

Minutes

DEVELOPMENT CONTROL COMMITTEE

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON
MONDAY 10 APRIL 2017 IN LARGE DINING ROOM, JUDGES LODGINGS, AYLESBURY,
COMMENCING AT 10.00 AM AND CONCLUDING AT 11.33 AM**

MEMBERS PRESENT

Mr R Reed, Mr B Roberts, Mrs L Clarke OBE, Mr C Ditta, Ms N Glover, Mr A Huxley,
Mr D Martin and Mr D Shakespeare OBE

MEMBERS IN ATTENDANCE

OTHERS IN ATTENDANCE

Mrs O Stapleford, Mrs E Catcheside, Mr M Islam, Ms R Bennett and Hamilton

Agenda Item

1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP

Apologies received from Mrs L Briggs from Harrow Legal Services with Mrs K Hamilton attending in her place.

2 DECLARATIONS OF INTEREST

Item 4 – Cemex Quarry, Richings Park. Mr D Martin declared a non-pecuniary interest as he was a Director of the Colne Valley Park Community Interest Company and the Buckinghamshire County Council representative on the Board of Directors

3 MINUTES

The minutes from the 13 February 2017 were agreed as a correct record and signed by the Chairman.

4 CM/51/16 - TEMPORARY CLOSURE OF PUBLIC FOOTPATH IVE/15/1, FOLLOWED BY THE LAYING OUT OF A SITE ENTRANCE, ERECTION OF NEW PROCESSING AND CONCRETE PLANTS AND RELATED INFRASTRUCTURE, EXTRACTION OF 2 MILLION TONNES OF SAND AND GRAVEL, BACKFILLING WITH INERT WASTE AND PROGRESSIVE RESTORATION OF THE LAND TO AGRICULTURE OVER A PERIOD OF UP TO NINE YEARS AT LAND NORTH OF NORTH PARK ROAD, RICHINGS PARK, LANGLEY

Mr T Islam, Lead Planning Officer gave an overview of the application which sought agreement for temporary closure of public footpath, followed by the laying out of a site entrance, erection of new processing and concrete plants and related infrastructure, extraction of 2 million tonnes of sand and gravel, backfilling with inert waste and progressive restoration of the land to agriculture over a period of up to nine years.

The Committee received a presentation showing the site plans and photographs. Members of the Committee had visited the site prior to the Development Control Committee in April, walked the whole site and were able to see for themselves any impact with particular attention to phase 1 and those areas nearest to residential properties.

Mr Islam highlighted the following points to the Committee:

- The extraction of the sand and gravel needed to take place prior Network Rail (NR) proceeding with a new Western Rail Link to Heathrow (WRLtH) airport which, if permitted, was due to start on site in spring 2019
- Highlighted the distance of the nearest affected properties and discussed the bunding and screening provided
- The main causes for concern following consultation had been in relation to additional traffic, however there had been no objections from Highways. Mr Islam confirmed that there would be restrictions to lorries travelling through Iver and the site would be monitored regularly, with action taken against those not complying with the restrictions

Public Speaking

The Committee received representation from the following:

Objectors – Public	Mr Nick Collyer
Parish/Town Council	Cllr Wendy Matthews, Iver Parish Council
Applicant/Agent	Helen Hudson, Consultant Planner for Cemex

Summary of Public Speaking:

Mr N Collyer highlighted the following points to the Committee:

- The site of the extraction was less than 30m from end of his garden and in the winter months was visible through the planting which gave no protection
- It was understood that phase one of extraction would be left for 4-5 years before it was restored and that this would be unsightly
- Requested that if the application was granted, there should be a further look at the boundaries
- Mr Collyer updated the Committee regarding the health complaints of residents that it is believed would be exacerbated by the work at the site. Mr Collyer also stated there had been promises made by Cemex to contact those affected and

that this was yet to happen

Mrs W Matthews, on behalf of Iver Parish Council circulated a summary of points to the Committee prior to the meeting (as attached).

