When two vehicles need to pass one another they need to drive up onto the verge where they cause damage not only to the verges but also to over hanging trees. This was not the case when the site was used for mini skips and dealing with agricultural plastics which is compliant with planning application 08/20007/AWD. There is considerable concern about the current use of the site that I believe the application needs to be considered in

greater detail taking into account the submission which goes into the matter in great detail.

I have now had time to study this application and in view of the concerns expressed by the Cublington residents in particular I would like to call in this application to committee.

Parish/Town Council Comments

Wing Parish Council –

Comment Date: Mon 12 Apr 2021

We have further comments relating to this application following the Consultee Comment from the Planning Department's Highway Development Management team.

We don't believe this department has jurisdiction over the suitability of the road network, which is under the management of Transport for Bucks, to accommodate HGVs.

It appears their comment is a desk-based assessment based on lack of accident statistics rather than the road condition itself. Furthermore, the Highways response that "HGVs can wait to pass parked vehicles" clearly indicates that the roads in Wing have never been visited as once on the wrong side of the road an HGV has little option but to continue passed the long row of parked vehicles. A 17 metre long articulated HGV would require a pull in space of at least 4 car lengths which are rarely found on Stewkley Road or the High Street.

Highways are also satisfied that the increase in HGV movements per day would not adversely impact on the operation and safety of the highway, and would not result in severe cumulative highway impacts. Clearly, not all HGVs are equal. The original permission was for a local area, (within 10 miles), waste transfer site with only 24 mini skip lorry movements per day, a gross weight of 225 tonnes per day. The proposal now is for up to 60 vehicles per day with a maximum gross weight of up to 44 tonnes. This is a potential of around 2640 tonnes per day or almost a 12 fold increase and clearly not a facility for the local area anymore. Since the proposed operation at Lockharts farm deviates so far from the original permission a new application should be submitted.

Only recently Anglian water have had to repair a collapsed road on Stewkley road Wing, closing the road for 16 hours. Similarly, the High Street in Wing now has well over 50 areas of failed surface of which 27 are potholes over 20mm deep and 10 which are over 40mm deep. It is significant that the surround of most of the iron works are damaged.

We are strongly of the opinion Transport for Bucks should be requested to survey the condition of the roads, a measurement along the route of widths of carriageway, and hotspots where overhanging vegetation and narrow bridges causes high sided vehicles such as buses/HGV trucks to cross the centre line. They should also provide the latest biennial inspection report for the bridge on Stewkley road and its confirmed carrying capacity.

Comment Date: Fri 08 Jan 2021

Dear Sirs,

NOTICE OF APPLICATION FOR PLANNING PERMISSION Town and Country Planning
(Development Management Procedure) (England) Order 2015

PROPOSAL : Planning Application made under Section 73 of the Town and Country Planning
Act 1990 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry
Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility,
Wing Road, Cublington, LU6 0LB.

LOCATION : Lockharts Farm Waste Recycling Facility, Cublington Road, Wing, Leighton
Buzzard, Buckinghamshire, LU7 0LB

Ref :CM/0066/20

We are concerned about how this site is now being operated by Bulk Transfer Limited (BTL).
BTL has been operating from the site since early 2020, and we believe it has contravened
the first four conditions as laid out in the planning permission 08/20007/AWD.

There is a fundamental issue which has been glossed over in the application. Section 23 on
the 2008 application form appears to state that the maximum annual operational
throughput will be 12,500 cubic metres of waste from household civic amenity sites and
12,500 cubic metres from recycling facilities, totalling 25,000 cubic metres per annum.
However, the Committee Report for this application states that only 12,500 cubic metres of
waste would be imported to the site per annum and stored at a height no greater than 3
metres, not the 25,000 cubic metres in the application. The decision notice implies 12
skips/day X 8 tonnes x 270 days which equates to 26,244 tonnes. Note that 12,500 cubic
metres is around 26,250 tonnes

At paragraph 2.8 of the Supporting Statement for the variation to conditions, we are
informed that the site now operates at an annual capacity of 65,000 tonnes per annum. This
is a 250% increase above the permitted activity.

The application before us only deals with the amenity conditions that control the operation
of the site but Wing Parish Council considers that since the proposed operation at Lockharts
farm deviates so far from the original permission a new application should be submitted
addressing the environmental effects of this significant operational increase. This should
also be screened in accordance with the Environmental Impact Assessment Regulations.
Access to the A418 is via Wing and there have been several complaints from residents about
the size, quantity and stench from the much larger lorries that are travelling along Stewkley
Road and the High Street. Neither of these routes were built to accommodate articulated
tippers at 44 tonnes gross weight and the damage to the carriageway and kerbs is
noticeable. Furthermore, because of the vehicle parking along both these routes, there is
often no passing place for them and it has been noted that they have mounted the
pavement on numerous occasions and there have been one or two instances where
pedestrians have been struck.

