

# Agenda

## *DEVELOPMENT CONTROL COMMITTEE*

**Date:** Monday 2 July 2018  
**Time:** 10.00 am  
**Venue:** Mezzanine Rooms 1 & 2, County Hall,  
Aylesbury

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**Those wishing to speak at Development Control Committee regarding any of the items below must register by 10.00am at least two working days before the meeting date as stated above. Please see details on how to register at the bottom of the Agenda.**

<b>Agenda Item</b>	<b>Page No</b>
<b>1 ELECTION OF CHAIRMAN</b>	
<b>2 APPOINTMENT OF VICE CHAIRMAN</b>	
<b>3 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP</b>	

- 4 DECLARATIONS OF INTEREST**  
To disclose any Personal or Disclosable Pecuniary Interests
- 5 MINUTES** **5 - 8**  
Minutes of the meeting of the Committee held on 14 May 2018, to be confirmed as a correct record and signed by the Chairman.
- 6 HIGH HEAVENS BIOWASTE: CM/0001/18** **9 - 44**  
The erection of a single storey Waste Transfer Station (WTS) containing three designated waste halls to accept green, food and bulky waste, a segregated area for fly tipped waste and space for internal waste shredding and the reorientation of four external storage bays, the placement of hardstanding, the creation of a quarantine area, the retention and refurbishment of the existing BCC office, and construction of a new contractors office and ancillary development including internal access roads, parking, a gatehouse, two weighbridges, cycle and smoking shelter, fire water tanks, waste water tank, wheel wash, drainage and attenuation systems, HGV laybys and the continued use of an existing workshop
- 7 RED BRICK FARM WASTE TRANSFER: CM/0005/18** **45 - 66**  
Proposed continued use of land for a waste transfer and recycling operation comprising the sorting, screening and crushing of inert construction, demolition and excavation waste together with a formation of three metre high acoustic bund, alterations to vehicle access and additional landscaping.
- 8 EXCLUSION OF THE PRESS AND PUBLIC**  
**To resolve to exclude the press and public as the following item 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**
- 9 CONFIDENTIAL MINUTES** **67 - 68**  
Confidential minutes of the meeting of the Committee held on 14 May 2018, to be confirmed as a correct record and signed by the Chairman
- 10 ENFORCEMENT REPORT** **69 - 74**
- 11 DATE OF NEXT MEETING**  
Monday 23 July 2018, Mezzanine 1 & 2 County Hall, 10am

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If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

*For further information please contact: Rachel Bennett on 01296 382343, email: [democracy@buckscc.gov.uk](mailto:democracy@buckscc.gov.uk)*

## **Members**

Ms J Blake	Mrs B Gibbs
Mr C Clare	Ms N Glover (C)
Mrs A Cranmer	Mr R Reed
Mr C Ditta	Mr D Shakespeare OBE

**Members of the public wishing to speak at Development Control Committee should apply in the following ways:**

- **Registering on the website at:**  
<https://democracy.buckscc.gov.uk/mgCommitteeDetails.aspx?ID=105>
- **Contacting Democratic Services, on 01296 382290 or [democracy@buckscc.gov.uk](mailto:democracy@buckscc.gov.uk)**

**The Committee will not consider anyone wishing to address the meeting, unless your request to speak has been received by 10.00am at least two working days preceding the Committee meeting at which the item will be presented.**



# Minutes

## *DEVELOPMENT CONTROL COMMITTEE*

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON MONDAY 14 MAY 2018 IN MEZZANINE ROOMS 1 & 2, COUNTY HALL, AYLESBURY, COMMENCING AT 10.00 AM AND CONCLUDING AT 10.08 AM**

### **MEMBERS PRESENT**

Ms J Blake, Mr C Clare, Mrs A Cranmer, Mr C Ditta, Mrs B Gibbs, Ms N Glover and Mr R Reed

### **OTHERS IN ATTENDANCE**

Mrs O Stapleford, Ms A Herriman, Mr M Pugh, Ms R Bennett and Mr Jimmy Walsh

### **Agenda Item**

**1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP**

No apologies were received.

**2 DECLARATIONS OF INTEREST**

There were none

**3 MINUTES**

**RESOLVED:** The minutes of the meeting held on 19 March 2018 were **AGREED** as a correct record and signed by the Chairman.

**4 CC/0003/18 - CHESHAM GRAMMAR SCHOOL: SINGLE STOREY EXTENSION AND ALTERATIONS TO EXISTING MUSIC BLOCK AND ASSOCIATED STORES. SINGLE STOREY EXTENSION AND ALTERATIONS TO EXISTING MATHS/ENGLISH BLOCK. SINGLE STOREY EXTENSION AND ALTERATIONS TO THE MAIN ENTRANCE. RE-DESIGN OF EXISTING COURTYARD WITH INSTALLATION OF CANOPY AND ASSOCIATED HARD AND SOFT LANDSCAPING.**

Ms A Herriman, Senior Planning Officer presented the application which sought agreement to a single storey extension and alterations to existing music block and associated stores. Single storey extension and alterations to existing Maths/English block. Single storey extension and alterations to the main entrance. Re-design of existing courtyard with installation of canopy and associated hard and soft landscaping.

Ms Herriman highlighted the following points:

- The application was for improvement works only and there would be no additional student numbers or vehicle movements.
- Due to the boundaries of the site Mr M Shaw had also been consulted as a local member and mentioned in the report
- Due to the conditions set out in the Scheme of Delegation, the application had received a number of objections and therefore had to be heard by the Committee
- Since publication of the report there had been a request from the local member to add in an additional condition regarding parking at the school however, Ms Herriman confirmed that this would not be a condition that could be imposed as the application did not include an increase in pupil or staff numbers.

Ms Herriman gave an overview of the application and the Committee received a presentation showing the proposed site plans and photographs.

The proposed developments at the school were as follows:

- New doorset to the IT block;
- Extension to the Maths block;
- Extension to the Music block;
- Internal alterations to the toilets / shower block to provide better toilets provision;
- Extension to the front / main entrance of the school.
- Improvements to external area for improved hard and soft landscaping.

The Committee raised and discussed the following points:

- It was asked why the application had come to the Committee when there were only seven objections which were in relation to increase in pupil numbers and impact on parking, which were not the subject of the application. Ms Stapleford confirmed that where comments are received on Buckinghamshire County Council applications, these could not be approved under delegated powers and therefore it had to come to Committee. Ms Stapleford suggested that the wording in the Scheme of Delegation would perhaps need reviewing in order to address this.

**Recommendation:**

**The Planning Development Control Committee were invited to APPROVE application number CC/0003/18 subject to the conditions as outlined in Appendix A of the report.**

**RESOLVED: All Members of the Committee AGREED the recommendation.**

**5 DATE OF NEXT MEETING**

2 July 2018, 10am, Mezzanine 1 & 2, County Hall, Aylesbury

**6 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**

- 7 **CONFIDENTIAL MINUTES**  
**RESOLVED:** The confidential minutes of the meeting held on 19 March 2018 were **AGREED** as a correct record and signed by the Chairman.
- 8 **ENFORCEMENT REPORT**

**CHAIRMAN**





**Buckinghamshire County Council**

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**Report: 7<sup>th</sup> June 2018**

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<b>Application Number:</b>	<b>CM/0001/18</b>
<b>Title:</b>	The erection of a single storey Waste Transfer Station (WTS) containing three designated waste halls to accept green, food and bulky waste, a segregated area for fly tipped waste and space for internal waste shredding and the reorientation of four external storage bays, the placement of hardstanding, the creation of a quarantine area, the retention and refurbishment of the existing BCC office, and construction of a new contractors office and ancillary development including internal access roads, parking, a gatehouse, two weighbridges, cycle and smoking shelter, fire water tanks, waste water tank, wheel wash, drainage and attenuation systems, HGV laybys and the continued use of an existing workshop High Heavens Household Waste Site Clay Lane Booker Buckinghamshire SL7 3DJ
<b>Site Location:</b>	
<b>Applicant:</b>	Galliford Try
<b>Case Officer:</b>	Catherine Kelham
<b>Electoral divisions affected &amp; Local Member:</b>	Chiltern Villages, Jean Teesdale
<b>Valid Date:</b>	6 <sup>th</sup> March 2018
<b>Statutory Determination Date:</b>	26 <sup>th</sup> June 2018
<b>Extension of Time Agreement:</b>	6 <sup>th</sup> August 2018

**Summary Recommendation(s):**

Subject to no over-riding objections being received from outstanding consultees or new issues raised through representations, the Development Control Committee is invited to:

- INDICATE SUPPORT for application CM/0001/18 at High Heavens Household Waste Site Clay Lane, Booker, Buckinghamshire SL7 3DJ
- RESOLVE that the application be forwarded to the Secretary of State for HCLG in accordance with the provision of the Town and Country Planning (Consultation) (England) Direction 2009; and
- In the event that the Secretary of State for HCLG does not intervene, DELEGATE authority to the Head of Planning & Environment to APPROVE application CM/0001/18 subject to the conditions set out in Appendix A.

**Appendix A: Schedule of Conditions****Appendix B: Alternative Site Search Summary**

INVESTOR IN PEOPLE

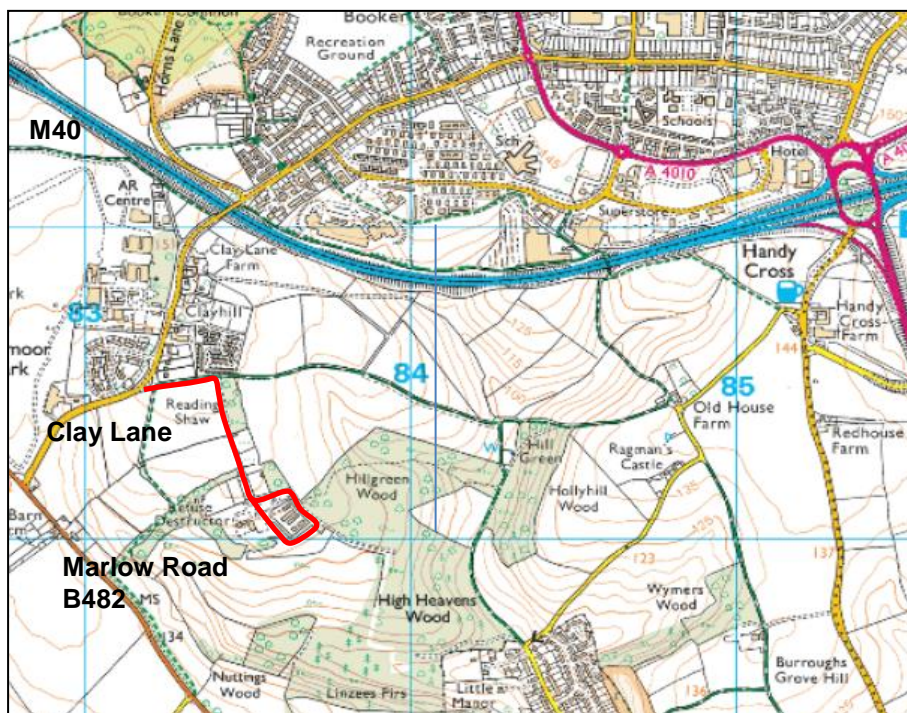


## Introduction

1. Application CM/0001/18 was submitted by Galliford Try on 19<sup>th</sup> February 2018. The application was accompanied by an Environmental Statement. The application was validated on 6<sup>th</sup> March 2018 and sent out for consultation on 7<sup>th</sup> March 2018. It was advertised as a departure by newspaper advert, site notice and neighbour notification. Further information was submitted and a further consultation has been undertaken, the deadline for which is 2<sup>nd</sup> July 2018. The sixteen-week determination deadline was the 26<sup>th</sup> June 2018, although this has been extended to the 6<sup>th</sup> August 2017 with the agreement of the applicant.
2. The applicant submitted a request for a Scoping Opinion to Buckinghamshire County Council Planning and Enforcement Team on 14<sup>th</sup> August 2017 (reference SCOP/05/17) for the proposed development to be assessed pursuant to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. BCC adopted a Scoping Opinion 2<sup>nd</sup> October 2017 outlining the contents of the Environmental Statement that to be submitted with any forthcoming application.

## Site Description

3. Land to which the application relates is part of the High Heavens Waste Management Complex. This is located approximately 1km from the southern fringe of High Wycombe as defined by the M40, approximately 2km to the west of Handy Cross and approximately 1km to the north-west of Marlow Bottom.



4. The Waste Management Complex falls within the Chilterns Area of Outstanding Natural Beauty (AONB) and Metropolitan Green Belt. No footpaths cross through the complex though public footpath GMA/31/1 runs north-south approximately 100 metres to the west of the complex and bridleway GMA/33/1 runs parallel with the access road from Clay lane to Reading Shaw wood. The nearest residential properties to the Waste Management Complex are 550 metres to the north-west on Claymoor Park, 450m to the north on Clay Hill, 850m to the south-east in Marlow Bottom and 500m to the west on the B482-Marlow Road.
5. The Waste Management Complex as a whole currently comprises a Household Recycling Centre, a Residual Waste Transfer Station run by FCC which exports Municipal Solid Waste and

Commercial and Industrial Waste to the Greatmoor Energy from Waste (EfW) facility, a green waste collection area, a bulky waste shredding area and food waste collection area. Permission was recently granted for a concrete slab on the site of the former dano building to be used in association with the treatment of raw refuse and salvage of recoverable items.

6. The Waste Management Site is served by an existing access road from Clay Lane. This is approximately 630 metres long and was upgraded as part of the application for the FCC Waste Transfer Station (Permission number: CC11/9003/CM).
7. The application site itself consists of the access road and the south eastern portion of the Waste Management Complex. This area currently consists of a large concrete pad (used for in-vessel composting until 2013), glass recycling bays, a site office, a workshop and a car parking area.
8. As well as forming part of the Chilterns AONB, the land to which the application relates is classified as rolling farmland (Landscape Character Area 18.1). Amongst the key characterises of this area are its rolling topography, large blocks of woodland, and the M40 and A404 cut through in the east and north east of the area contrasting with the quiet, winding rural roads and lanes.
9. There are several local wildlife sites and biological notification sites in the vicinity of the application site including Hillgreen Wood, Holyhill Wood, High Heavens Wood, Munces Wood, Highruse Wood, Moor Wood and Booker Common. Hillgreen Wood, immediately to the east of the complex, is also ancient and semi-natural woodland while Hollyhill wood and High Heavens wood (approximately 700m and 350m from the application site respectively) are ancient and replanted woodland. The closest Site of Special Scientific Interest, Widdenton Park Wood is approximately 1.5 km to the north-west of the application site and the nearest Local Nature Reserve, Chairborough Road, is approximately 2.5km from the site.
10. The nearest designated heritage assets, Widmere Farmhouse (Grade II\*) and Stables 20 metres to east of Widmere Farmhouse (Grade II), are approximately 900 metres to the southwest of the Waste Management Complex.
11. The Waste Management Complex is situated on top of a principle bed rock aquifer but outside a groundwater source protection zone.

### **Site History**

12. The application site is located on the former High Heavens landfill. This received inert, special, household, commercial and industrial waste. Restoration of the landfill was completed in the mid-2000s
13. In 2003, planning permission was granted for a green waste composting facility (CC/57/02). This development was subsequently subject to numerous amendments. The operation ceased in 2013.
14. In November 2014, much of the High Heavens Waste Management Complex, including the majority of the application site, was granted a certificate of lawful development (CX/02/14). This certifies that the land and buildings in the area specified in the certificate had been used for a consecutive period of least ten years prior to the date of the application for the importation, sorting, processing and transfer of waste between the hours of:
  - 7.30am – 6.00pm Monday to Friday
  - 9.00am - 5.30pm Saturdays
  - 9.00am - 5.30pm Bank and public holidays, except Christmas Day, Boxing Day and New Year's Day
  - 8.30am - 1.00pm Sundays

15. Most recently bulky waste shredding has been taking place outside on the concrete pad which formerly hosted the green waste composting facility.