Mrs Matthews highlighted the following points:

- The Parish Council accepted the need for the extraction but stated that the proposed mitigations for those properties in close proximity were not acceptable
- Residents' concerns related to noise and dust pollution
- The additional traffic which would be to Iver
- The plant being illuminated and the disruption this would have on nearby residents

The Chairman of the Committee stated that it was their understanding that the plant would only be lit within normal hours of operation and sensor lights outside of this for health and safety reasons. Mrs Catcheside confirmed that there would be a planning condition detailing the use of lighting and ensuring limited impact.

Mrs Hudson, Cemex Consult Planner circulated a summary of points to the Committee prior to the meeting (as attached).

Mrs Hudson highlighted the following points:

- The need for the extraction to take place prior to the Western Rail Link to Heathrow starting as it would spur off the Great Western Railway line to the north of the CEMEX site and go into tunnel in the middle of the site
- If the application was agreed this would enable CEMEX to recover the sand and gravel and avoid sterilisation of the mineral that would either be in the path of the rail tunnel or would be impossible to reach once the tunnel is in place
- CEMEX had worked with Network Rail and discussed the timing, design and phasing of the minerals working
- CEMEX was also willing to sign a S106 routing agreement to ensure that HGV traffic went west along North Park and then south along Sutton Lane to the A4
- CEMEX understood that residents had concerns about mineral working. This application was supported by an environmental impact assessment, including assessments on noise, dust, landscape, hydrology, air quality and traffic.
- CEMEX considered that this proposal was sustainable development, which avoided safeguarded mineral from being sterilised unnecessarily and met the aggregate landbank needs of Buckinghamshire during the current plan period

Following the public speakers the Committee discussed the following points:

- The length of phase 1 and when restoration was likely to take place. Mrs Hudson confirmed that it would be 1 year in total to work the phase 1 site, with the extraction taking 2 months
- The process of the extraction with it starting near to the closest properties and working away from them, east to west with bunding in place
- The lorry routing arrangements in place and the power to enforce and fine those that did not comply. Mr Hudson confirmed that the vast majority of the HGV drivers were under the control of Cemex and therefore action would be taken against those not complying with restrictions. Mrs Catcheside also confirmed that the site would be regularly monitored
- The Committee discussed the need to restore phase 1 of the site as soon as possible and whether this could be a condition of the application. Mrs Catcheside confirmed that restrictions would be placed on vehicle movement and that they would work closely with Cemex to ensure restoration was carried out as expediently as possible. Mrs Catcheside explained that this could include a

condition restricting the start of other phases until the restoration of phase 1 was complete

- The closure of the footpath for 9 years to ensure the safety of residents and general public
- The Committee suggested the need for a liaison group for the site which was agreed by all Members to be held at regular intervals

The Committee was asked to agree the following Recommendation:

Subject to the completion of legal agreement between the applicant and Network Rail to ensure the development would not prevent the delivery of proposed Western Rail Link to Heathrow (WRLtH), the Development Control Committee is invited to DELEGATE the GRANT of planning permission to the Head of Planning & Environment subject to:

- **The conditions set out in Appendix A to this report;**
- **The applicant first entering into a S106 legal agreement to cover routeing arrangements, financial contribution towards transport infrastructure improvements and air quality management, and the implementation of a 10 year long term Biodiversity Management Plan.**

In addition to the report the Committee were also asked to agree a small change to the operational hours to a 08.00 start on a Saturday rather than 07.00.

Members also asked officers to review the timetable for the completion of the part of the site closest to residential properties to ensure its expedient restoration. Members agreed to delegate the wording of any new or revised conditions to secure this to Officers in consultation with the Chairman and Vice Chairman of the Committee.

RESOLVED

All Members of the Committee agreed to the change in operational hours.

All Members of the Committee agreed the Recommendation as set out in the report (as amended) with the Chairman and Vice Chairman in consultation to approve any changes to wording of conditions.

The Chairman of the Committee thanked Officers and Members of the Committee for their attendance and stated that it was the last meeting before the elections took place in May.

5 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded for the following item which is exempt by virtue of Paragraph 1 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information relating to an individual

6 CONFIDENTIAL MINUTES

7 ENFORCEMENT REPORT

Ms O Stapleford, Enforcement Officer presented an update to the Committee on current enforcement action in progress.