Conclusion and Recommendations

We believe that the current operations at the site should be subject to a fresh application

reflecting the significant increase in activities over the years. However, our comments relate specifically to the application before us.

BTL has disregarded the conditions placed on it by the planning permission 08/20007/AWD and environmental agency EAWML 100361. This recycling centre has had a detrimental effect upon the local communities of Cublington, Stewkley, Dunton and Wing.

The supporting statement to the application prepared by Suzi Coyne Planning refers several times to the recycling unit at Red Brick Farm on the Dunton Road Stewkley (permission CM/0005/18) as if it is a benchmark for this unit. The local communities have been overwhelmed with the recycling lorries to the two sites which are less than two miles apart. The roads leading to and from both sites are in a poor state and were not built to handle such a large number of daily movements.

The 2018 permission at Red Brick Farm affords additional amenity protections that control the operation of the site. Firstly, condition 2 imposes a limit on the amount of material that can be processed and stored on site. Secondly, condition 7 prohibits articulated vehicles from moving waste to the site. Should Buckinghamshire Council consider approving this current application, Wing Parish Council ask that consideration should be given to imposing similar conditions at Lockharts Farm to prevent further incremental expansion of activities. Wing Parish Council has no confidence that any conditions placed upon BTL will be adhered to and objects to the application.

Stewkley Parish Council –

Comment Date: Mon 11 Jan 2021

Stewkley Parish Council objects to the above application which will inevitably result in significant further damage to this rural part of Buckinghamshire through a totally inappropriate expansion of waste transfer operations.

There is no justification for increasing the capacity for processing waste in this rural location which will require the importation of waste materials in large HGVs along unsuitable narrow country roads, travelling to access the site through surrounding villages, including Stewkley. Stewkley and its neighbouring villages know from recent experience the damage and disruption caused by the traffic from a similar waste transfer operation in Stewkley, Red Brick Farm, which BCC allowed two years ago after a similar retrospective application by the operator. At the time, Stewkley PC and residents clearly evidenced the impact of the then unlawful operation before permission was granted, and the consequences of that ill-considered decision are felt every day.

Bucks Planning Enforcement will be able to substantiate the number of complaints regarding infringements of the operating conditions at the Red Brick Farm site, which supports the widely-held view that planning conditions are ineffective in mitigating the impact of such operations.

If the LPA is minded to give permission for any extension of the BTL operation, it should be aware of the possibility that the new conditions could be broken. As is noted in the

application itself and by other local councils, current volumes and vehicle movements have already exceeded permitted limits without sanction.

Cublington Parish Council –

Comment Date: Wed 10 Mar 2021

Further comments from Cublington Parish Council 10th March 2021 following revised application to include conditions 4 and 11.

1. The current operation is significantly different to that which was granted for planning permission 08/20007/AWAD in 2007, hence the reason why the operator has contravened the majority of conditions of planning. The proposed alterations to conditions will legalise the 'new' operation. We are strongly of the opinion that a new planning application should be made which will enable up to date surveys of traffic, noise and environmental impact. The installation of crushing machinery was previously refused, so how can the installation now be added as an amendment to regularise the operation of the site.
2. The applicant has requested conditions 4 and 11 to be added to the revised application which looks to have been accepted by BC . So far there have been 90 objections to this application most of which were lodged on the Minerals and Waste Portal within the allocated due dates. For the Council to accept conditions 4 and 11 to be added to the application is disadvantaging the individuals who have already made comments, and the Council is depriving them of the opportunity to make comments on conditions 4 and 11. There is a lack of transparency on this case . A new planning application as suggestion in point 1 above would address the matter .
3. This is a case is of great interest to the public as shown by the numbers of comments made .The Council must not be seen to be restricting the rights of the public.

Comments concerning the Noise Impact Assessment.

4. The dates of the survey were carried out on a 24 hour period between 3rd and 4th of January 2021. The main business of the operator is recycling of hardcore. The 3rd of January was a Sunday and the 4th of January was the first day back for the building trade after a two week Christmas break so the level of activity could not be described as normal. The assessment was not based upon normal activity. There was no record of the number of lorry movements, the quantity of material being processed, and the number of machines in operation whilst the survey was being carried out
5. Report reference 3.1 states the 'dominant source of noise is road traffic noise from the surrounding roads'. The site is approximately 500 metres from the road and the effect of noise from the Wing Road is minimal . The local residents have not complained about the noise from this road.
6. Report reference 3.2 states ' The weather was suitable conditions to carry out the noise survey'. There is no record of wind direction and speed in the report. Using

historical records from the met office, we have determined the wind was 11-14mph NE/NNE, during the test period. Therefore, the noise was being carried in the opposite direction to the test site, so the results cannot be an accurate assessment. The prevailing wind is SW, and most of the affected properties are north east and east of the site. Another assessment needs to be carried out when the site is operating at full capacity and the measurements taken in the path of the prevailing wind.