**Description of the Proposed Development**

16. The site plan for the proposed development is set out below:



17. The proposed development seeks permission for:
- A Waste Transfer Building to accommodate the following waste streams in segregated bays:
    - Green Waste (45,000 tonnes per annum maximum)
    - Food Waste (20,000 tonnes per annum maximum)
    - Bulky Waste Un-shredded, including wood waste (24,000 tonnes per annum maximum)
    - Bulky Waste Shredded (16,000 tonnes per annum maximum)
    - Fly Tipped Waste (2,000 tonnes per annum maximum)
  - Retention and refurbishment of the existing BCC office
  - Office car parking area containing 26 spaces including 2 disabled spaces
  - Construction of a Contractor Office
  - Contractor car parking area containing 4 spaces including 1 disabled space
  - Gatehouse
  - Retention of an existing workshop, weighbridge office and portacabin
  - Internal access roads to create a one-way system around the waste transfer building
  - Two weigh bridges (one in-bound, one out-bound)
  - Hardstanding
  - Re-orientation of the glass storage bays
  - Fire Water Tanks
  - Waste water tank
  - Quarantine area

- Wheel wash and associated tank
  - Drainage and attenuation system
  - Cycle Shelter
  - Smoking Shelter
  - Landscaping
  - External Lighting
  - 3 HGV laybys close to the waste transfer building
  - Change to hours of operation
  - Up to 198 two-way waste vehicle movements per day of which 128 would be HGVs (over 7.5 tonnes)
18. The waste transfer building would be, 53.17 metre in width and 65.24 metres in length on the north east side and 89.17 metres in length on the south west side. It would have an area of approximately 4100 square metres. At the eaves it would be 10.3 metres in height and at the ridge 13.07 metres in height. The yard area replacing the eastern corner of the building would contain two waste water tanks. The building would be divided into three sections. The longer south west portion of the building would be used for bulky waste with an area at the southern end reserved for fly tipped waste. A shredder would be located within the bulky waste hall to process bulky waste. The shorter, north east portion of the building would be divided in to a green waste hall and a food waste hall.
19. Part of the south-east elevation, north-west elevation and the eastern end of the north-east elevation of the waste transfer building (i.e. both ends of the building and along the yard area) would have concrete walls. The remainder of the building would be goosewing grey in colour and horizontally clad. Each internal bay would be accessed by roller shutter doors with bollards to the inside and outside of all doors. These doors would be anthracite grey in colour with an ice blue coloured surround. The building would have a goosewing grey trapezoidal roof, with roof lights and extractor fans.
20. The Contractor Office would be located alongside the south west elevation of the waste transfer building. It would be 3.05 metres in height, 9.6 metres in width and 12.0 metres in length. It would be goosewing grey in colour with a very gently sloped trapezoidal roof.
21. The Gate House would be located between the Contractor Office and the existing workshop. It would be 3.1 metres in height, 3.6 metres in width and 7.2 metres in length. It would be goosewing grey in colour with a very gently sloped trapezoidal roof.
22. It is proposed to light the outside of the waste transfer building, the internal access road, the contractor car parking area, the main car parking area and the glass bays. Lighting is proposed to be switched off between the hours of 7:00pm and 7:00am.
23. The landscaping strategy includes the retention of existing trees, woodland and scrub around the periphery of the site, new tree, shrub and hedge planting, ground cover planting, wildflower meadow planting, grass and ornamental planting.
24. Working hours for operation of the facility as set out in the post submission information are proposed to be:
- Monday to Friday - 7:30am to 6:00pm
  - Saturday - 8.00am to 3:30pm
  - Saturday - 07:30 to 5:30pm on no more than 20 Saturdays per year (catch-up Saturdays)
  - Sunday - 8:30am to 1:00pm

- Bank and Public Holidays - no working

25. Working hours for construction period are proposed to be 8:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday with no working on Sundays and Public or Bank holidays.
26. No changes are proposed to the access arrangements of the site. Access would continue via the dedicated road from the proposed development site to the junction with Clay Lane.
27. The applicant has identified short term employment benefits associated with construction, and comments that, as a minimum, the development would retain the current jobs at the facility.
28. The total two-way daily vehicle and HGV movements for the proposed development, and the comparison with the current, predicted 2019 and predicted 2038/39 figures are outlined below. There is no planning mechanism currently restricting the number of vehicle movements generated by this part of the High Heavens Waste Management Complex. For clarification, refuse collection vehicles over 7.5 tonnes are classified as HGVs. The reduction in two-way daily vehicle movements between the current 2016/17 and predicted 2019 is understood to be due to the proposed changes in hours of operation which form part of this application.

	<b>Current 2016/17</b>	<b>Predicted 2019</b>	<b>Predicted 2038/39</b>	<b>Applied for</b>
<b>Vehicle movements/day (two-way)</b>	98	95	132	198
<b>Of which HGVs</b>	78	No Data Available	99	128

### Planning Policy and Other Documents

29. 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.
30. The development plan for this area comprises of:
  - Saved policies of the Buckinghamshire Minerals and Waste Local Plan (BMWLP)
  - Buckinghamshire Minerals and Waste Core Strategy (BMWCS)
  - Wycombe District Local Plan (WDLP) 2004
  - Wycombe Development Framework Core Strategy (WDCS) 2008
31. Other documents that need to be considered in determining this development include:
  - National Planning Policy Framework (NPPF)
  - National Planning Policy for Waste (NPPW)
  - The Chilterns AONB Management Plan
  - Buckinghamshire Minerals and Waste Local Plan 2016-2036: Addendum Report to the Waste Needs Assessment – Review of Strategic Movements, Permitted Capacity and Future Capacity Needs (Updated November 2017)
  - The draft Wycombe District Local Plan (2013-2033)
  - The draft Buckinghamshire Minerals and Waste Local Plan (2016-2036)
32. The draft **Wycombe District Local Plan (2013-2033)** underwent “Publication Version” (Regulation 19) consultation between October and December 2017. The plan was submitted to the Secretary of State for Communities and Local Government in Spring 2018 and it is anticipated that public examination will take place in June/July 2018. Whilst the draft plan is a material consideration, as it has not been though examination or been adopted by the council, it is still consider to carry little weight. I do however consider the development plan strategy policy



'CP8 (Protecting the Green Belt)' and the supporting document 'Green Belt Part Two Assessment (September 2017)' are of relevance to this development.

33. The draft **Buckinghamshire Minerals and Waste Local Plan (2016-2036)** underwent "Publication Version" (Regulation 19) consultation between 5<sup>th</sup> March and 19<sup>th</sup> April 2018. The plan was submitted to the Secretary of State for Communities and Local Government at the beginning of June 2018 and it is anticipated that public examination will take place in September 2018. Whilst the draft plan is a material consideration, as it has not been through examination or been adopted by the council, it is still considered to carry little weight. I do however consider the strategic policies 11 (Spatial Strategy for Waste Management) and 14 (Developing a Sustainable Waste Management Network) are of relevant to this development.

34. I consider the following policies are relevant to the proposed development:

#### **Saved policies of the Buckinghamshire Minerals and Waste Local Plan**

- Policy 28 (Amenity)

#### **Buckinghamshire Minerals and Waste Core Strategy**

- CS1 (The Overarching Presumption in Favour of Sustainable Development)
- CS9 (Additional Waste Management Capacity and net self-sufficiency)
- CS10 (Indicative Local Recycling and Composting Capacity to be provided by 2026)
- CS14 (Safeguarding Existing and Potential Sites)
- CS19 (Protection of Environmental Assets of Local Importance)
- CS20 (Green Belt)
- CS21 (The Chilterns Area of Outstanding Natural Beauty)
- CS22 (Design and Climate Change)
- CS23 (Enhancement of the Environment)

#### **Saved Policies of the Wycombe District Local Plan**

- G3 (General Design Policy)
- G8 (Detailed Design Guidance and Local Amenity)
- G10 (Landscaping)
- G11 (Trees and Hedgerows)
- G12 (Waste Management)
- G15 (Noise Pollution)
- G16 (Light Pollution)
- G19 (Water Resources)
- T2 (On-site Parking and Servicing)
- T6 (Cycle Parking)
- GB2 (Development in the Green Belt)
- L1 (The Chilterns Area of Outstanding Natural Beauty)

#### **Wycombe District Core Strategy**

- CS1(Overarching Principle of Sustainable Development)
- CS7 (Rural Settlements and the Rural Areas)
- CS9 (Green Belt)
- CS16 (Transport)
- CS17 (Environmental Assets)
- CS18 (Waste/Natural Resources and Pollution)
- CS19 (Raising the Quality of Place-shaping and Design)
- CS20 (Transport and Infrastructure)

## Consultation Responses

35. The **Local Member**, Jean Teesdale, has not commented on the proposed development
36. **Wycombe District Council** considers the County Council will need to satisfy themselves that the development is consistent with planning policies relating to the AONB and Green Belt. They consider the landscaping strategy should be given careful consideration to mitigate the impact of the large building and integrate the landscaping into the existing area. Given the proposal would generate a considerable number of large lorry movements, to ensure that disruption to local residents is kept to a minimum, they believe a construction traffic management plan should be required by condition. In addition, they consider the lighting curfew between 7pm and 7am is a reasonable and justifiable requirement and should be controlled by condition. They also request that the County Council give consideration to DSA Policy DM14 and the requirement that all development proposals are designed to maximise biodiversity by conserving, enhancing or extending existing resources or creating new areas or features.
37. **Great Marlow Parish Council** welcome the proposal to modernise the processing of green, food and bulky waste by the creation of a modern enclosed Biowaste Transfer Station which will further enhance High Heavens' reputation as a well-managed recycling facility. They do however have significant concerns regarding:
- The applicant's public consultation and information on the hhbts.co.uk website
  - The impact of the proposed development on the Green Belt
  - The accuracy of the tonnage data, and in particular the explanation of the increase in project tonnages above the current and predicted levels
  - The hours of working
  - An increase in vehicle movements from the proposed development,
  - An increase in pollutant levels for local residents, cyclists and pedestrians
  - Detriment to the safety of pedestrians, cyclists and road users along Clay Lane
  - Lack of consideration of the cumulative impacts of traffic on Clay lane resulting from this development and the use of a section of Wycombe Air Park for commercial use.

In light of these concerns, the Parish Council has made a number of recommendations. These include reducing the number of two-way vehicle movements to below the requested 198, restricting the number of days where traffic is above normal levels, minimising the impact of the bio-waste transfer station on the Green Belt and AONB, installing a carbon filter plant for odour control, monitoring pollutant levels at the site and surroundings with a view to including within the Council's Air Quality Management Area if forecast levels are exceeded. In addition, they believe consideration should be given to the introduction of a 30 mile per hour speed limit along Clay Lane, consideration should be given to the widening of the footpaths along Clay Lane to form a combined cycling and pedestrian path and road surfaces along Clay Lane and within the site should be maintained to a high standard to reduce vehicle noise.

38. **Natural England** considers the proposal is unlikely to affect any statutory protected conservation sites and have no objection from this perspective. They recommend the cladding of the building be coloured or planted with climbing plants to better integrate it into its surroundings and disguise it. They suggest the Chilterns AONB building design guide is consulted to provide appropriate finishes. They also suggest the use of grass and wild flower meadow mixes suitable for use on 'freely draining slightly acid loamy soils' rather than the generic meadow mixes. In addition, they note the consultation documents indicate the development includes an area of priority habitat and point to paragraph 118 of the NPPF.



39. The Council's **Landscape** Advisor considers there is no basis for objection on the grounds of long term significant adverse landscape and/or visual effects. During the operational period he considers the proposed development would constitute a minor reduction in openness of the Green Belt, and would have visual and landscape effects of minor/moderate adverse significance on the Chilterns AONB. If planning permission was to be granted, it is recommended that the detailed planning, seeding, management and maintenance proposals as well as design and long term management objectives are submitted for approval through a condition.
40. The Council's Arboricultural Advisor considers there are no objections to the planning application in relation to arboriculture related matters but recommends that further clarification and details regarding protection of retains trees are submitted in the form of a detailed site specific Arboricultural Method Statement.
41. The **Chilterns Conservation Board** (CCB) consider the proposed development does not fall within the exception set out in policy CS21 of the BMWCS for a waste transfer station within the Chilterns AONB at High Heavens Waste Management Complex. They see this this as a fundamental point and consider it goes to the planning principle of what is proposed.

The CCB also consider that the broad replacement of existing buildings within the developed areas would serve to reinforce the permanent nature of High Heavens and restrict the opportunities for alternative locations to be established outside the AONB and for the AONB landscape to be remediated to its predominant landscape character. They ask that weight is given to paragraph 116 of the NPPF, the matters in the draft policy 21 and 23 Buckinghamshire Minerals and Waste Local Plan and alternatives are considered as would be encompassed in the delivery of a new plan. The CCB have also reiterated their comments made on the Wycombe District Local Plan Regulation 19 consultation regarding the allocation of a site adjacent to the High Heavens Waste Transfer site. They believe that to grant this application in the absence of a wider and longer term framework as to the future of the area would be prejudicial to the future delivery of the plan.

Following the submission of additional information, CCB have reiterated the exception detailed in paragraph 116 and noted Wycombe District Council's comment that the County will need to satisfy themselves that the building is consistent with planning policies relating the AONB (and Green Belt). They also state the lighting details appear unresolved.

42. **BCC Highways Development Management Officer** considers the assessments provided have demonstrated that the predicted increase in waste that may occur in future years can be accommodated within the local highway network. The Highway Authority does not consider the proposals would result in a severe impact on the highway network. Mindful of this, the officer has no objection to the proposals subject to conditions regarding a Traffic Management Plan (including routing HGVs) and a limit on HGVs to 128 two-way (64 in and 64 out) per day.
43. The **Wycombe District Environmental Health Officer** has commented with regard to noise from plant and vehicles and the effect upon air quality and odour. He considers there should be no extension to the current hours of working. Overall, he has no objection to the development.
44. The **Environment Agency** has no objections to the proposed development subject to conditions regarding a piling methods statement outlining a suitable method of piling and including provision for pumping leachate or perched water and the submission of a suitable surface water drainage strategy.
45. BCC as **Lead Local Flood Authority** has no objection to the proposed development subject to a surface water drainage scheme for the site based off sustainable drainage principles and including details of the temporary drainage measures to be using during construction and

calculations to show the yield and demand of the wheel washing facility, and the submission if a whole life maintenance plan.

46. The **BCC Ecology Officer** considers the nature of the proposed works are such that they are not likely to impact on ecology features provided all the recommendations within the ecological survey are adhered to in full. In particular, she highlights the importance of the tree and reptile protection measures. To ensure a net gain for biodiversity, she further recommends a landscape and ecological management plan (to include the creation of habitats as shown on the proposed landscape strategy and details of the lighting scheme which must be sympathetic to bats) should be created and implemented as a condition of development.

Following the submission of a lighting plan and the second period of consultation, the BCC ecologist has objected to the lighting due to the potential impact of the lighting scheme on wildlife, especially bats and seeks further clarification

47. The **BCC Archaeology Officer** has no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.
48. The **BCC Rights of Way Officer** has no objection to the proposed development as the access arrangements, which were secured by a previous application to safely manage walkers, cyclists and equestrians across the entrance road would not change.
49. **Cadent Gas Pipelines** confirm the gas pipeline would not be affected and have no objection to the proposed development
50. The **Health and Safety Executive** has not commented on the application.
51. The **Wycombe District Council Conservation Officer** has not commented on the application.

## Representations

52. At the time of writing this report, no representations have been received. A verbal update will be provided to the committee with regard to this.

## Discussion

53. As the application is not seeking to change types of operations taking place on site, the main question for the committee to consider is whether or not the impact of the waste transfer building, associated infrastructure, increase in vehicle movements and operating hours are acceptable.
54. For the Committee's information municipal waste, as defined by the Waste Needs Assessment, is that collected by the waste collection authorities (i.e. the four district councils) and any other waste collected from Household Recycling Centres, commercial or industrial premises and waste resulting from the clearance of fly-tipped materials and litter. All waste streams to be managed as part of this application are therefore considered to constitute municipal waste. In addition, recycling facilities are understood to include a range of transfer, sorting and recycling facilities.
55. I consider the matters to consider are:
- Principle of the use of the land
  - Principle of the erection of a waste transfer building and infrastructure
    - Green Belt
    - Landscape, Visual Impact and Chilterns AONB
  - Site Specific Matters
    - Noise, Air Quality and Odour
    - Traffic and Transportation
    - Flood Risk and Ground Water Contamination

- Biodiversity
- Other Matters
  - Heritage
  - Sustainability and Climate Change
  - Design
  - Parking
  - Compliance with Environmental Impact Assessment Regulations 2017

### **Principle of the use of the land**

56. Food waste, Green Waste and Bulky Waste are already managed at the High Heavens Waste Management Complex. Food waste is currently deposited in an existing building before being transfer to an offsite anaerobic digestion plant. Green waste is deposited in the open air on another part of the site then transported to various locations for composting. Bulky waste is currently deposited on the concrete pad which forms part of the site of the current application. It is shredded in the open air, bulked and transported across the Waste Management Complex to the residual waste transfer station for transportation to the energy from waste plant.
57. These current operations on the development site support the recycling of and energy recovery from waste collected from households in the three southern districts of Buckinghamshire. Although reducing the amount of waste produced and re-using materials repeatedly are considered to be more favourable, the moving of waste up the waste hierarchy and away from landfill is in accordance with sustainability policies and is supported by the BMWCS, BMWLP and NPPW. In addition, policy CS14 of the BMWCS seeks to safeguard existing waste sites by resisting changes of use or other development which would compromise the use of the site for waste purposes. Policy CS10 of the BWMCS also supports the provision of additional local recycling and composting capacity to meet the identified need. It suggests that suitable sites for this purpose may include the re-development of existing sites. As the proposed development would not change the use of the site, provided the proposed development would meet an identified need, I consider it is in conformity with policies CS10 and CS14 of the BMWCS.
58. Policy CS9 of the BWMCS outlines the provision required to meet the waste management capacity needs of Buckinghamshire. For municipal waste, it is estimated that a 135,000 tonnes of recycling capacity would be needed by 2026. This data is however largely out of date, and I suggest that weight is also attached to the 2017 Addendum Report to the Waste Needs Assessment, which is a material consideration and provides an up to date indicator of need. For the Committee's information, this document forms part of the supporting evidence for the draft Buckinghamshire Minerals and Waste Local Plan which has recently been submitted for examination. The report indicates that by 2036, a total of 320,000 tonnes of municipal waste per annum would arise within Buckinghamshire. Although no specific information on the capacity requirements of the three South Districts, the split of the municipal waste between different waste streams, or the specific recycling transfer capacity requirements is available within this addendum, it is clear that additional capacity is required for managing municipal waste.
59. The applicant is seeking permission to manage up to 107,306 tonnes per annum of municipal waste – approximately one-third of the predicted 2036 total annual tonnages. As set out in the table below, this increase is anticipated to be gradual and the capacity of the building is not anticipated to be met until after 2038/39.