8 CABINET MEMBER KEY DECISION PAPER - PRE-APPLICATION CHARGING

9 DATE OF NEXT MEETING

The next meeting will be held on Monday 19 June, Mezz 1 & 2

The Chairman reiterated his personal thanks to the Committee for their dedication and commitment to their role on Development Control Committee and thanked Officers for their excellent work, in particular the excellent quality of reports and verbal updates given. He also noted the benefit of the site visits that had been carried out.

CHAIRMAN

Development Control Committee 10/04/17

Application CM/51/15: Mineral Extraction from land North of North Park

We accept that gravel reserves need to be extracted, in this case the application by CEMEX UK Operations Ltd to extract an estimated 2 million tonnes of sand and gravel from a green belt site lying to the north of North Park, Richings Park, Iver. However, we believe that the proposed scheme has several flaws which require a refusal of the application as it stands. Our reasons are set out below.

Proximity to residential properties

The proposed site for extraction of minerals lies close to the western borders of Richings Park.

- Properties adjacent to the site in Bathurst Walk are just **40 metres** from the working margins of the site; many in Syke Cluan, St James' Walk and North Park are within approx. 100 m.
- Thus excavation works will occur unacceptably close to properties in Bathurst Walk and the proposed mitigation measures are inadequate.

Concrete manufacturing plant

The proposed 16 metre high, concrete manufacturing plant would be within 200-250 metres of properties in North Park and in view of many other properties. The plant is included in the proposal purely for commercial reasons. It is unnecessary for the extraction of minerals and there are already a number of cement plants in the area to provide for local need.

The 16 metres high concrete plant would be illuminated. The landscape assessment (Para 13.12 (p87) of the main application) concludes "*there are no properties with major, close, direct and open views of the application area*" but that "*There will be intermediate and minor views of the application site and operations, but with the advance planting, bunds and position of the plant site the visual and landscape impacts of the working will be minimised.*". These are misleading statements.

- Indicative sight lines show that the concrete plant will be visible to many properties over a considerable distance, especially at night.
- Illumination of the plant during working hours includes considerable periods during the winter.
- At the nearby Datchet site, the concrete plant often remains illuminated for 24 hours, despite assurances of limiting it to working hours.

Para. 8.3, Table 1 (p19) of the Planning Statement seems to suggest that concrete production would commence before extraction of minerals, implying that supplies would be imported. This unacceptable industrial use of green belt land and would generate further HGV movements.

Traffic analyses in Appendix 4, Para 4.16 (p14), conclude "*By locating a concrete batching plant on site, the amount of extracted mineral that needs to be taken off site is reduced by 120,000t/annum than would otherwise be the case if it had to be transported to a concrete plant elsewhere. This equates to a saving of 12,000 HGV movements per year and represents a more sustainable operation than having the concrete batching plant located remotely from the site.*"

- This is an inaccurate statement. The mineral will be still be transported off-site, but in the form of concrete. Since less mineral is shipped as a batch of concrete than in a typical load of gravel or sand, it will require **more** HGV movements, as will the need to import cement.
- The Transport Assessment indicates that the concrete plant alone will contribute 68 HGV movements a day.

Noise pollution

- Given the close proximity of site operations to houses, residents will suffer significant impact of noise from excavation works, running of conveyors, mineral processing plant and concrete plant and vehicle movements around the site.
- This will continue six days a week for up to five years, followed by four years of restoration.

Dust pollution

Although minerals will be processed whilst wet, piles are left to drain following extraction.

- During summer months, drying of exposed surfaces will result in dust. This will be carried on the prevailing wind directly to residential areas of Richings Park, with potential adverse consequences for health of vulnerable local residents and overall status of the local environment.

Air quality

The applicant's assessment of the impact on air quality focuses on locations in the Borough of Slough, distant from the site at Richings Park, and where any effects will be diluted.

- We can find no baseline measures in the application documentation of atmospheric pollutants in the vicinity of the site. Thus, no conclusions can be drawn on potential impact the development will have on the quality of life for residents, pedestrians or road users in Richings Park.
- Such assessment must include the additional impact of traffic flows of around 350% of the baseline figures quoted by the applicant during closure of Hollow Hill Lane.

Impact on traffic

The lvers are currently overwhelmed by traffic congestion and the huge number of HGV movements. North Park is a narrow rural road which is unclassified and not built or maintained for constant HGV use.