7. Report reference 5.2 refers to the review of tipper lorries visiting the site. It states 'historically the number of vehicles visiting the site during the day was 48. It is anticipated that this flow will increase to 60'. As stated in point 4 above there is no record of the number of lorry movements, the quantity of material being processed, and the number of machines in operation whilst the survey was being carried out. The survey does not distinguish between the different size of vehicles. An articulated lorry will generate more noise than a 'tipper' lorry.

8. Report reference 5.3 Closest Noise Sensitive Receiver. The sensor was placed on a residential property located 47 meters to the nearest site boundary, and the new plant is located 84m away as shown in figure 5.2. This residential property is to the North of the site, and the wind direction was NE/NNE at a speed of 11-14mph so the sound was taken away from the sensor. This invalidates the survey results.

9. Report reference 5.6 Mitigation Measures. Figure 5.6 shows where the suggested acoustic barrier would be placed which is on the North side of the site. The prevailing wind is SW and the suggested location of the barrier would not mitigate the noise to the residents on the north east and east of the site. We think there should also be a barrier along the East side of the site. The recommendation is for a 3m high barrier. There are already approximately 20 foot plus high rubbish/earth bunds which do not stop the noise. We fail to see how 9 foot (3m) concrete walls will make any difference.

10. Report reference 7.0 Summary and Conclusions. 'It has been concluded that noise emissions from the new proposed plant would have not have an adverse impact on the nearest residential receivers provided that the mitigation measures presented in 5.6 is followed'. The nearest residential property is to the North of the site as stated in point 8. The noise affecting the residents to the North East and East of the site have been completely ignored. There has been no discussion with the local residents about their concerns of the noise and reflects the complete disregard the operator has for its neighbours.

11. There are significant errors in the Noise Impact Assessment as set out above which makes the assessment unreliable to base any decisions upon.

Comments concerning Further Information to Address Issues raised in Consultation Responses and the Council's email of 22 January 2021 - 283BTLC/3

12. We note that the Council's email of 22 January 2021 - 283BTLC/3 has not been uploaded to the Mineral and Waste Portal.

13. Reference 7.0 Dust Management. Dust generated from the site has been a major issue for the neighbouring properties. The points listed in 7.1 to mitigate this major problem are to be applauded. However, the operator has broken all of the major conditions of planning to date so we have no confidence that dust will be managed as set out. What guarantees will be given by the operator, and what will be the consequences of non-compliance ? At the moment when the weather conditions result in dust being generated, the operator turns on a hose pipe attached to a scaffolding pole in an attempt to dampen the material. This does not work. Why has the operator not been following the dust management measures proposed?

Comment Date: Tue 05 Jan 2021

NOTICE OF APPLICATION FOR PLANNING PERMISSION Town and Country Planning (Development Management Procedure) (England) Order 2015

PROPOSAL : Planning Application made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility, Wing Road, Cublington, LU6 0LB.

LOCATION : Lockharts Farm Waste Recycling Facility, Cublington Road, Wing, Leighton Buzzard, Buckinghamshire, LU7 0LB

Ref :CM/0066/20

Dear Sir or Madam

We are concerned about how this site is now being operated by Bulk Transfer Limited (BTL). BTL has been operating from the site since early 2020, and we believe it has contravened the first four conditions as laid out in the planning permission 08/20007/AWD. Details of these contraventions are set out further below.

There is a fundamental issue which has been glossed over in the application material. Section 23 on the 2008 application form appears to state that the maximum annual operational throughput will be 12,500 tonnes of waste from household civic amenity sites and 12,500 tonnes from recycling facilities, totalling 25,000 tonnes per annum. That is what the site was granted planning permission for. However, at paragraph 2.8 of the Supporting Statement, we are informed that the site now operates at an annual capacity of 65,000 tonnes per annum. This is a 260% increase above the permitted activity.

The application before us only deals with the amenity conditions that control the operation of the site but Cublington Parish Council considers that a new application should be submitted addressing the environmental effects of this significant operational increase. This should also be screened in accordance with the Environmental Impact Assessment Regulations.