Waste Stream	Tonnes per annum			
	Current 2016/17	Predicted 2019	Predicted 2038/39	Applied for
<b>Glass</b>	306	306	306	306
<b>Food</b>	9,740	10,090	12,308	20,000
<b>Green</b>	35,821	36,045	37,463	45,000
<b>Fly-tipped</b>	0	0	0	2000
<b>Bulky Waste (Un-shredded)</b>	8,508	10,673	11,083	No Data Available
<b>Bulky (Shredded and Un-shredded) and Wood Waste</b>	No Data Available	No Data Available	24,383	40,000
<b>Total</b>	<b>54,375</b>	<b>57,114</b>	<b>74,460</b>	<b>107,306</b>

60. The applicant has asserted there is a need to provide for this throughput. Firstly, they wish to create a facility with adequate capacity to manage waste from the three southern districts in Buckinghamshire up to and beyond 2038/39 and have used population growth predictions to estimate the requirements for each waste stream during this time. Secondly, they wish to provide some storage contingency for delays in transferring the material off site (for example, due to adverse weather or unexpected closure of other facilities). It is accepted by the Planning Authority that quantity of waste in each waste stream fluctuates throughout the year, so the building is unlikely to reach its capacity in every waste stream at the same time. Overall, I am satisfied the proposed development would help meet the future waste management capacity needs of Buckinghamshire. I therefore consider it is in accordance with policies CS9 and CS10 of the BMWCS.
61. I am aware of the opinion of the Chilterns Conservation Board in that to grant this application in the absence of a wider and longer term framework as to the future of the area would be prejudicial to the future delivery of the plan. I would like to re-assure the Committee that I do not consider this is true. As outlined above, as an existing waste management site, High Heavens Waste Management Complex is safeguarded for waste management purposes within the current BMWCS. Although not yet examined or adopted by the council, the strategy for waste management set out in draft Buckinghamshire Minerals and Waste Local Plan continues in this direction. In particular, taken together policies 11 and 14 of this plan support facilities for the preparation of wastes for re-use and recycling, opportunities to co-locate waste management facilities and lists the High Heavens site a primary area of focus for waste management development.
62. In conclusion, the use of the land of for the management of municipal waste is acceptable in principle, taking into account the current and permitted uses of the site and the need for additional facilities as set out in the Addendum to the Waste Needs Assessment. In addition, the site is identified in the draft Minerals and Waste Local Plan as a site that is suitable for waste management use and it is therefore in accordance with the emerging spatial strategy for Buckinghamshire which carries weight in the decision making process.

### **Principle of the erection of a waste transfer building and infrastructure**

63. The application also includes the erection of a large building to reduce the impact of the land use on noise, dust, and odour as well as an increasing daily vehicle movement totals and extending the hours of operation. In assessing the acceptability of the building, substantial weight should be given to the site's location within both the Metropolitan Green Belt and Chilterns AONB. Analysis of these matters are set out below.

64. As part of the EIA regulations, when considering alternative sites, the applicant is obliged to consider the 'do nothing' scenario. As outlined above, the waste management uses are already taking place on the site. While an alternative site search has taken place, and as part of this sites outside the Green Belt and AONB have been considered, it must also be recognised by the Committee that should the development not be permitted, the waste would continue to be managed at the site primarily in the open air.

### **Green Belt**

65. The aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Saved policy GB2 of the WDLP, policy CS9 of the WDCS and policy CS20 of the BWMCS seek to protect the Green Belt from inappropriate development. Inappropriate development, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Although located at the High Heavens Waste Management Complex, the proposed development is not a waste transfer station to support the county's strategic Waste Management Complex at Calvert Landfill site and therefore the exception set out within policy CS20 of the BWMCS does not apply.
66. The essential characteristics of Green Belt are its openness and its permanence. Its purpose is set out in paragraph 80 of the NPPF and these are listed below:
- *to check the unrestricted sprawl of large built-up areas;*
  - *to prevent neighbouring towns merging into one another;*
  - *to assist in safeguarding the countryside from encroachment;*
  - *to preserve the setting and special character of historic towns; and*
  - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*
67. Given the first four purposes of the Green Belt, it would appear there is a wide scale visual aspect to openness. This is protected via preventing development in the Green Belt substantially increasing in density, creeping out from existing settlements, or radiating away from isolated developments. The fifth purpose of the Green Belt does not detract from this – instead drives the re-use of brownfield sites. In addition, when considering a new or larger building, case law dictates the absence of visual intrusion does not mean there is no impact on the openness of the Green Belt. The openness of the Green Belt includes spatial perceptions as well a visual aspect.
68. Following consideration of the location of the proposed development site within the Green Belt, I do not believe it could conflict with purposes of the Green Belt as listed in paragraph 80 of the NPPF and set out above. The proposed development site is not located in a historic town and I do not consider that development that takes place within the boundary of a brownfield site and within an existing waste management complex could reasonably be considered to be physically encroaching into the countryside, adding to the sprawl of built up areas, or contributing to merging nearby towns. I am therefore of the opinion that the proposed development does not conflict with the purposes of the Green Belt as set out in the NPPF.
69. Paragraph 89 of the NPPF outlines exceptions where the construction of new buildings is not considered inappropriate. These are:
- *buildings for agriculture and forestry;*
  - *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*

- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

70. I do not consider the first five points apply as the proposed development involves the erection of a new rather than a replacement building, which would be located in a waste management complex and would be used for waste management purposes. Although I consider the site to be brownfield land, I do not consider the sixth exception applies. The main element of the proposed development is the waste transfer building. With an area of 4100 square metres and a roof ridge height of 13.07 metres, it is undoubtedly large and tall building. It has the potential to have greater impact on the openness of the Green Belt than the existing development.
71. The application is supported by a Landscape and Visual Impact Assessment in Chapter 8 of the Environmental Statement. This demonstrates the likely impact of the proposed development both on the openness of the Green Belt and the Chilterns AONB. Following assessment of this, the County's Landscape Advisor considers that during the operational period, from a landscape and visual impact perspective, the proposed development would constitute a minor reduction in openness of the Green Belt.
72. To summarise, I do not believe the proposed development is an exception to Green Belt policy as set out in paragraph 89 of the NPPF. As such I consider it is inappropriate development and therefore by definition harmful to the Green Belt. Very special circumstances would need to exist for the building to be permitted. These do not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
73. The applicant considers there is a need to create a facility for the bulking and transportation of food and green waste in the county in order to manage waste as far as possible up the waste hierarchy in the longer term. The application is supported by an Alternative Site Search in Chapter 4 of the Environmental Statement. This includes an assessment of alternative sites outside the Green Belt and also outside the Chiltern AONB.
74. The applicant's alternative site search excluded sites in the north of the county. The County Council would ordinarily expect the alternative site search to include those sites identified as "areas of focus" for waste management developments in the emerging Minerals and Waste Local Plan as a starting point, particularly where there is an issue in principle with the location of the development (such as Green Belt). In this case, as well as being safeguarded in the current plan as an existing waste management site, High Heavens is also identified as an area of focus in the emerging plan. The alternative sites search is therefore considered to be acceptable and I acknowledge the applicant's conclusion that no more suitable sites were identified. Full comment on the alternative site search is included in Appendix B.
75. I am also mindful that the use of the site for waste management is already established. I consider the indoor shredding of bulky waste is preferable to the outdoor shredding of bulky waste, partially with regard to noise and dust, and the management of food and green waste inside a

building has benefits pertaining to odour management. I also consider these factors relate to spatial aspect of openness of the Green Belt. As such, I consider the development is preferable to the existing 'do nothing' scenario at the site.

76. The applicant has asserted there is a need for a building with these dimensions. The rationale for the building's maximum annual through-put is as set out in paragraph 12 above. In addition, the applicant has stated that other factors, including fire regulations (which control the maximum bay sizes) and space requirements for safe turning, working and loading of machinery were then used to establish how large the building must be to meet these needs.
77. There is concern from Great Marlow Parish Council over the accuracy and validity of the tonnage data which links to the size of the building. There is an expectation that applicants and those representing them provide decision makers with true and accurate information upon which to base their decisions. The methodology provided for the specific increase in tonnages as part of the application is linked to population growth; through for green waste it is assumed that not all new dwelling would have gardens. The building is also likely to have a life time beyond 20 years and so caters for waste in excess of the quantities predicted at this point in time. As set out in paragraph 58 above, it is also within the capacity requirements identified in the addendum report to the Waste Needs Assessment. I do not consider the tonnage data is deliberately misleading and I am satisfied it describes the nature of the proposed development. Furthermore, due to its location, I consider the height of the building rather than its bulk is of most concern with regard to the openness of the Green Belt and, as will be discussed below, the character of the AONB. As outlined above, this is understood to be constrained by factors other than the waste tonnage.
78. In light of the above, I consider there are a number of important considerations, which taken together, create very special circumstances for the proposed development. These are:
  - Need to sustainably manage waste
  - Benefits of managing waste inside a building
  - Operational constraints for the size of the building
  - Lack of conflict with purposes of designation
79. On a separate but related point, I would also like to draw the committee's attention to policy CP8 of the draft Wycombe District Local Plan (2013-2033) and the Green Belt Part Two Assessment. Although this plan has also not been through inspection or adopted by Wycombe District Council the documents indicate the District's intention to remove limited areas of land from the Green Belt, including the High Heavens Waste Management Complex.
80. Regardless of the above, the application was advertised as a departure from the development plan and I remain of the view that the development would be inappropriate development in the Green Belt. As outlined above, I consider that very special circumstances exist for the development to be waste transfer building and infrastructure to be permitted and I am satisfied these outweigh potential harm to the Green Belt.
81. The Town and Country Planning (Consultation) (England) Direction 2009 appended to Circular 02/2009 requires any inappropriate development in the Green Belt of 1,000 m<sup>2</sup> new floor space or greater to be referred to the Secretary of State. I therefore advise that, should the Committee resolve to grant planning permission, the application is referred to the Secretary of State for Housing, Communities and Local Government for his consideration as to whether to intervene and call the development in for his own determination.

## ***Landscape, Visual Impact and Chilterns AONB***

82. The Chilterns AONB is a nationally recognised landscape and is protected for its scenic beauty as well as its natural and cultural heritage. Accordingly, there is a presumption that major development should not be approved within the AONB without serious consideration being given to the impact of the development on natural beauty of the area. Policy CS21 of the BMWCS seeks to prevent waste developments that conflict with the purpose of designation of the AONB and only supports waste management facilities in the AONB if they address local recycling needs, do not compromise the conservation and enhancement of natural beauty, ensure a high standard of design and integrate the site within its setting. Similarly, saved policy L1 of the WDLP seeks to prevent development that would harm the landscape qualities, or have a demonstrably detrimental effect on its special character or appearance while policies CS7 and CS17 of the WDCCS seeks to protect and enhance environmental assets in rural areas including the Chilterns AONB and its setting.
83. Although located at the High Heavens Waste Management complex, the proposed development is not a waste transfer station to support the county's strategic Waste Management Complex at Calvert Landfill site and therefore the exception set out within policy CS21 does not apply.
84. The Chilterns AONB Management Plan is also a material consideration. This plan encourages any waste facilities within the AONB to be sensitively sited to avoid any detrimental impact on the landscape or settlement character and to avoid disturbance to local amenity.
85. There is concern from the Chilterns Conservation Board (CCB) that the proposed development would reinforce the permanent nature of High Heavens and restrict the opportunities for alternative locations to be established outside the AONB. Indeed, paragraph 116 of the NPPF, requires that planning permission should be refused for major development in the AONB except in exceptional circumstances where it can be demonstrated they are in the public interest. Consideration of this includes an assessment of the need for the development, the cost of, and scope for developing elsewhere outside the Chilterns AONB or meeting the need in another way and any detrimental effect to the environment, the landscape and recreational opportunities and the extent to which these effects could be moderated.
86. The use of the site for waste management is already established and the need for a waste management facility has been set out above. In respect to the cost of and scope for placing the waste transfer building elsewhere outside the designated area, an alternative site search has taken place. As a result of this search, the applicant concludes that no sites that are significantly better than outside the AONB were identified. In this instance, I also consider the public amenity and environmental benefit of managing waste inside a building contribute to the exceptional circumstances required for major development in the Chilterns AONB.
87. High Heavens Waste Management Complex and the application site are well screened by woodland, and sit in a light dip compared to the surrounding former landfill. The existing buildings on the complex are however visible from beyond the site, for example from the bridle way GMA/24/1 (Beacon Lane Path). This development would introduce another large and tall building to the site. This is proposed to be grey in colour. The rationale for the scale and massing of the building is set out in paragraph 76 above. **Error! Reference source not found.** The County's Landscape advisor considers there would be visual and landscape effects of minor to moderate significance on the Chilterns AONB. He does not however consider there is a basis for objection regarding a long term significant adverse landscape or visual effect.
88. During the construction phase, based on the information submitted by the application in the LVIA and reviewed by the County's Landscape Advisor, it is anticipated the most significant visual and landscape impacts would be associated with the break in sky line from the temporary plant – in



particular a boom lift and mobile crane both which can exceed 20 metres in height. The woodland vegetation surrounding the site is likely to screen most of the construction activities from view, though it is possible they may be glimpsed through gaps in the vegetation. In winter the effectiveness of this screening is likely to diminish slightly. Although the LVIA has assessed the maximum impact to public viewpoints in the vicinity of the site during the construction phase as low, due to the high and very high sensitivity of these receptors associated with their setting within the AONB, it recognises the significance of these effects would be minor to moderately adverse. Similarly, the maximum significance of effect from private residential properties during the construction phase is considered to be minor adverse with the most noticeable change from the residential properties opposite Red Barn Farm which is the closest residential view point to the site.

89. Once built, again based on the information submitted by the application and reviewed by the County's Landscape Advisor, it is understood the waste transfer building would be lower than the immediately surrounding woodland. Beyond the boundary of the waste management complex, the maximum significance of landscape and visual effect from public viewpoints in winter year 1 post completion is anticipated to be moderately adverse and in summer year 15 post completion, it is anticipated to be minor adverse. These most significant effects in summer year 15 post completion are from footpath GMA/31/1 off Marlow Road due to potential gaps in the tree planting onto of the former landfill. From residential properties, the maximum significance of the landscape and visual effect would be minor adverse during year 1 post completion at Widmere Farm Cottage, Widmere Farm, Red Barn Farm, the residential properties opposite Red Barn Farm and Beacon Farm. The effect at all these locations would reduce by summer year 15 post completion due to the presence and maturing of the vegetation. The development would also be noticeable from inside the waste management complex, though it would be of a similar scale to the existing FCC Waste Transfer Building.
90. Overall, I am satisfied that due to the location of the building, and substantial vegetation screening, there would be limited long term landscape and visual impacts or detriment to the landscape character area. During winter, there are likely to be more views of the building though the vegetation from nearby public view points and rights of way in the AONB, though these would be in the context of the existing buildings on the site. By the summer year 15 post completion, there would most likely to be very little awareness of the building from public view points and rights of way in the AONB due to the woodland and vegetation screening.
91. In the interests of protecting the AONB from unacceptable harm, I consider the requirements of saved policies G10 and G11 of the WDLP and CS23 of the BWMCs are also relevant. These seek to retain trees and hedgerows, provide additional landscaping where appropriate and integrate the development into the wider landscape. Although thirteen trees and two areas of shrub would be lost as a result of the development, it is the applicant's intention to retain and protect most of the tree and scrub vegetation surrounding the site, and to provide additional planting. This includes an area of hedge and a further 41 on-site trees. I have already established the importance of the woodland surrounding in mitigating the impact of the development in the AONB. Although this is predominantly outside the applicant's control, it is mostly classified as ancient and semi-natural woodland or ancient and replanted woodland. It is therefore unlikely to be removed under current planning policy. I am satisfied that the final details of on-site planting can be secured by condition and should the committee be minded to approve the development, I recommend this condition is imposed.
92. In summary, I am satisfied the proposed development would not substantially impact the natural beauty of the AONB or have a long term demonstrably detrimental effect on its special character and appearance. I believe effort has been made to integrate the development into the landscape

through its siting in a well screened location and the building colour. Subject to conditions requiring the details of planting and ensuring the building colours are as proposed, I consider the proposed development is in accordance with policy CS21 of the BMWCS, the design and landscape integration aspects of policies CS22 and CS23 of the BMWCS, policies CS7 and CS17 of the WDCS and saved policies G10, G11 of and L1 of the WDLP.

### **Summary**

93. In assessing the acceptability of the building, substantial weight should be given to the site's location within both the Metropolitan Green Belt and Chilterns AONB. I consider that very special circumstances exist for the development to be waste transfer building and infrastructure to be permitted and I am satisfied these outweigh potential harm to the Green Belt. I am also satisfied the proposed development would not substantially impact the natural beauty of the AONB or have a long term demonstrably detrimental effect on its special character and appearance.

### **Site Specific Matters**

94. There are a number of site specific factors which must be considered to assess the impact of the proposed development. In the scoping opinion adopted by Council, it was considered several of these factors had the potential to result in significant environmental impacts. Information on the likely significance of the impact of the development on these factors is contained with the environmental statement. In addition to these technical assessments, as part of assessing the application, it is also necessary to consider the impact of the proposed development on the amenity of local residents.
95. The following areas were included in the Environmental Statement:
- Traffic and Transport
  - Air Quality
  - Landscape and Visual Impact
  - Hydrology and Flood Risk
  - Hydrogeology and Contamination
  - Noise and Vibration
  - Historic Environment
  - Other Matters (including Human Health, Ecology and Biodiversity, Land and Soil)
96. Further information was subsequently submitted by the applicant with regard to the impact of the development on trees.

### **Noise, Air Quality and Odour**

97. Through the NPPF and NPPW, planning authorities are required to focus on whether a development is an acceptable use of the land and not the control of processes or emissions where these are subject to pollution control regimes. Although the control of noise, air pollution and odour emission falls within this category, in assessing the acceptability of the use of the land is necessary to consider how the design and layout of the development have sought to reduce their effects. In addition to planning permission, the applicant would also be required to have a permit from the Environment Agency to be able to operate the development.
98. Taken together, policy CS18 of the WSCS and policy CS22 of the BMWCS require development to minimise and avoid unacceptable noise, odour, air and light air pollution. Similarly, saved policy 28 of the BMWLP seeks to protect the amenity of all those who may be affected by waste proposals and will not grant planning permission for proposals which are likely to generate significant adverse levels of disturbance from various nuisances including noise, vibration, dust, fumes, gases, lighting and odour. In addition, saved policy G15 of the WDLP seeks to prevent

proposals which would by reason of noise and vibration affect the amenities of neighbouring properties and surroundings.