Appendix B of Appendix 4 estimates typical weekday two-way traffic flows (Nov/Dec 2015) of around 7,200 vehicles during the proposed working period (07:00-19:00) on this road of which around 1000 were HGVs.

Appendix 4, Section 6.7 (p24) indicates an increase of 306 vehicles per day during site operations, of which 242 would be HGVs. It concludes that traffic flows will increase *“by between 1.1% and 2.3%, equating to a negligible magnitude of change.”* But it also states that *“a greater forecast increase (between 10% and 20%) in numbers of heavy vehicles.”*

- These conclusions are inaccurate – they are based on **24 hour** traffic flows, whereas all of the site traffic will occur between **07:00-19:00**. Based on the applicant’s data, total traffic flow during operational periods will increase by 3.9% and HGV numbers by 23%.
- Since the applicant monitored traffic flow in 2015, the Link Park industrial site on Thorney Mill Road has become fully operational. More than 120 operator’s licences have been granted, resulting in at least another 240 HGV movements.
 - The HS2/Heathrow Express depot project has now received royal assent and will involve at least another 75 HGVs per day along North Park
 - Data published by Slough Borough Council show that two-way traffic flow along North Park increased to **350%** of pre-closure values following closure of Hollow Hill Lane.

Para 11.60 (p60) of the Planning Statement concludes that the scheme *“has the potential to provide the WRLtH scheme, HS2 and HEx with the aggregates and concrete that they requirereducing HGVs movements in the local area”*.

- No evidence is provided that the HS2/Hex depot and WRLtH projects would accept concrete produced by the plant. Indeed the engineers from the WRAtH project have specifically advised us that the concrete produced would not be suitable for their needs.

Safety of pedestrians

There is a ‘priority built-out’ or pinch point 35m to the east of the site access. (p 90 of Transport Assessment). The applicant states in the Transport Assessment that the queue length from this is typically reaches 11 vehicles and that this would not cross the access.

- This statement is totally inaccurate as can be seen from the attached photo and plan, where it is clear that only 3 queuing 16.6m HGVs would obstruct the entrance.

- The traffic data used to derive this conclusion is outdated and the conclusion therefore invalid.
- The footpath on the north side of North Park terminates at the bridge parapet, approximately 30 m west of the site entrance (see attached plan). Pedestrians must cross the road to the footpath on the south side at this point. There is no street lighting here to assist in dark winter mornings or afternoons.
- The applicant (Para 11.94; p70 of Planning Statement) concludes “*The potential effects of the development upon pedestrian delay and pedestrian amenity are considered to be insignificant.*”
- No assessment of pedestrian **safety** has been undertaken
- No consideration has been given to the risks to pedestrians crossing the road when vehicles are turning out of the site with vision restricted by queuing traffic into a line of traffic.

Loss of amenity

Whilst it is accepted that use of footpath IVE/15/1 has been constrained by demolition of the Dog Kennel bridge, nevertheless, it remains an amenity available to members of the public. Closure of the path would involve further loss of amenity for a decade.

The AECOL survey concludes that the area provides a habitat for foraging and potential roosting sites for bat populations (AECOL Survey 3; Para 4.3.6 (p25) & Section 13.2). This needs to be addressed as does the loss of habitat for other flora and fauna.

Conclusions

We recognise and understand the need to capitalise on mineral assets, but their exploitation is governed by strict guidelines, (cited by the applicant), that take into consideration factors such as the impact on local communities, the environment and traffic flows. The traffic volumes, excessive numbers of HGVs, noise and air pollution generated by the proposed quarry will significantly impact the environment and quality of life in Richings Park.

It is apparent that insufficient consideration has been given to the adverse effects of the proposed workings on quality of life for local residents, on other environmental considerations and traffic flows and safety of pedestrians and adequate mitigation has not been proposed.