Setting this issue to one side, we now address the issue of compliance with the existing conditions.

Condition 1. Site plan.

Following our complaints to the enforcement officer in May 2020 it was established the site layout was not in compliance with this condition. This was acknowledged by BTL in August .

Condition 2. Operating hours

The operating hours are from 8.00 am to 5.00pm Mondays to Fridays, and 8.00am to 1.00pm Saturdays. We believe this condition is not being met and lorries are moving onto the site before 8.00 am. We object to any relaxation in these hours of operation.

Condition 3. Lorry movements .

Following our complaints to the enforcement officer in May 2020 it has been established that the current allowed movements of 12 in and 12 out per day has been significantly exceeded. This has been acknowledged by BTL in August. We believe BTL is operating at least 30 in and 30 out movements a day.

We read in the Transport Statement that the operator has erected signage to ask drivers to turn left out of the site towards Wing and out into the strategic highway network. This is not being adhered to. Vehicles to and from the site have been going through Cublington village at speed, which intimidates road users and pedestrians, and the standard of driving is often poor. This matter was reported to Thames Valley Police on 14th May 2020 reference CDS-58996-20-4300-000.

BTL are operating vehicles over 32ton (articulated vehicles) which have to cross to the middle of the road in numerous locations due to the lack of width of carriageway and overhanging trees creating a safety hazard.

All these lorry movements are damaging grass verges and road surfaces.

Condition 4. No further buildings , mobile plant or machinery (including a concrete crusher or similar plant and equipment) shall be erected or operated on the site without the prior written approval of the County Planning Authority.

BTL has two concrete crushers on the site which are creating a lot of noise and dust.

BTL has not obtained permission for these machines to be on the site.

Environmental Agency

BTL operate under licence from EA reference EAWML 100361 Facility Type : Household, Commercial and Industrial Waste Transfer Station with treatment. Condition 3.4 Odour and 3.5 Noise have been infringed, and these matters have been reported to the EA which has carried out three visits to the site.

Applicant form

Section 6 of the application form states the site can not be seen from a public road, public footpath , bridleway or other public land.

This statement is incorrect . There is a footpath as shown on page 5 of the transport

statement prepared by Mode Transport Planning.

Conclusion and Recommendations

As stated above, we believe that the current operations at the site should be subject to a fresh application reflecting the significant increase in activities over the years. However, our comments relate specifically to the application before us.

BTL has disregarded the conditions place on it by the planning permission 08/20007/AWD and environmental agency EAWML 100361. This recycling centre has had a detrimental effect upon the local communities of Cublington, Stewkley, Dunton and Wing.

The supporting statement to the application prepared by Suzi Coyne Planning refers several times to the recycling unit at Red Brick Farm on the Dunton Road Stewkley (permission CM/0005/18) as if it is a benchmark for this unit. The local communities have been overwhelmed with the recycling lorries to the two sites which are less than two miles apart. The roads leading to and from both sites are in a poor state and were not built to handle such a large number of daily movements.

The 2018 permission at Red Brick Farm affords additional amenity protections that control the operation of the site. Firstly, condition 2 imposes a limit on the amount of material that can be processed and stored on site. Secondly, condition 7 prohibits articulated vehicles from moving waste to the site. Should Buckinghamshire Council consider approving this current application, Cublington Parish Council ask that consideration should be given to imposing similar conditions at Lockharts Farm to prevent further incremental expansion of activities.

Cublington Parish Council has no confidence that any conditions placed upon BTL will be adhered to and objects to the application.

Aston Abbots Parish Council –

Aston Abbots Parish neighbours the Parishes of Cublington and Wing and as such is directly affected by increased commercial activities within the villages. Aston Abbots parish council has noticed over the past year, a significant increase in heavy traffic travelling through this village to and from the site in question.

The roads through and around this village are not suitable for HGV's, indeed pending traffic calming measures , financially supported by BCC, are to include additional signage to this effect.

Heavy waste and aggregate vehicles, even when travelling within the speed limit advisories, pose a huge risk to residents, walkers, cyclists and of course children. The roads are not sufficiently wide and there are long stretches of lane without a sidewalk or pavement area, rendering it almost impossible to avoid collision with heavy vehicles that arguably have longer stopping distances. The current level of related traffic far exceeds that originally permitted . The number of lorry movements permitted in 2007 was 12 in and 12 out. The reason given was 'to protect the amenities of the locality and to reduce the amount of disturbance caused to local residents'. Protection of local amenities and management of

disturbance to local residents is, or should be, still a matter of high importance. Therefore to now agree to any increase in frequency of trucks per day would present a usage that the rural lanes and infrastructure cannot support. The Parish Council objects strongly to this application and believes that the conditions applied in 2007 should still apply and adherence be enforced

Consultation Responses

Crime Prevention for Aylesbury - No comment received.