99. No new waste types would be managed on site should the application be permitted. Food, green and bulky waste would instead be managed inside different segments of the same building. Much of the control of the noise, odour, dust and air quantity would be done through the design and operation of this building.
100. The building would be accessed by HGVs and collection vehicles via roller shutter doors. Each door would remain closed until a vehicle approached. Once the vehicle had entered, the door would shut again and the waste would be tipped from the vehicle. When this process had been completed, the door would open, allowing the vehicle to exit. The door would then close again. Shredding would be carried out inside the building. Green and food waste would be heaped inside the building, though this process would only occur when the roller shutter doors were closed. During normal operations, the holding time for food and green waste would be kept short (48 hours and 96 hours respectively) and agitation minimised to reduce the odours from degradation. To control dust, as well as shredding inside the building, the applicant proposes to use fine water sprays to dampen dusty areas.
101. The Wycombe District EH Officer has commented that carrying out the operations internally in the building would assist in noise mitigation. He notes that no adverse noise effects are to be expected and that no complaints have been received regarding the current arrangements. Pertaining to odour, he notes that all control would be via good management practices and containment. Great Marlow Parish Council has recommended consideration should be given to the re-instatement of a carbon filter plant for odour control. Ultimately these matters would be controlled via an Environmental Permit issued by the Environment Agency and are outside the remit of the planning control. I am satisfied that consideration has been given to the development's design in regard to the control of noise, dust and odour and operation of the building. I consider this can be enforced through planning conditions.
102. The application is supported by an Air Quality Assessment in Chapter 7 of the Environmental Statement. In light of the technical advice provided, I am satisfied with the applicant's conclusion that during the operational phase, the air quality effects with regard to the release of dust, odour and bio-aerosols are not significant. In light of the technical advice provided, I am also satisfied with the applicant's conclusion set out within the environmental statement that proposed development would likely have an impact of negligible significance during the operational phase from noise and vibration.
103. In assessing the proposed changes to the hours of operation, I have considered current hours of operation as set out in the Certificate of Lawful Development and the hours of other operations for the FCC Residual Waste Transfer Station which shares the access road. I am also mindful of the comments of the District EHO and Great Marlow Parish Council, who considered there should be no increase in hours, and the knowledge that if overall hours of operation are less, there are likely to be a greater number of vehicle movements during these hours. Having considered these factors, I do not consider the proposed hours of operation for the waste transfer station would be noticeable.

	<b>Certificate of Lawful Development</b>	<b>FCC Residual Waste Transfer Station</b>	<b>Applied for</b>
<b>Monday to Friday</b>	07:30 to 18:00	07:00 to 17:00	07:30 to 18:00
<b>Saturdays</b>	09:00 to 17:30	07:00 to 12:00**	07:30 to 17:30***
<b>Sundays</b>	08:30 to 17:30	08:00 to 12:00	08:30 to 13:00
<b>Bank Holidays*</b>	09:00 to 17:30	none	none

\* Bank Holidays except Christmas Day, Boxing Day and New Year's Day, \*\* hours are 08:00 to 17:00 on no more than 12 Saturdays per year, \*\*\* Catch-up Saturdays (not more than 20 per year). On non-catch-up Saturdays, hours of operation would be 08:00 to 15:30.

104. At the time of writing this report, no representations have been received with regard to noise, odour or air quality. Overall, I consider that attention has been given to the control and management of nuisances and pollutants through the design and layout of the development. With the conditions recommended above in place, I consider the development is in accordance with policy CS18 of the WSCS, policy CS22 of the BMWCS, saved policy 28 of the BMWLP and saved policy G15 of the WDLP.

### ***Traffic and Transportation***

105. I consider there are two main aspects to the impact of the proposed development in regard to traffic and transportation. This first is the impact of on highway safety and road capacity. The second is the impact of the traffic associated with the proposed development on the amenity of the local area, for example its impact on litter, noise, dust, air pollution and vibrations.
106. Policy CS20 of the WDCS supports development that is appropriately located on the strategic road work and seeks to ensure that vehicular traffic does not materially increase traffic problems. In addition policy CS16 of the WDCS requires that development proposals are assessed for their impact on the transport system. Policy CS18 of the WDCS seeks to avoid unacceptable noise and air pollution and saved policy 28 of the BMWLP seeks to protect the amenity of these who may be on routes to and from the site. More specifically, saved policy G8 of the WDLP requires proposals to safeguard the amenity of resident with reference to traffic noise and disturbance while saved policy G15 seeks to prevent proposals which would by reason of noise and vibration affect the amenities of neighbouring properties and surroundings.
107. The applicant seeks permission for an increase in daily waste vehicle movements. The 2016/2017 figure is 98 two-way (49 in and 49 out) vehicle movements per day of which 78 (39 in and 39 out) are HGVs. The applicant seeks to increase this to 198 two-way (99 in and 99 out) vehicle movements per day of which 128 (64 in and 64 out) would be HGVs. All vehicles entering and exiting the site would use the existing access which was improved as part the application for the FCC Waste Transfer Station (CC11/9003/CM).
108. Following consideration of the worst case scenario (project tonnage additional trips) the BCC Highways Development Management officer has commented that these do not represent a threat to network capacity. She also advises that the site access/Clay Lane junction and Cressex Road/A410 Jon Hall Way/A4010 New Road roundabout are predicted to remain operating within their operation capacity. She notes that vehicle routing for bulkier HGV's (i.e. those exporting the waste rather than local waste collection vehicles) would travel north from the site access along Clay Lane and would utilise John Hall Way/Handy Cross junction/M40 for trips to and from the site. She is suggests that the routing set out in the application documents which details the bulkier vehicles routing to and from the site is included in a Traffic Management Plan as part of a planning condition.

109. The refuse collection vehicles collect waste from a variety of sources including residential areas. Although they account for the majority of the vehicles movements, I do not consider that controlling their routing to and from the site would be reasonable or enforceable.
110. Exports from the site are predicted to account for a maximum of 5% of the daily waste vehicle movements - that is approximately 10 two-way (5 in, 5 out) out of the 198 two-way vehicle movements. The applicant has stated that all exports would travel via the M40 and access the site via Clay Lane and the A4010 John Hall Way. This is shortest and quickest method to reach Buckinghamshire's strategic highway network. It also avoids vehicles travelling through Lane End or Marlow, both of which are conservation areas.
111. It is only the journey between the junction of the site with the public highway and the strategic highway network that I consider may be reasonable and enforceable to restrict. In accordance with the comments from the Highways Officer, I consider that should the committee be minded to approve the development, a Traffic Management Plan to include the routing of waste export HGVs between the site and strategic highway network is included as a condition of development.
112. To minimise the risk of pollution during the construction period, the applicant proposes to implement a Construction and Environmental Management Plan. I am satisfied these details can be secured through condition. I also suggest that avoid disturbance to the local amenity of the area during the construction period, measures to avoid unnecessary impacts on residents on routes to and from the site are included within this plan.
113. With regard to air pollution and noise on routes to and from the site associated within the proposed increase in vehicle movements, the Wycombe District EH Officer has commented on both noise and air pollution. He considers there would be a small imperceptible increase in noise levels would be associated with the use of the access road. He has also commented that increases in pollutant levels from the proposed increase vehicle movements would appear to be negligible. The site and surrounding minor roads are not included within the Councils Air Quality Management Area's and the EH Officer advises that this application does not increase pollution levels such that an Air Quality Management Area would need to be declared. I note Great Marlow Parish Council's comments regarding air quality monitoring. Outside the planning process, Wycombe District Council are obliged to undertake air quality reviews to highlight any possible breaches in national air quality objectives. I do not consider there would be reasonable justification to require the applicant to undertake further monitoring as a condition of the proposed development.
114. There is concern from Great Marlow Parish Council over the accuracy and validity of the tonnage and vehicle movement data, which is relevant because the impacts of vehicle movements on both the highway network and air quality are material considerations. As in paragraph 76 above, the methodology for the data is grounded in population growth estimates and the life time of the building being over 20 years. The advice of the Highways Authority and EHO are based on the figures presented for the worst case scenario and no technical concerns have been raised.
115. The applicant has emphasised that the increase in vehicle movements would be gradual and that 198 two-way waste vehicle movements per day is to cater for the capacity of the building. As such, they consider that to meet the 2038/39 predicted increase in waste, the number of waste vehicle movements would approximately 132 two-way (66 in and 66 out) per day of which 99 would be HGVs. This is an increase of 21 HGVs per day compared to the existing situation.
116. It should be noted by the committee that as capacity on the highway network is considered to exist, the junction between the road and development is considered to be safe and the increase in pollutants associated with the increased vehicle movements is considered likely to be negligible, there would no reasonable planning mechanism to prevent the applicant from having

128 two-way HGV daily movements from day one of the development being operational on these grounds. I do however recommend that vehicle movements are limited to those proposed by condition to prevent the development exceeding what has been assessed as safe.

117. Great Marlow Parish Council has also commented that the cumulative impact of this proposed development with the potential use of part of Wycombe Air Park for commercial use as set out in the Wycombe District Local Plan has not been assessed. I would like to reassure the committee that if the Wycombe Air Park site was to come forward for development in the future, we would expect the impacts of that potential development, including its impact on the road network, to be assessed as part of that application. This expectation with regard to highway work is also set out in policy HW16 'Wycombe Air Park, High Wycombe' of the draft Wycombe District Local Plan (2013-2033).
118. Great Marlow Parish Council has also recommended the introduction of a 30 mile per hour speed limit along Clay Lane and fixed speed monitoring cameras at appropriate distances either side of the site entrance. The site access would remain unchanged as a result of this application and the ghost island priority junction at the junction with Clay Lane would remain in place. No need for a reduction in speed limit has been advised from a Highways technical perspective. In addition, as part of this development, no need for widening of the footpaths along Clay Lane to form a combined cycling and pedestrian path has been identified. I consider this is a more strategic issue, and would suggest that Great Marlow Parish Council seek these improvements through other mechanisms.
119. In light of the technical advice provided, I am satisfied with the applicant's conclusion set out within the environmental statement that the impact of the proposed development on air quality from vehicle exhaust emissions are unlikely to be significant during the construction phase, and likely to be negligible during the operational phase taking into account the change in pollutant concentration and absolute levels. I am also mindful that if the waste was not bulked, a larger number of individual vehicle journeys movements would like take place to move the waste from households and other collection points to the relevant recycling facility.
120. To minimise litter on routes to and from the site, I recommend that all loaded HGV entering and leaving the site are sheeted or otherwise contained and covered and that the site access road is hard surfaced and maintained. I consider these measures can be controlled by condition. To minimise disturbance to local residents, should permission be granted, I do also recommend that the hours of construction as well as operation are controlled by condition.
121. At the time of writing this report, no representations have been received with regard to traffic or transportation.
122. Subject to the condition recommended above, I consider the proposed development would be in accordance with policies CS16, CS18 and CS20 of the WDCCS, saved policies G8 and G15 of the WDLP and saved policy 28 of the BMWLP.

### ***Flood Risk and Ground Water Contamination***

123. Policy CS18 of the WDCCS requires development to avoid unacceptable soil or water pollution, avoid adverse effects to groundwater, and avoid increasing the risk of flooding. Similarly, Policy CS22 of the BMWCS seeks to reduce flood risk and avoid or minimise adverse impacts on the surface and ground water. In addition, although not part of the development plan, Policy D16 of the Chilterns AONB Management Plan document also requires that the environmental impact of waste management facilities within and adjacent to the AONB to be minimised.
124. The proposed development is located on top of a former landfill site and there is a potential risk that disturbance to landfill, or drainage of surface water, may result in oily waste being mobilised

into the chalk bed rock or leachate and other water may move vertically through the landfill, causing contamination. Chapters on hydrogeology and ground conditions as well as hydrology and flood risk were included within the environmental statement submitted as part of the application.

125. With regard to ground water and contamination, the Environment Agency is satisfied with the technical information provided and has no objection subject to conditions requiring a the submission of a surface water drainage scheme and a piling method statement outlining the method for piling through the historic landfill and provision for the pumping of leachate or perched water during the active piling period. This latter condition is to protect the groundwater from any contamination that could be mobilised during piling. In light of these comments and subject to the recommended conditions, I am satisfied the risk of a severe adverse environment effect regarding contamination and ground water pollution is low. No comments have been received regarding the applicant's assessment on ground gas
126. With regard to drainage and flood risk, no objection has been raised but some further details on the surface water drainage scheme, including the yield and demand of the wheel wash facility are required. In addition, to ensure the drainage scheme works in the long term, it is advised the applicant produce a whole-life maintenance plan for the site drainage.
127. The application is supported by a Hydrology and Flood Risk Assessment in Chapter 9 and a Hydrogeology and Groundwater Condition Assessment in Chapter 10 of the Environmental Statement. In light of the technical advice provided, I am satisfied with the applicant's conclusion that during the operational phase In light of the technical advice provided, I am satisfied with the applicant's conclusion set out within these documents the development would likely have an impact of negligible significance on flood risk and groundwater and, with the pollution control measures implemented, a likely impact of minor significance regarding the mobilisation of contaminants and ground gas.
128. Subject to the conditions recommended by the LLFA and Environment Agency, I am satisfied the proposed development accords with policy CS18 of the WDCS and the water pollution prevention aspects of policy CS22 of the BMWCS.

### ***Biodiversity***

129. Policies CS22 and CS23 of the BMWCS and policy CS17 of the WDCS promote the enhancement of the natural and local environment by minimising the impacts of development on biodiversity and, where possible providing net gains for biodiversity. Policy CS19 of the BMWCS seeks to prevent development which would have significant adverse effects on the character, appearance or intrinsic environmental value of ancient semi natural woodlands and locally designated biodiversity features. In addition, saved policies G10 and G11 of the WDLP together seek to retain trees and hedgerows, provide additional landscaping where appropriate and integrate the development into the wider landscape
130. The development would result in the loss of thirteen trees and two areas of shrub (a mixture of willow, hazel, silver birch, common ash, sweet cherry and buddleia). All trees that are due to be removed as part of the development have been classified in accordance with the relevant technical guidelines as low value (category C) or unsuitable for retention (category U). It is the applicant's intention to retain and protect the remainder of the on-site trees and vegetation and to provide additional planting. This includes an area of hedge and a further 41 on-site trees. These would be a mixture of native and non-native species. More detail is required on the exact nature of works to the retained trees and design of tree protection fencing to ensure trees are not harmed by the development but I am satisfied these can be obtained via condition.

131. The area of priority habitat identified by Natural England appears to be the ancient and semi-natural woodland and deciduous woodland (Hillgreen Wood and Reading Shaw Wood). These are unlikely to be impacted by the proposed development as the distance between the wood and proposed built development exceeds the root protection area and canopy spread of the trees.
132. Although no objection has been raised to the development with regard to trees or biodiversity, the development has the potential to result in a net loss of biodiversity. This has been raised as a point of concern by the BCC Ecologist and the requirement to conserve and enhance biodiversity has also been raised by Natural England. The BCC Ecologist has recommended the applicant submits and implements a landscape and ecological management plan outlining the features to be managed, the aims and objectives of management and details of the work schedule and body responsible for the implementation of the plan. As part of this, she considers the recommendations within the report relating to tree protection and reptile protection are particularly important.
133. It is proposed to light the outside of the waste transfer building, the internal access road, both car parking areas and the glass bays. The lighting would be switched off between 7pm and 7am. The BCC ecologist has however expressed concern on the potential impact to commuting bats as the lighting appears to be partially directed away from the compound and into the trees and shrub surrounding the site. Had a lighting plan not been submitted as part of the additional information, I would have suggested that should the proposed development be permitted a condition is imposed on the proposed development that no lighting shall be erected at the site until an acceptable lighting scheme has been submitted to and approved in writing by the County Planning Authority. In this instance, to overcome the objection, I suggest the lighting plan is excluded from the list of approved documents and the condition outlined above is attached to any planning permission issued.
134. Subject to the condition recommended above, I consider the proposed development is in accordance with policies CS19, CS22 and CS23 of the BWMCS, saved policies G10 and G11 of the WDLP and policy CS17 of the WCS.

### **Summary**

135. There are a number of site specific factors which must be considered to assess the impact of the proposed development. In the scoping opinion adopted by Council, it was considered several of these factors had the potential to result in significant environmental impacts. Information on the likely significance of the impact of the development on these factors is contained within the environmental statement. In addition to these technical assessments, as part of assessing the application, it is also necessary to assess the impact of the proposed development on the amenity of local residents.

### **Other Matters**

#### **Heritage**

136. The applicant included a Historic Environment assessment in Chapter 12 of the Environmental Statement. This concluded that the likely environmental effects on cultural heritage and archaeology would be not significant. The historic use of the site for landfill has greatly changed the original land surface. The nearest protected heritage features are some distance from the site, and the maximum landscape and visual impact effect predicted at these points is predicted to be minor and would reduce by year 15 summer post completion. No matters have been raised in reference to either heritage or archaeology by the BCC Archaeologist and no comments have been received from the WDC Listed Buildings and Conservation Officer.



## **Sustainability and Climate Change**

137. Sustainable development is the core principle underpinning planning as stated in the NPPF and supported by policy CS1 of the BWMCS and CS1 of the WDCS. It is also supported by policy CS18 of the WDCS, policy CS22 of the BWMCS and saved policy G19 of the WDLP. Together with the NPPF, these promote sustainable water management, minimising energy consumption, the use of renewable and low-carbon energy, and reducing greenhouse gases and other emissions.
138. A number of features would be incorporated into the design of the development to meet these criteria. This includes retain the existing solar panels on the roof of the refurbished BCC Offices; the inclusion of roof lights in the waste transfer building to allow for some natural lighting and directing roof drainage from the waste transfer building to a rain water harvesting tank to provide the water for the wheel washing system
139. I am satisfied the design of the development would utilise opportunities to reduce energy demand and conserve natural resources. I also note that purpose of the development in bulking waste for transport offsite is a method of transporting material by road in more sustainable way, which helps reduce greenhouse gases and other emissions.
140. I consider the development meets the requirements of policy CS18 of the WCS, the greenhouse gas reduction elements of policy CS22 of the BWMCS, and saved policy G19 of the WDLP as it would minimise waste, conserve natural resources, and avoid pollution via other means in the interests of sustainable development.