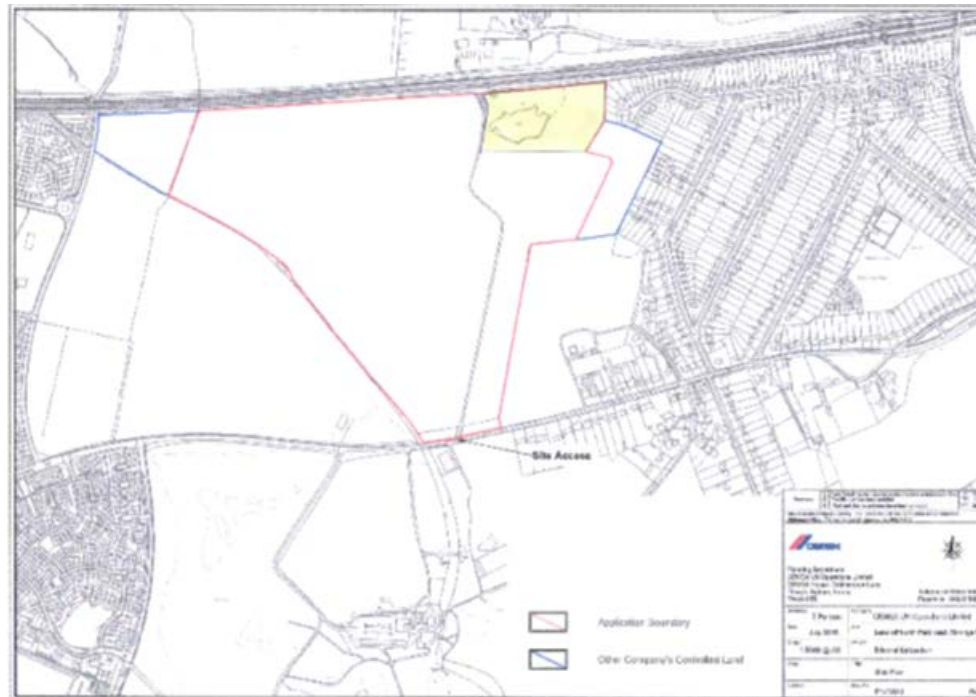
The proposal fails to meet the criteria for acceptable development.

On this basis, we strongly object to the proposal and urge the Committee reject it, particularly given the needs for the site boundary to the north-east of the site to be redefined in accordance with **Fig. 1** and the removal of the concrete plant from the application.

Should the Committee be minded to decide to grant approval, against the best interests of residents and the environment of Richings Park, then it should be subject to the following conditions, strictly enforced:

- Production of concrete is not permitted on the site.
- Conveyors to be enclosed in order to minimise noise and dust.
- Independent, comprehensive baseline measurements of air quality and dust levels in North Park and residential areas to be undertaken within a 500 metre radius of the site before works commence and during operation.
- Operational hours to be limited to weekdays only.
- Strict monitoring of the routes followed by HGVs associated with the operation to be undertaken in order to ensure that they use only the prescribed route.
- A full safety audit to be made on the impact of site operations on pedestrians and cyclists in North Park
- Adequate provision to be given for safeguarding pedestrians when crossing North Park.
- Improvements made to the wildlife habitat qualities of the hatched area of Fig 1 as part of Phase 1.
- Improved mitigation measures provided for the residents of Bathurst Walk