Internal ROW Team – No objection.

Minerals and Waste Policy Team – No comment received.

Highways DM – No objection subject to conditions.

LLFA – No comment.

Environment Agency – No comments.

Ecology – No objection subject to a condition securing biodiversity enhancement measures.

Environmental Health Officer –

I have reviewed the acoustic report produced by Environmental Noise Solutions Ltd, report reference: NIA/9791/21/9915/v3/Lockhart's Farm, and would comment as follows.

The report indicates that with the proposed mitigation the predicted noise levels, when assessed

in accordance with BS 4142:2014+A1-2019, are around 4dB above background in all periods covered by the additional hours of operation. Whilst rated noise levels, as assessed by BS4142,

from the crushing operation will be above background it should be noted that for the vast majority

of the time the actual noise level generated when the crusher is operational is below the existing

ambient noise levels (the assessment of which does not include any noise that would have been

permitted by the existing permitted development on the site). The noise generated by the proposed activities is also well below the limits set in the Minerals Planning Practice Guidance.

The assessment of additional noise generated by increases in lorry movements indicates that the

increase in noise levels is 'small' when assessed in accordance with the IEMA Guidelines for Environmental Noise Impact Assessment and the noise generated by traffic movements is significantly lower than the noise generated by other operations on site.

On the basis of this information I would have to conclude that, subject to the proposed mitigation

being installed and maintained, the noise impacts arising from the operation of this site would not be considered significant, in the context of relevant standards and accepted practice, and that environmental health could not sustain an objection to this application on noise grounds.

Archaeology – No objection.

Bucks Fire and Rescue Service – Standard guidance issued.

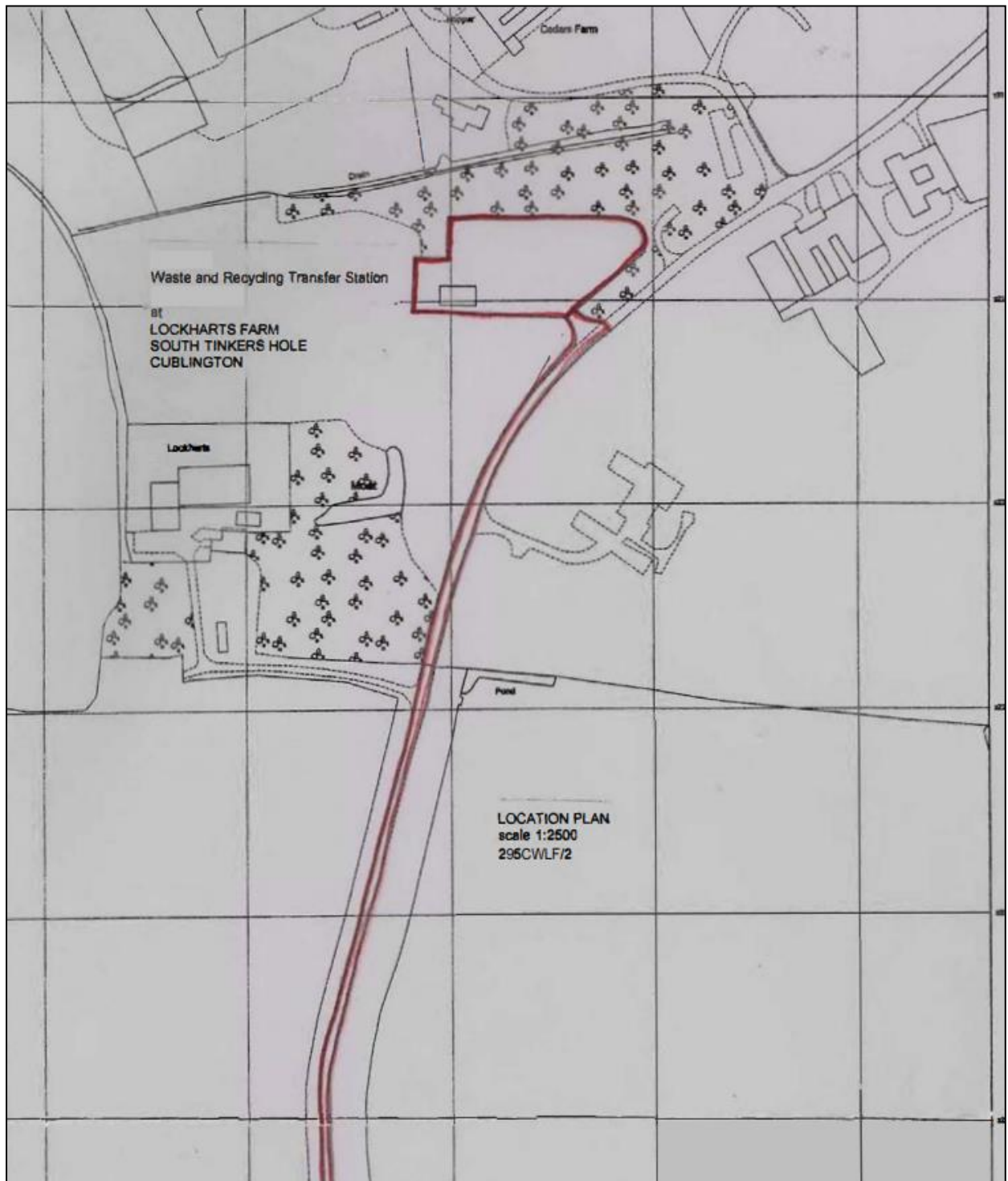
Buckinghamshire Council Landscape Team – No objection.