## **Design**

141. Good design is supported though the policy CS19 of the WDCS and policy CS22 of the BWMCS. In the context of the Chilterns AONB this is considered to be particularly important. With respect to waste developments, paragraph 7 of the NPPW requires planning authorities to “*ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located*”
142. It has already been acknowledged that the development would normally be considered to be inappropriate in the Green Belt, but that very special circumstances exist. It has also already been acknowledged that the development would only be appropriate in the AONB as no other alternative sites exist outside of the AONB. The rationale for the height and mass of the waste transfer building has also already been discussed in paragraph 76 above.
143. The proposed development has been designed for function. The waste transfer building would have an appearance akin to an industrial building, with a steel structure and goosewing grey and anthracite cladding. Similarly the Contractor Office and Gatehouse are designed for a specific purpose and I consider them practical rather than remarkable in design. The Contractor Office would be a pre-fabricated modular building. Both buildings are proposed to be goosewing grey. In line with the comments from Natural England, I agree the choice of colour an important consideration for the development’s integration into the surrounding landscape. I am satisfied the proposed colours can be controlled via condition.
144. Overall, I consider the development would be in accordance with policy CS19 of the WDCS, policy CS22 of the BWMCS and paragraph 7 of the NPPW.

## **Parking**

145. There is no specified parking provision required for a waste transfer facility and the level provided appears to be in line with staff numbers. The development would also provide a cycle shelter adjacent to the BCC offices. I consider the proposed development is in accordance with saved policies T2 and T6 of the WDLP which require proposals to make suitable provision for on-site car parking and cycle parking respectively.

## **Conclusion**

146. Although the development would be contrary to Green Belt policies, I consider that very special circumstances existing to justify the proposed development as it would aid the sustainable manage of waste in Buckinghamshire, help move waste up the waste hierarchy and no other suitable alternative sites exist.
147. The proposed development is a major development located with the Chilterns AONB. Analysis of the landscape and visual impact of the development has indicate that the development may have a short term adverse impact on visual amenity, but in the long term it is anticipated that the visual amenity would be equal to that existing at present. Having consider the need for the development, the cost of, and scope for developing elsewhere outside the Chilterns AONB or meeting the need in another way and any detrimental effect to the environment, the landscape and recreational opportunities and the extent to which these effects could be moderated, I am satisfied the proposed development is in the public interest.
148. The application is supported by an Environmental Statement which identifies potential environmental and amenity impacts associated with the proposed development, where significant effects are anticipated mitigation measures are proposed, where possible, to reduce the effects to an acceptable level. Having examined this information, and taking into consideration technical comments of consultees, I am satisfied the proposed development would not give rise to significant environmental effects. Conditions have been proposed to secure measures required to prevent significant environmental effects from occurring, for example the details of the landscaping scheme and control of the building colour to mitigate the effect of the proposed development on the landscape. These conditions would be monitored by the County Council as part of its existing monitoring scheme
149. On balance, I considered that the development complies with the Development Plan as a whole and therefore, in accordance with the NPPF, which supports sustainable development, I recommend the committee indicate support for the development.

## Appendix A - Conditions

### Time limit for commencement

1. The development to which this permission relates must begin within three years from the date of this consent.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended)

### Approved Plans

2. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings:
  - *Site Location Plan*, Drawing number: NK08719-RPS-ST-00-DR-A-0102, Revision: P07
  - *Site Plan*, Drawing number: NK08719-RPS-ST-00-DR-A-0101, Revision: P05
  - *Ground Floor Plan (Planning)*, Drawing number: NK08719-RPS-MB-GF-DR-A-5000, Revision: P04
  - *Proposed Roof Plan*, Drawing number: NK08719-RPS-MB-GF-DR-A-5004, Revision: P02
  - *Elevations (Planning)*, Drawing number: NK08719-RPS-MB-ZZ-DR-A-5300, Revision: P03
  - *Contractor Office - Proposed Ground Floor Plan*, Drawing Job Ref: OXF9843, Status: Draft, Revision: A Date Created: August 2017
  - *Contractor Office – Proposed Elevations*, Drawing Job Ref: OXF9843, Status: Draft, Revision: A Date Created: August 2017
  - *Gatehouse- Proposed Ground Floor Plan and Elevations*, Drawing Job Ref: OXF9843, Status: Draft, Revision: A Date Created: August 2017
  - *Landscape Strategy*, Drawing Job Ref: JSL2850, Status: Planning, Revision: I, Drawing Number: 100 Date Created: June 2017

Reason: To define the development which has been permitted so to control the operations in accordance with saved policy 28 of the BMWLP.

### Pre-commencement Conditions

3. Prior to the commencement of the development, a Construction and Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the CEMP shall include the following:
  - Measures to avoid unnecessary impacts on residents on routes to and from the site
  - Loading and unloading of plant and materials
  - Storage of plant and materials;
  - Methods for monitoring water use through construction
  - Methods for the prevention of mud/debris on the highway during the construction period
  - Controls to minimise pollution during construction (as set out in paragraph 4.21 of the Sustainability Statement)
  - Environmental protection construction measures for trees, vegetation clearance and removal of scrub as set out in Section 13.7 of Chapter 13 of the High Heavens Waste Transfer Station: Environmental Statement.
  - Details of waste management and disposal and material re-use during construction

The approved plan will be implemented in accordance with the approved details.

Reason: To minimise the impact of the development on the environment and on local residents in accordance with policies CS22 of the BMWCS and saved policy 28 of the BMWLP.

4. Prior to commencement of the development, a scheme to dispose of surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the

hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall also include:

- Details of temporary drainage measures to be used during construction
- Calculations to show the yield and demand of the wheel washing facility

The scheme shall subsequently be implemented in accordance with the approved details.

Reason: To ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with policy CS22 of the BMWCS to ensure that there is a satisfactory solution to managing flood risk.

5. Prior to the commencement of the development, a “whole-life” maintenance plan for the site has been submitted to and approved in writing by the local planning authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) during and following construction, with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.

Reason: To ensure that maintenance arrangements have been organised and agreed before any works commence on site so that the surface water drainage system is suitable for the life time of the development and that flood risk is not increase elsewhere in accordance with policy CS22 of the BMWCS

6. Prior to commencement of the development, an Arboricultural Method Statement shall be submitted to, and approved in writing by, the local planning authority. The Arboricultural Method Statement should provide details relating to tree protection matters during development of the proposed scheme, including:
  - Details of the specification for the tree protection fencing, which should match that recommended by British Standard BS5837:2012 Trees in relation to design, demolition and construction - Recommendations.
  - Details of the weatherproof signage to be attached to the tree protection fencing (as recommended in British Standard BS5837:2012 Trees in relation to design, demolition and construction - Recommendations), with examples.
  - Assurance that installed tree protection fencing will be checked at appropriate intervals by an arboriculturist to ensure that it has been installed in the correct locations using the specification recommended by BS5837:2012 Trees in relation to design, demolition and construction – Recommendations, and that it continues to be in the correct locations during construction of the proposed scheme and the signage attached to it remains in place and legible
  - Details of required tree surgery works including identification of trees to be pruned (through the use of tree survey reference numbers and/or photographic aids) and a schedule of works for each tree.
  - Assurance that required tree surgery works will be carried out to British Standard BS3998:2010 Tree Work – Recommendations.
  - Details of the route in respect of nearby trees and the construction methods and materials to be used for the no-dig gamekeepers access track to ensure that it has no adverse effects on the retained nearby high and medium quality trees of G5 and G6.
  - The requirement for a site visit by an arboriculturist to check for any additional tree works necessary following completion of the proposed scheme.

Reason: To ensure trees are retained and protected and to aid the successful integration of the development into the wider landscape in accordance with saved policies G10 and G11 of the WDLP and policy CS23 of the BMWCS

## Development Phase Conditions

7. No construction work shall take place at the site other than between the following hours:

- 8:00am to 6:00pm Monday to Friday
- 8:00am to 1:00pm Saturday

There shall be no working on Sundays or Public and Bank holidays.

Reason: To protect local residents (partially those on Claymoor Park, Clay Hill and Clay Lane) from being adversely impacted by noise from operations taking place on the site and from HGVs travelling to and from site in accordance with saved policy 28 of the BMWCS and policy CS28 of the WDCS.

8. The building materials used in the construction of the waste transfer building and other buildings shall not be other than as set out in Chapter 4 of the High Heavens Waste Transfer Station Supporting Information, reference: OXF9436, dated: 11 May 2018.

Reason: To control the impact of the development on the visual amenity of the Chilterns AONB in accordance with policies 21, 22 and 23 of the BMWCS.

9. Prior to any piling taking place, a piling method statement, outlining the use of a suitable method of piling through the historic landfill and including provision for pumping leachate or perched water during the active piling period, shall be submitted to and approved in writing by the County Planning Authority. All piling shall then be carried out in accordance with the approved details

Reason: To protect the groundwater in the principle aquifer from any contamination that could be mobilised vertically during the piling work through the historic landfill in accordance with policy CS18 of the WDCS and policy CS22 of the BMWCS.

## Post Development Phase Conditions

10. The development shall not be occupied until a traffic management plan, detailing routing of waste export vehicles between the site and the strategic highway network, as outlined in the application documents, is submitted to and approved in writing by the council.

Reason: To ensure safe and suitable access to the site from the strategic highways network and minimise the impact of HGVs from the development in Marlow and Lane End in accordance with saved policy 28 of the BMWLP and policy CS20 of the WDCS.

11. Within three months of commencement of the development, a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
- Detailed planting proposal and specification stating species size at time of planting; spacing/densities; total plant numbers; planting protection/fencing.
  - Detailed proposal for grassed areas including seed mixes and sowing rates.
  - Description and evaluation of ecological features to be managed
  - Aims and Objectives of ecological management.
  - Ecological trends and constraints on site that might influence management.
  - Management and maintenance programme for a minimum five years of aftercare for all new planting (including a commitment to replace any planting that becomes diseased or damaged within the first five years irrespective of cause in the planting season immediately following failure)
  - Appropriate management options for achieving aims and objectives (see below), including a management actions and the preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - Details of the body or organization responsible for implementation of the plan.
  - Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity

objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the visual impact of the development and its impact within the wider character of the landscape is adequately mitigated and to maximise opportunities to increase the potential for biodiversity and enhance existing biodiversity habitats in accordance with policies CS22 and CS23 of the BMWCS and policy CS17 of the WDCS.

### **On-going Conditions**

12. The total number of heavy goods vehicles (HGV) (where heavy goods vehicles are those greater than 7.5 tonnes unladen weight) movements from the site shall not exceed 128 two-way (64 in, 64 out) per day.

Reason: To protect local residents (partially those on Claymoor Park, Clay Hill and Clay Lane) from being adversely impacted by noise from operations taking place on the site and from HGVs travelling to and from site in accordance with saved policy 28 of the BMWCS and policy CS28 of the WDCS.

13. No operations shall take place at the site other than between the following hours:

- Monday to Friday 7:30am to 6:00pm
- Saturday 7:30am to 5:30pm on not more than twenty Saturdays per year
- Saturday 08:00am to 3:30pm on all other Saturdays
- Sunday 8:00am to 1:00pm
- Bank and Public Holidays: no working

Reason: To protect local residents (partially those on Claymoor Park, Clay Hill and Clay Lane) from being adversely impacted by noise from operations taking place on the site and from HGVs travelling to and from site in accordance with saved policy 28 of the BMWCS and policy CS28 of the WDCS.

14. The roller shutter doors shall be kept closed when not in use by vehicles entering or egressing the waste transfer building.

Reason: To contain the dust and odour nuisance from within the waste transfer building in the interests of local amenity in accordance with saved policy 28 of the BWMLP.

15. With the exception of glass, all waste shall be stored, sorted, or otherwise processed inside the waste transfer building

Reason: To protect the visual amenity of the Chilterns AONB and prevent nuisance to the local community by way of noise odour, pests, vermin and litter in accordance with saved policy 28 of the BWMLP.

16. All vehicles carrying waste shall enter and egress the site sheeted or covered.

Reason: To prevent waste from being deposited on the public highway in the interests of highway safety and local amenity in accordance with saved policy 28 of the BWMLP.

17. No HGVs or Refuse Collection Vehicles shall be parked at the site overnight other than inside the WTS building

Reason: To protect the visual amenity of the Chilterns AONB in accordance with policies 21, 22 and 23 of the BMWCS.

18. The site access road shall be hard surfaced and shall at all times be maintained and kept clean and clear of mud, debris and potholes along its entire length from the junction with Clay Lane to the waste transfer compound.

Reason: To prevent waste from being carried onto the public highway in the interest of highway safety and local amenity in accordance with saved policy 28 of the BWMLP.

19. Notwithstanding any lighting shown on the approved plans, no lighting shall be erected at the site until a lighting scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented as approved for the duration of the development.

The scheme shall include:

- Details of the luminaire types, lumens, locations, arrangements (e.g. single, twin), and fittings (e.g. cowls),
- A lighting plan based on the above details showing the illuminance levels in lux of the yard, outlying areas and any off site light spill
- Comment on the landscape and visual impact of the lighting with particular regard to the Chilterns AONB and measures taken to mitigate this impact.
- Measures taken to minimise the impact on wildlife, especially bats
- Hours of lighting curfew

Reason: To avoid unacceptable harm to protected to wildlife, especially commuting bats, protect local residents from being adversely impacted by light, and to prevent unacceptable impacts of light pollution on the character and intrinsic environmental value of the Chilterns AONB through increased illumination avoid harm to the character of the AONB in accordance with saved policy 28, policy CS18 of the WDCS of the BMWCS and saved policy G16 of the WDLF.

### **Informatives**

#### ***Compliance with Article 35 of the Town and County Planning (Development Management Procedure) Order 2015***

In determining this planning application, the County Planning Authority has worked positively and proactively in accordance with the requirements of the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. In this instance, this requirement can be demonstrated through the County Planning Authority providing the opportunity for the applicant to submit further information with regard to vehicle movements, tonnages arboriculture, and drainage.

### **Site Notice**

Please remove any site notice that was displayed on the site to advertise this planning application.

### **Reptiles**

All UK native reptile species including adder, common lizard, grass snake and slow worm are fully protected are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). All native reptile species are also listed as Species of Principle Importance and are therefore protected by Section 40 of the Natural Environment and Rural Communities Act (NERC Act) 2006. Care must be taken in regard of any works which will involve the removal or disturbance of vegetation piles, especially near to water bodies during the hibernation and incubation periods for reptiles. Any clearance of vegetation should be undertaken, by hand, under the supervision of a suitably qualified ecologist. To avoid impacts to reptiles this should be carried out between September and February and preferably during periods of warmer weather when reptiles are likely to be active.

### **Wild Birds**

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), including their nests (whilst in use or being built) as well as any eggs the nest may contain. Therefore, vegetation should not be removed nor buildings demolished during the bird nesting season. This is weather dependant but generally extends from 1st March to 31st August (inclusive). If this is not possible, a qualified ecologist should check the areas concerned immediately prior to vegetation removal/building demolition to ensure that no nesting or nest-building birds are present. If any nesting or nest-building

birds are present, no vegetation/building demolition shall be removed until the fledglings have left the nest.

### ***Mud on the Road***

It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

### ***Parking on the Highway***

No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such willful obstruction is an offence under S137 of the Highways Act 1980.

### ***Piling***

Since driven piles may punch the material and leachate into the top of the chalk, this method should be avoided where it coincides with landfill material.



## Appendix B – Alternative Site Search Summary

### Introduction

The applicant undertook a site search both to assess whether a suitable acceptable alternative site exists outside the Green Belt or the AONB. In addition, Under the Environmental Impact Assessment Regulations 2017 there is a requirement to demonstrate no alternative sites with less significant environmental impacts exist

### Stage 1

The applicant undertook an initial site search of 142 sites across South Buckinghamshire District, Wycombe District and Chiltern District. Aylesbury Vale District was excluded from this search. The County Council would ordinarily expect the alternative site search to include those sites identified as “areas of focus” for waste management developments. In this case, High Heavens is identified as an area of focus in the emerging Minerals and Waste Local Plan (see Table 9, page 66 of the Proposed Submission Plan (March 2018)). I therefore consider it acceptable that the northern sites were excluded.

This long list was assessed based sites meeting the following criteria:

- Minimum site size (>1.5ha)
- Location outside the Green Belt and AONB unless allocated for waste management purposes

41 Twenty sites of these sites were rejected from the shortlist as they were located in the Green Belt, the Chilterns AONB or both and were not allocated as waste sites.

In addition, Richings Park Iver was also rejected from the stage 2 shortlist on the basis that the site is within the Green Belt. As the site is safeguarded as a potential waste site this is contrary to the applicant’s methodology. I do however accept the site is safeguarded as it has the potential for rail transfer facilities to serve the Strategic Waste Complex at Calvert Landfill Site and this proposed development is not to serve that facility. I also accept that the site is occupied and so likely to have been rejected from the final stage.

Similarly, I am unclear as to why Little Chalfont Depot was not rejected from the site search during stage 1. The site was designated as ‘Essential Infrastructure to support the Strategic Waste Complex at Calvert landfill site’ under policy CS12 of the BMWCS. I do not however consider this policy is relevant to the proposed development. The site is a former landfill and not an existing waste management site. I consider that under the BMWCS, Little Chalfont Depot is not supported for waste management purposes unless it would support the strategic waste complex at Calvert Landfill Site.

### Stage 2

The shortlist of sites was evaluated on:

- Availability - where sites that were already developed (or where less than 1.5 ha of undeveloped or developed land remained) or where the shape was considered unsuitable were discounted.
- Highways and Access – sites with obvious poor accessibility to the strategic road network or poor access to the road were discounted

A summary of the Stage 2 evaluation is set out below.

