

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

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<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**



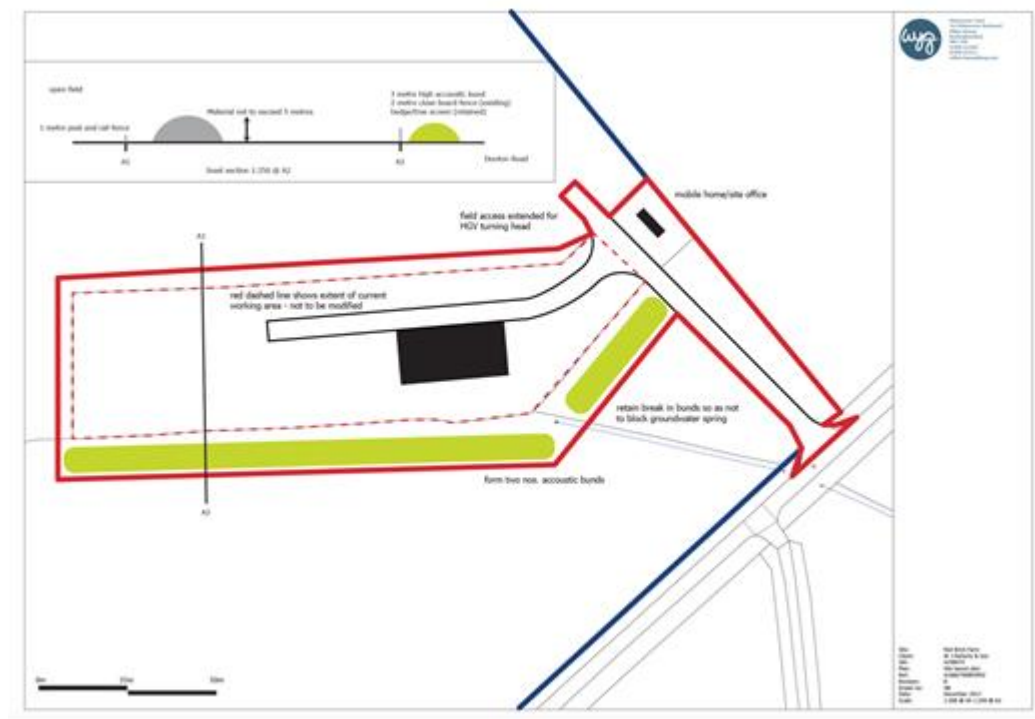
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## 1.0 Site Description

- 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 Stewkley 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 routing 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 A106674RBFLLP01 – 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