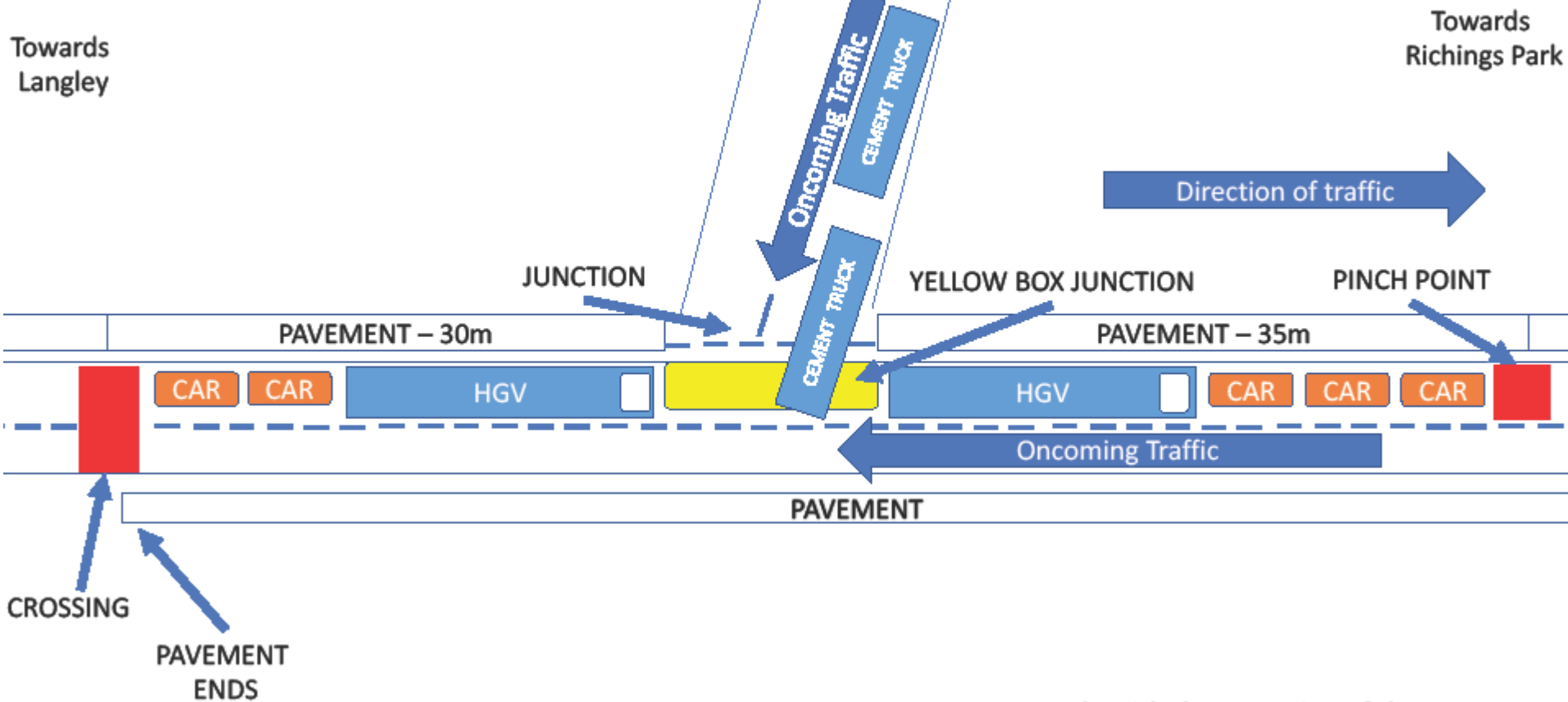
Fig 1. Proposed revision to boundaries on north-east section



Area shaded yellow to be removed from the area for extraction of minerals.



CEMEX ACCESS



Notes: To scale with the exception of the Pavements

Land north of North Park, Richings Park, Buckinghamshire SL0 9DJ – Speech for Development Control - Committee 10th April 2017

Proposal –Temporary closure of public footpath IVE/15/1, followed by the laying out of a site entrance, erection of new processing and concrete plants and related infrastructure, extraction of 2 million tonnes of sand and gravel, backfilling with inert material and progressive restoration of the land to agriculture over a period of nine years.(Application Number CM/51/16)

Dear Chairman and Members

Thank you for allowing me to speak to you today. I am here with my colleagues Andy Scott, Estates Manager for CEMEX, Mark Kelly, Planning Manager for CEMEX and Henry Andrews, Ecological Consultant from Andrews Ecology.

The key reason CEMEX has submitted this application for decision today, rather than wait for the site to be allocated as a Preferred Area in the forthcoming Replacement Minerals Plan, is the proposed national infrastructure project for a rail link between the west and Heathrow. The Western Rail Link to Heathrow (or WRLtH project, as it is known) will spur off the Great Western Railway line to the north of this CEMEX site and go into tunnel in the middle it. The proposed timetable for this Network Rail scheme, if the Development Consent Order is granted, is to start work in 2020.

As such, CEMEX need to start extraction ahead of the WRLtH scheme. If planning permission is granted today, a start date at the beginning of 2018 is possible. This will enable CEMEX to recover the sand and gravel and avoid sterilisation of the mineral that will either be in the path of the rail tunnel or will be impossible to reach once the tunnel is in place.