Site	District	Allocated for Waste Management	GB	Within or adjacent to AONB	Reason for rejection
Higham Mead	Chesham	No	No	No	No plots of suitable size/configuration available Poor access to highway
90 Ashridge Road, Chesham	Chesham	No	No	No	Large plot undeveloped land available, subject to planning application undergoing consultation at time of survey for residential and some employment. Employment part of site considered too small. Good access to highway but all waste would need to come through Chesham
Land South of Moor Road and Waste of Railway Line, Chesham	Chesham	No	No	No	No plots of suitable size/configuration available Good access to highway
Fairview Amersham Commercial Park and Amersham Commercial Park, Raans Road	Chesham	No	No	No	No plots of suitable size/configuration available Access shared with housing estate and church, parked cars restrict access for larger vehicles
Little Chalfont Deport including Amersham WLP allocation	Chesham	partially	Yes	Yes	No plots available within deport area but waste local plan allocation still undeveloped. Uncertainty on availability due to previous parties being unable to agree terms for the site Good access to highway, shared with existing depot and HWRC
Thorney Lane, Iver	South Bucks	No	No	No	No plots of suitable size/configuration available Well established trading estate access off Thorney Lane North but poor access to wider road network as must travel through Langley to South or Iver to the North. Roads and Residential Areas considered unable to accommodate additional traffic.
The Ridgeway Trading Estate	South Bucks	No	No	No	No plots of suitable size/configuration available Well established trading estate access off Thorney Lane North but poor access to wider road network as must travel through Langley to South or Iver to the North. Roads and Residential Areas considered unable to accommodate

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					additional traffic.
Thames Estate	Wycombe	No	No	No	No plots of suitable size/configuration available Good access to highway
Cressex	Wycombe	No	No	No	No plots of suitable size/configuration available Good access to highway
Sands Industrial Estate	Wycombe	No	No	No	No plots of suitable size/configuration available Good access to highway
Globe Park	Wycombe	No	No	No	No plots of suitable size/configuration available Good access to highway
Desborough Park Road	Wycombe	No	No	No	No plots of suitable size/configuration available Good access to highway
Verco	Wycombe	No	No	No	Part of site is occupied. Approximately 2 hectares of the site was available but at time of survey was for sale and progressing to contract. Good access to highway
Marlborough Industrial Estate	Wycombe	No	No	No	No plots of suitable size/configuration available Good access to highway
Leigh Street	Wycombe	No	No	No	No plots of suitable size/configuration available Poor access to Leigh Street, Leigh Street unsuitable for regular HGV/refuse vehicle use
Hughenden Avenue	Wycombe	No	No	No	Major development being undertaken at the site, majority residential and remained food superstore. No remaining plots of suitable size/configuration available Good access to highway
Gomm Road and Tannery Road Industrial Estate	Wycombe	No	No	No	No plots of suitable size/configuration available Good access to highway
Biffa	Wycombe	No	No	No	Site in use and unavailable Good access to highway
Knaves Beech way	Wycombe	No	No	No	No plots of suitable size/configuration available Good access to highway
Wessex road Industrial Estate/	Wycombe	No	No	No	No plots of suitable size/configuration available Good access to highway but would vehicle travelling from north would pass through built up residential areas
Soho Mills Industrial Estate/ Wooburn Industrial Estate	Wycombe	No	No	No	No plots of suitable size/configuration available Good access to highway
High Heavens Waste Management Complex	Wycombe	Yes	Yes	Yes	Site available Good access to highway

Two sites were considered suitable following the stage 2 evaluation. These were High Heavens Waste Management Complex and Little Chalfont Depot (waste allocation part). As above, in accordance with the applicant's methodology, I do not consider Little Chalfont Depot should have been included with the Stage 2 search.

### **Stage 3**

The two sites were assessed based on the requirements of the Revised Waste Framework Directive (2008) and the criteria set out in Appendix B of the NPPW.

As set out above, do not consider Little Chalfont Depot should have been included with the Stage 2. Following comparison of the two sites however, High Heavens was judged to be favourable to the Little Chalfont Depot for the following reasons:

- Availability for the proposed use
- Location in relation to waste arising and main urban area
- History of waste management uses and potential to co-located facilities
- Proximity to local road network and good access
- Is allocated for strategic waste uses in the BMWCS

4 I accept that while the Little Chalfont Depot site is also a former landfill the surface of the land is not developed whereas the High Heavens Site is currently developed.

Contrary to the applicant's assertion, I also do not consider there is a significant difference between the accesses for either site as both are well located to the main and strategy road network. Both would rely on an internal connecting road to access the area of the development from the public highway.

Overall, I agree the applicant's assessment has concluded that no sites have been identified which are significantly better than the High Heavens site for the proposed development.

**Buckinghamshire County Council**

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information and email alerts for local meetings

**Committee Report – 2<sup>nd</sup> July 2018**

<b>Application Number:</b>	<b>CM/0005/18</b>
<b>Title:</b>	<b>Proposed continued use of land for a waste transfer and recycling operation comprising the sorting, screening and crushing of inert construction, demolition and excavation waste together with a formation of three metre high acoustic bund, alterations to vehicle access and additional landscaping.</b>
<b>Site Location:</b>	<b>Red Brick Farm Dunton Road Stewkley Leighton Buzzard Buckinghamshire LU7 0LU</b>
<b>Applicant:</b>	<b>Mr Nick Bowden</b>
<b>Case Officer:</b>	<b>Anna Herriman</b>
<b>Electoral divisions affected:</b>	<b>Great Brickhill</b>
<b>Local Member(s):</b>	<b>Janet Blake</b>
<b>Valid Date:</b>	<b>16<sup>th</sup> January 2018</b>
<b>Statutory Determination Date:</b>	<b>17<sup>th</sup> April 2018</b>
<b>Extension of Time Agreement:</b>	<b>4<sup>th</sup> July 2018</b>
<b>Summary Recommendation(s):</b>	

The Head of Planning and Environment is invited to APPROVE application no. CM/0005/18 subject to conditions as set out in Appendix A.

**Appendices:****Appendix A: Conditions**

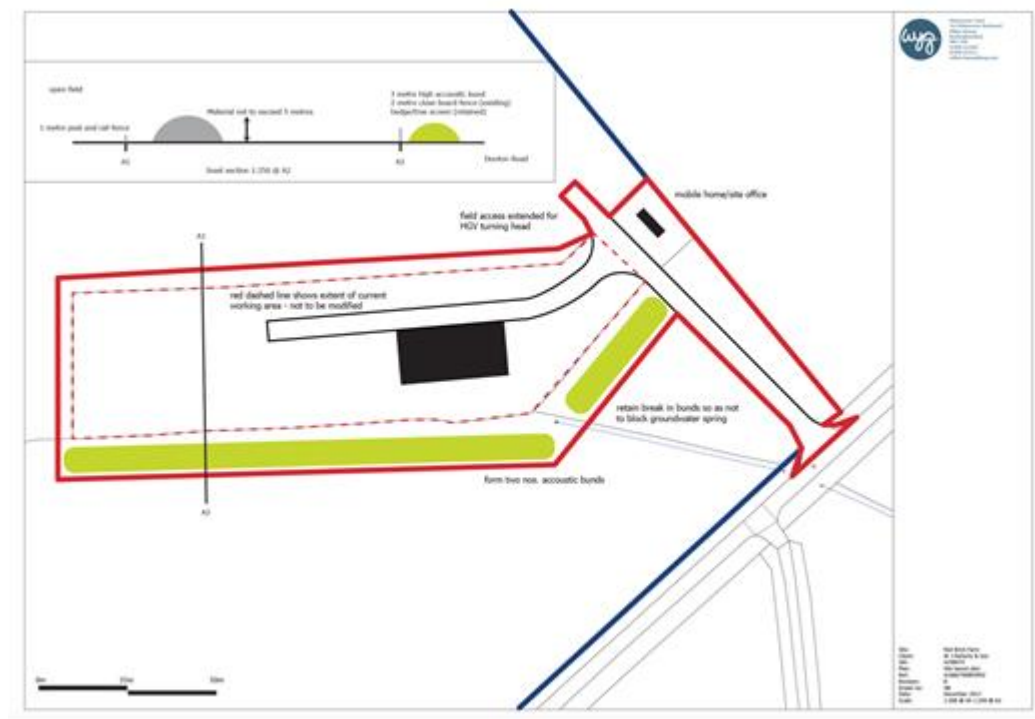
INVESTOR IN PEOPLE



## 1.0 Site Description

- 1.1 The site is located on the northern side of Dunton Road on the opposite side of the road to Mount Pleasant Farm some 0.75 miles to the south west of Stewkley. It is located within open countryside in an agricultural area.

Figure 1 shows the proposed site plan:



- 1.2 The site comprises of 1.1 hectares. To the south of the site runs a small brook lined with a 3 metres – 5 metres high hedge. The boundary to the south east of the site has some fairly young trees forming a hedge of between 3 metres and 5 metres high. The boundary runs parallel with the road and is approximately 60 metres from the road. To the north east is an established hedge 3 metres high. In the middle of the site is an agricultural building which is not part of this planning application. Further details are below in Site History
- 1.3 The site is not in a Green Belt. There are no other designations on the site although it adjoins the Quanton-Wing Hills Area of Attractive Landscape designated in the Aylesbury Vale District Local Plan 2004.

## 2.0 Site History

- 2.1 The land at Red Brick Farm is owned by Mr William Doherty and he has been using the land to store and process inert waste. The agricultural building on the site was approved under planning application reference 06/03121/APP from Aylesbury Vale District Council (AVDC) on 29th March 2007 for permission to store hay from the field within the site and from another field approx. 1.6 hectares in size, which is to the rear of Sycamore Close in Stewkley. The applicant also has permission to erect stables, tack room and hay store under permission 12/00291/APP from AVDC on 12th April 2012. Under planning application reference 15/04234/COUAR, permission was

refused on 11th February 2012 for the conversion of agricultural buildings to residential dwellings due to the size of the development and the fact that there is no evidence the agricultural buildings have not been used for their intended purpose. Under reference 16/00898/ACL permission was refused and dismissed at appeal for the conversion of agricultural buildings to residential dwellings on 12th December 2016. The original planning application in relation to this development (CM/48/17) was valid on 21<sup>st</sup> September 2017 but due to its poor quality and further details needed in response to consultee comments, the applicant was advised to withdraw and then resubmit. The application was withdrawn on 7<sup>th</sup> December 2017.

### **3.0 Description of the Proposed Development**

3.1 The application is retrospective and as such, the operations on the site are current and were initially identified by the County Council's Enforcement team. The operator was advised that if he wished the Council to consider whether the development was acceptable he should make a planning application. The proposed development is for:

- The land to be used for the importation of 75,000 tonnes of inert waste consisting of soils and hardcore / concrete per year from local building works.
- Imported materials would be processed through either a mobile screen (i.e. Finlay) or through a mobile crusher (i.e. MCloskey J40).
- Processed materials to be sold.
- Site opening times are proposed as from 7am – 5pm Monday to Friday and 8am – 1pm Saturday. No operations would take place on Sundays and Bank Holidays.
- Vehicle movements for the development are proposed to be 60 vehicle movements per day with 30 vehicle movements in and 30 vehicle movements out.
- Alteration to existing access is proposed;
- Vehicle parking on site for up to 8 cars;
- The caravan on the site would provide facilities on site for staff;
- Wheel wash facility is proposed to prevent mud and debris on the highway;
- Dust management is proposed by using dust compression facilities on the mobile screener and concrete crusher. Also lorries would be sheeted to reduce dust on haulage roads;
- A noise assessment was provided with the planning application;
- New hedging and a three metre high acoustic bund is proposed around the site to minimise noise impact on the surrounding area.
- Access road to be widened to 5.5 metres wide to allow two lorries to pass.

3.2 It is stated in the application that the use has been carried out on the land since January 2006 and it should be noted that, should the applicant provide evidence to this effect, it would be immune from planning enforcement action as over 10 years have passed. If the applicant feels they have evidence that the activities applied for have taken place for more than 10 years, they are entitled to apply for a certificate of lawful use. The certificate of lawful use is not necessary for the immunity to apply and where a claim has been made, it would have to be granted unless the Council is able to rebut it.

As this is not an application for a certificate of lawful use, the Council has not investigated the alleged use.

The application seeks to continue the processes on the site. The operation currently takes in imported construction, excavation and demolition waste for processing to be

sold on and mainly consists of broken tiles, bricks and slates, broken up hardcore including concrete, tarmac and general rubble, unrefined topsoil or material containing some top soil and general broken up hardcore type material. The waste would not contain hazardous or contaminated waste. Unprocessed waste, when it enters the site would be placed at the eastern end of the site and stored in different piles for different types of waste. It remains there until it is cost effective to rent a crusher when the materials would be processed or crushed close to the centre of the site. Waste would then go on to be used for the base layer for roads and patios whilst the higher quality material can be used as topsoil.

- 3.3 The amount of vehicle movements within the 60 limit per day would depend where the material comes from. Local sources would bring higher vehicle movements due to reduced travel time whilst there would be less vehicle movements from sources further away. It is proposed that the daily limit on HGV movements would remain within 60 per day.
- 3.4 In order to facilitate the continued use of the site, some operational works are proposed. This includes the widening of the access onto Dunton Road to achieve a 9 metres bell mouth radii. Also an area of hardstanding would be constructed along the haul road for a distance of 25 metres from the junction with the road. The haul road would be widened to 5.5 metres to allow two HGV vehicles to pass. The haul road would be finished with hardcore and kept clear.
- 3.5 Currently, there is no limit on operational hours and vehicle movements. There are also no controls on noise levels, dust management, pollution and lighting. Although, the applicant has been seeking to work with the Council during the application process, in order that they achieve compliance with their own proposals.
- 3.6 As part of this planning application, it is proposed that additional landscaping would be implemented with a new native hedge on the north and west boundaries and also an acoustic bund (constructed using inert material sourced from imported recycled material) approximately three metres high on the southern boundary. The applicant states that the acoustic bund would reduce sound by 10dB at the nearest receptor due to the highest noise producing equipment on the site (the crusher). The acoustic bund would be planted and landscaped to integrate into the surrounding environment.
- 3.7 The noise assessment report showed that noise levels around the machines are slightly above the background noise levels but within 8dB. In the report, the applicant stated measures that they would put in place to deal with this i.e. minimise height in which material is to be dropped, machines to be operated with covers fully closed, machines to be in good working order and serviced, machinery which is not in use at break times to be switched off.
- 3.8 On the southern boundary of the site, the noise assessment states that noise levels are reasonable given the location of the measurement position.
- 3.9 The site is in Flood Zone 1.
- 3.10 As part of the proposals, there are no plans to connect the site to a mains sewer or to a watercourse. The applicant states that water can only be drained through adequate soakaways or an infiltration system.
- 3.11 However, there are plans to install SuDs systems on site. The details are as follows:
  - Cellular Storage Crate to attenuate surface water run off;



- Overflow restricted to 1 l/s to outfall to nearby ditch via precast concrete headwall;
- Temporary building to runoff to permeable surface.

## **Further submissions**

### ***Planning Addendum***

- 3.12 A planning addendum was submitted in April 2018 in response to the objections received from the local residents and comments from consultees. It also addressed the core issues relating to greenfield, noise, the HGV impacts and that a public engagement was held.

### ***Public Engagement***

- 3.13 The applicant is committed to limiting disturbance to the local residents. The applicants contacted the local residents as part of the application process by a letter and press releases. The applicant was involved in public consultation and attended the Parish Council meeting.

### ***Local resident and consultee comments***

- 3.14 The Local Residents were invited to comment. The application was also advertised in the local media. The majority of the statutory consultees had no objections including Highways and the Environmental Health Officer. The applicant stated that any comments from other technical consultees can be resolved through planning conditions. A noise survey was scheduled to take place on 24<sup>th</sup> April but the Environmental Health Officer advised local residents that it was taking place. In order for allow results to be more valid, the survey should be conducted randomly and without the prior knowledge of local residents.
- 3.15 A noise disturbance and vibration survey for residents close to the public highway took place to assess how passing traffic may impact these residents.
- 3.16 The site has been considered appropriate by the applicant / agent due to its remote nature. The site also does not accept hazardous or industrial waste.

### ***Core issues***

- 3.17 The applicant stated that the planning authority was considering refusal due to noise disturbance and the loss of agricultural land (greenfield site).
- 3.18 The applicant accepts that the site results in the minimal loss of agricultural land which has not been in productive use for many years.
- 3.19 The applicant also accepts that there could be noise disturbance associated with the development but it is in a remote location and would have an acoustic bund to mitigate this impact.
- 3.20 The local roads do not have weight restrictions and other heavy goods vehicles also use the same roads.

### ***Noise Survey***

- 3.21 This was based on calculations based on a 60 HGV movements per day between 9am and 4pm. The sensitive receptors where noise was recorded included:
- Western side of the road leading into the Doherty site;
  - On the north eastern side of the road leading into the Doherty Site 5m north of

- Dunton Road;
- Corner of where The Mead meets Stewkley Road;
- Corner of where Moorhill Crescent joins Stewkley Road;
- Corner of where Dove Street joins the High Street South;
- Along Dunton Road 15m of the fork where Dunton Road splits off into South Lane;
- Along Dunton Road 25m south west of the entrance to Park Close next to the entrance to Manor Farm.

3.22 The vibrations monitoring took place at the following locations:

- At the corner of where The Mead meets Stewkely Road;
- At the corner of where Moorhill Crescent joins Stewkley Road;
- At the corner where Dove Street joins the High Street South;
- Along Dunton Road 15m of the fork where Dunton Road splits off into South Lane;
- Along Dunton Road 25m south west of the entrance to Park Close next to the entrance to Manor Farm.

3.23 The assessment has shown that noise from HGV movements accessing the site is predicted to be below the Lowest Observable Adverse Effect Level and was below 0.7dB at all reception locations. This demonstrates that these movements have negligible contribution to overall noise levels when comparing noise levels from HGV movements to the site against baseline noise levels excluding HGV movements to the site.

3.24 A comparison of vibration levels during HGV pass-bys has shown that vibration levels from passing traffic is significantly below the damage criterion outlined in BS 7385 and is therefore below the criteria to damage to buildings through vibrations. Therefore, there is a positive indication that there is unlikely to be any building damage associated with vibration from HGV movements.