Representations

No comments have been received supporting the proposal, one comments neither supporting nor objecting and 132 comments objecting to the proposal. In general, the comments raised the following matters:

- HGV Impacts (Disturbance, Highway Safety, Traffic through Villages, Debris Dropped)
- Impacts upon Listed Buildings
- Suitability of Roads
- Noise
- Dust
- Air Quality / Impacts on Human Health
- Land Use being inappropriate
- Impacts upon natural environment

APPENDIX B: CM/0066/20 Site Location Plan



APPENDIX C: CM/0018/21 Consultation Responses and Representations

Councillor Comments

Cllr Peter Cooper – No comment received.

Cllr Ashley Bond – I would like to call the in because of a lot of public interest.

Cllr Anders Christensen – No comment received.

Cllr Tuffail Hussain – No comment received.

Cllr Graham Moore – No comment received.

Cllr Diana Blamires – I am calling in both these applications - applications CM/0018/21 and CM/0066/20. There have been a lot of interactions with residents and councillors. There is also concern that the proposed number of lorry movements breaches conditions. I don't have a pecuniary or any other interest.

Cllr Netta Glover – No comment received.

Parish/Town Council Comments

Cublington Parish Council –

We believe this application cannot be reviewed in isolation from CM/0066/20 concerning alteration of conditions of the existing planning permission 08/20007/AWAD.

We have continually stated a new planning application should be made which will enable up to date surveys of traffic, noise and environmental impact. Such surveys would determine the suitability of this application.

The proposed concrete walls may help protect nearby properties from the plant noise, but the hard surfaces of the walls will deflect the noise upwards, any prevailing wind will then carry the noise. Even though concrete is excellent for providing durability and lasting quality, it fails to provide noise reduction. While many people choose concrete as their designated building material based on its hardness and durability, it is this very quality that prevents concrete from improving acoustical performance and is considered an outdated technology .

A utility sound wall made with absorptive materials will diffuse sound so that there is little to no sound being reflected back into the environment.

We are aware there is a centre for Ex-service personnel suffering from post-traumatic stress located near the recycling unit. The increase in activity on the site from vehicle movements, noise and dust is very disturbing for these individuals, and due consideration should be made to them. The impact on this centre can be considered in a new planning application.

Wing Parish Council –

The PC resolved that this application should be rejected. The site is being operated at a scale beyond any existing approvals and was never intended to be a major waste transfer location. The traffic impacts are considerable with heavy trucks attempting access the site via Wing High Street and Stewkley Road in Wing. This is un-sustainable and creating a traffic safety hazard. To avoid development by stealth the Parish Council recommend that either the applicant be required by enforcement to comply with the existing permission OR that the applicant be invited to make a completely new application for the future intended use. If it is to go to Committee the Parish Council will be requesting a Buckinghamshire Councillor to call-In the application.

Consultation Responses

Crime Prevention Aylesbury – No comment received.

Bucks Fire and Rescue – No comment received.

Aylesbury Vale Design and Conservation Team – No comment received.

Environmental Health Officer – No objection.

Ecology – No objection, subject to conditions.