This site is identified within the mineral safeguarding area within the current Buckinghamshire Minerals Local Plan. National and local planning policies recognise that minerals can only be worked where they are found and it is sustainable to recover these finite resources now rather than see them sterilised by non mineral development, such as WRLtH.

CEMEX has worked with Network Rail and discussed the timing, design and phasing of the minerals working. If planning permission is secured now, the mineral can be recovered ahead of the WRLtH project and possible synergies between the two schemes realised. Synergies such as the potential

provision of concrete for WRLtH and the use of the tunnelling inert waste to fill and restore the mineral void created. If the synergies are realised this could significantly reduce the HGV movements stated in this application, which represent a standalone and worst case scenario.

Network Rail and CEMEX have signed a S106 Agreement to ensure that they work together and that this minerals development will not prevent the WRLtH from going ahead.

CEMEX are also willing to sign a S106 routing agreement to ensure that HGV traffic goes west along North Park and then south along Sutton Lane to the A4.

The sand and gravel recovered from this site is needed and will contribute to the future aggregates supply for housing and construction projects. If, permitted the minerals will sustain aggregate production within the current adopted Buckinghamshire Mineral Plan period, where the landbank is expected to fall below the 7 years minimum level by 2019, if new sites are not permitted.

CEMEX understand that residents have concerns about mineral working. This application is supported by an environmental impact assessment, including assessments on noise, dust, landscape, hydrology, air quality and traffic. These assessments have shown that with the mitigation measures in place there are no significant adverse impacts on the closest residential properties or the communities of Richings Park, Iver or Langley. Predicted noise levels, for the closest properties are within national planning noise limits for mineral working.

There are no statutory consultee objections to the proposed development on these matters. Conditions are in place to ensure the Planning Authority has control on noise, dust, traffic and lighting.

This proposal is not inappropriate development in the Green Belt. It will be temporary and preserve openness. All plant will be removed and the site restored back to existing levels, to high quality agricultural land. The proposal will result in the loss of some local ecological features, but this will be offset this by the creation of new hedgerows, woodland and water features. In addition, two new footpaths will be provided. Overall the scheme offers a net increase in biodiversity of some 5.4 hectares.

(In conclusion CEMEX consider that this proposal is sustainable development, which avoids safeguarded mineral from being sterilised unnecessarily and meets the aggregate landbank needs of Buckinghamshire during the current plan period.)

In light of the above and the detailed analysis set out within the officer's report we urge you to endorse your officer's recommendation.

I would be happy to answer any questions that you may have.

Thank you for your time.

Helen Hudson

Consultant Planner

CEMEX

10/4/2017

Addendum

Item 4: CM/51/16 - Temporary closure of public footpath IVE/15/1, followed by the laying out of a site entrance, erection of new processing and concrete plants and related infrastructure, extraction of 2 million tonnes of sand and gravel, backfilling with inert waste and progressive restoration of the land to agriculture over a period of up to nine years.

1. Details of the Routeing plan (it should be read in conjunction with paragraph 34 and Appendix C of the report)

- The HGVs arriving / departing the site would require to use North Park and Sutton lane only avoiding Iver village and Richings Park ;
- For vehicles entering the site from M25 south, Heathrow and surrounding parts of west and south-west London be permitted to use M4 J5 and A4 London Road in the two-lane eastbound direction, for which delays and vehicle idling are anticipated to be lower, but that vehicles exiting the site towards these locations be required to use A4 Colnbrook Bypass, avoiding the most critical one-lane westbound section of A4 London Road;
- For vehicles entering the site from M25 south, Heathrow and surrounding parts of west and south-west London are also permitted to use A4 Colnbrook bypass in an westbound direction to avoid delays at junction 15 of the M25 and M4 J5;
- From all other routes to use M4 J5, A4 London Road and Sutton Lane

2. Page 53 - Informative on Traffic & Access

The applicants will be required to enter into a S184 Small Works Agreement with the Highway Authority in order to comply with the requirements of **condition 18** of this permission

It should be read as - The applicants will be required to enter into a S184 Small Works Agreement with the Highway Authority in order to comply with the requirements of **condition 6** of this permission

3. Page 54 – Appendix B

It is currently states that - **79 letters** of representation were received from individuals during period of consultation.

It should be read as – **80 letters** of representation were received from individuals during period of consultation.