#### *Vehicle Movements over 8 – 12 May*

3.25 A survey of vehicle movements took place between 8 – 12 May. The number of vehicle movements to and from the Doherty site falls well below the maximum of 60 vehicle movements (30 in 30 out) of HGVs per day as per a letter from the applicant dated 16<sup>th</sup> May 2018.

Vehicles (in + out)	Doherty rigid	Donoghue rigid	Donoghue articulated	Crusher articulated	Total
Tuesday 8 May	14	2	0	2	18
Wednesday 9 May	12	4	2	0	18
Thursday 10 May	16	2	0	0	18
Friday 11 May	30	2	0	2	34
Saturday 12 May	0	0	0	0	0

3.26 The applicant stated that they do not operate any articulated vehicles to the site. The definition of articulated lorries is:

*“A lorry made in two separate sections, a tractor and a trailer connected by a pivoted bar” (Collins dictionary - <https://www.collinsdictionary.com/dictionary/english/articulated-lorry>)*

3.27 However, occasionally an articulated lorry visits the site to deliver equipment e.g. a

crusher was delivered by articulated lorry on Tuesday 8<sup>th</sup> May 2018 and collected on Friday 11<sup>th</sup> May 2018. An articulated Donoghue lorry was also recorded to have visited the site on 9<sup>th</sup> May 2018.

- 3.28 The agent has stated that they are happy for a condition requiring them to inform the County Planning Authority in advance of an articulated lorry visiting the site. The applicant already discourages articulated lorries carrying material that has been or is to be recycled.

#### *Alternative sites*

- 3.29 The agent stated that as the development is retrospective in nature, no alternative sites were considered. He did mention that if the application was refused then he would seek alternative locations at that juncture.
- 3.30 The agent stated that due to the nature of the works requiring a minimum of 0.7 hectares, it is difficult to find alternative sites. Some consideration was given to the 28 sites in the emerging BMWLP 2016 – 2036 Site Assessment Annex but these were not suitable as the land was being considered for other uses such as more intensive, indoor commercial or industrial uses and therefore no other alternative sites were suitable.
- 3.31 The agent did state that a site proposed at College Road North, Aston Clinton may be suitable but the site needed to be outside the South East Aylesbury of A41 allocation where waste transfer may be appropriate.

## **4.0 Planning Policy & Other Documents**

- 4.1 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. The development plan for this area comprises of the Buckinghamshire Minerals and Waste Core Strategy (BMWCS), the saved policies of the Buckinghamshire Minerals and Waste Local Plan (BMWLP) and the saved policies of the Aylesbury Vale District Local Plan (AVDLP) 2004.
- 4.2 The National Planning Policy for Waste (NPPW) 2014 and National Planning Policy Framework (NPPF) 2012 are also material considerations.
- 4.3 The development plan policies that are relevant to this planning application are as follows:
- 4.4 Minerals and Waste Core Strategy (MWCS):  
The relevant policies of the MWCS to this planning application are as follows:
- CS6 (Sites for recycled and secondary aggregates)
  - CS9 (Additional Waste Management Capacity and Net Self Sufficiency);
  - CS18 (Protection of Environmental Assets of National Importance)
  - CS19 (Protection of Environmental Assets of Local Importance)
  - CS22 (Design and Climate Change)
- 4.5 Minerals and Waste Local Plan (MWLP):  
The relevant policies of the MWLP to this planning application are as follows:
- Policy 28 (Amenity)
- 4.6 A consultation was carried out for the new emerging Mineral and Waste Local Plan

(2016 – 2036) which would replace the Buckinghamshire Mineral and Waste Local Plan and the Buckinghamshire Core Strategy. The consultation period finished in September 2017 and the representations on the consultation are currently being analysed. Although it is a material consideration, the plan completed the Preferred Options consultation and has now gone to the Secretary of State for consideration. Therefore as a development plan it carries more weight than previously but still not as much as the current development plans when it comes to assessing policies for the proposed development. Dunton Road, Stewkley is not one of the allocated proposed secondary areas of focus in the emerging Minerals and Waste Local Plan. The policy relevant to this planning application from the emerging Minerals and Waste Local Plan is the following policy:

Policy 7: Provision of Secondary and Recycled Aggregates.

4.7 The following saved policies from the Aylesbury Vale District Local Plan (AVDLP) would apply to this development:

- GP.8 (Amenity); and
- GP.95 (Unneighbourly uses)
- Policy RA.8 (Local Landscape Area)
- Policy RA.36 (Traffic on Rural Roads)

## 5.0 Consultation Responses

5.1 **Aylesbury Vale District Council** have no objection to the proposed development. However, AVDC planning wished to note comments made by the AVDC Environment Health Officer (please see below).

5.2 The **Local Member** objects to the works at Red Brick Farm as she feels that the site is not suitable for these kinds of operations and, furthermore, she considers that the existence of the operations for a number of years does not make the site suitable for this kind of activity.

5.3 **Stewkley Parish Council** strongly objects to the operations at Red Brick Farm. They state that the site has been operating for a number of years without permission. The Parish Council have been alerted by residents of significantly increased vehicle movements through the villages passing up and down Dunton Road and disturbing residents. They also object due to location, noise and air pollution from lorry movements, impact on amenity when lorries pass residential homes, safety of cyclists, pedestrians and other road users, roads not suitable for volume and type of lorries and that the application doesn't consider the impact of the vehicle movements on the local area. The Parish Council also state that the site is not suitable for the type of activity that has been and is still happening on the site. The Parish Council has also stated their disappointment relating to comments made by Highways DM. The Parish Council states additional information of which Highways DM should be aware. This includes that there is a dip in the road where lorries exiting Red Brick Farm may not be visible to vehicles travelling from the east and also expressed their concerns about motorists exceeding the speed limit along that stretch of road. The Parish Council has further stated a concern that kerbs and verges have been damaged in Stewkley and both vehicles and houses have been hit by these lorries. The poor road surface causes additional noise from vehicles on the roads. The Parish Council submitted survey data of road widths (emphasising the road unsuitability for HGVs), traffic movements and noise levels from HGVs from properties in Dunton Road. The Parish Council state that the noise assessment submitted with the application does not include noise levels data from the houses on

Dunton Road. They feel that the operations at the site should take place nearer the source of the imported wastes. The Parish Council recognises recycling and supports rural employment but not when there is a risk of significant and long term loss of amenity to the residents of Stewkley and neighbouring villages.

- 5.4 **Flood Management Team** has no objection to the planning application subject to a condition requiring the development to be in accordance with the Flood Risk Assessment and SuDs statement submitted with the planning application.
- 5.5 The **Environment Agency** has no comments to make.
- 5.6 **Rights of Way Team** has no objection to the operations at Red Brick Farm.
- 5.7 The County **Archaeologist** has no objection to the works at Red Brick Farm and has no condition to add.
- 5.8 The District Council **Environmental Health Officer (EHO)** has no objection in terms of noise generated on site. He stated that based on the data in the report, it is highly unlikely that a sustainable objection could be justified. However, due to omissions and potential errors in the report, further mitigation in the conditions should be considered before approval. The WYG report was a legitimate assessment but the EHO felt that other guidance such as that contained within the Calculation of Road Traffic Noise CTRN:1998 and the Design Manual for Roads and Bridges should have been used to verify the results. The methodology used relied on an assessment of noise against the Lowest Observed Adverse Effect Level (LOAEL) but failed to define what that level is and only refer to the noise change criteria contained in the IEMA guidance. The agent has not set a value for the LOAEL so therefore they cannot draw a conclusion. It is unclear from the report how figures have been achieved, regarding vehicle type, load levels and speed. The report stated that there are a number of properties along Dunton Road, Stewkley that are considerably closer to the road than 5 metres and some locations there are buildings close to both sides of the road. To assess worst case impacts, corrections would need to be applied for distance from source and reflected sound which could add 6dB – 9dB at certain receptors taking the noise level above LOAEL to a level which requires mitigation and minimisation in accordance with the national noise policy. At Dunton Road, Stewkley and Dunton, where 58% and 55% respectively of HGV movements are Doherty vehicles, it is likely that Doherty vehicle movements are adding at least 3dB to the noise generated by other large vehicles.
- 5.9 With regard to vibrations, the EHO has stated that it seems unlikely that vibrations from Doherty HGVs passes would cause structural damage to properties and he is not aware of any evidence of this. However no assessment has been carried out on the potential for ground borne noise and vibration impacting the residents inside their properties which is probably of greater concern to the residents, this being one of the biggest omissions from the report.
- 5.10 The EHO concludes that the available data provides sufficient evidence to suggest that sections of Dunton Road, Stewkley may require further mitigation in accordance with the national noise policy. This should be a reduction in total allowable vehicle movements or restrictions on the number of movements going through Stewkley. Alternatively the possibility of self-imposed speed limits for vehicles on certain sections of road could achieve similar results; however the report does not provide sufficient data to allow the EHO to calculate the impacts of such restrictions at this time. Therefore, the EHO would suggest a condition that within 3 months of permission being granted, the applicant will submit to the Local Planning Authority a noise and mitigation plan to control noise and vibration from HGV movements

associated with the applicant's site on the residents of Dunton Road, Stewkley and Dunton. Effectiveness needs to be evidenced and to be submitted and approved in writing by the Local Planning Authority.

- 5.11 The County **Ecologist** has no objection to the operations on the site and felt that it has no impact on the habitats there. However, if the application is approved she would like to see informatives on the consent for the protection of badgers and Great Crested Newts, should any exist.
- 5.12 **Highways Development Management** has no objection to make subject to conditions requesting that the entrance is widened to 5.5m and the kerb radii is increased to 9m to allow two HGVs to pass. The access track also to be widened to 5m for a distance of 25m from the access point to allow two HGVs to pass. The vehicle movements should be no more than 60 per day (30 in and 30 out) and the lorry movements should be restricted to the operational hours of the site from 7am to 5pm on weekdays and 8am to 1pm on Saturdays. The development is not considered to be severe in terms of impact on the highway network and consequently, the Highway Authority has no grounds for refusal of this development. The Highways DM officer states that Dunton Road is a rural road and it is not uncommon for large vehicles associated with agricultural and light industrial uses to use Buckinghamshire's rural road network. Also there is no safety concern as there is no record of collisions within the village of Dunton. However, an alternative route suggested by the applicants was the route through Stewkley and Soulbury onto the B4032 and A4146. The Highways Officer recommends that this route is not used. The Highways Officer notes the concerns of the Parish Council and the local residents and therefore does not consider the impact of the operations at Red Brick Farm to have a severe impact in highways terms so they have no ground in which to refuse the planning application. The Highways DM officer recommends conditions to limit the movements to 60 per day with no HGV movements on Sundays and Bank Holidays and that the operational hours and vehicle movements be restricted to the hours stated above.
- 5.13 Further concerns were brought to the Highways DM officer's attention by the Parish Council and local residents regarding the size of the vehicles visiting the site. Further information was required to determine the number and type of vehicles visiting the site. This was received and shows that the average number of visits is 22 two way movements per day. Within a week only four movements (2 in, 2 out) were recorded as articulated vehicles. To help address local concern regarding the size of vehicles visiting the site, the Highways Authority suggest the imposition of a condition to ensure that the County Planning Authority are notified in advance of any articulated HGVs to visits the site. These site visits should be limited to only deliveries of large pieces of equipment and should not be in connection with the transport of material to and from the site. Further conditions the Highways Authority would like to add include the widening of the site road to 5.5m to allow two vehicles to pass, operational hours, vehicle movements and vehicle size limit to be no greater than 32 tonnes and included in the maximum daily HGV movements.

## 6.0 Representations

- 6.1 At least 161 objections have been received from members of the public. The main reasons for objection are as follows:
- Vehicle movements
  - Location not suitable for development

- Noise
- Impact on amenity
- Damage to properties as a result of lorry movements
- Impact on listed buildings and Conservation Area

6.2 Following the submission of the planning addendum and the noise survey, further objections were received from local residents. Many of those were from residents who had raised objections previously. They believe that the information submitted by the applicant is incorrect and biased. The residents state that the noise survey submitted later is flawed and incorrect and further state that it was not carried out by an appropriately qualified person. The noise assessment professionals are suitably qualified and their qualifications are listed in the noise assessment. There have also been specific concerns over Great Crested Newts and impacts on listed buildings.

6.3 An objection has also been received from the Campaign to Protect Rural England (CPRE) who strongly believe that this application should be refused due to a detrimental impact on the Attractive Area of Landscape designation.

## 7.0 Discussion

7.1 This site is currently operating as an unauthorised waste facility processing construction, demolition and excavation waste. Due to its location in the countryside, the proposed development should be assessed for its suitability in terms of:

- Need;
- Amenity – lighting, noise, highways, pollution and visual;
- Biodiversity and Historic Environment.

### **Principle of the development (Policies CS6 and CS9 of the MWCS, Policy 7 of the Emerging MWLP and NPPF / NPPW)**

7.2 BMWCS Strategic Objective SO2 states that in order to support waste prevention and reuse, new facilities as well as existing ones should be improved to maximise local recycling and composting and ensure value in the production of energy recovery as Buckinghamshire needs to move away from landfill waste disposal.

7.3 The NPPW sets out objectives for sustainable waste management and encourages diversion from landfill as well as encouraging the reuse, recycling and biological processing of waste. This is also reflected in pages 43 – 45 of the BMWCS. Page 43 of the Core Strategy states:

*“The strategy for waste is to encourage waste prevention and to safeguarding existing waste management capacity within Buckinghamshire, whilst increasing local provision for recycling and composting so as to increasingly divert waste from landfill”*

7.4 Policy CS6 of the BMWCS states that subject to there being no overriding environmental concerns, favourable consideration will be given to proposals for new permanent facilities or extensions to existing permanent inert waste recycling facilities for the production of secondary aggregates where appropriately located provided that they would not result in adverse impacts upon existing and proposed sensitive uses and would contribute towards the current needs of the country and potential future areas of growth.

7.5 Policy CS9 of the BMWCS states that an additional 280,000 tonnes of capacity for the recycling of C & D waste is required in Buckinghamshire by 2021.

<b>Capacity</b>	<b>MSW</b>	<b>C&amp;I</b>	<b>C&amp;D</b>	<b>TOTAL</b>
<b>Recycling</b>	60,000	214,000	280,000	<b>554,000</b>
<b>Composting</b>	51,000	61,000	N/A	<b>112,000</b>
<b>Energy Recovery</b>	112,000	178,000	N/A	<b>290,000</b>
<b>TOTAL</b>	223,000	453,000	280,000	<b>956,000</b>

- 7.6 Based on current figures from the Mineral and Waste Policy team, the 280,000 tonnes capacity has already been achieved.
- 7.7 However, the draft emerging Minerals and Waste Local Plan based on the Waste Needs for up to 2036 identifies that for inert waste recycling (C, D and E waste) another 510,000 tonnes is required.
- 7.8 The draft emerging Minerals and Waste Local Plan, based on the Waste Needs Assessment for the years up to 2036, shows the following waste stream capacity needs:

Recycling and reprocessing materials (C&I)	200,000 tonnes
Composting (or other biological processing including Anaerobic Digestion) (MSW and C&I)	130,000 tonnes
Inert recycling (C, D and E)	510,000 tonnes

- 7.9 The target figure for the county (according to the BMWCS) is 280,000 tonnes. The current capacity provision is 286,000 tonnes. There is currently a temporary facility for the recycling of C, D & E waste at Wapseys Wood. Once this facility is removed, then Buckinghamshire would be under capacity as capacity would be reduced by 150,000 tonnes and a further 144,000 tonnes of C&D recycling would then need to be sought elsewhere in order to reach capacity again. Additional facilities would therefore be required to meet the targets as proposed in the Waste Needs Assessment in order to meet need up to 2036. However, it should be noted that C&D recycling are often ancillary to mineral extraction and often only have temporary planning permissions.
- 7.10 Policy 7 of the emerging Buckinghamshire Minerals and Waste Local Plan stated that favourable consideration will be given to proposals for facilities for secondary and recycled aggregates. Permission would be granted where it can be demonstrated that potentially adverse impacts can be avoided and / or minimised to acceptable levels and that the proposal is compliant with the relevant MWLP Policies. The operations on the site-already exist but the regularisation of the operations on the site would minimise potential current adverse impacts.



- 7.11 The Committee is therefore advised that, subject to consideration of the environmental impacts of the proposal, the development is acceptable in principle and would be in accordance with the strategic policies set out in the BMWCS and the NPPW and would contribute to the future need for the provision of C, D and E waste streams in the county especially since some current provision, like that at Wapseys Wood, is linked with temporary permissions at landfill sites.

### **Location (NPPF and NPPW)**

- 7.12 It is considered that, due to the current permissions on the site which are for agricultural use rather than industrial use, the site is a greenfield site. This was confirmed by the applicant in the planning addendum dated April 2018.

- 7.13 The NPPF states:

*Paragraph 17:*

*Planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value (paragraph 17)*

- 7.14 And:

*Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land (paragraph 111).*

- 7.15 The NPPW states: that waste planning authorities should give priority to the re-use of previously developed land, sites identified for employment uses and redundant agricultural and forestry buildings and their curtilages (page 5). The development should not have a detrimental impact on the character and amenity of the area, the transport infrastructure should be able to support the proposed development and that environmental impacts (i.e lighting, odour, dust, noise, vibration, vermin, natural conservation, historic environment etc) should be considered.

- 7.16 The NPPF recommends that Local Planning Authorities “should encourage” the use of brownfield sites and the NPPW recommends that LPAs “should give priority” to their use. The inference of this is that brownfield sites are not prioritised over and above greenfield sites if overriding factors enable greenfield sites to be considered appropriate in other planning terms.

Although the lawful use of the land is for agricultural purposes, Aylesbury Vale District Council states that there is no evidence of this use.