LLFA – No comment

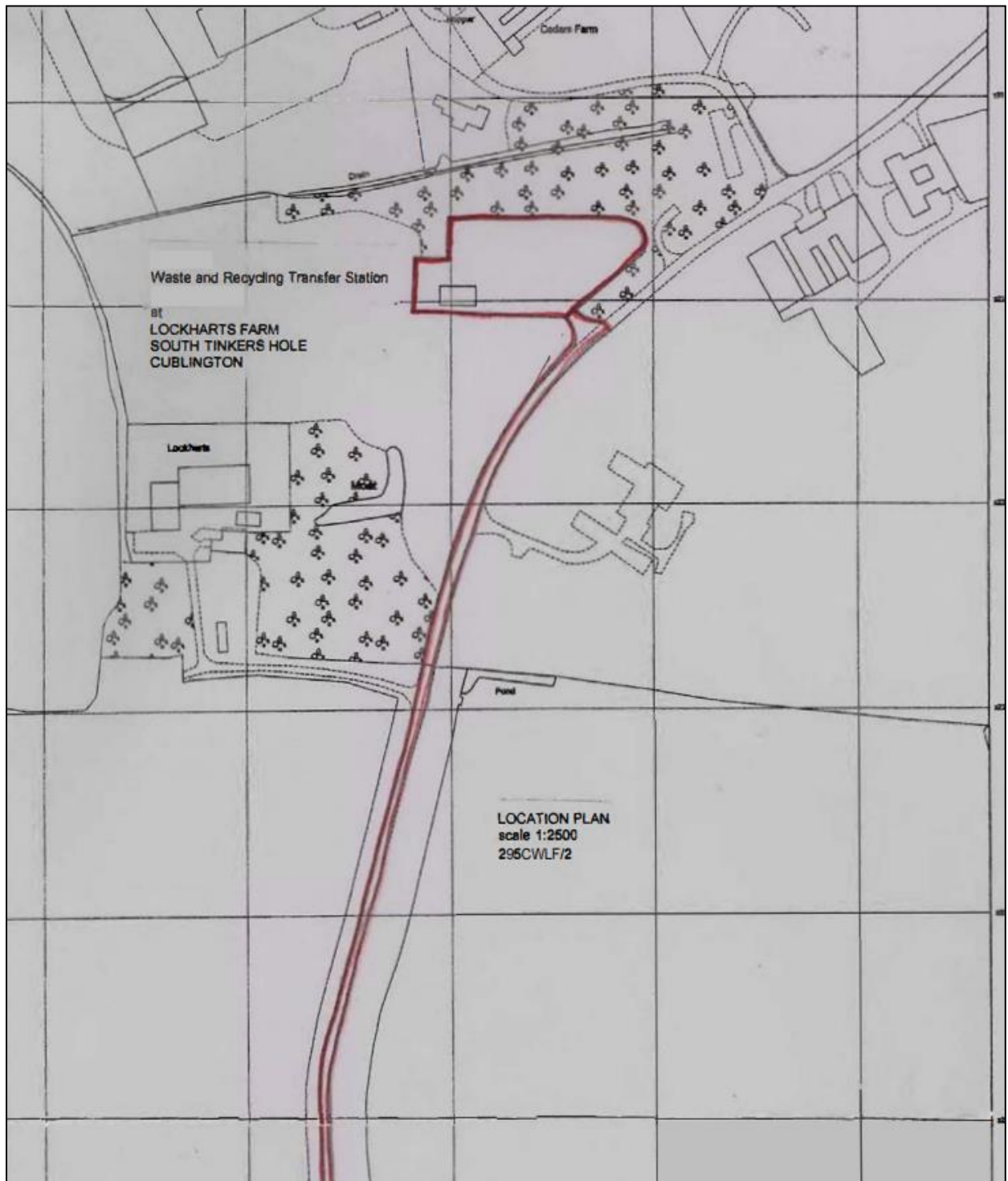
Buckinghamshire Council Landscape Team – No objection.

Representations

No comments have been received supporting the proposal, no comments neither supporting nor objecting and six comments objecting to the proposal. In general, the comments raised the following matters:

- i. Dust
- ii. Noise
- iii. Traffic
- iv. Pollution
- v. Highway Safety
- vi. HGV impacts

APPENDIX D: CM/0018/21 Site Location Plan



Appendix E: Draft Recommended Conditions

CM/0066/20

1. The development hereby permitted shall not be carried out other than in complete accordance with the details submitted with the planning application and the following documents and drawings:

- Proposed Site Plan, Drawing Ref: 283BTLC/5 dated 28th October 2021
- Site Location Plan, Drawing 1 – Scale 1:2500
- Drawing Ref: LFm/Port.cb/1 dated 24th November 2008

Reason: To define the development permitted and to control the operations in accordance with Buckinghamshire Minerals and Waste Local Plan Policy 16.