### **Impacts on Amenity (Policies 28 of the MWLP, CS22 of the MWCS, and Policies GP.8, GP.95 and RA.36 and of the AVDLP, NPPF and NPPW)**

- 7.17 Policy 28 of the MWLP states the County Council will protect the amenity of those who may be affected by mineral and waste development proposals and will not grant planning permission for proposals which are likely to generate significant adverse levels of disturbance, both near the site and on routes to and from the site, from noise, vibration, dust, fumes, gases, odour, illumination, litter, birds or pests. For this section, I will focus on the impacts that external lighting, noise, highways, pollution

and visual intrusion may have on the local amenity. Highways is mentioned here as a significant number of concerns have been raised by members of the public over the impact of HGVs on the rural roads.

### **External lighting**

- 7.18 No external lighting is proposed on the site so it would not cause a detrimental impact on the local amenity and the development is therefore in compliance with the above policies.

### **Noise**

- 7.19 Policies GP.8 and GP.95 of the AVDLP state that development will not be permitted where it would unreasonably harm any aspect of the amenity of the nearby residents when considered against the benefits of the development. Section a) in Policy CS22 of the BMWCS mentions that noise pollution should be minimised. Paragraph 123 of the NPPF sets out the planning policy approach to noise when determining planning applications. In essence, it sets out that decisions should aim to:
- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
  - Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development including through the use of conditions;
  - Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
  - Identify and protect areas of tranquillity which will remain relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 7.20 Although the noise assessment is not entirely satisfactory to the EHO, there is sufficient data in the report to indicate that there can be no ground for refusal based on noise and vibration. However, the Environmental Health Officer has recommended further noise and vibration assessment surveys are carried out including those from the houses on Dunton Road approaching Stewkley including mitigation measures to reduce any impacts from noise and vibration to houses along Dunton Road in Stewkley and in Dunton. The EHO is not aware of any evidence relating to the impact of the vibrations from the HGVs. Therefore, it is not considered that there would be any detrimental impact from vehicles passing the houses and the site. If the application is approved, then the number of vehicles and the hours of HGV movements would be controlled and capped by conditions. The agent has submitted vehicle movements monitoring results which are below the proposed maximum vehicle movements per day as per the application.
- 7.21 The operations on the site are retrospective. According to the applicant and a local residents, the site has been operating (although maybe increasing over time according to a decision report stating no evidence of the site being used for agricultural use - planning reference 15/04234/COUAR by Aylesbury Vale District Council and GIS aerial photos), without permission for a number of years, however, the County Council is not aware of any complaints being made prior to the discovery of the site by the County Council's Enforcement Team in 2017. It is only since the application was advertised, that the local residents made the objections relating to noise, vibrations and HGV movements to the County Council.
- 7.22 I consider the development would not have a detrimental impact on local amenity on the basis of advice from the Environmental Health Officer and Highways Development Management Officer. Therefore subject to conditions, there is no ground for refusal on amenity reasons by both the EHO and the Highways Officer The development on

site would be consistent with the above policies and for that reason should not be refused.

### ***Pollution***

- 7.23 It is considered due to the proposed SuDs system and drainage plan with no objection from the County Council's Flood Management team, that there would be no detrimental effect to groundwater and local streams as a result of the development on the site. Lorries entering and exiting the site would be sheeted to minimise dust. With a condition to ensure the control of dust on the site and surface water drainage on the site, it is considered that the proposed development would be compliant with policy CS22 of the MWCS.

### ***Highways***

- 7.24 Policy RA.36 of the AVDLP states that in considering proposals or development in the Rural Areas, the Council will have regard to the desirability of protecting the characteristics of the countryside from excessive traffic generation, including the need to avoid traffic increases and routeing unsuitable to rural roads. In order to handle the extra throughput of waste and the increase in operating hours to deal with this, the applicant anticipates that this would be no more than 60 vehicle movements per day (30 in and 30 out). This would be restricted to operational hours including times for lorries entering and exiting the site from 7am – 5pm Mondays to Fridays and 8am – 1pm on Saturdays and no vehicle movements on Sundays and Bank Holidays. The Highways Development Management Officer has no objection to the development from a highway perspective. Although there have been a large number of objections based on lorries passing houses and suggesting that damage has been caused to properties and parked vehicles, there is no evidence to suggest that all the lorries which pass the houses are connected to the Red Brick Farm site. Also not all the lorries would be turning left out of the site towards Stewkley or turning right into the site from the Stewkley direction and not all the HGVs using Dunton Road are associated with the application site. I note objectors have raised concern regarding the suitability of the road for HGV movements, but again, no concerns have been raised by the Highways DM officer on this and due to the low number of vehicle movements spread throughout the day, this would not be significant enough to justify refusal compared to the overall number of HGVs that would be using the road which are unrelated to this site. From the planning officer's personal observation of HGVs on Dunton Road, there were only three movements from the application site, two tractors and one other lorry not related to the site, during the hour in which the random observation took place, adjacent to the houses on Dunton Road. The proposed retention of the operations would actually limit the vehicle movements per day whereas currently there are no limits. Therefore, with conditions restricting operational times and a maximum of 60 lorry movements a day, times of movements, size of HGVs vehicles and notification of when an articulated HGV would visit the site, it is not considered that there would be a significant adverse impact which could be sustained as a reason for refusal to the application and therefore the proposed retention of the operations on the site is also in compliance with policy RA.36 of the AVDLP.
- 7.25 Paragraph 5 of the NPPW states that the capacity of existing and potential transport infrastructure to support the sustainable movement of waste must be suitable and encourages the use of modes of transport other than roads when practicable and beneficial. This is also mentioned in Appendix B in the Location Criteria in the NPPW. Policy CS22 of the MWCS seeks to minimise the distance materials travel by road in order to minimise greenhouse emissions and other pollutions, taking into account factors such as residential amenity and routing agreements. However there are no alternative means of transport available to serve the application site. Therefore, I would consider the proposed restrictions of HGVs movements, size of HGVs and

timings to have no detrimental impact on the local amenity in terms of noise from traffic and also no detrimental impact in terms of highway safety and is in compliance with the NPPW and Policy CS22 of the MWCS.

### ***Visual impact***

- 7.26 The site is located in the middle of the countryside. The nearest property is Mount Pleasant Farm which is opposite the site some 375 metres away. There are fields to the west, north and east of the application site. The land is not completely flat, so the site is hidden from the property some 250 metres east by a gently raised hill and is hidden from view from the public footpath some 450 metres north of the site. Trees bound the footpath to the south and looking north from within the Red Brick Farm site, the footpath cannot be seen. From the top of the hill of Dunton Road shortly after leaving Stewkley, the approved agricultural building on the site can be seen, however this building is not part of this planning application. There are several agricultural sheds in the area. Therefore, it is considered that there is no sustainable ground to refuse this planning application on visual impact grounds and is therefore in compliance with policies 28 of the MWLP and GP.8 of the AVDLP.

### **Landscape Designations and Historic Environment (Policies CS18 and CS19 of the MWCS, Policy RA.8 of the AVDLP and NPPF)**

- 7.27 Policy CS18 of the MWCS states that planning permission would not be granted for new mineral and waste development that would have a detrimental impact on the character, appearance, intrinsic environmental value or where appropriate affect the setting including listed buildings and conservation areas. Policy CS19 of the MWCS states that permission will not be granted for waste development that would be likely to endanger or have a significant adverse effect on the character, appearance and affect the setting of designated locally important landscapes. Policy RA.8 of the AVDLP states that development in Areas of Attractive Landscape should respect their landscape character and that development that adversely affects this character will not be permitted, unless appropriate mitigation measures can be secured.
- 7.28 Paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment with paragraph 118 seeking to ensure Local Planning Authorities conserve and enhance biodiversity interests.
- 7.29 The nearest listed building to the site is approximately 669 metres to the south east of the site at Warren Farm. However, the listed building is 621 metres from Dunton Road. The nearest listed buildings on the route the lorries would take are those in Stewkley village some 1.08km away from the site hence the Historic Officer at AVDC was not required in the consultation. These buildings are also in the Stewkley Conservation Area. They are on Dunton Road and would be very close to passing HGVs. However, compared to the total amount of HGVs traffic including those for other light industrial uses and agriculture that already pass these buildings per day (over which this planning application has no control), those from the application site would be relatively limited in number. Therefore, planning permission refusal cannot be justified on these grounds. The approval of this permission would actually improve the protection of these buildings and the setting of the Conservation Area in Stewkley village through the proposed conditions imposing restrictions on HGV movements as indicated elsewhere in the report.
- 7.30 The site is not located in but adjoins an Area of Attractive Landscape (AAL) and the CPRE objects to the planning application as a result of this. The site is already operating and existing and is in a remote area which does not affect-views. Therefore it is considered that the proposed planning application would not have a detrimental impact on environmental assets and is in compliance with policies CS18 and CS19 of

the MWCS, policy RA.8 of the AVDLP and the NPPF.

- 7.31 No objections have been received from the County Archaeologist. The County Ecologist does not object to the proposed development subject to an informative to protect badgers and Great Crested Newts that may exist. We have received comments from a local resident who feels that Natural England should be consulted and a Great Crested Newt survey should be carried out. This was raised with the ecologist who stated that as there were no protected sites nearby there was no need to consult with Natural England. However, the ecologist has suggested that an informative should be added to the planning permission if approved for protection of Great Crested Newts and Badgers should they exist. The ecologist stated that the ecological report which was submitted for the previous application (CM/48/17) which was withdrawn in December 2017 was still valid for this current one and so no new report was needed. The ecologist agrees with the local resident who stated that the substrate used by the plant is suitable for Great Crested Newts overwintering habitat, and stated that the nearest pond is nearly 250 metres away - 300 metres away from the stream banks (the most likely route of dispersal) and there is suitable overwintering habitat close by. It is located on the other side of a waterway and the road way (albeit with small barriers) which further decreases the risk of Great Crested Newts being on the site. The ecologist stated that generally it is accepted that 500 metres is the maximum distance Great Crested Newts can disperse, however there is some evidence that they can disperse further if suitable habitat is not present close to the pond. The threshold for surveys is normally 250 metres distance, but depending on habitat and connectivity this distance can vary. The ecologist considers it highly unlikely that the Great Crested Newts from the nearest pond will disperse as far as the site to overwinter in this environment if they are present at all. There is suitable habitat between the pond and the site for Great Crested Newts to overwinter which further decreases the likelihood of Great Crested Newts using the site. Also the site is already operating. Therefore the ecologist would like to see an informative for the protection of badgers and Great Crested Newts that may be present on the site.
- 7.32 I consider that due to the nature of the work and the location of the development, it would not have a detrimental effect on the character, appearance or setting of the nearby historic and landscape designations. The County Archaeologist and Ecologist have considered the proposals to have no impact on the archaeological and ecological interests of the site and surrounding area. Therefore, I consider the development to be compliance with the above policies.

## **8.0 Conclusion**

- 8.1 The applicant wishes to continue the use of land for a waste transfer and recycling operation comprising the sorting, screening and crushing of inert construction, demolition and excavation waste together with a formation of a 3 metre high acoustic bund, alterations to vehicle access and additional landscaping.
- 8.2 It is my opinion that the conditions to be imposed would bring appropriate controls to mitigate any significant environmental impact of the proposed development. The proposal is therefore in accordance with the principles within the NPPF, and the relevant policies contained within the development plan. I therefore consider this proposal acceptable in planning terms.
- 8.3 The recommendation is that planning permission is granted subject to conditions as outlined in Appendix A.

## **BACKGROUND PAPERS**

Planning Application Ref. CM/0005/18

Buckinghamshire Mineral and Waste Core Strategy Adopted November 2012

Buckinghamshire Mineral and Waste Local Plan 2004-2016

Draft Buckinghamshire Mineral and Waste Local Plan 2016 - 2036

Aylesbury Vale District Council Local Plan January 2004 National Planning Policy Framework 2012

National Planning Policy for Waste 2014

Waste Needs Assessment (Jacobs 2017)

Waste Needs Addendum (2017)

Consultation replies dated - June 2018

## **Appendix A: Schedule of Conditions**

1. The development hereby permitted shall not be carried out other than in accordance with the following drawings:

Drg A106674RBFLP01 – Site Location Plan Scale: 1:2000@A4 December 2017

Drg A106674RBFIA01 – Internal Access Plan 1:500@A4 / 1:250@A2 December 2017

Drg A106674RBFSP02 Rev B – Site Layout Plan 1:500@A4 / 1:250@A2 December 2017

Drg A106674RBFNL01 Rev A – Illustrative Landscape Plan 1:500@A4 December 2017

Drg A106674RBFSP02 Rev B – Materials Movement Plan 1:500@A4 / 1:250@A2 December 2017

Reason:

To define the development that has been permitted and so to control the operations (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 36).

2. No more than 75,000 tonnes of construction, demolition and excavation waste shall be imported to the site per annum and no more than 50,000 tonnes shall be stored on the site at any one time.

Reason:

In the interests of the local amenity in accordance with policies 28 of the MWLP and GP.8 of the AVDLP.

3. Within 3 months of the date of this planning consent, the site access road is to be widened to 5.5m to allow two HGVs to pass, for no less than the initial 25m.

Reason:

In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and in accordance with policies 28 of the MWLP and GP.8 of the AVDLP.

4. Operations and HGV movements shall only take place between the hours of 7am and 5pm Mondays to Fridays and 8am and 1pm on Saturdays. There shall be no

operations or HGV movements on Sundays or Bank Holidays.

Reason:

In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and in accordance with policies 28 of the MWLP and GP.8 of the AVDLP.

5. The crusher shall not be used on the site other than between 9am and 3pm Mondays to Fridays only.

Reason:

In the interests of the local amenity and in accordance with policies 28 of the MWLP and GP.8 of the AVDLP.

6. That for the duration of this use that the maximum daily HGV movements using this site shall not exceed 60 HGV vehicles movements per day in total. This includes both vehicles entering and egressing the site.

Reason:

In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and in accordance with policies 28 of the MWLP and GP.8 of the AVDLP..

7. The use of vehicles over 32ton (or articulated vehicles) shall not be used in conjunction with the movement of waste material to the site. Articulated vehicles may be used for the delivery of plant associated with the use of the site. The use of articulated vehicles for deliveries of plant shall be included in the maximum daily HGV movements as in Condition 6.

Reason:

In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and in accordance with policies 28 of the MWLP and GP.8 of the AVDLP..

8. The operator shall inform Buckinghamshire County Council Planning Authority and Stewkley Parish Council in advance of any movements from an articulated lorry to and from the site.

Reason:

In the interests of the local amenity and in accordance with policies 28 of the MWLP and GP.8 of the AVDLP.

9. Within 3 months of permission being granted the applicant will submit to the Local Planning Authority a Noise and Vibration Mitigation Plan to control noise and vibration from HGV movements associated with the applicant's site on the residents of Dunton Road Stewkley and Dunton. The plan will be supported by evidence as to its effectiveness in mitigating and minimising noise and vibration impacts on these communities and will be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the residents of Dunton Road Stewkley and Dunton. can confirm that there are no further Environmental Health comments in relation to this appeal and in accordance with policies 28 of the MWLP and GP.9 of the AVDLP.

10. No later than one month from the date of this planning permission, a detailed scheme for the monitoring and mitigation of dust shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented thereafter for the duration of the development.

Reason:

In the interests of the local amenity and in accordance with policies 28 of the MWLP and GP.8 of the AVDLP.

11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk and SuDS Statement, (ref. 1602, prepared EAS, dated February 2018) and the Proposed Drainage Strategy (drawing no. SK01).

Reason:

To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner and in accordance with policy CS22 of the MWCS.

12. Stockpiles of materials within the site shall not exceed three metres in height.

Reason:

In the interests of the visual amenity of users of the Rights of Way network (Buckinghamshire Minerals and Waste Local Plan Policy 28 and Aylesbury Vale District Local Plan policy GP.8).

13. No later than 6 weeks from the date of this planning consent, details of the native planting for the hedge across the north and west boundaries shall be submitted and approved in writing by the County Planning Authority.

Reason:

In the interests of the amenity of local residents and in accordance with policy 28 of the MWLP.

14. No laden HGVs shall access or egress the site without being securely sheeted.

Reason:

In the interests of the amenity of local residents and in accordance with policy 28 of the MWLP.

## **INFORMATIVES:**

1. Environment Agency:

As you are aware we also have a regulatory role in issuing legally required consents, permits or licences for various activities. We have not assessed whether consent will be required under our regulatory role and therefore this letter does not indicate that



permission will be given by the Environment Agency as a regulatory body.

The applicant should contact 03708 506 506 or consult our website to establish if consent will be required for the works they are operating. Please see <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>

2. Great crested newt (*Triturus cristatus*) - Great crested newt and their breeding sites or resting places are protected under the the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. Should the presence of such species be discovered on site during construction work must stop and Natural England or a qualified ecologist should be contacted for further advice.
3. Badgers (*Meles meles*) - Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal to kill, injure or take badgers or to interfere with a badger sett. During the construction phase, measures should be installed in order to protect badgers from being trapped overnight in open excavations and/or pipe and culverts. Appropriate measures may comprise either timber planks or earth ramps in order to allow badgers to egress from excavations greater than 0.5m depth. Alternatively all excavations should be backfilled before nightfall.
4. It is considered that the proposed development is in accordance with the following policies:

*Buckinghamshire Minerals and Waste Core Strategy:*

Policy CS6 (Sites for recycled and secondary aggregates);  
Policy CS9 (Recycling);  
Policy CS18 (Protection of Environmental Assets of National Importance);  
Policy CS19 (Protection of Environmental Assets of Local Importance); &  
Policy CS22 (Design and Climate Change);

*Buckinghamshire Minerals and Waste Local Plan:*

Policy 28 (Amenity);

*Aylesbury Vale District Local Plan:*

Policy GP.8 (Amenity);  
Policy GP.95 (Unneighbourly Uses)  
Policy RA.8 (Local Landscape Area)  
Policy RA.36 (Traffic on Rural Roads)

**5. Compliance with Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015**

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in relation to dealing with the proposed development by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and pro-actively in accordance with the requirements of the National Planning Policy Framework as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

6. Please remove any site notice that was displayed on the site pursuant to the

application.

7. Your attention is drawn to the notes on the back of this form

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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