2. No vehicle shall enter or leave the site and no operations authorised by this consent shall be carried out other than between the following hours:

7:00am to 5:00pm Mondays to Fridays
8:00am to 1:00pm Saturdays

No vehicle shall enter or leave the site and no operations shall be carried out on Sundays or Public and Bank Holidays.

Reason: In the interests of local amenity and to comply with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

3. The maximum total number of heavy good vehicle movements (vehicles over 3.5 tonnes unladen weight) in connection with the development hereby permitted shall not exceed 60 (30 in and 30 out) per day on Mondays to Fridays. On Saturdays the maximum total number of heavy good vehicle movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 30 (15 in and 15 out).

Reason: In the interests of local amenity and to comply with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

4. The scheme for manoeuvring indicated in Appendix B of the Transport Statement dated November 2020 shall be implemented for the duration of the development.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with policy 17 of the Buckinghamshire Minerals and Waste Local Plan.

5. A record of the number of daily vehicle movements and the tonnage of waste being imported to the site shall be maintained for the duration of the development hereby permitted and shall be made available to the Local Planning Authority no later than one week after any request to view them has been made.

Reason: In the interests of highways safety and the amenities of the local area and to comply with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

6. No loaded lorries (vehicles over 3.5 tonnes unladen weight) shall exit the site without being securely sheeted or netted.

Reason: In the interests of highways safety and the amenities of the local area and to comply with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

7. Site working practices shall include an auditable schedule of regular (twice a week) litter clearance for the external areas of the site.

Reason: To address impacts relating to litter in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

8. Stockpiles of processes or unprocessed material within the site shall not exceed 4 metres in height.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

9. The haul road between the site and highway shall be maintained free of potholes for the duration of the development hereby permitted. Any potholes formed shall be repaired expeditiously no later than 14 days from the date they are brought to the attention of the operator by the Mineral Planning Authority.

Reason: In the interests of the amenity of the locality in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

10. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 2015 (as amended) or any subsequent revisions, modifications, revocation or re-enactment, no further buildings, mobile plant or machinery shall be erected or operated on site without the grant of planning permission from the Local Planning Authority first being obtained.

Reason: To protect the amenities of the locality in accordance with Policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

11. No processing involving the use of a crusher or screener shall be carried out until a detailed scheme for the monitoring and mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented thereafter for the duration of the development.

Reason: In the interests of local amenity and to comply with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

12. The landscaping scheme shown on drawing Ref: 295CWLF/4 dated 28th October 2021 shall be fully implemented within 12 months of this consent. Thereafter, for a for the duration of the development any plants that are removed, die or become diseased shall be replaced with one of a similar size and species.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

13. All plant and machinery used at the site shall be shut down during intervening periods of work wherever practicable and properly silenced and maintained in accordance with the manufacturer's specification.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

14. No processing involving the use of a crusher or screener shall be carried out without the concrete walling as permitted by planning permission CM/0018/21 being in situ as shown on Drawing Ref: 283BTLC/5 dated 28th October 2021. The concrete walling shall thereafter be retained for the duration of the development.

Reason: In the interests of local amenity and to comply with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

15. Noise levels from site operations shall not exceed 47dB L_{aeq} (1Hour) when measured freefield at the Cedar Farm residential property.

Reason: In the interests of local amenity and to comply with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

16. No additional security or yard lighting shall be erected or otherwise provided on site without prior written approval of a scheme by the Local Planning Authority. The scheme shall demonstrate the situation of the lighting, the proposed operational hours and dictate that lighting shall be downward. Any

approved scheme shall be adhered to thereafter for the duration of the development.

Reason: In the interests of reducing light pollution and impacts upon amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

CM/0018/21

1. The development hereby permitted shall not be carried out other than in complete accordance with the following details submitted with the application:
 - As proposed plan, Drawing Ref: 295CWLF/4 dated August 2021
 - Elevations, Drawing Ref: 295CWLP/3 dated April 2021
 - Location Plan, Drawing Ref: 295CWLP/2

Reason: To define the development permitted and to control the operations in accordance with Buckinghamshire Minerals and Waste Local Plan Policy 16.

2. The external faces of the concrete walling permitted under this consent shall be painted dark green and shall thereafter be retained as such in perpetuity.

Reason: In the interests of the amenity of the locality and to reduce landscape impacts in accordance with policies 16 and 20 of the Buckinghamshire Minerals and Waste Local Plan and Policy BE2 of the Vale of Aylesbury Local Plan.

3. The landscaping scheme shown on drawing Ref: 295CWLF/4 dated August 2021 shall be fully implemented within 12 months of this consent. Thereafter, for a for the duration of the development any plants that are removed, die or become diseased shall be replaced with one of a similar size and species.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.